

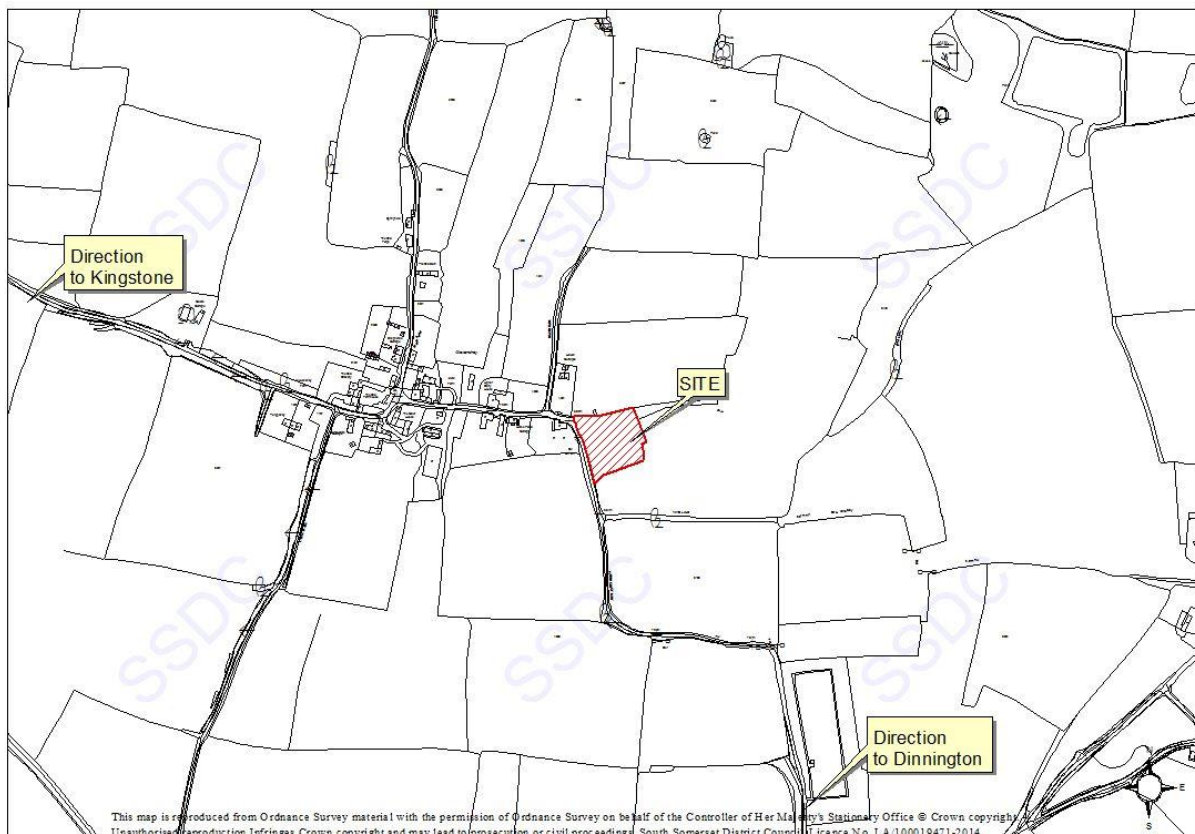
Officer Report On Planning Application: 14/01289/FUL

Proposal:	Alterations to include demolition of building, conversion of outbuilding to form 2 No. dwellings, the erection of a single storey extension and the erection of a detached garage. (GR 339505/113272)
Site Address:	Barns At Lower Dairy Wood Close Lane Allowenshay
Parish:	Kingstone
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date:	4th July 2014
Applicant:	Messrs Rutter Brothers
Agent: (no agent if blank)	James Ewart Fox 55 The Park Yeovil Somerset BA20 1DF
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is to be considered by Area West Committee at the request of the Ward Member, with the agreement of the Area Chair, to enable the concerns of the Environmental Protection Officer to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application relates to a pair of barns situated to the west of Allowenshay; the barns sit adjacent to an existing agricultural unit. The barns are otherwise surrounded by open farm land with a residential property directly opposite. The barns are constructed in local natural stone with red bricks quoins and double Roman roof tiles.

The application proposes the conversion of the larger barn into two 2-bedroom properties with the demolition of a small lean-to to be replaced by a small timber extension. Also proposed is the demolition of the smaller barn to allow for a driveway and parking area and a new timber garage to provide parking for each property. The application covering letter advises that the proposal includes for the development to be served by a new borehole.

