

27/14/0010

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 DESCRIPTION)

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

Grid Reference: 317991.124981

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 Y21/1K Ground Floor Plans

(A3) DrNo Y21/2B First Floor Plan

(A3) DrNo Y21/3B Second Floor Plan

(A3) DrNo Y21/4D South East and South West Elevation

(A3) DrNo Y21/5C North West and North East Elevation

(A3) DrNo Y21/6H Location and Site Plan

(A3) DrNo Y21/7D Landscaping of Garden and Ancillary building Elevations and Floor Plan

(A3) DrNo Y21/11 Revised Location Plan

(A3) DrNo Y21/12 Revised 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 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 by other than 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 extensions to existing buildings and the change of use of said buildings to holiday accommodation and associated guest facilities at Allerford Farm, Norton Fitzwarren.

A single storey extension is proposed to the rear of an existing timber building previously permitted for a hydrotherapy pool; a two storey extension will be erected to the side of the farm house connecting it to the timber building and a stone barn to the North. Within the garden of Allerford Farm, a revised storage building with WC will be erected against the boundary wall. It will be used for the storage of sun beds; a new pond will be constructed and an existing summer house repositioned away from the northern boundary.

With regard to accommodation, the existing (unfinished) hydrotherapy pool building will be completed to provide said pool, sauna, steam room, changing facilities, a gym, treatment rooms and plant stores.

The proposed two storey link extension will form a reception area and communal social/dining room at ground floor with two guest bedrooms above; internal links will be formed from the main farm house and barn conversion accommodation.

The existing stone barn will be converted to provide a kitchen with office and store at ground floor, two ensuite bedrooms at first floor and a family room, bedroom and shower at second floor. All accommodation will be accessed via a new internal lift. This unit would be capable of being let alone (albeit not self contained), with the remaining rooms being used for bed and breakfast accommodation.

The application is supported by a Flood Risk Assessment and a Business Case and Planning Statement; the latter confirms that the proposed business would be unique, in that there is no other holiday accommodation for the disabled that provides for a hydrotherapy pool, gym etc. within the UK.

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.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

OAKE PARISH COUNCIL - Object to the proposed development for the following planning related reasons:

- Development will exacerbate already serious flooding issues in Allerford, particularly around the access which has flooded in recent years; extra hard surface will cause more run off and flooding closer to the buildings;
- More development will add to the strain on the road network; a commercial business would add to unacceptable transport movements and safety and impact upon neighbouring dwellings;
- Strong impact upon neighbouring privacy with toilet block up against neighbour's wall; too close a proximity;
- Question whether adequate sewage treatment facilities are planned/available;
- Noise levels from residents using treatment rooms and the house as a hotel will disturb neighbours, with movements at all times of the day and general use of the gardens during stays;
- Plans are not in keeping with the rural aspect of the area;
- Query sustainability of the business; over development of a rural site.

LANDSCAPE - No additional landscape impact.

DRAINAGE ENGINEER - Initial request for additional information regarding surface water flows from additional hardstanding and measures to deal with drainage. Subsequently confirmed that the surface water proposals are acceptable and asked for Environmental Health divisions advice regarding the septic tank proposals.

ENVIRONMENTAL HEALTH OFFICER - Thank you for sending me the information. It is a slightly unusual set-up, but as the effluent from the tank is being pumped to a soak-away it should be OK. I would recommend keeping an eye on the soakaway to see if there is any evidence of effluent coming to the surface, as they can become blocked up over the years and sometimes have to be re-dug.

Representations

1 letter of support raising the following planning related matters:

- Allerford Farm was once one of the most productive dairy farms in the country; large significant traffic movements on the site are therefore established; any comment about unsuitability of the roads are void;
- Additional buildings do not necessarily increase flooding; saturated ground is saturated ground;
- Consumer choices makes farming unsustainable; what are farmers/landowners supposed to do for income?

