

06/17/0002

MR S PITHER

**Change of use of former agricultural building to Class D2 (recreational hall) with associated works at Greenway Farm, Greenway Road, Bishops Lydeard (resubmission of 06/16/0046)**

Location: GREENWAY FARM, GREENWAY ROAD, BISHOPS LYDEARD,  
TAUNTON, TA4 3DD

Grid Reference: 315987.128916

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

C0477 P1 Floor Plans & Elevations received on 17th January 2017

C0477 P2 Site Location Plan

C0477 P4 B Landscape Plan received 6th April 2017

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development shall provide for bin storage facilities, details of which shall be indicated on plans to be submitted to and agreed in writing by the Local Planning Authority prior to their provision. Such approved facilities shall be provided within 3 months of the date of this planning permission and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future users of the site and that the proposed development does not harm the character and appearance of the area.

3. The premises shall only be used for indoor sports recreation and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To prevent changes to unacceptable uses which may have an adverse effect on the amenity of adjoining residential occupiers.

4. Within 3 months of the date of this permission, the parking spaces shall have been laid out within the site in accordance with the approved Landscape plan no. 4A for 25 parking spaces to be provided, and thereafter retained as such.

Reason: In the interests of highway safety.

5. (i) The landscaping scheme shown on drawing C0477 P4 Revision B hereby permitted shall be fully implemented in the next available planting season (between 30 October 2017 and 31 March 2018).

(ii) For a period of five years after the completion of the 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 other 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.

6. The use hereby permitted shall not take place outside the following times  
0900 hrs – 2200 hrs Monday - Saturday and 1000 hrs - 2100 hrs on Sundays.

Reason: To minimise the impact of the development in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

Notes to Applicant

## **Proposal**

Retrospective planning permission is being sought for a change of use of a former agricultural building, to use as a recreational hall (Use Class D2). The building is understood to be being used for exercise classes. Retrospective permission is also sought for a new access onto the site from Greenway Road, a bund running along the length of the new drive and a new car park to the east serving approximately 25 cars.

## **Site Description**

The application site lies on the south side of Greenway Road at the western end of Bishops Lydeard, to the west of the bypass. It comprises a modern agricultural building which has not been used for agricultural purposes for some time. The site is located outside of the settlement limit of Bishops Lydeard and within walking distance of the West Somerset Railway Station and village amenities to the east. There are residential properties located in close proximity to the site, on the opposite side of the road.

## **Relevant Planning History**

06/12/0013 - Planning permission was granted in May 2012 for the conversion of former agricultural buildings to form 2 units of holiday accommodation. The modern portal frame building that forms the current application site, was to be used for a play area, swimming pool and games room associated with the holiday units. The

permission also included modest alterations mainly consisting of the erection of stone walls and additional timber boarding in order to fully enclose the sides of the building. This application has not been implemented but the external alterations have been carried out to the modern barn.

06/16/0046 - An application for the change of use of a former agricultural building, currently being used for martial arts, to Class D2 (recreational hall) was withdrawn in November 2016.

## Consultation Responses

*BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL* - The Parish Council supports the granting of permission but still has concerns regarding the adequacy of the proposed drainage system and the lack of detail about the proposed frequency and hours of use and the anticipated numbers of people likely to use the hall if consent is obtained and therefore the level of any local disturbance by the proposed use. The Parish Council therefore supports appropriate conditions being added to the planning consent to deal with these concerns.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to standing advice, which requires the provision of appropriate visibility splays and parking provision.

*ECONOMIC DEVELOPMENT* - No objections.

## Representations Received

Seven letters of **objection** have been received and are summarised as follows:

- the building is already being used for fitness classes but not martial arts as applied for;
- loud music can be heard and there is no soundproofing;
- there is no need for another village hall as the existing hall has been extended recently and has capacity;
- a licence will be required to play music;
- the building could be used for discos and weddings with associated noise and unsocial behaviour;
- devaluation of property prices;
- the access has already been widened without planning permission and the visibility is poor;
- when will the parking spaces be laid out?
- will there be any restrictions on the maximum capacity of the building?
- concern about foul drainage;
- no detail on the proposed hours of operation;
- the noise will impact on the wildlife within the Ash Priors Common Local Nature Reserve.

