

27/12/0019

BS HARDACRE LTD

DEVELOPMENT OF FORMER BUILDERS COMPOUND AND ADJOINING LAND COMPRISING OF RETENTION OF JOINERY WORKSHOP AND ADJOINING YARD TO FORM REDUCED BUILDERS UNIT; DEMOLITION OF STORAGE UNIT AND REPLACEMENT WITH SMALLER UNIT TO BE USED IN CONJUNCTION WITH REDUCED BUILDERS UNIT; PROVISION OF 12 LIGHT INDUSTRIAL UNITS (B1 USE) WITH ASSOCIATED ACCESS AND PARKING FACILITIES; PROVISION OF 2 SEMI-DETACHED COTTAGES WITH ASSOCIATED PARKING AND GARAGE SPACES ON EXISTING RESIDENTIAL SITE; AND PROVISION OF A NEW GARAGE FOR SELWORTHY COTTAGE AT BEACONSTONE, HILLCOMMON, OAKE (RESUBMISSION OF 27/12/0011)

Grid Reference: 314767.125987

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The site is located outside any defined settlement limit under Policy SP1 of the Taunton Deane Core Strategy. The site is, therefore, considered as open countryside. The proposal for an additional unit of residential accommodation in the rural area will lead to an increased need to travel by private car in order that occupiers of the site can access basic day to day services. Such an increase in traffic is considered to be unsustainable in transport terms and contrary to Policies CP1 and SP1 of the Taunton Deane Core Strategy and Policy S7 of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

This application seeks full planning permission for the erection of 12 light industrial units (B1) and associated parking; 2 semi-detached cottages; a new garage for the adjoining Selworthy Cottage; and a replacement storage shed for an existing joinery business. Various existing buildings would be demolished to enable the development to proceed.

The new light industrial units would be arranged in two rows of 6, opposing each other across a courtyard area on the former secure external storage compound. They would be 5.5m high with a shallow pitched, gabled roof, clad in profiled metal sheeting (green walls, and grey roof). Cream roller shutter doors and personnel

doors would be provided to the front elevations, with a further personnel door and small window to the rear.

The two dwellings would be a pair of semi-detached three-bedroom, two-storey houses. They are proposed to have painted render walls and a natural slate, gabled roof with an overall height of 8.5m. The plans indicate that solar photovoltaic panels would be provided on the east elevation roof slope.

SITE DESCRIPTION AND HISTORY

The site comprises a builder's yard and various workshops. It is accessed via an existing private access track from the B3227, which is shared with a public footpath. The site is generally flat, the southern area is given over to secure (fenced) external storage, with the workshops mainly sited to the north east. To the northwest, is an open area, enclosed by a stone wall, around the site of a previously granted (and partially implemented) 1973 planning permission for a single dwelling.

The south, west and southern part of the eastern site boundaries are heavily screened by mature trees, which give way to open fields. The northern part of the eastern boundary adjoins a development of park homes. Public footpaths run down the access track and then along the western site boundary, and also east-west across the centre of the site.

A previous application (27/12/0011) for an identical proposal was withdrawn following advice from the planning officer that the additional residential dwelling was contrary to policy and unacceptable.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

OAKE PARISH COUNCIL – The Parish Council stands by its previous observations and also feels that a second dwelling would be advantageous for sustainability as it would support a second family at the site.

SCC - TRANSPORT DEVELOPMENT GROUP – Comments awaited. However, in respect of the previous application the Highway Authority commented that the proposals were acceptable in principle, although a number of amendments were required.

They recommended that pedestrian access should be considered in more detail, cycle parking and disabled parking provision should be addressed further and a measures only travel plan should be submitted.

SCC - RIGHTS OF WAY – Notes that there are public rights of way crossing the site that run through the site at the present time. Information was provided on alterations to the PROW.

LANDSCAPE – No comments received.

ECONOMIC DEVELOPMENT – Conversion and redevelopment of existing rural sites is crucial to help drive growth in micro and rural businesses. Therefore, I strongly support the employment use aspects of this application.

ENVIRONMENTAL PROTECTION TEAM – Due to the nature of the site, a contaminated land condition is required.

DRAINAGE ENGINEER – It is noted that surface water run-off from the buildings and road connect to a 225mm diameter piped watercourse that runs across the site in a west to east direction.