The application is supported by a wildlife survey and, in response to concerns raised regarding the private water supply in the village, the applicant submitted a Hydrogeological Assessment. A further statement has also been submitted with regard to the proximity of the existing agricultural uses/buildings and the proposed residential conversions.

The site lies within the open countryside.

HISTORY

78912 - Erection of a building for use as a silage store and accommodation for cattle. Approved 1967.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan documents unless material

considerations indicate otherwise.

Relevant Development Plan Documents

Saved policies of the South Somerset Local Plan:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC8 - Protected Species

EU4 - Water Services

National Guidance

National Planning Policy Framework (NPPF) - March 2012:

6 - Delivering a wide choice of high quality homes.

7 - Requiring good design.

11 - Conserving and enhancing the natural environment

12 - Conserving and enhancing the historic environment

CONSULTATIONS

Allowenshay and Kingstone Parish Meeting:

'The reuse of the existing barn buildings is generally accepted but there are issues which must be addressed and resolved if planning approval is to be granted.

The issues are:

1. Use: The District Council supports the principle of promoting workplace homes in the countryside outside development areas. This development is an opportunity to reuse the redundant agricultural buildings and provide a more sustainable development that will ensure future occupiers can work from home rather than having to drive elsewhere. The proposal offers two under-sized units with poor accommodation whereas a single residential unit with a workshop attached would preserve the integrity of the dairy as a place of work/employment, which would otherwise be lost forever.

2. Built Form: Although the buildings are not listed they represent an irreplaceable record of the past and contribute to the character of the hamlet. The barns form a cohesive group which it is proposed to destroy with the demolition of the north outbuilding. The demolition of the north building will have an impact on the character of the site. It is also considered that the proposal to use powder coated aluminium window sections is inappropriate and out of character to the surrounding properties.

3. Highways: The approach roads within the hamlet are of single vehicle width with only a limited number of passing spaces. The proposal for two dwelling units will result in increased traffic and aggravate the existing manoeuvrability on the highway.

4. Environmental Health: The proximity of the existing farm buildings to the planning proposal will have an impact on the residential units in respect of odours, noise and flies.

5. Water: The current water supply to the hamlet is by way of a private spring which is supplemented by a borehole in the centre of the village. The District Council Environmental Health department is aware that the supply of water to the Allowenshay community is under threat due to the deteriorating condition of the infrastructure and that the village is on notice by the water supplier that the system is not fit for purpose and will imminently need replacing. The applicant is proposing to provide a separate borehole for the use of the two dwellings but

there has been no assessment submitted to show what impact this will have on the effectiveness of the existing borehole in the hamlet which at present will have to continue to provide water to the community. Any proposal to provide water to the new development should be viewed in the context of the existing failing infrastructure and crumbling supply.

If the planning officer was minded to approve the application we would ask for the following:

1. Determination of the application be deferred until the issues above have been satisfactorily resolved
2. Permitted development rights should be withdrawn from each of the two dwelling units to ensure that inappropriate development to the historic fabric is controlled
3. The application should be determined by Area West planning committee so that members can understand the sensitive issues that are of concern to the Allowenshay community.'

County Highway Authority:

Standing Advice

Environmental Protection:

In relation to the issues regarding the proposed borehole:

'After further consideration of the Hydrogeological Assessment we understand that the proposed borehole for the new development will not affect the existing private water supply with regard to sufficiency.

Therefore we raise no objections to the development.

That said we would appreciate if an informative could be included advising that any future development that may depend on the borehole for its water supply will require a further hydrogeological assessment to be undertaken.

Firstly to confirm continued sufficiency of supply and also to insure that should the 20m³/day limit be reached then a license from the Environment Agency will be required.'

In relation to the proximity of the application barns and the agricultural barns/uses:

'I believe the future occupiers could well suffer from flies and odours etc. all associated with farming practices, would suggest that restricting the use of the remaining buildings to calf rearing only would not remove my concerns therefore would have to suggest the possible refusal of this application on grounds of potential loss of amenity to future occupiers.'

(Officer Note: Following a site visit by the Environmental Protection Officer, the applicant submitted additional information regarding possible restrictions to the occupation of the farm buildings and potential for the uses to be relocated nearer to the village but the Environmental Protection Officer maintains his objection and recommends refusal of the application.)