One letter of **support** has been received from a user of the hall stating that the existing facilities within the village are over-stretched and that the site is conveniently

located for residents of Bishops Lydeard.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP1 - Climate change,  
CP8 - Environment,  
SP1 - Sustainable development locations,  
DM2 - Development in the countryside,  
SB1 - Settlement boundaries,

This takes into account the recent adoption of the SADMP.

## **Determining issues and considerations**

### **1.The Principle of Development**

The application site is located outside of any defined settlement limit and is therefore considered to be within open countryside. The proposal has to be assessed against Core Strategy Policies SP1, SP4, CP1, CP8, and DM2 and SADMP Policy SB1 which generally seek to focus new development in sustainable locations, within existing built up areas.

Development outside defined settlement limits may be allowed under limited circumstances under Core Strategy Policy DM2. It states that the conversion of existing buildings outside of defined settlement limits may be acceptable subject to a sequential approach being followed. The policy sets out 7 potential uses for converted buildings which are listed as follows:

- i) Community uses;
- ii) class B business uses;
- iii) other employment generating uses;
- iv) holiday and tourism;
- v) affordable, farm or forestry dwellings;
- vi) community housing; and
- vii) in exceptional circumstances, conversion to other residential uses.

The proposed recreational use falls within Use Class D2 which includes "cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreation

(except for motor sports, or where firearms are used)". Officers consider that it is appropriate to limit the use of the building to indoor sports and recreation only, to protect residential amenity. Although it is not strictly a community use by definition of the Use Classes Order, many community centres are used for sports and exercise classes. On balance, it is considered that the proposed use meets the requirements of Policy DM2. The proposed use is therefore considered acceptable subject to detailed considerations such as hours of use, noise and landscape impact.

## **2. Impact on Adjoining Residential Occupiers**

Few details were originally provided within the application as to the proposed hours of operation and numbers attending the classes. The applicant has now confirmed that the likely hours of operation will be 9am to 10pm and *"the average class size will be around 30 and most regular classes will be in the morning and evening Monday to Friday, with irregular events during the day on Saturdays. Once a year there will be a 4 day international martial arts event which I have hosted on the farm for the last 3 years"*. Turning to the potential for noise pollution emanating from the building, the applicant has responded that *"the walls are fully cladded in wood, with over 8 inches of gap between them and the inside wall, in addition to which there are sound absorbing materials on the inside to minimise echo and vibration. The roof has 6 inches of insulation and 2 of the 4 sides either connect directly with other farm buildings or face into other farm buildings."*

It is considered appropriate to impose a condition restricting the hours of operation, to protect residential amenity. It is not possible to impose a planning condition restricting the number of people attending the building, as it would be difficult to enforce. Furthermore, there are separate controls and safeguards under the licensing regulations regarding the playing of amplified music.

## **3. Impact on Landscape Character**

The site lies within the Vale of Taunton Deane Landscape Character Area. Regard therefore has to be paid to the impact of the proposal on the appearance, character and landscape quality of the surrounding area. The visual impact of the new access, bund and visibility splays looks rather raw and unfinished partly due to the lack of any new landscaping. Negotiations between the Council's Landscape Officer and the agent have been ongoing to try to achieve a satisfactory landscaping scheme. Officers consider that a new native hedgerow and groups of trees should be planted along the whole length of the bund. This will soften the impact of the new access and bund and this can be controlled by condition.

## **4. Highway Safety**

The new access onto Greenway Road has a visibility splay of 2.4 m x 43 m in each direction which is considered satisfactory in highway terms. The new access drive and car park area currently comprises loose chippings. A tarmac surface will be provided with the parking spaces marked out. County Highways are satisfied that the proposal will not be detrimental to highway safety.

## **5. Drainage**

The applicant has confirmed that the existing septic tank formerly used by the farm will be utilised. This had sufficient capacity for 100 cows and 200 sheep and is therefore considered more than adequate to serve the development.

## **Conclusions**

The application site is located outside of any defined settlement limit within the open countryside. The proposed indoor sport and recreational use meets the sequential test under Core Strategy Policy DM2. The proposed development is considered acceptable subject to appropriate planning conditions to safeguard the amenity of neighbouring residential occupiers.

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

**Contact Officer: Ms A Penn**