

09/16/0006

MR T & MRS L MORROW

Change of use and conversion from water treatment works to single storey dwelling with extensions to north and west elevations at The Old Waterworks, Chipstable

Location: THE OLD WATERWORKS, CHIPSTABLE ROAD, CHIPSTABLE,
TAUNTON, SOMERSET, TA4 2PZ

Grid Reference: 304412.127273 Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed development, by virtue of the overall size and scale of the extension required in order to facilitate the conversion of the property into residential use, demonstrates that the building is not of a size suitable for conversion without significant extension. The proposal is therefore contrary to Policy DM2.7(a) of the Taunton Deane Core Strategy.
- 2 Although alternate uses for the building have been considered in accordance with the sequential test requirements of Policy DM2.7(b), there are considered to be no exceptional circumstances to warrant the conversion of the building to a residential use outside settlement limits. In particular, the building is of no specific historic or architectural merit and there is no public benefit to be gained to allow for a departure from policy. The proposal is therefore contrary to Policy DM2.7(b) of the Taunton Deane Core Strategy.

Recommended Conditions (if applicable)

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. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

Permission is sought for a change of use and conversion of a former water treatment works building to a single-storey dwelling with extensions to the north and west elevations.

The proposal represents a re-submission of a previously refused scheme, refused under application ref. 09/16/0002. It is now proposed to incorporate a smaller

extension to the property, whereby the size of the extension has been reduced from 93% to 63%. It is also proposed to re-locate the proposed cycle store (4 spaces) to the rear of the building and to retain a landscaped bank to the front (in an effort to try and overcome concerns raised by the Landscape Officer as part of the previous submission). The septic tank is proposed to run parallel to the road behind the existing landscaped bank.

It is proposed to create one new disabled parking space to the front of the property, adjacent to an existing parking space.

Site Description

The application site concerns a former single-storey water authority building, situated on a hill toward the north of Chipstable; approximately 12 miles west of Taunton. The property itself is constructed of block and render with a pitched slate roof and is set into a small triangular curtilage of land. Access to the site is derived from Chipstable Road to the south. There is an existing landscaped bank running along the western edge of the site adjacent to the road. The application site is situated outside defined settlement limits.

Relevant Planning History

09/16/0002 – Change of use and conversion from water treatment works to a single storey dwelling, with extensions to the north and west elevations and a detached cycle store to the north. Permission refused 11th April 2016:

The above application for a similar scheme was subsequently refused, as the proposal failed to meet the requirements of Policy DM2 of the Taunton Deane Core Strategy. In particular, significant extension works were required in order to convert the building and there were no exceptional circumstances (ie. buildings of historical or architectural merit) to warrant the creation of a new dwelling outside settlement limits. The works necessary to convert the building were also considered to have a domesticating and urbanising effect in an open countryside location, to the detriment of the landscape setting and rural character of the area.

Pre-application advice was provided following the refusal of the application (ref. 09/16/0005/ENQ). The advice provided confirmed that there is no specific written guidance on what constitutes a 'significant' extension but stated that anything over or above 30% of the original size of the property would be considered 'significant' in planning terms. It was also confirmed that 'exceptional circumstances' would be if the property were listed or a designated heritage asset, where the need to retain such a building would outweigh other matters. Advice in relation to a proposal which sought a 64% extension was provided, where it was confirmed that an extension of this size would still be considered too large to comply with policy. It was confirmed that a re-submission would likely be refused as it would be contrary to Policy DM2.

Consultation Responses

CHIPSTABLE PARISH COUNCIL - Supports the granting of permission:

- Slightly less development.
- Off-road parking for two cars.

SCC - TRANSPORT DEVELOPMENT GROUP - The application was originally referred to standing advice. However, the Highways Authority withdrew this response once it was recognised that the application is a re-submission of a previously refused scheme. No comments have been received to date.

ENVIRONMENT AGENCY - No response received.

DRAINAGE ENGINEER - This application falls below the requirements for LLFA statutory consultation.

LANDSCAPE - Comments as follows:

Still consider the plot to be too small to accommodate the extension but concede that the removal of the cycle store from the application is an improvement.

