

Case Officer: Mr Matthew Jones

Parish: Ivybridge

Application No: 27/1159/15/F

Agent/Applicant:

Mrs T Wood

The Old Pound, The Batch

Draycott

Cheddar, Somerset

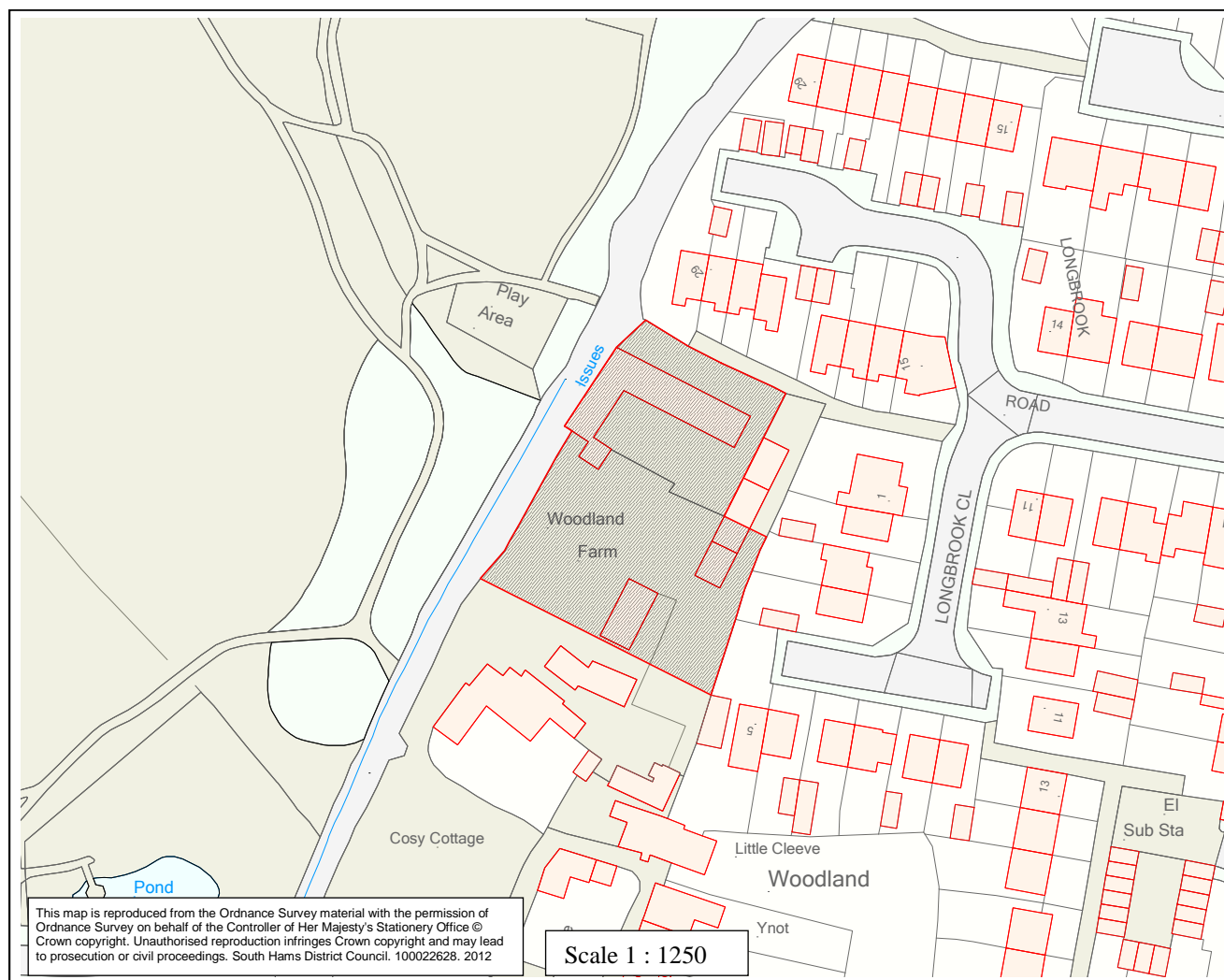
BS27 3SP

Site Address: Proposed development site at SX 624 562, Woodland Barn, Woodland Farm, Ivybridge, PL21 9HG

