

OFFICER: Andrew Gunn (01935) 462192 [Item 2]
APPL.NO: 07/01185/COU APPLICATION TYPE: Change of Use
PARISH: Knowle St Giles WARD: WINDWHISTLE
DESCRIPTION: Change of use and conversion of barns to office use (Use Class B1)
(GR 336016/111571)
LOCATION: Manor Farm Cricket Lane Cricket Malherbie Ilminster Somerset TA19 0PW
APPLICANT: T S Jeanes & Partners
AGENT: John Wratten Waggon Shed Flaxdrayton Farm South Petherton Somerset
TA13 5LR
DATE ACCEPTED: 7 March 2007

REASON FOR REFERRAL TO COMMITTEE:

The Chairman agrees with the ward member that the application should come to committee to allow full discussion and consideration of the highway objections.

SITE DESCRIPTION AND PROPOSAL:



Manor Farm is located in the centre of Cricket Malherbie, within the Conservation Area. The site is located approximately 2.8km to the south of Ilminster and 4.4km to the north east of Chard. The farm and associated buildings are located on the western side of Cricket Lane. The Parish Church is located opposite the application site along with more modern agricultural buildings.

Two of the buildings subject of this application are listed buildings. These rectangular shaped buildings face gable end onto Cricket Lane and are referred to in the application as 'The Granary' and 'The Stalls'. The Granary building is located to the south of the site to which is attached the third non listed building previously used as a farm shop. The Stalls is a single storey building constructed from natural stone and a slate roof. The Granary is a two storey building constructed from brick and natural stone with a plain tile roof with a single storey lean to extension on its south wall. The shop building is single storey and has a tiled roof and concrete blocks.

This application seeks consent for the change of use of 3 buildings at Manor Farm, amounting to 515 square metres for B1 office use. The scheme also includes the provision of 24 car parking spaces to the north of the application buildings with the use of an existing vehicular access. A footpath will be created linking the car park to the buildings and a landscaping scheme will be introduced around the car park. An amended plan has lowered the level of the car park and introduced additional planting along the roadside and to the north of the car park. 2 disabled parking bays that were to be located between the barns are now located in the south west corner of the new car park.

The farm comprises 560 acres in total and its main enterprises are dairy, beef and pigs. The more modern agricultural buildings across the road from the development site are used for the farming business whilst the application buildings have been rarely used for the farming activities. A supporting statement from Greenslade Taylor Hunt confirms that the loss of these buildings to farming would not harm the farming business and indeed, contribute income to the overall farm business.

HISTORY:

07/01190/LBC - change of use and conversion of barns to office use (Use Class B1) (current)

Various other applications in relation to agricultural buildings and conversion of barn to residential use (2000).

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 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

Regional Spatial Strategy:

VIS1
VIS2

Somerset and Exmoor National Park Joint Structure Plan

STR1 - Sustainable development
STR6 - Development outside towns, rural centres and villages.
Policy 9- Built historic environment
Policy 19 - Employment and Community provision in rural areas
Policy 49 - Transport requirements of new development

South Somerset Local Plan (Adopted April 2006)

ST3 - Development areas
ST5 - General Principles of Development
ST6 - Quality of Development
EH1 - Conservation Areas
EH3 - Change of use of listed buildings and alterations to listed buildings.
EH6 - Conversion of buildings in the countryside
TP6 - Non residential parking provision.
ME5 - Farm Diversification.

PPS7 - Sustainable Development in Rural Areas.

CONSULTATIONS:

Parish Council:

No objections raised and some support for diversification.

Questions raised: New sewage system, animals in adjacent buildings, car parking - is it adequate, and main concern increase in traffic without speed restrictions.

Highway Authority (original comments):

In principle, the proposed development site is remote from any urban area and therefore distant from adequate services and facilities. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependent on private vehicles. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of Policies STR1 and STR6 of the Structure Plan. In detail, the approach roads to the site are substandard by reason of their restricted width and poor alignment and there are a limited number of passing places. The proposal is likely to generate a significant increase in the level of traffic using these roads and therefore the potential for conflict.

The proposal to convert the buildings into Class use B1 raises concerns regarding the volume and type of traffic that the proposal could potentially generate. The B1 use class includes uses such as light industrial and research studios, of which all could be established at the site without the need for planning permission once a B1 use has been permitted. As a result there is a significant concern that this development may result in the increase in the number of heavy goods vehicles accessing the site. Given the sites location and the substandard nature of the approach roads as already mentioned in this response it is felt that this is an inappropriate location for such a development.

