

07/10/0028

MR T EVERETT

CHANGE OF USE AND CONVERSION OF AGRICULTURAL BARN TO FORM BUSINESS UNITS AT HEATHERTON PARK STUDIOS, BRADFORD ON TONE

Grid Reference: 317013.122076

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development would make a good use of an existing rural building, and given the surrounding buildings and land-uses is considered to comply with specific policy requirements for the conversion of rural buildings.

The proposed development would not give rise to unacceptable landscape impacts or cause significant harm to the amenities of neighbouring residents or the highway network. As such, the proposal is considered to be acceptable and in accordance with policies S1 (General Requirements), S2(Design), EC6 (Conversion of Rural Buildings) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan and policies STR1 (Sustainable Development), STR6 (Development outside Towns and Villages) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review.

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) Site plan
(A2) DrNo BS1120/0907/05/ABM Barn floor plans
(A1) DrNo BS1120/0207.04/ABM Barn elevations
(A1) DrNoBS1120/0807/01/ABM Site survey
(A4) Block plan
(A4) Site location Plan
(A4) Block plan

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 protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4.
 - (i) Before any part of the permitted development is commenced, 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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

5. The units hereby permitted shall be used only for those purposes defined within class B1 of The Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: Other uses have the potential to cause detrimental impacts to the amenities of neighbouring properties and may lead to increased traffic that would be detrimental to highway safety, in accordance with Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

6. Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time when measured at the façade of any residential premises.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which

this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: To ensure that the amenities of neighbouring residents are protected, in accordance with Policy S1 of the Taunton Deane Local Plan.

7. No machinery shall be operated, no process or business shall be carried out and no deliveries taken at or dispatched from the site outside the following times 08:00 hrs – 18:00 hrs Monday to Friday and 08:00 hrs - 13:00hrs Saturday nor at any time on Sundays, Bank or Public Holidays.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

8. The vehicular access onto/from the access road to the south of the site shall be permanently stopped up with all vehicular movements over this access ceased before any unit hereby permitted is first occupied/brought into use. The said access shall at no time thereafter be opened up with all traffic associated with this development utilising the access to the north as approved on the submitted plan.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

9. No external lighting shall be provided on site without the prior approval of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN34.

10. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M1.

Notes for compliance

PROPOSAL

The application seeks planning permission for the change of use and conversion of a redundant agricultural building to B1 use at Heatherton Park Studios, Bradford on Tone. The proposals will involve external and internal alterations to a modern steel portal frame agricultural storage building to form six independent units ranging from 75 sq metres up to a maximum sized unit of 140 sq metres.

The proposed external alterations will involve the application of new finished to the existing walls in the form of render, softwood boarding and new glazing elements to the south east and west elevations. A new stairwell and suspended walkway will be formed along the south and east elevations to provide access to the two units at first floor level. Other external works include the enlargement of the existing parking and turning area to provide for 25 additional parking spaces within the site. It is proposed to move the existing eastern site boundary out into the adjoining field by 6 metres to allow the formation of the additional parking areas. A new 1m high post and rail fence will be erected along this boundary and earth bund with planting formed within the site boundary for screening purposes.

Internally, the proposed conversion will involve the erection of partition walls with a new suspended first floor. A ground floor entrance will be provided to the south elevation of the building with access to all ground floor units and the first floor units via a stairwell and lift.

The site will be accessed via a linear single track lane which derives access off of a classified unnumbered highway that links the A38 to the village of Bradford on Tone. The development will not be accessed via the main Heatherton Park access which is derived directly off of the A38 to the south east.

The proposals are supported by a travel plan document, which states that it is anticipated that 25% of workers travelling to the site will do so by public transport, on foot or by bicycle. The report identifies cycle routes to Taunton and bus routes along the A38, with nearest stops being a 5-10 minute walk away and services running to Taunton every 20 minutes to Taunton, twice hourly to Wellington and hourly to Bridgwater. This is supported by the applicant and site owner undertaking the role of the travel plan co-ordinator for the units and having all prospective tenants to sign up to a personal travel plan and statement of commitment. Employees will also be encouraged to join the governments Bike to Work scheme. The travel plan will be monitored and assessed by audit annually. The report also indicates that of the seven people currently using the adjacent building, one cycles to work daily, one during fair weather and one uses the nearby bus service periodically.