Development: Change of use of redundant barn to 2no. dwellings, erection of garages, additional access and associated alterations

Reason application being put forward to committee:

The ward members have taken this to committee due to concerns regarding the safety of the proposed access via Kennel Lane



Recommendation: Conditional approval

Conditions

Time

Accord with plans

Removal of Permitted Development Rights

Parking and garaging retained in perpetuity

Details of dividing boundary treatment prior to commencement of development

Confirmation of granting of licence prior to commencement

Removal of hedgerow outside of nesting season

Bathroom/toilet windows on north elevation obscure glazed

Joinery details prior to installation

Natural slate, sample prior to installation

Natural stone, matching existing

Unsuspected contamination

Landscape plan prior to commencement of development

Soakaway specification prior to commencement of development

Construction Environment Management Plan prior to commencement of development

Key issues for consideration:

The main issues are the nature of the proposed conversion, its associated visual impact and impact on the undesignated heritage assets, the impact of the proposal on neighbouring properties, drainage, ecology, parking and highways safety.

The application provides two additional residential units and secures the long term future of a range of buildings considered to be an undesignated heritage asset, in a manner which is, on balance, sympathetic to their character and integrity. The impact on neighbouring properties is considered acceptable within this location and issues relating to drainage, parking and ecology are acceptable or can be resolved through appropriate use of planning conditions.

Officers acknowledge the level of objections received regarding vehicular access from Kennel Lane. However, after consideration, the specialist highways officer is not objecting and believes the proposed access arrangements to be acceptable. In addition, the highways officer does not see it as reasonable to require a s106 or planning conditions securing improvements to the highway. On this basis, officers support the proposed development and recommend approval, subject to appropriate conditions;

Site Description:

The application site is a small range of redundant agricultural buildings and associated land within the Woodlands area of the town of Ivybridge. The site is part of the now redundant Woodlands Farm. Principally, the site is formed of a two storey shippon which runs along the site east to west, and a smaller cow shed which is at right angles to the shippon and located along the western boundary. At the centre of the site is a concrete yard shared by the two buildings.

The barns are currently unused agricultural buildings. Woodlands Farmhouse is to the south and an existing access is available to the south east of the site, across an open area of grassland. It appears that this was the main, historic access from this area, although, rounded stone gate piers to the north east also suggest access from this direction, prior to

the residential development at Longbrook Close. A modern agricultural access provides access onto Kennel Lane, to the north of the cow shed.

The residential curtilage of neighbouring properties is to the south and east. A pedestrian lane provides access along the northern boundary to the properties along Longbrook Road. Kennel Lane bounds the site to the west, beyond which is the large public Spinney Park. A number of local facilities, such as schools, are also in the nearby area.

The site carries an existing agricultural land use. The site is within the Ivybridge Development Boundary and a Critical Drainage Area.

The Proposal:

Planning permission is sought for the Change of Use of the redundant barn buildings into 2no. dwellings, the erection of garages, the creation of an additional access, and associated alterations. A small outbuilding is also proposed to be reconstructed to provide a compensatory bat roost to mitigate the loss of an identified bat roost within the barns.

The cow shed and western section of the shippon will form the first unit, with the rest of the shippon converted into unit two. The currently open, shared yard will be subdivided to provide separate external amenity space. The existing access from Kennel Lane is utilised to provide vehicular access and parking for the east unit. A new access is also proposed from Kennel Lane, to the south of the cow shed. This will involve the removal of approximately 7m of the existing bank and hedgerow and the creation of a parking and garage area.

Revised plans have been accepted within the life of the application. The revisions relate to alterations to the existing buildings and removal of a fence only, and were made at the suggestion of Council Officers. Due to the nature and scale of the changes, the plans have been accepted and do not prejudice the views of any third party or statutory consultees.

Consultations:

- County Highways Authority

No objection, request CEMP condition

Response on 04/06/2015:

The Highway Authority has had consideration of the objections presented by local residents on highway grounds and on balance is minded not to object to the application for the following reasons.

Whilst the lane leading to the site does have an open drain adjacent to it is still 3m in width and affords a good junction with Woodland Road. Practically a car can pass a pedestrian as a car is 2m and a pedestrian is 0.6m. There is good forward visibility for drivers to make a judgement over appropriate speed of travel.