Environment Agency:

Advise that the owner of the private water supply is responsible to ensure sufficiency at all times; guidance confirms that the owner of the supply needs to develop an emergency plan which should identify an alternative supply during times of insufficiency.

They request that informatives be attached with regard to abstraction licence; protection of legal waters; sustainable construction/water efficiency; pollution prevention during construction; and waste management.

Wessex Water:

Advise that waste water connections will be required from Wessex Water. Also advise that a public surface water sewer is shown on record plans as being within the application site and recommend that the applicant contact Wessex Water for further advice on this issue.

Senior Historic Environment Officer:

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

REPRESENTATIONS

15 letters of representation have been received: 5 in support with 10 responses objecting to initial application (without the Hydrogeological Assessment). The supporting responses make the following comments:

- Can see no good reason why the application should be refused.
- Very much in favour of derelict buildings being developed into dwellings.
- Wood Close Lane is little used and has passing places.
- Up to prospective purchaser to decide whether to live next to a working cattle farm.
- Proposal will not only retain the character of the area but enhance it greatly.
- Hope proposal will provide affordable housing.

The objectors make the following comments:

- There is a private water supply in the village (operated by Rutter Bros, the applicant) that it is not fit for purpose and needs replacing. The new borehole proposed could have a detrimental impact upon the village water supply. Request application is deferred until the water supply issues in the village have been resolved.
- If permission is granted it should be conditional upon the restoration of a satisfactory water supply before building works start and satisfactory surveys to show that new borehole would not affect output from another borehole nearby.
- Water supply has previously been contaminated.
- These buildings are last potential employment-generating space in the village; this development will sterilise any future employment use.
- Recognise difficulties with future re-use but would suggest a mix of residential and craft/office use in alignment with sustainability and employment policies. Previous live/work unit has been lost within the village.
- Object to the wanton demolition of the small stone barn which could easily be worked into the scheme. Loss of honest, vernacular stone buildings is unacceptable.
- Highly likely that applications will be made to extend the buildings once permission is issued; request permission is granted for one unit and plans revised for more realistically sized units.
- New dwellings will be very close to the farm animals and cattle and this is likely to cause problems of noise and smell.
- New properties should only be served by a new Water Authority mains water supply due to problems with water supply in the village.
- Request application is considered by Area West Committee.

In response to the submission of the Hydrogeological Assessment (and subsequent revision) an additional 3 letters of objection have been received emphasising some of the above points and making the following comments:-

- The Hydrogeological Assessment clearly demonstrates that there is no scope for any additional loading on the existing water supply infrastructure to the village.
- Report has been prepared without reference to the wider needs of the village; reinforces the view that the proposed development should be supplied by a new mains supply.
- It would be reckless to add to the water supply problems by granting permission for any new dwellings before the water supply issues for the village are resolved or a new mains supply provided.
- Note that the site for the existing borehole is shown in the wrong location in the report.
- Allowenshay residents must be involved in any decisions made about the water supply.

APPLICANTS CASE

In response to the comments of the Environmental Protection Officer the applicant's agent submitted a statement and plan making the following points:

- The proposal is for two-bedroom properties which are apparently badly needed in the area.
- Anyone purchasing the barns will be aware of their proximity to the farm buildings and the purchase price will reflect this.
- Only young cows will be housed in the buildings, not pigs or poultry and only during winter when there are few flies.
- There have never been any complaints from the occupiers of the adjacent cottage; they support the application.
- If the calves have to be moved they will remain in Allowenshay into farm buildings within the village which may be of more concern to Environmental Health.
- If the calves were kept in the adjacent field they could move up to the boundary of the site.
- The majority of people love little calves and are not likely to object to their presence in the countryside.
- The calves would be kept on the parts of the barn furthest from the site and the rest of the buildings used for storage.

CONSIDERATIONS

Principle

Guidance within the National Planning Policy Framework (NPPF) now forms the predominant advice in terms of the conversion of rural buildings as the relevant Local Plan policies (EH6 and EH7) are not in compliance with the NPPF. The relevant paragraph within the NPPF states that re-use of redundant or disused buildings is acceptable where there is an enhancement of the immediate setting.