Therefore, I would recommend that this application be refused on highway grounds for the following reasons:

1. The proposed development would be located where it is remote from adequate services, education, public transport etc, and will therefore increase the need for journeys to be made by private vehicles which is non sustainable and in conflict with advice given in PPG13, RPG10 and Policy STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.
2. The approach roads by reason of their restricted width and poor alignment are considered unsuitable to serve as a means of access for the type of traffic likely to be generated by the proposed development.

Highway Authority (additional comments following receipt of transport assessment):

Thank you for your report produced in response to the Highway Authority's original recommendation to the Local Planning Authority that the application be refused. Having reviewed the report I have the following comments to make.

Sustainability

The site is located within the settlement of Cricket Malherbie approximately 4.5kms from the centre of Chard and approximately 3.0kms from the centre of Ilminster. Present government transport policy is based around the principles of sustainability and the need to locate development where they can promote the use of more sustainable modes of transport such as public transport, walking and cycling and reduce the reliance on the private car.

Location from a Bus Route and Bus Stop

As you state in your report, the site is located approximately 2.0kms from the nearest bus route. From the Public Transport Timetable for the South Somerset Area the 30 and 30A Taunton - Axminster Via Ilminster and Chard operates on this route on an hourly service. The nearest public transport stops in relation to the site are Avishayes Road in Chard, and Listers Hill in Ilminster a considerably further distance than the 2.0kms. However, there is a

possibility that this service is a 'flag down' service. Even in the event that this is the case, this route is still approximately 2.0kms from the proposed development site.

Within RPG10 on page 131 table 1 highlights the desirable maximum walking distances for non residential development. The recommended maximum walking distance for a development from a bus stop is 400m. Given the information above it is clear that the site is outside of the recommended distances and as such is unlikely to promote public transport use.

Walking

From numerous site visits it is clear that the site is not connected by continuous footways. It is also clear that the majority of the approach roads are of singular car width. As a result, any pedestrians wishing to access the site will be forced to walk on the highway potentially in direct contact with oncoming vehicles. Given the numerous blind bends in the approach roads this is a highway safety concern.

The nature of the lanes in terms of their topography is also not conducive for promoting walking in this location. Along section of the roads the gradients are excessively steep making the walk an unattractive option. It is also noted that the approaching roads, given their rural location are insufficiently lit. This raises concerns regarding pedestrians walking within the carriageway, especially at night in this location.

Therefore, given the factors raised above, walking to the site is not regarded as an attractive option for the future employees and individuals in connection with the development if permitted in this location.

Cycling

For the reasons mentioned above it is also felt that future employees and individuals in connection with the development are unlikely to access the site by bicycle.

Scale of the development

In your report you comment on the development being of a small scale. The application as submitted indicated that the proposal was likely to result in sufficient workspace being provided for 30 employees and the associated traffic movements. The Highway Authority are not satisfied that this is a small scale development. One comment expressed by the Highway Authority previously was the concern that once the principle of the development established it would be difficult for the Highway Authority to control any further increase in the scale of the development in this location. Within your report, paragraph 3.9 you comment of a local need for the expansion of existing businesses in the area into the premises should planning permission be granted. The expansions of these existing buildings and the relocation to the development site increases the concerns relating to the likely increase in the use made of the approach roads.

B1 Office Use

In paragraph 4.10 you comment on the fact that the conditioning of B1 office use will reduce the impact of heavy goods vehicles making use of these approach roads. Whilst the Highway Authority agree that this will reduce the concerns that the site could become a different use within the B1 use class in the future, this still does not ease the concerns relating to the delivery vehicles and other vehicles in connection with the proposed B1 office use making use of the approach roads.

As a result, given the likely dependence on the private vehicle by the individuals in connection with the development due to the considerable distances from public transport stops and the undesirable nature of the approach roads unlikely to encourage walking and cycling the Highway Authority still has concerns relating to the suitability of the site in sustainable transports terms. Given the scale of the development proposed the Highway Authority also

still has concerns relating to the likely increase in the use made of the approach roads, especially by larger slower moving vehicles. As a result, the Highway Authority stands by its initial recommendation that the application should be refused.

Economic Development:

Verbally confirm support of the application.

Conservation Officer (original comments):

Whilst the principle of the use of these barns for business can be compatible with their listed status, I would have the following comments:

- there is an inaccuracy in the drawing on the east elevation. The shop is not as long as shown.
- I am unhappy with the roof over the access. This sits uncomfortably with the listed barn and suggest that a set of gates is rehung on the spigots in the wall.
- The window style in the shop should be retained.
- Concern about the alterations to the opening to the centre of the north elevation of the granary. Would prefer more of the existing opening to be maintained, and if necessary an opening above the lintel.
- Not clear why the north opening on the west side is stepped back on the ground floor and at the front of the opening on the first floor.
- Internally the wall that separates the east from the west end of the granary is somewhat uncomfortable and is not shown on the elevations. It seems inappropriate to put a wall within an opening that goes through the barn
- The wall that is shown as close boarded fence within the courtyard sits uncomfortably and needs to be revisited
- Need to discuss the internal finishes with building control to ensure what is proposed can be built.

