

27/15/0007

MR M JAMES

ERECTION OF TWO STOREY EXTENSION TO LINK FARM HOUSE, SWIMMING POOL BUILDING AND BARN AND CONVERSION WORKS TO PROVIDE HOLIDAY ACCOMMODATION WITH ANCILLARY FACILITIES AT ALLERFORD FARM, NORTON FITZWARREN, OAKE (AMENDED SCHEME TO 27/14/0010)

Location: ALLERFORD FARM, ALLERFORD ROAD, NORTON FITZWARREN, TAUNTON, TA4 1AL

Grid Reference: 317969.124961

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- (A2) DrNo Y21/1N Proposed Ground Floor Plans
- (A3) DrNo Y21/2D First Floor Plan
- (A3) DrNo Y21/3C Second Floor Plan & Sections
- (A3) DrNo Y21/4G SE & SW Elevations
- (A3) DrNo Y21/5E NE & NW Elevations
- (A3) DrNo Y21/6L Location Plan and Block Plan
- (A3) DrNo Y21/7F Landscaping & Existing Drainage Plan
- (A3) DrNo Y21/8 Existing Elevations 1
- (A3) DrNo Y21/9 Existing Elevations 2
- (A2) DrNo Y21/10 Existing Floor Plans
- (A3) DrNo Y21/11A Location Plan
- (A3) DrNo Y21/12C Block Plan
- (A3) DrNo Y21/14B Planting Scheme

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4.
 - (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. The accommodation shall be occupied for holiday purposes only.

The holiday accommodation shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual rooms/units on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority.

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out in with paragraph 55 of the National Planning Policy Framework.

6. No part of the accommodation hereby permitted shall be occupied until space has been laid out within the site for the parking of motor vehicles in accordance with the approved plan Dr No Y21/12 and shall thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with Policy 49 of the

Somerset and Exmoor National Park Joint Structure Plan Review.

7. None of the accommodation shall be occupied until the sewage disposal and surface water drainage works have been completed in accordance with the details hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. Once implemented the drainage schemes shall thereafter be maintained at all times.

Reason: To prevent discharge into nearby water courses in accordance with Policy CP1(C) of the Taunton Deane Core Strategy.

8. Prior to the commencement of any works hereby permitted, a full wildlife survey shall be undertaken by a qualified ecologist and a report submitted to and approved in writing by the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment of the approved development upon those species found and mitigation measures (to include timing of works) to be carried out in order to safeguard protected species in accordance with the law. Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect bats, birds and other protected species and their habitats from damage, which are thought to be present, bearing in mind these species are protected by law.

9. No development shall take place until the applicant has submitted to and had approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall address and provide information on the matters:

During Demolition/Construction Process

- command & control (decision making process and communications to ensure activation of FEP);
 - training and exercising of personnel on site (H& S records of to whom and when);
- flood warning procedures (in terms of receipt and transmission of information and to whom);
- site evacuation procedures and routes; and,
 - provision for identified safe refuges (who goes there and resources to sustain them).

During Occupation of Development

- occupant awareness of the likely frequency and duration of flood events;
- safe access to and from the development;
- subscription details to Environment Agency flood warning system, 'Flood Warning Direct'.

Reason: To limit the risk of flooding by ensuring the provision of a satisfactory means of flood management on the site.

10. The pool, sauna, gym, steam room, wet rooms, treatment rooms and dining area and associated facilities shall not be used other than by persons/guests resident at Allerford Farm.

Reason: Such facilities, if open to the public, would not be permitted in such locations in accordance with planning policy and to prevent an unacceptable increase in traffic attracted to the site.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
3. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
4. Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.

PROPOSAL

The application seeks planning permission for the erection of single storey and two storey extension to Allerford Farm; the conversion of barn to guest accommodation; extension and alterations to the existing swimming pool buildings, hard and soft landscaping and other associated works to facilitate the change of use of the premises to a rural holiday facility for disabled persons.

The application is an amendment to that previously approved under LPA reference 27/14/0010. The change to the previous permission constitutes a smaller extension at the rear of the existing swimming pool building. All other elements of the previously approved scheme, including drainage (surface water and foul), access, parking and will not materially change.

SITE DESCRIPTION AND HISTORY

Allerford Farm comprises a large traditional farm house that is surrounded by converted and unconverted agricultural buildings to the North, with commercial and

industrial buildings beyond. The dwelling benefits from large grounds containing garaging and a hydrotherapy pool and ancillary building, which is yet to be completed. The property has gardens to the East that are bound by block work walls and domestic shrub and tree planting. The site is located within flood zone 3.

The site has a varied planning history, with the following applications being relevant to the current proposals:

27/05/0023 - Conversion of three agricultural buildings to dwellings - approved and implemented;

27/08/0019 - Erection of two storey and single storey link extension between farm house, new hydrotherapy pool building and unconverted barn - approved and implemented.

27/14/0010 - Erection of single and two storey extensions, associated works and change of use to guest accommodation - approved.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

OAKE PARISH COUNCIL - Support the application subject to the following conditions:

- Vehicles/pedestrians must not use side track - to be for neighbours only;
- NO structure to be erected within 1m of any neighbours boundary;
- Allow access to boundaries at all times for maintenance;
- COncern over parking area and concrete causing increased surface water and flooding - porous surface to be used only.

LANDSCAPE - Proposed landscaping is generally satisfactory subject to replacement of the seaside shrub with one more in character with the area such as viburnum opulus.

DRAINAGE ENGINEER - Drainage condition on 27/14/0010 should be applied.