In addition, the recently released revision to the General Permitted Development Order 1995 allows for the conversion of agricultural buildings into 3 units of residential accommodation without the need for planning permission (subject to accordance with relevant requirements). As such, there is clear policy support for the conversion of redundant agricultural buildings into residential units. In this case, the buildings are in a rather poor state and the conversion will improve the immediate setting. Whilst the removal of the smaller building is regretted, it must be noted that this building is not protected and could be demolished at the present time without any need for planning permission.

As such, it is considered that there is in principle support for the conversion of the barn into residential accommodation.

Residential Amenity

In terms of the potential impacts upon future occupiers the proposed dwellings are to be located in close proximity to a working farmyard and large agricultural buildings. The Environmental Protection Officer has raised a clear objection on this basis being concerned that future occupants would experience a poor standard of amenity resulting from noise, odour and other nuisances from the adjacent agriculture uses contrary to the aims of both the Local Plan and the NPPF. As can be seen above, the applicant and his agent have responded to the concerns of the Environmental Protection Officer but having considered all of the new information the Environmental Protection Officer maintains his objection.

With regard to the potential impacts upon existing nearby houses, it is not considered that the proposals will have any adverse impact upon existing residential properties near the application site as the new openings will not result in any unacceptable overlooking of the property opposite.

Water supply Issues

Policy EU4 states that development will only be permitted where:

- existing or proposed water supplies are sufficient and wholesome, and do not adversely affect the water environment;
- Adequate drainage, sewerage and sewage treatment facilities are available or where suitable arrangements are made for their provision;
- In sewered areas, foul discharge from new development is connected to mains foul sewerage unless it is demonstrated that such a connection is not feasible.

In this case, there is clearly local concern about the current water supply for the village. It is important to note however that it would not be appropriate or reasonable to require the proposed development for two additional dwellings to resolve these issues. In accordance with the above policy, the applicant has been required to show that the proposal for a new borehole to serve the new dwellings would not adversely impact upon the current supply and thus the Hydrogeological Assessment was submitted to accompany the application. Both the Environment Agency and the Environmental Protection Team have examined the application and the Hydrogeological Assessment and on the basis of the evidence submitted neither has raised an objection to the proposal (both are fully aware of the water supply issues within the village). As such, subject to the imposition of appropriate conditions regarding the provision of a new borehole the application is considered to comply with policy EU4 and advice within the NPPF.

Design issues

The existing building benefits from a number of openings which will be used in the new conversion and as such it is felt that the character of the building will be retained. Where new openings are proposed these are considered to be of an appropriate design that will respect the character of the building. In the main, the new openings are not on the publicly viewable elevations of the building.

The proposed garage will be timber clad and of a low key design which will sit appropriately within this rural context. As discussed above, whilst the demolition of the smaller barn is regretted this can be removed without the need for planning permission and as such it is not felt that the application could be reasonably refused on the basis of the loss of this small building.

Overall this is considered to be a well-designed scheme that respects the character of the

existing building and rural context. Conditions can be imposed to restrict extensions and alterations to the building as the plots are relatively small and extensions could result in overdevelopment.

Highways

The access to the site has limited visibility but given that the entrance provides access to an existing farm site it is not considered that the proposal will result in an increase in traffic movements compared to what could be generated from the site. It is noted that the lane is unclassified and lightly trafficked and as such it is not considered that the proposal could be refused on the basis of adverse impact upon highway safety.

Protected Species

The Protected Species Survey that accompanied the application identified that the barns have been used by nesting birds and are used as a roost site by small number of Brown long-eared bats. It advises that the conversion will require an EPS licence from Natural England and the inclusion of appropriate mitigation measures, appropriate conditions can be imposed to deal with these matters.

Summary

Whilst this proposal accords with relevant policy with regard to re-use of farm buildings; impact upon amenity; and sufficient evidence has been submitted with regard to the water supply issue, it has not been possible to resolve the concerns regarding proximity of the dwellings to the remaining farm yard. As such, whilst in all other respects the application is acceptable; it is not possible to recommend approval when this important aspect cannot be resolved.

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

01. The proposed dwellings, by reason of their location adjacent to a working farmyard, would offer an unacceptable standard of amenity for future occupants, in respect of noise, pests and odour generated by the farmyard, contrary to the aims and objectives of the NPPF and saved Policy ST6 of the South Somerset Local Plan 2006.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent worked with Planning and Environmental Protection Officers but it was not possible to overcome the significant concerns caused by the proposals.