A further supporting document is that of wildlife survey, which concludes that no bats species use the barn and that no nesting sites were found also occasional bird use was evident from droppings.

SITE DESCRIPTION AND HISTORY

The application site comprises a steel portal frame building on land to the east of Heatherton Park House. The site is surrounded by a number of residential properties and an adjoining business unit which provides for a painting and frame restoration business with offices above. The building to which the application relates has reinforced concrete lower walls with timber cladding above and a steel profile sheet roof. Internally the building has a partitioned area but is generally open and used occasionally for storage. The former agricultural function of the site appears to have ceased.

Most recent planning history relates to 07/07/0023 which approved the conversion of a former milking parlour to a B1 use with office above. Planning applications for residential conversions have been refused within Heatherton Park more recently

virtue of the unsustainable location of the site and impacts upon highway safety through the use of a dangerous access onto the A38 at Worlds End.

The site can be accessed via a single track lane off of the adopted highway, which is approximately 300 metres long; a secondary access over which the applicant has rights is provided to the south of the application site along a narrow track serving residential properties, derived directly off the A38.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Whilst it is recognised that there is or may have been an established agricultural use at the site, the proposed development is outside of any development limit and is remote from any urban area

It must be a matter for the Local Planning Authority to consider whether or not this is a suitable location for such a development as the site lies outside any recognised development boundaries and can be considered unsustainable in purely transport terms. As a consequence, occupiers of the barn conversion are likely to be dependent on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to the government advice.

In addition many of the agricultural movements are likely to have been internal and not necessarily have involved significant use of the adjoining public highway network.

In terms of the detail, there are directly from/onto the A38 and is considered substandard in terms of visibility currently two vehicular accesses leading to the site. The southerly (private) access derives access and it is considered by the Highway Authority that it should not be used in respect of this development.

As part of the previous application, 07/07/0023 a condition was imposed stating that there should be no vehicular access or use onto/from the access road to the south, however this has clearly not been adhered to and the gateway remains to be in use. Whilst it has been stated in Mr Wratten's letter dated 6 December 2010, that the Applicant has a right to use this access on to the alternative drive, which is exercised from time to time, the Highway find this unacceptable, as if this had been known at the time of the previous application, the Highway Authority (HA) would have recommended refusal of the application.

It is considered by the HA, that the northerly access is better in terms of highway safety for and of traffic emerging onto the Bradford on Tone road and it has been denoted on the submitted plans that this is the one to be used, however it cannot be ensured that the southerly access will not be used unless it is totally stopped up, and this is a major cause for concern to the HA.

Therefore if the Applicant is not willing to totally stop this up to all vehicular traffic, (simply shutting and locking the gate will not be acceptable), to the satisfaction of the LPA/HA, a recommendation of refusal on highway safety grounds will be forthcoming in respect of this latest application.

The private access road leading from the Bradford on Tone road to the site, is only

wide enough for single file traffic, and is approximately 535m in length. The applicant is advised that the provision of an inter-visible passing places will now be necessary if this latest scheme is granted consent, to enable vehicles to pass each other with ease is something that would improve this access road. It would appear that the applicant controls the land in order that such works could be implemented. It needs to be ensured that sufficient onsite parking commensurate with the use together with a segregated turning area is provided (to enable all vehicles to turn within the site when all of the spaces are occupied), but not to the detriment of any other uses that also exist within the site.

A maximum provision of 24 spaces (given unsustainable location) would be required for the current application with an additional 5 being retained/provided in respect of the previous application. It is noted that 32 spaces have been shown on the plan and this is considered acceptable.

It should also be ensured that there can be not split of land/units at a later date and loss of parking to either of the units as a result of any change of ownership.

If the issues set out above are not addressed I would recommend refusal of the development, however if the Local Planning Authority are minded to grant consent, I would welcome the opportunity to recommend appropriate highway related conditions.

BRADFORD ON TONE PARISH COUNCIL - Object to the proposed development for the following reasons:

- Visual impact to north side upon the Linhay virtue of windows and heating units
- proposal will increase need to travel; therefore increased movements at A38/Worlds End/village roads
- No passing places on access road
- Previous conversion was for private use but sub-let creating additional traffic movements - 9 vehicle movements during site visit
- Vehicles still using the private road to south and access onto A38 at Worlds End.