Conservation Officer (comments following receipt of amended plans):

I think the proposal does go some way to addressing my concerns about the design, although I am still unhappy with the wall which is proposed to separate the existing residential from the proposed commercial use. Whilst I can see that there may well be a need for a wall, I still think that this is uncomfortable and that it may ultimately need to be altered, such that the residential windows do not look into the courtyard of the commercial use.

I must say that I do not know of any addressing of my concerns with regard to Building Regulations. I do feel that these matters are fundamental and must be addressed before any consent is granted.

Landscape Architect (original plans):

Raised concerns about the location of the disabled parking. Would prefer to see the simple courtyard retained as such without any parking and parking bay demarcation. Prefer to see a dedicated space in the SW corner of the car park.

In terms of the main car park, accept the location but not about the layout. Other concerns are the level differential and general visibility. Advise lowering of the car park ground level to ensure not above level of road and screening, screening between road and car park and express car park as a simple yard. In addition, planting of trees along northern boundary to increase coverage.

Landscape Architect (amended plans):

No objections to the amended plans.

Council Ecologist:

This appears to be an old 'traditional' style barn in a good location for bat foraging. It sounds like the proposed change of use could involve internal alterations to the fabric and more frequent human presence (=disturbance to bats). If this is so, then the following applies:

Having checked the details of this case, I conclude there is a reasonable likelihood of bats and/or nesting birds being present at this site and hence potential for harm to occur to a legally protected species. The possible presence of, and impact to, a legally protected species is a material consideration and Local Plan Policy EC8, and Government planning statement PPS9 are applicable. I therefore recommend a protected species or biodiversity survey is required in respect of this application.

As a material consideration, and in line with government guidance, it would be preferable for an initial survey report to be submitted before the application is determined. If this is not possible, then I recommend a carefully worded grampian condition. Such a condition should include:

- No development (including any demolition or site clearance) to commence until the requirements of this condition have been approved in writing by the LPA.
- Submission of report(s) for sufficient bat and bird surveys to determine to a reasonable degree of certainty, and in line with current best practice, the likelihood of protected species being affected, and the extent and nature of impact where present. The survey(s) will be undertaken to the satisfaction of the Council's Ecologist and Natural England.
- Where the above surveys lead to a conclusion of impact to a legally protected species, details of measures for the avoidance of harm, mitigation, and compensation shall be submitted to and approved in writing by the LPA. (The Council's Ecologist and Natural England will determine whether or not the submitted details are adequate).
- An expiry time of 12 months, from the date of the most recent relevant protected species survey, will apply to the survey conclusions, and the approved mitigation measures, after which time, if the development has not commenced, a further protected species survey shall be required, along with details of any revised mitigation measures that may be necessary due to changes revealed by the survey. Such further survey and revised mitigation measures shall also require written approval from LPA before the development can commence. Repeat expiry times of 12 months, and re-survey and mitigation revision requirements shall apply until such time that the development has commenced.

An informative is also recommended that includes:

- Relevant wildlife legislation and implications.
- Possible requirement of an 'European Protected Species' licence from Natural England before development commences.

A list of licensed bat consultants is available on request.

English Heritage:

Recommend that the application is determined in accordance with national and local policy guidance, and on the basis of your own specialist conservation advice.

REPRESENTATIONS:

No letters have been received.

CONSIDERATIONS:

The main considerations with regard to this application are the suitability of the approach roads to accommodate the traffic generated by the development, whether the scale of the

development and number of projected employees is inappropriate in this location and impact on the listed buildings.

In terms of the suitability of the local highway network to adequately and safely accommodate the likely traffic generated by the development, members will note that the Highway Authority has raised an objection on this issue. The Highway Authority is concerned that the approach roads to the site are substandard due to their width and poor alignment with limited passing places. Due to the increase in traffic that will be generated by this development, the Highway Authority are concerned that the substandard nature of the approach roads will create a potential for conflict between road users.