8 letters of objection raising the following planning related matters:

- Road system is inadequate to support additional visitors and support services necessary for a large commercial development; Already carrying significant movements and can become congested when Pontispool events are held;
- Over development of the front garden with proposed summer houses, treatment block etc;
- Noise pollution from summer houses and hot tub facilities; will be intrusive and detrimental to privacy and peace enjoyed by neighbours;
- Removal of trees from front garden for summer houses will destroy wildlife habitat;
- Bats and barn owls recorded in survey work within farm house and building;
- Previous raising of ground levels for stable building has removed any flood defence and caused additional severe flooding to fields;
- Over development of the site in a quiet rural and domestic hamlet;
- Permission for stable block restricted to domestic use due to possible impact of commercial use on highway safety;
- Car parking area and use will cause noise and disturbance;
- A flood in 2012 entered the farm house; floor levels are the same and risk accommodation being flooded, putting clients at risk;
- Development is vastly over sized and not in keeping;
- There are no local amenities within the hamlet; roads are dangerous for clients to venture off site;
- Staffing levels would be much higher than indicated;
- The site can become cut off when the road floods;
- Financial risk to the business is huge if flood insurance cannot be obtained;

- This is not the correct location for the development;
- Design may not have space to turn wheelchairs or accommodate overnight carer's.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
CP2 - TD CORE STRATEGY - ECONOMY,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are the principle of the development having regard to development plan policies, flood risk, highway safety, amenity and wildlife.

Development principles

The site is located within the open countryside; Policy DM2 of the Core Strategy states that holiday and tourism accommodation shall only be provided within existing buildings, where there is an identified need and it supports farming or rural businesses. Alternatively it can be provided within rural buildings subject to following the sequential test. The proposed development fails these tests and is contrary to policy.

Notwithstanding the above, there are material considerations to consider in relation to the proposed development. Here, the three storey barn that is yet to be converted has an extant planning permission for conversion to a self contained dwelling house; if completed, said dwelling could be used for holiday accommodation without the need for planning permission, although the use would be distinctly different to that being proposed. Further, the hydrotherapy pool building is also an extant permission, which has had the physical building erected and pool excavated, yet no internal fit has taken place to date. The permitted single storey and two storey extension connecting the pool building with the extant barn conversion and the dwelling is yet to be erected but is similar in scale, albeit with slightly less first floor accommodation, to that being proposed.

The application is supported by a well researched and detailed business case, which sets out support for this unique development that would be specifically aimed at people with disabilities. It has been suggested in objections that Allerford is not an appropriate location for the business use being proposed, however as stated within the business case, holiday retreats for disabled people are most successful where a quiet rural setting can be provided.

The proposed development will be based upon a bed and breakfast style service. Paragraph 28 of the NPPF states that LPAs should support economic growth in rural areas, and specifically mentions rural tourism. It notes that facilities should be supported where identified needs are not supported within existing service centres.

The submitted Business Case has highlighted the under provision of tourist facilities and accommodation within Taunton Deane for the disabled. It is especially pertinent to note that there are no known facilities offering the use of a hydrotherapy pool; the only accessible pool in the area is at Musgrove Park Hospital.

This is clearly a niche market which the applicant wishes to enter, in order to broaden the accommodation and service choices available to disabled holiday makers. The business is based upon the BAY concept - providing beauty, art and yoga with accommodation for the disabled; hydrotherapy and spa treatments are an additional benefit to the business and its offering to the market. Whilst the application is contrary to policy, it would provide economic benefit to local services such as the pubs at Allerford and Hillfarrance, Norton Fitzwarren and other nearby village businesses. The wider economy of Taunton Deane would undoubtedly benefit from the proposals as the business becomes more established and popular. The development will provide additional employment opportunities within the local market and offer. Whilst the location of the site may not be viewed as being sustainable in transport terms, on balance, the benefit to local economy, employment provision, social well being and the re-use of existing buildings at the site are considered to outweigh the location in this instance. These benefits, together with the distinctly individual proposal that is being put forward lead to the conclusion that the proposed development should be supported in principle.

Flood Risk

The application site is located within flood zone 3 where the risk of fluvial flooding is high. Notwithstanding, the application seeks the change of use of buildings and associated minor developments (as defined within the footnote at page 10 in the NPPF's Technical Guidance). As a consequence the sequential test does not apply. The use proposed has the same vulnerability classification as the existing use of the site and permissions.

The buildings will include flood resilient construction measures as has been approved for the extant building, extension and conversion schemes historically. Occupants of the site would be at no greater risk of flooding than existing residents; a suitable and accessible safe haven would be available outside of the flood depth at first and second floor levels which can be accessed by the physically disabled and wheel chair users. In addition, an emergency flood evacuation plan would provide further safety for occupants of the accommodation providing adequate time and warning of potential flood events to allow the property to be vacated safely.