Whilst the access points directly onto the lane are poor there is little if any traffic that in theory uses the lane as confirmed by the locals. Therefore the visibility splays set out in the national guidance with the exception of a couple of metres needed to deal with potential pedestrians are not needed.

The barn also has a permitted agricultural use class which in theory could generate a number of larger vehicles than that would be likely to be generated by a residential development.

Response on 20/08/2015:

Following the Highway Authority's initial planning consultation response, information regarding an imposed Traffic Regulation Order on Kennel Lane has come to light. Whilst currently there is no actual sign present on site at the junction of Kennel Lane/Woodland Road, it is the case that a Traffic Regulation Order still exists on Kennel Lane which restricts all vehicles using it with the exception of agricultural vehicles.

This presents a legal issue which would practically prevent residential traffic from using Kennel Lane and hence accessing the barn, if planning permission was granted. Therefore in order to overcome this issue the Highway Authority will need to amend the traffic regulation order to ensure that the occupants are not illegally using the lane.

In order to facilitate this legal traffic order change and fund the design, supply and erection of the signs £5000.00 will be required as a financial contribution from the applicant so the County Council can undertake the necessary consultation, advertising of the order and physical works.

The Highway Authority's stance of no objection still stands as it still does not consider the amount of traffic the proposals will generate should warrant an objection, but it must be recognised by the applicant that these works are required to ensure the site can be used as a residential property. It is considered that these works are needed by default and therefore it may be considered by the Planning Authority that a S106 may not be required. The Highway Authority would accept a cheque for the money in advance of commencement on site.

- South West Water

No objection

- SHDC Drainage

No objection subject to conditions (landscaping and surface water soakaway specification)

- Devon and Somerset Fire Service

No objection - Access for fire appliances restricted along lane. However, in this case compensatory measures such as sprinklers can be considered at building regulations stage

- Environmental Health Section

Suggest unsuspected contamination condition

- Ivybridge Town Council

Objection – Concerns regarding current use of the lane by pedestrians, including disabled people and children, and therefore the possible highways safety implications of vehicular use of the lane. Highlighted presence of TRO from the 1980s and registered concern regarding potential overlooking from the barns to building directly to the north. Concern applicant has

omitted to register presence of watercourse nearby and also that the appearance not in keeping and proposal failed to retain the character of the original barn. Suggest mitigation measures, such as railings; be placed into lane to improve safety.

- SHDC Ecologist

No objection subject to two conditions (confirmation of granting of licence and hedgerow removal outside of nesting season)

Representations:

62 third party representations have been received at the time of writing this report, 59 letters of objection and 3 letters in support.

Concerns raised within the letters of objection are summarised as follows:

- The proposal will create overlooking and additional noise nuisance into the properties at Longbrook Road
- Kennel Lane is inappropriate for vehicular movements associated with the development
- Cars using Kennel Lane will create a dangerous environment for other road users
- The lane is well used by disabled people and children due to proximity to parks and schools
- There is an alternative access at the south east corner of the site
- There is a Traffic Regulation Order imposed on Kennel Lane which prevents motor vehicle access. Planning approval would contravene this Order
- Kennel Lane could become a through road
- Signs should be used to protect the safety of pedestrians
- The access from Kennel Lane onto Woodland Road is not adequate
- The lane has a gully which streams water down Kennel lane, restricting its width
- The lack of onsite turning means unsafe reversing onto Kennel Lane
- The character of the area would not be preserved
- The proposal will increase off site flooding
- The loss of the historic hedgerow could have heritage or ecological implications
- This could lead to more development of surrounding sites
- Use of the lane could harm the bat population
- The Lane cannot provide access for emergency vehicles

Comments made within the letters of support are summarised as follows:

- The site carries an agricultural use and the potential disturbance from such use should be considered
- Under Permitted Development an industrial use could be obtained
- Pedestrian use of the lane is limited to specific times of the day
- There are alternative routes in and out of the park
- Two additional dwellings will not have a significant impact on highways infrastructure
- The scheme is the sympathetic revival of the existing buildings
- The existing buildings are deteriorating
- The lane can safely be shared by pedestrians and motorists
- Kennel Lane is a road, not a pedestrian footpath

Relevant Planning History

27/2708/14/PREMIN - Pre-application enquiry for proposed residential conversion of redundant barn

27/3169/14/F - Construction of 2 detached dwellings with garages and car parking and formation of vehicle access to Woodland Road - Conditional approval (on nearby site)

Analysis

Principle of Development

The application site is within the Ivybridge Development Boundary where new residential development is acceptable in principle. In addition, both local and national planning policies promote the reuse of redundant buildings, especially those of architectural or historic merit, as is the case here. The principle of converting the buildings into dwellings is therefore considered acceptable under policy CS1.