ECONOMIC DEVELOPMENT - Tourism is vital to the success of Taunton Deane's economy, and as a growing sector has the potential to create jobs and stimulate wealth creation. It is important that rural communities are supported to develop this important sector, particularly when faced with the decline of traditional industries.

The importance of a development of this nature to the local economy is difficult to directly quantify, but can be significant. The accommodation would provide direct spend amongst a wide range of suppliers of services – I am therefore supportive of the proposal.

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER -

Representations

1 Letter of SUPPORT from local resident making the following planning related comments:

- As a previous scheme has been passed in a larger form it is impossible to see how this revised scheme can be refused;
- This is historically a commercial site;
- LPA should disregard objections to financial viability; the applicant is an experienced hotelier and it is assumed has more experience in this field than the objectors;
- References to stop orders is irrelevant
- No objection to proposals from other local B&Bs.

8 Letters of OBJECTION received from 5 residences within the area, raising the following planning related comments:

- Site currently on an Enforcement Stop Notice;
- Application a ploy to avoid paying CIL;
- Financial viability of the scheme appears to be guess work with inaccurate figures and calculations; if financial viability is no a planning matter then the business case should not be allowed to support the application; will lead to another development half started on the site being a further visual blight;
- Application forms states no known contamination on the site but there is previous legal action over asbestos disposal on the property;
- FRA makes no mention of Hillfarrance flood defence or 2012 flooding when the road was closed for 2 weeks;
- Car park being increased from 15 spaces to 22;
- Day visitors added into the plans meaning more road traffic;
- Landscape plan is irrelevant as the summer house has been removed from site; is planning needed for a new, permanent one?
- Staffing levels woefully underestimated;
- If this is allowed and open to all it will be in competition with Knapp Farm, Pontispool Riding Centre, The Anchor Inn and Oak Manor, all of which offer B&B and holiday lets in the area;
- Development not in keeping with the courtyard development previously sold to neighbours;
- Conditions to prevent structures within 1m of the boundary; not to obstruct maintenance access routes used by neighbours; access to the site via Allerford Farm drive only;
- Development should not use driveway shared with neighbours; not designed or constructed to take such high levels of vehicle movements and would cause additional maintenance costs to neighbours;
- Condition to restrict outdoor entertainment and loud music to reasonable times - 11pm cut off;
- Reducing space when disabled persons need more does not make sense;
- The removal of the key facility in the gym makes the business plan unviable;
- Use of the site should be residential visitors only;
- A solid 2 metre wall or fence should be built at the end of The Calfhouse to prevent overlooking from visitors;
- Slow growing planting by car park not appropriate; should be a 2m fence or evergreen hedge.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
CP2 - TD CORE STRATEGY - ECONOMY,
NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

Reduction in floor area of extensions removed former CIL liability of the original, approved scheme (27/14/0010). Amended scheme is not, therefore, CIL Liable.

DETERMINING ISSUES AND CONSIDERATIONS

The previously approved scheme remains extant and as such, the principle of the proposed development is considered to have been established, having been found to be acceptable previously. The pertinent issues to consider are the impact of the proposed revisions upon the guest accommodation and associated facilities, as a business.

The previously application found impacts relating to flood risk, drainage, access, visual and residential amenity to be acceptable. There remains no objection to the proposals from the Drainage Officer, Landscape Officer or Highway Authority.

In visual terms, the removal of the single storey extension that was previously approved to the rear of the swimming pool building will not materially affect amenity; if anything the reduced mass of this building will result in an improved appearance to the site in general. The amendment will not adversely impact upon neighbouring amenity.

The application seeks planning permission for a reduced scheme that provides holiday/guest accommodation to the public, with a particular focus on disabled persons. Application 27/14/0010 was approved for a larger scheme, which included a gymnasium that would provide specialist equipment for people with disabilities. The previously approved gymnasium has now been removed from the scheme. As noted by objectors, the primary reason for doing so is to reduce the amount of new floor space being created to below the 100 sq metre threshold for CIL liability. Notwithstanding, such motivation is a choice of the applicant and is not a reason to refuse planning permission.

Objectors have questioned the overall viability of the scheme in light of the reduction in specialist facilities being provided by the business. I do not consider the omission of a gymnasium to significantly undermine the viability of the business. The primary facility is the hydrotherapy pool, which is a specialist facility that is difficult to access within the Taunton and wider area. This, together with the guest accommodation and rural location will ensure that the business is attractive to prospective customers and I find no reason to re-assess the entire financial viability of the proposals given the minor reduction in floor space and loss of one facility. In

any case, the viability of a proposed business should not influence whether or not a proposal is acceptable in planning terms.

Both objectors and the Parish Council have requested that, if planning permission is forthcoming, the LPA impose a number of conditions upon the new permission; these have been described earlier in the report. The conditions requested go beyond those previously imposed upon permission 27/14/0010; it would, therefore, be unreasonable to impose further restrictive conditions at this stage. Notwithstanding, the matter relating to access is protected as the neighbouring access track has a domestic use and should not, therefore, be used by business related vehicles and guests to the site; such change of use would require planning permission with the track falling outside of the application site and the red line indicating such on the location plan. All other matters including the pergola and parking areas remain as previously approved and therefore the suggested restrictions would not be reasonable. Providing a 2m fence or evergreen hedgerow around the parking area would be out of character with the area and I do not consider there to be any loss of privacy to neighbouring properties from views within the parking area in any case.

Taking the above matters into consideration, the revised development is considered to be acceptable and it is therefore recommended that planning permission be granted subject to conditions as per Decision Notice 27/14/0010.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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