It is noted that the majority of the existing roadside embankment will now remain intact so this is also a positive change.

Representations Received

A site notice was erected 17th August 2016 and neighbours notified 16th August 2016.

One letter of support has been received, summarised as follows:

- Existing small / boring building would benefit from becoming a dwelling.
- The building is so small it needs making larger with a front porch and extension to make it look like a house.
- Development is part of Chipstable and is currently an eyesore.

One neutral letter was received, where there was no objection to the principle of the change of use, provided it would not set a precedent for further extended development of the village in this direction, which would affect the character of the rural landscape / village as well as the amenity of neighbours. Other comments raised in the letter are summarised as follows:

- No justification for the development.
- The site is very small and the extension, even without the cycle store, would occupy a large proportion of it.
- Proposal would set precedent for future development of adjacent land.
- The application site is part of the Brendon Fringe LCA (Local Character Area), where the tranquil rural character and intimate mix of woodland, farmland, wetland and small scale development should be preserved.

- No new windows should be inserted that would give rise to overlooking of adjacent neighbours.

A petition of support, signed by 37 local residents has been received, their comments summarised as follows:

- Existing building situated within a prominent position on entry into the village, which has been vacant for many years. An improved re-use of the building would be supported.
- The use as an attractive dwelling would enhance the appearance of the area.
- Applicants have been reasonable in amending the application in a reasonable way to meet the Council's objections.
- Views of local people should be given significant weight in the determination of the application.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

CP1 - Climate change,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,
SP1 - Sustainable development locations,

Local finance considerations

Community Infrastructure Levy

The creation of a new dwelling is CIL liable. The proposed dwelling measures approximately 69.3m².

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for the development is approximately £8,500.00. With index linking this increases to approximately £10,500.00.

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough	£1,079
Somerset County Council	£270

6 Year Payment

Taunton Deane Borough	£6,474
Somerset County Council	£1,619

Determining issues and considerations

The main issues in the consideration of this application are the principle of development, impact upon visual amenity / landscape, residential amenity and highways & parking.

Principle of development

The principle of development was previously assessed under application ref. 09/16/0002 and was subsequently refused on these grounds, as it was considered to be in direct conflict with Policy DM2 of the Taunton Deane Core Strategy. In assessing the current application, it must therefore now be considered whether the proposed development and/or policy context has changed substantially to overcome the previous reason(s) for refusal.

The application site is situated outside settlement limits, where Policy SP1 of the adopted Taunton Deane Core Strategy, identifies the proposed development site as 'open countryside'. Accordingly, development in such locations is not usually supported due to the lack of accessible services and increased reliance on the private motor vehicle. Nevertheless, Policy DM2 does allow for the conversion of existing buildings and is considered to be the most relevant policy consideration in this instance. DM2.7 is split into two parts where (a) deals with conversions and alterations to existing buildings and (b) sets out the sequential test for a change of use.

DM2.7(a) allows for conversions provided that extant buildings are of a "permanent and substantial construction" and are of a "size suitable for conversion without major rebuilding or significant alteration or extension". Having visited the site, it is evident that the building is of a permanent and substantial construction. Additionally, it is recognised that the overall size and scale of the property is rather small, whereby some degree of extension and alteration works would be required in order to facilitate an appropriate conversion of the building. Following the previous refusal under application ref. 09/16/0002, the size of the proposed extension has been reduced, with the submitted supporting statement confirming a footprint reduction of the extension from 93% to 63%. Consideration therefore needs to be given as to

whether this reduction in size is suitable to overcome the previous reason for refusal, in accordance with the requirements of Policy DM2.7(a).