Design and impact on heritage

Overall, the nature of the conversions is considered acceptable. Existing openings are reused where possible and domestic extensions are avoided, retaining the legibility of the previous agricultural use. Where new materials are proposed, these are traditional and, overall, the conversions are considered to adequately retain the agricultural heritage of these important buildings.

It is more challenging to sensitively subdivide the integral yard area, which is clearly the central, focal point for agricultural activity on the site. However, concerns regarding the domestic subdivision of the yard must be weighed against the more positive elements of the conversion, such as the opportunity to provide two new dwellings within an established settlement, the opportunity to secure the long term structural integrity of the buildings, in addition to the lack of public views into this part of the site. Overall, the impact of the development on the undesignated heritage assets is considered acceptable and, on balance, in accordance with policies DP1, DP6, CS7 and CS9.

Neighbour impact

The north elevation of the barns is within close proximity to the front elevations of the dwellings to the north, at Longbrook Road. However, the openings on the north elevation are largely used to provide more utilitarian functions or to provide light, with predominately corridors or bathrooms at this part of the conversion.

It is best practice to secure the bathroom windows to be obscure glazed, and this is achieved by way of planning condition. However, as the main aspect of the barns is to the south, it is not considered reasonable or necessary to require the windows serving hallways or other living areas on the north elevation to be obscure glazed. In addition, the lane providing access to the properties to the north of the site already allows public overlooking into the windows on their front elevations. The distance of the barn to the front elevation of the Longbrook Road properties allows officers to further conclude this proposed relationship to be acceptable, without the need to condition all windows on the facing elevation to be obscure glazed.

The additional noise associated with the domestic use of the barns will affect the properties along the northern boundary as their main garden areas are to the south of their principal elevations. However, although officers envisage an impact by way of noise, it is considered to be commensurate to noise which could arise through the lawful, extant agricultural use of the application site.

Other neighbour relationships are considered to be in conformance to what could generally be anticipated with the historic agricultural use, and also the multitude of neighbour relationships throughout the town. Overall, this application is considered to conform to the objectives of policy DP3.

Parking and highways safety

The proposed development is considered to provide adequate levels of parking for the two units, in an area which is considered to be sustainable with specific regard to access to services.

The vast majority of concerns raised by third parties surround the highways safety implications of vehicular traffic using Kennel Lane. This element of the proposal has been carefully considered by officers.

In 1986, through the imposition of a Traffic Regulation Order and the physical placement of bollards, vehicular traffic movements on Kennel Lane were restricted.

The disuse of the barns, in addition to the restrictions in place, has subsequently created a situation with a long established pedestrian dominance of the lane. This, in addition to the lane's specific location adjacent the park, and nearby schools and facilities for the disabled, has heightened the importance and use of the lane by members of the community. Accordingly, the future safety of pedestrian users of the lane is high on the agenda of the local community and officers acknowledge this importance, as is reflected by the high number of objections regarding this element of the scheme.

The acceptability of motor vehicles using the lane must be on the basis that the lane can be safely utilised as a truly shared space, and on the basis that cars using the lane will not prejudice the safety of pedestrians. The lane narrows in places and has a gully running down its western boundary. It is therefore questionable if the lane is currently able to categorically achieve this level of shared space and in a manner which is safe to all road users.

However, the specialist DCC highways officer has fully and robustly considered the highways implications of the proposed scheme, and is well aware of the concerns of local residents and the existence of legal restrictions. The response of the specialist consultee is one of no objection. In addition, the highways officer is not requesting the formulation of a s106 agreement, or use of planning conditions, to secure improvements to the lane. DCC have stated that *'I don't think it would pass the s106 test of reasonableness in scale in relation to the development. And there are alternative routes'*

Fire risk associated with the use of the barns as dwelling is considered under Building Regulations. The Town Council and third parties have raised concern regarding the potential for a fire engine to access the site. However, if a fire appliance is unable to access the site, the Fire Service can seek compensatory measures, such as onsite sprinklers, which will be considered at the Building Regulations stage.