Environmental Health - no objection - recommend conditions for contamination investigation and a limit to noise emissions and operating hours.

Representations

9 letters of objection raising the following planning related matters:

- increased traffic movements;
- track designed for light traffic movements;
- no passing places along single track;
- access onto dangerous part of highway;
- cycling along approach roads dangerous public transport expensive and unlikely to be used;
- travel plan unrealistic due to no onsite parking charges;
- degradation of site and area due to traffic movements;
- additional traffic noise will be heard from residential gardens;
- overlooking from north side window Noise from air heating units will disturb neighbours;
- waste storage near entrance;
- little economic benefit to surrounding villages;

- number of units will grow beyond permitted number once planning gained;
- pedestrians put at risk from increased use of access track;
- use should not be changed from agriculture to business more effective traffic control required at junction onto A38;
- impact of noise upon residential amenity
- applicant should block off access onto private road serving Heatherton Park House;
- inappropriate for the area - Chelston more suitable location;
- addition alight pollution concern;

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 M1 - TDBCLP - Non-residential Developments,
 EC6 - TDBCLP - Conversion of Rural Buildings,
 PPS1 - Delivering Sustainable Development,
 PPS4 - Planning for Sustainable Economic Growth,
 PPS7 - Sustainable Development in Rural Areas,
 PPG13 - Transport,
 EN34 - TDBCLP - Control of External Lighting,
 STR1 - Sustainable Development,
 STR6 - Development Outside Towns, Rural Centres and Villages,

DETERMINING ISSUES AND CONSIDERATIONS

Development principles:

The site is in the open countryside, where there is a general presumption against development. However, Planning Policy Statement 7, supported by policy EC6 of the Taunton Deane Local Plan, encourages the re-use of rural buildings for employment uses. It is considered that this proposal complies with the specific requirements of policy EC6 in that it is sited near a public road, is generally in keeping with the surroundings and has a size and structure suitable for conversion without major rebuilding, extension or alteration. Planning Policy Statement 4 is similarly supportive of proposals for rural employment and business opportunities, even where the development is not sited adjacent or closely related to existing villages. Policy EC12.1 of PPS4 states that rural economic opportunities may be supported even where the site is not accessible by public transport. Planning Policy Statement 4 is similarly supportive of proposals for rural employment and business opportunities, even where the development is not sited adjacent or closely related to existing villages. Policy EC12.1 of PPS4 states that rural economic opportunities may be supported even where the site is not accessible by public transport.

The building itself, is a modern steel portal framed building and, therefore, lends itself to the use proposed. The building would require the sides to be blocked up and rendered with new windows and doorways provided together with a suspended access platform, but the general form of the building would remain the same and in the context of the other existing portal framed buildings for which permission for change of use and conversion to business use has been permitted recently. The works and alterations proposed are not considered to amount to significant alteration.

The travel plan makes a commitment to encourage sustainable mode of transport to the site and this is welcomed. The village of Bradford on Tone is easily accessible via bicycle and a regular bus service is available within a 5-10 minute walk. The site is located outside of any defined settlement limit and therefore for the purposes of planning is in open countryside. Notwithstanding the sustainable modes of transport mentioned previously, some users of the proposed units will choose to travel by private motor vehicle and such generation of vehicular movements is unsustainable in transport terms. However, this is not the sole indicator for providing sustainable forms of development. Indeed, in order to be sustainable there must be a balance between environmental, social and economic factors. The development proposed the re-use of an existing building and incorporates a green travel plan and low carbon forms of energy/heat production which have environmental benefits to them which, to a degree are considered to counter the increased traffic movements resulting from the new units. Further, the units will be suitable for small businesses wanting to operate within the area and whilst there may be similar areas towards Wellington and Taunton these may not be so affordable for smaller rural based businesses. As a result, the proposed development is considered to represent positive socio-economic benefits for the wider rural area and not just that within the immediate Parish boundary Having regard to this matter, the proposed development is considered to represent a sustainable form of development.