There is no specific written guidance on what constitutes a 'significant' extension to a building but best practice indicates that anything above 30% of the original size of the property would be considered 'significant' in planning terms. This advice was provided as part of pre-application advice (ref. 09/16/0005/ENQ) following refusal of the previous scheme. On this basis, a proposed extension of 63% would still be considered too large within the context of Policy DM2. Having assessed the existing and proposed floor plans, it is noted that the existing floor area of the property is approximately 28m², with the proposed extension falling just under 24m² in size. As such, the overall size of the extension is actually considered to be greater than the 63% footprint stated in the supporting information and is considered to be more indicative of an extension which is nearly double the size of the existing building. Furthermore, it is evident from the accompanying elevation drawings, that the appearance of the proposed extension would make the building appear significantly larger than existing. In this respect, it is fair to say that the extension is 'significant' in size and it is evident that the building is not of a size suitable for conversion without significant extension works. The proposal is therefore contrary to the requirements of Policy DM2.7(a) and fails to overcome the previous reason for refusal.

In terms of DM2.7(b) the policy allows for certain uses to be supported following a sequential approach, provided the proposal is in compliance with DM2.7(a). Although it has been established that the proposal conflicts with the policy requirements of part (a), it is still deemed pertinent to assess the proposals compliance with part (b) of the policy. The sequential approach for alternate uses was previously assessed and agreed under the previous application (ref. 09/16/0002). However, Policy DM2 only allows for the conversion to residential use in 'exceptional circumstances', where the conversion to residential uses should only be allowed if the building is of particular architectural or historic value worthy of retention. In this respect, the former water authority building is considered to be neither of these and is again in conflict with the requirements of Policy DM2.7(b).

Local support for the proposal has been noted and whilst it is understood that an effective re-use and renovation of the site would be desirable, it is evident that the proposal fails to accord with the policy requirements of DM2 of the Taunton Deane Core Strategy. Whilst it is recognised that the proposal has been amended following the determination of application ref. 09/16/0002, the application has failed to overcome the previous reasons for refusal whereby the principle of development is still considered to be unacceptable. No grounds have been given as to why the Local Planning Authority should allow for a departure from this policy. As such, it is recommended that permission be refused on these grounds.

Visual amenity / landscape

The application has been amended to overcome previous design, visual and landscape concerns raised under the previous application (ref. 09/16/0002). Namely, the proposed cycle storage has been moved to the rear of the building, the proposal would retain an existing landscaped bank to the front and the size of the extension has been reduced to provide a larger curtilage area. Whilst the Landscape Officer notes that the plot is still rather small to accommodate an extension of the size

proposed, the changes made to the application are largely positive. As such, the development is not considered to give rise to any significant landscape impact to warrant refusal in this respect.

Residential amenity

The nearest residential property is Glebe Cottage to the south of the site at approximately 41m distance. Due to the fact that no windows would be sited on the south elevation, there would be no potential for overlooking or loss of privacy to this property or to other properties further away such as The Old Rectory, The Grange and The Old Post Office. Similarly the development would not give rise to any issues in relation to overbearing or loss of light.

The overall size of the outside curtilage / amenity area would be limited given the size of extension proposed. However, this is not considered a significant issue to warrant refusal and the development is therefore considered to be acceptable on residential amenity grounds.

Highways and parking

At the time of writing, no response has been received from the Local Highways Authority in respect of this application, however, it is noted that aside from the relocation of the proposed cycle storage area, the proposal is largely the same as the previous application in respect of highways and parking issues. The proposed level of parking provision is deemed appropriate for a development of this scale and the creation of one new dwelling is not expected to give rise to a significant increase in traffic that would cause harm to highway safety.

Conclusion

Principally, the proposal has failed to overcome the previous reason(s) for refusal following the determination of application ref. 09/16/0002. The proposed development, due to its proposed size and scale in relation to the existing building is not acceptable in principle, as it does not meet the requirements set out in Policy DM2.7(a), which does not allow for significant extensions to existing buildings to facilitate a change of use. Whilst it is accepted that the applicants have correctly followed the sequential test set out in Policy DM2.7(b) the application is not in compliance with Policy DM2.7(a) and there are considered to be no 'exceptional circumstances' to warrant a residential use outside settlement limits.

Fundamentally, it is evident that the principle of development is unacceptable as the proposal is contrary to the requirements of Policy DM2 of the Taunton Deane Core Strategy. No grounds have been given as to why the Local Planning Authority should allow for a departure from this policy and it is therefore recommended permission be refused.

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

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