With the absence of any specialist highways objection, and with DCC considering it unreasonable and therefore unnecessary to require planning conditions or a s106 agreement, officers consider that the use of the lane by motor vehicles, as currently proposed, is acceptable.

Ecology

The ecological implications of the development have been fully considered by Council Officers. The specialist ecologist has offered no objection to the proposal, with the need for two conditions requiring confirmation of the receipt of a licence from Natural England prior to the commencement of any development, and restricting the removal of the hedgerow to appropriate times of the year. The ecologist has stated the following:

'There is clear merit in bringing the derelict building back into a positive use, and providing the appropriate space to accommodate the bat species recorded could render such a scheme unviable. It has been proposed to create a dedicated roosting space within a neighbouring stone building which will be secure and maintain the favourable conservation status of the species concerned. Accordingly, it is considered that the 3 tests are met, and it is reasonable to expect that Natural England will subsequently grant a EPSL'

Officers have also considered the implications of the loss of hedgerow with regard to character and the streetscene. The loss of this part of the hedgerow to accommodate necessary onsite parking is not considered to materially alter the prevailing character of the streetscene to the extent that permission could be justifiably refused on this basis.

Drainage

South West Water has raised no objection to the proposal and no objection has been received from the SHDC drainage engineering section. The scheme makes reuse of existing buildings, with the new outbuildings presenting the only additional surface water with regard to surface water runoff. Confirmation of the soakaway specification can be secured through planning condition.

The current buildings do not benefit from modern drainage solutions and this is compounded by the predominate use of concrete in the yard and other areas. With the close proximity to Kennel Lane it is highly likely that the existing state of the site adds disproportionately to flooding in the wider area by increasing surface water runoff rates. As such, the conversion of the buildings provides an opportunity for betterment with the introduction of appropriate soakaways and the relandscaping of the site with more porous materials. This betterment is secured through appropriate planning conditions requiring further specification of surface water soakaways and the relandscaping of the site.

The applicant intends to connect the foul water to the existing sewer and South West Water raise no objection to this element of the scheme.

On this basis, the scheme is considered to have an acceptable impact on flooding in the surrounding area and the applicant's failure to identify the presence of a nearby stream in the planning application form does not prejudice consideration of this application or this recommendation of conditional approval.

Third Party representations and consultation responses

The comments of the Town Council, statutory consultees and all third party correspondence are considered within the above analysis.

The Traffic Regulation Order

Officers acknowledge the presence of a live Traffic Regulation Order which restricts vehicular use of Kennel lane. However, the presence of a legal restriction cannot constitute a reason to refuse a planning application. The planning application must be assessed on its planning merits with specific regard to highways safety, regardless of the presence of any legal restriction. The granting of any planning permission would not override the need, in future, for the landowner to resolve any other outstanding legal restrictions associated with the land and, conversely, the presence of the restriction alone could not be utilised to refuse the planning application.

The TRO is afforded a degree of weight in that it suggests a previously identified concern regarding highways safety and the planning merits of the proposal have been carefully considered by officers. The specialist highways officer is aware of the existence of the TRO has indicated the proposed access arrangements to be acceptable.

Conclusion

The application provides two additional residential units and secures the long term future of a range of buildings considered to be an undesignated heritage asset, in a manner which is, on balance, sympathetic to their character and integrity. The impact on neighbouring properties is considered acceptable within this location and issues relating to drainage, parking and ecology are acceptable or can be resolved through appropriate use of planning conditions.

Officers acknowledge the level of objections received regarding vehicular access from Kennel Lane. However, after consideration the specialist highways officer is not objecting and believes the proposed access arrangement to be acceptable. In addition, the highways officer does not see it as reasonable to require a s106 or planning conditions securing improvements to the highway. On this basis, officers support the proposed development and recommend approval, subject to appropriate conditions;

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character

DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

South Hams Barn Guide SPD

National Planning Policy Framework (2012)

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.