Visual amenity:

The building, as it currently stands has an appearance akin to a former agricultural storage building. It is simple in its appearance and designed and constructed to suit the purpose for which it was originally built. Given that policy generally supports proposals for the re-use of rural buildings for economic purposes, there must be some degree of flexibility allowed to the external and internal make up of non-traditional units. The alterations to the external fabric of the building will materially alter the overall appearance of the building, but it is considered that the proposed design will not materially harm the visual amenity of the surrounding area. The adjacent building which has already been converted to business use has had its original character and appearance significantly altered in a similar manor without giving rise to any undue harm to the visual amenity of the area and it is considered that whilst the design of the altered building is of a modern approach, this will also be the case for the building subject of this application.

To the east of the building will be an enlarged parking area to serve the new units. The parking of cars to the front when viewed from the highway to the east and from around the development site may be seen to harm the visual amenity. However, it is proposed to form a new earth bund with planting to screen the parking areas. Further, this screening will also enable the building to be screened and result in a less prominent appearance within the landscape as a result.

Residential amenity:

The building is most closely associated with residential properties to the north and west, with those dwellings known as Linhay and Parkfield House. The owner/occupants of The Linhay have objected to the proposals on various grounds, including overlooking from a first floor window and noise from air source heat pump units, all to the proposed north elevation. These concerns are shared and an amendment to the proposed design has been discussed with the agent with regard to these issues. It has been agreed verbally that the proposed window is to be fixed

and obscure glazed and the air source heat units will be relocated to the southern elevation. Subject to these amendments being received, I am of the opinion that the proposed conversion will not give rise to any additional overlooking or loss of privacy.

Having regard to potential noise disturbance and nuisance, the councils environmental health team have been consulted over the proposals and have not raised an in principle objection. It is however recommended that hours of use and noise be conditioned so as to protect the amenity of nearby residential properties. These recommendations are fully supported and will be appropriately conditioned as apart of any approval that may be forthcoming. Some concern has been raised with regard to noise arising from additional vehicular movements. It is recognised that there may be some increase in noise, however this will be during the day only and not at weekends, as controlled by the aforementioned operating hours condition. Further, the recognised agricultural use is likely to have generated a significant level of noise from farm vehicles at times and it is not thought that the movement of motor cars, delivery vehicles and the like will give rise to noise disturbance to a degree that would warrant refusal with this in mind.

Highway safety:

The site will be accessed via a narrow single lane private track which leads onto a classified highway linking the A38 at The Worlds End to Bradford on Tone. The site is not to be accessed via the private track serving Heatherton Park House and the surrounding dwellings which is accessed directly off of the A38 and under the gate house archway. An existing gate in this position appears to be used on occasions, but, should not be as conditioned by the previous permission for conversion of a former milking parlour. The use of this access, if proposed or uncontrolled would result in an objection being raised by the highway authority and such would be supported given that the lane leads directly onto an accident blackspot on the A38. The proposed access however provides for good visibility onto the main highway network and therefore its use is supported - as reflected in the highway authority response subject to the formation of a passing place along the track however this is not possible due to land ownership issues, and a passing space is provided off of the highway and should alleviate any conflict between those properties currently afforded access over the track and the proposed units - such was previously acknowledged in the last application approved for the conversion of the milking parlour. It is considered appropriate to require the permanent closing off of the existing access onto the Heatherton Park House access lane so as to prevent any future use of the dangerous access onto the A38.

There are nearby business developments adjacent to the site including a cattery, painting and frame restoration business and professional offices. Vehicles travelling to and from the site are likely to do so in the morning and evenings only, with most choosing to stay on site throughout the day. As such it is unlikely that there will be significant traffic congestion during working hours at the site. Having regard to this matter and that an acceptable standard of visibility is available onto the public highway, there should be no significant harm to highway safety as a result of the proposed development, particularly if the aspired 25% of employees travel to the site other than by private motor vehicles.

Conclusions:

The proposed development would make a good use of an existing rural building and is considered to comply with Policy EC6 of the Taunton Deane Local Plan. The proposed development would not give rise to unacceptable landscape impacts or cause significant harm to the amenities of neighbouring residents or the highway network. As such, the proposal is considered to be acceptable and it is, therefore, recommended that planning permission is granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr R Williams Tel: 01823 356469