The applicant has stated that soakaways will be utilised to deal with surface water run-off but no porosity test results are included. As the existing infrastructure presently drains to this piped system it is felt that soakaways may not be effective.

A condition should be attached to any permission given that no works commence on site until a surface water management plan has been forwarded and approved. This plan should include results from any percolation tests carried out. If soakaways are found not to be viable then a limited discharge with on site storage will be required. The discharge rate will be set at that calculated from a 1 in 1 year storm using 10% impermeability. Any flow in excess will have to be stored on site up to and including the 1 in 100 year storm event with an additional allowance of 30% for climate change.

Representations

9 letters of SUPPORT have been received raising the following points:

- If one dwelling is acceptable, there is no reason why two should not be.
- Workers on the site would be able to live in the dwellings.
- The development would provide better security to existing tenants at the site.
- Other dwellings near Pottmore and Llandos were also given permission.
- The development will bring a welcome boost to local employment opportunities and housing.
- Using a brownfield site for this development is by far the best use of the ground.
- It would be desirable to have a residential development between Owerside and the employment units.
- Improved pavement provision to the front of Selworthy Cottage is welcomed as this would make crossing in front of the entrance to the proposed industrial units safer.

One letter confirming NO COMMENT.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
EC7 - TDBCLP - Rural Employment Proposals,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£2158
Somerset County Council (Upper Tier Authority)	£540

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£12949
Somerset County Council (Upper Tier Authority)	£3237

DETERMINING ISSUES AND CONSIDERATIONS

The main issue in the determination of this application is the principle of the development. Design and landscape impact, impact on neighbouring property, highways and ecology must also be considered.

Principle

The site is on the edge of Hillcommon, a village that has no designated settlement limit. The site is a former builder's yard and this established use is considered to make the redevelopment for employment purposes acceptable in principle. Indeed the provision of rural employment units is welcomed by the economic development team and is thought to provide good facilities in a location well related to the main County Road network.

There appears to be an extant planning permission from 1973 (the planning file suggests that foundations were dug). Although there has been no issue of a certificate of lawful development, there is no reason to dispute that there is an extant permission for a single dwelling – a bungalow – which could be completed. In this context, it is considered that the principle is established for the construction of a single dwelling on this site.

However, this application proposes two dwellings. The site is in a location, outside any defined settlement, where new residential development should be strictly controlled. Core Strategy Policy SP1 confirms that outside the identified settlement limits, development will be treated as being within open countryside; while Policy DM2 relating to the open countryside does not permit new open market dwellings.

Therefore, there is a presumption against new residential development in this area. In the face of this, the applicant has put forward arguments as to why permission should be granted for this additional dwelling on four grounds:

Firstly, it is argued that a similar proposal was allowed in Hillcommon in 2007. However, it is not considered that this carries significant weight as every case should be assessed on its own merits and that case pre-dates the Core Strategy.

Secondly, it is suggested that the size of the site could accommodate a substantial single dwelling which would be 'overvalued, unviable and out of character in this location'. This argument is simply not accepted. There is a mix of housing types in Hillcommon, some being small, others being 'substantial' in large grounds. Importantly, the extant permission (which establishes the principle of a single dwelling) is a modest bungalow.

Thirdly, it is suggested that two smaller semi-detached properties would represent a more efficient use of the land; would contribute to the viability and sustainability of the project; and would be more appropriate for the site in character with surrounding residential properties. It is true that two properties would be a more efficient use of land in the sense that more dwellings would be provided, but for this argument – which is essentially one over density – to be relevant, it must first be established that new residential development is acceptable in principle. No evidence has been provided to suggest how the additional dwelling would contribute to the scheme viability, or indeed, that this is even necessary, so it cannot be considered to carry any significant weight. Nor has any evidence been submitted that the pair of dwellings would be more 'in character' with the surrounding residential properties. This is, essentially, a backland site that is surrounded by 3 detached dwellings, a pair of semi-detached dwellings, a terrace of 5 dwellings and a development of 'park homes'. As such, it is considered that both a single detached and pair of semi-detached dwellings would be equally appropriate in terms of the character of the area.