In addition, the Highway Authority has raised concern in relation to sustainability issues. In particular, due to the sites isolated location, it is concluded that alternative modes of transport to access the site are unlikely to be used. The nearest bus route is 2km away - much further than the recommended walking distance to a bus stop of 400metres. In addition, the lack of footways and the narrow, windy nature of the approach roads would not encourage pedestrian access to the site. Whilst cycling to the site may be more of a realistic option, particularly for employees living in Ilminster or Chard, the Highway Authority conclude that for the reasons given in relation to pedestrian use, it is unlikely that future employees would cycle to the site.

The sustainability concerns raised above are exacerbated by the scale of the proposed development. The applicant has indicated that upwards of 30 employees may work at the site. The Highway Authority does not consider that this would constitute small scale development. In addition, they have raised concern that any future expansion of these businesses would both increase the growth in travel to the site and increase the use of substandard approach roads.

Following discussions with the applicant, a Transport Assessment was requested and submitted. This was undertaken by David Walpole Associates and is attached as an appendix to this report at pages 31-64. This report assesses the proposed development in context of the changing nature of farming in the UK and its implications for Manor Farm. In addition, it examines whether the development meets local and national policies that promote sustainable forms of development, looks at the likely traffic impact of the development and conclusions.

The Transport Assessment outlines a range of relevant national and local policies in relation to delivering sustainable development and, specifically, those policies dealing with economic development in the countryside. It is accepted that there are a number of such policies that support development in the countryside. Moreover, recent government advice in PPS1, advises that a site may be acceptable even though it may be difficult to access such sites other than by private car. However, those policies supporting rural development, including farm diversification schemes, are constrained by the need to ensure that any such development is at an appropriate scale, ie in terms of physical size of the development, number of users and traffic impact. The Transport Assessment argues that the proposal constitutes small scale development. Moreover, due to the lack of office space in Chard and Ilminster will provide much needed office accommodation in the local area, preventing employees from travelling further to work each day.

It is clear that the site occupies an isolated location and would encourage growth in the need to travel. The fact that office provision on this site to meet demand rather than further away will mean less travelling for some employees is a valid argument. However, it doesn't overcome the concern that this development will encourage growth in travel by private car which is contrary to local and national policies. However, the sustainability concerns need to be assessed against all the other material considerations and, indeed benefits of the development. In this case, in addition to the employment that will be provided, two listed buildings will be maintained and brought back into regular use. This development will, if successful, assist in securing their future. Furthermore, the site along with the farming activities opposite the site currently attracts domestic and agricultural traffic. Also, the farm shop that closed a few years ago generated significant traffic trips and could be reopened.

Indeed the Transport Assessment states that the shop 'attracted in excess of 100 customers per day'. Therefore, it is a site that currently generates a reasonable level of traffic movement, and higher levels when the farm shop was in operation. Therefore, on balance, it is considered that the sustainability concerns are outweighed by the benefits of the scheme and based on the historical and current traffic movements to and from the site.

In terms of the traffic impact of the development, the Transport Assessment calculates that a development of this size will result in 11 vehicle movements during peak hours. Add this figure to the low traffic flows on the network, the Transport Assessment concludes that this additional movement would be insignificant. The conclusion of the transport Assessment is that the local highway network can accommodate the additional traffic that would be generated by the development. This is contrary to the view of the Highway Authority which maintains that the approach roads are substandard and this will create the potential for highway conflict.

In terms of the proposed design, layout and impact on the listed building, the original scheme was amended to take account of the concerns that were raised by the landscape architect and Conservation officer. With regard to the design, the proposal incorporates the existing openings without new openings, other than to reopen blocked in former openings. There will be no openings introduced into the roofs of any of the 3 subject buildings. The courtyard area between the buildings will remain open, free from subdivision in order to retain the open character of the yard. The only issue that remains a concern of the Conservation Officer is a proposed close boarded fence at the western end of the site to provide separation from the converted buildings and the dwelling. Whilst the principle of a dividing fence is accepted, it is the form of the fencing ie overly fussy layout that is of concern. A single straight fence between the end of The Stalls and the dwelling would be acceptable.

With regard to the impact on residential amenity, the proposal is for B1 office use only. This form of use is acceptable in residential areas and therefore, it is not considered that the proposed office use will have any harmful impact on the existing residential properties at Manor Farm.

In terms of the landscape and layout issues, additional planting has been provided to the north of the car park and along the roadside. The level of the car park has also been lowered by 800mm to reduce its visual impact. These amendments overcome the concerns raised by the landscape officer in relation to the original scheme.

SECTION 106 PLANNING OBLIGATION:

Not applicable.

RECOMMENDATION:

Refuse permission

The approach roads by reason of their restricted width and poor alignment are considered unsuitable to serve as a means of access for the type of traffic likely to be generated by the proposed development, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and to ST5 of the South Somerset Local Plan 2006.