With regard to surface water, the application will provide for only a very small increase in hard surfacing above that previously permitted. A more detailed surface water drainage scheme has been submitted now than that originally included with the submission. The drainage officer is satisfied that the development will not cause any additional flood risk outside of the site or downstream and does not object.

Highway Safety

The application has been objected to by members of the public and Parish Council due to the means of accessing the site. The lane that serves Allerford also leads to

Hillfarrance; it is generally of a single lane carriageway; the road varies in alignment, with sections of good and poor forward visibility; there are a number of available passing points between the site and B3227. The Highway Authority have not commented on the case, but it is noted that they did not previously object to barn conversions or commercial development within the area based upon the suitability of the access roads.

The site is unsustainable in transport terms and it is accepted that most trips will be made via private motor vehicles, as is the case with the vast majority of holiday accommodation premises. The development will create an additional 5 en-suite rooms for let to holiday makers. This is a relatively low increase in habitable rooms and will naturally restrict the level of vehicle movements to and from the site. The extant planning permission for the barn conversion provides for a four bedroom dwelling. The vehicle movements associated to such a property in this location would not be significantly less than those likely to be generated by the proposed development, although some increase is likely.

It is accepted that the highway has its limitations but in general, experience of using the road regularly has found it to be relatively quiet and lightly trafficked. Industrial, commercial, equine and cattery/kennelling uses have been permitted close by both recently and historically; such indicates that the highway is capable of taking additional movements and objecting to the proposed development on this basis would be unreasonable as the impact upon the local highway network and safety of its users would not be significant.

Amenity

The application site adjoins residential properties to the North, formed through the conversion of agricultural buildings originally approved in 2005. The original scheme proposed the erection 8 summer houses, a treatment room, toilet block and storage building, which would be sited along the boundary of the property shared with neighbouring dwellings.

Following concerns raised, this element of the scheme has been reduced significantly. It is now proposed to relocate one existing summer house further away from neighbouring properties and to erect a toilet and sun bed store along the boundary wall. The building will be set no higher than the wall and will not visually impede upon neighbouring outlook or privacy. The need for such large storage areas to cover sun beds comes from the fact that sun beds for the disabled are much larger than those designed for the able bodied.

There will inevitably be a slight increase in use of the gardens during periods of good weather, however there should not be any significant noise and disturbance caused to neighbouring residents. Such should be controlled through sound management of the premises and it is likely that such experiences for visitors would not be in the interests of the business in seeking return custom and a good reputation.

Overall, the impact of the proposed use upon neighbouring amenity is not considered to be so significant, if managed correctly, as to warrant a reason for refusal.

Wildlife

Historically bats have been found to use the farm house roof and agricultural buildings for roosting sites. The application seeks to convert a former agricultural building yet no wildlife survey has been provided with an up to date assessment of the building's use by protected species. Local residents have noted the historic use of the building by bats and barn owls.

This issue has been considered carefully, particularly given the requirements of the Habitat Regulations. Significant is the fact that the barn has an extant permission, that only one bat dropping was found within this building previously and that a suitable mitigation proposal was agreed for conversion works. Given that the building could be converted, subject to obtaining any necessary licenses, without any further planning permission, it is not considered necessary to request an up to date survey of the site at this time. Instead, one can be secured by way of condition and any additional mitigation that might be required, should bat or bird use be found, can thereafter be provided within the build.

Taking this pragmatic approach will enable the development to proceed whilst also ensuring that protected species are afforded the necessary protection in taking a precautionary approach to development. On this basis the proposals are not considered to present a significant risk to wildlife and protected species, when compared to the previous scheme.

Conclusions

The proposed development, while contrary to planning policy in the strictest sense, will provide for a unique form of holiday accommodation, making use of existing buildings within the site. The business appears to have been carefully thought out in order to enter a niche market where there appears to be significant demand for such accommodation and services. It will generate full and part time employment as well as having additional benefits to the rural economy and that of nearby towns. There is also an extant planning permission for residential use, which could be implemented if planning permission is refused.

The proposal is considered to be acceptable with regard to flood risk, access, highway safety, amenity and wildlife and, therefore, it is recommended that planning permission be granted subject to conditions.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469