Finally, it is argued that the provision of an additional dwelling would allow someone working on the employment site to purchase a dwelling adjacent to their place of work. Whilst this is theoretically true, this is not a proposal for 'live-work' units and the dwellings are not proposed to be linked to the employment site in any way. The proposal is for 12 workshops and 2 dwellings so it is not considered that significant weight should be placed on this matter.

The applicant's agent was advised during consideration of the previous application that the proposal would likely meet a recommendation for refusal. With the exception of the first, which was made previously, the other 3 points, above, are new to the consideration of this application. However they are really just comments and lack any substantial evidence to support them. In some cases (particularly the second point) they are considered to be misguided. Instead, the application has been resubmitted on the same basis as before, but has, this time, secured the support of 9 local residents in its favour. These matters are not considered sufficient grounds to outweigh the conflict with the development plan.

Design and landscape impact

Although there are a number of existing workshop buildings that would be

demolished as a consequence of the development, the proposal seeks to provide new buildings on the southern part of the site, which is currently given over to open storage. However, the site is very well screened by mature trees and the proposed buildings would be fairly low. In this context, it is not considered that there would be a significant landscape impact arising from the proposed development.

The design of the workshop buildings is considered to be acceptable, the use of grey roofs is representative of the slate used on local traditional buildings. Similarly, the proposed dwellings are well proportioned, and would be constructed from materials that are representative of the local vernacular. With regard to these points, it is not considered that there would be any adverse impact on the visual amenities or character of the area as a consequence of the development.

Neighbouring property

As noted above, there are residential properties to the north, east and west. In the context of the established use as a builder's yard, it is not considered that there would be any significant additional impact on the surrounding residential development. Indeed, Environmental Health have raised no objection on this basis, nor have they recommended any noise-related conditions. The proposed dwellings would face to the east and west and would be sufficiently distanced from neighbouring dwellings to avoid any unacceptable overlooking. The impact on neighbouring property is, therefore, considered to be acceptable.

Highways

At the time of writing, the formal highway comments are awaited. However, they previously raised no objection in principle to the development and there is no reason to believe that they would reach a different view on this occasion. Discussions with the Highway Authority have concluded that it would be desirable to provide a new length of footway along the B3227 to the front of Selworthy Cottage, which would link into existing footways to the front of the adjoining dwellings. This now forms part of the proposal.

Cycle parking has also been added to the drawing, although these are not proposed to be covered and are, therefore, unlikely to be considered as a real alternative to the private car. It is considered that the cycle stands should be covered, although this matter could be dealt with by condition.

The Highway Authority have also recommended that a basic travel plan is submitted. However, given the nature of the site, which essentially provides workshop space for small 'start-up' businesses it seems likely that most people would travel to the site in the vehicle that they would subsequently need for work. It is unlikely, therefore, that any significant modal shift would be possible and provided that the cycle storage was properly designed, it is not considered necessary to require a travel plan in this instance.

With regard to these matters, the impact on the highway network is considered to be acceptable.

Ecology

A wildlife survey has been submitted with the application. It found no evidence of bats, badgers, dormice or reptiles within the site. However, it noted the potential for the site to accommodate reptile habitat and nesting birds. Site clearance should, therefore, be undertaken with care and outside the nesting season. In this context, it is considered that any impact on wildlife could be mitigated through a planning condition requiring a mitigation strategy to be submitted.

Other Matters

Two public rights of way cross the site, although they would be accommodated within the proposed site layout. Given that the footpaths already pass through the centre of a builders yard and workshops, it is not considered that the enjoyment of the public right of way would be significantly affected by the proposal.

Comments from the drainage engineer and environmental health indicate that drainage and site contamination can be adequately dealt with by conditions. These matters, therefore, do not weigh heavily in the decision making process.

Conclusions

The foregoing indicates that the site could be developed without causing harm to the visual amenities of the area, living conditions of neighbouring residents, highway safety, or ecological impacts. Whilst the employment development is welcomed and strongly supported by the economic development team and your planning officers, the applicant has (despite planning officer advice) continued with proposals for an additional open market dwelling on the site. This is considered to be contrary to the development plan and the material considerations suggested do not outweigh this conflict. Therefore, as a single scheme, the recommendation for this application must be one of refusal.

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

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