

Committee date 14/11/2023

Application No: 12/23/00025

Application Type: Full Planning Permission

Case Officer: Liam Evans

Registered Date: 28/08/2023

Expiry Date: 22/10/2023

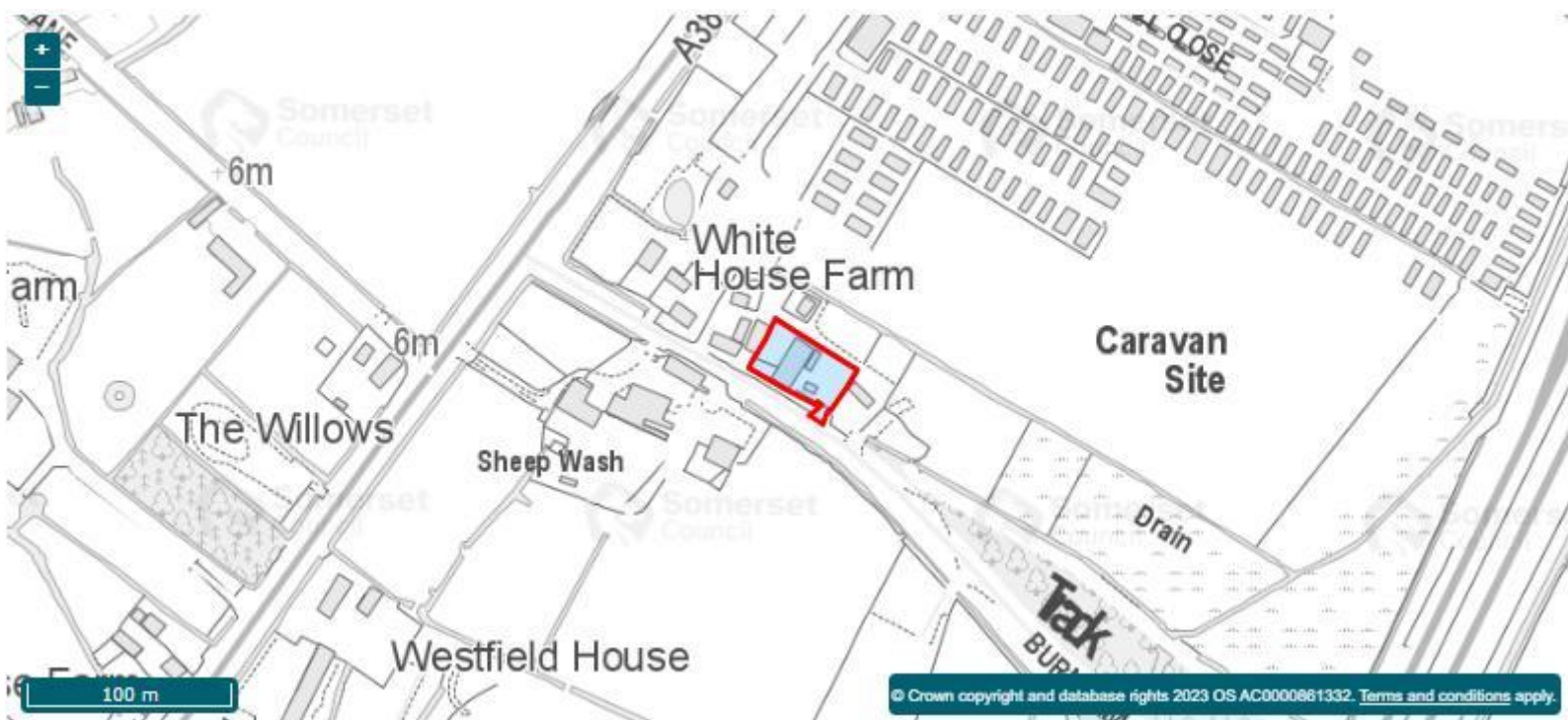
Parish: Burnham Without

Division: Brent

Proposal: Conversion of child's nursery to form 5 no. dwellings including rear extensions, associated parking and demolition of outbuildings.

Site Location: Rose Cottage Farm Nursery, Burnham Moor Lane, Edithmead, Highbridge, TA9 4HE

Applicant: West Country Park Homes



Committee decision required because

The views of the Parish Council are contrary to the officer's recommendation.

Background

Rose Cottage Nursery is located to the south of White House Farm and the Edithmead Roundabout that links with junction 22 of the M5. The site is accessed off Burnham Moor Lane and is occupied by a number of buildings which were used in association with a children's nursery that has since closed. The building subject to this application was converted from an agricultural building to a children's nursery, office and store in 2003.

In 2021 permission was granted to convert the nursery building into 2 dwellings. Each dwelling would have 2 bedrooms with open plan living space. The existing access and parking area was to be utilised.

Consent is now sought for an alternative scheme to convert the building into 5 one bedroom dwellings. The works would be similar to that previously approved with a small extension to the east elevation of similar materials with the overall appearance (monopitched roof above timber clad and render elevations) similar to that previously approved.

Each of the dwellings would be served by a garden to the north west with a shared parking and turning area off the existing access providing 9 spaces in total alongside a cycle rack and bin store.

Relevant History

12/03/00013	DC	Works in connection with continued use of buildings and land for childrens nursery, including change of use and conversion of agricultural building, change of use of outbuilding, continued use of land as childrens play space and for car parking, retention of oil tanks and containers, together with associated landscaping and fencing as detailed on application forms.	GTD
12/20/00006	DC	Conversion of nursery building into 2 dwellings.	GTD

Supporting information supplied by the applicant

Design and Access Statement
Flood Risk Assessment

Consultation Responses

Consultee Name	Summary of Response
Burnham Without Parish Council, 5 Channel Court	Objection <i>"Members are very concerned that the proposal will result in a greater number of vehicle movements at the Burnham Moor Lane/A38 junction over more days in the year than the former nursery.</i> <i>The junction has been the location of a large number of traffic accidents, many serious, usually caused by vehicles emerging from or turning into Burnham Moor Lane."</i>
Somerset County Council - Civil Contingencies	Recommended flood warning and evacuation plan informative.
Affordable Housing Officer - Sedgemoor District Council, Housing, Communities and Wellbeing	<i>"In light of the number of properties proposed, there are no affordable housing implications association with this proposal."</i>
Somerset Highways	No objection, recommend conditions.
Environmental Health	Recommend conditions relating to noise mitigation.

Representations

None received.

Most Relevant Policies

National Planning Policies

National Planning Policy Framework

Local Plan (2011-2032)

- C01 Countryside
- C03 Brownfield Sites in the Countryside
- D2 Promoting High Quality and Inclusive Design
- D14 Managing the Transport Impacts of Development
- D25 Protecting Residential Amenity

Community Infrastructure Levy (CIL)

The application is for residential development in Burnham Without where the Community Infrastructure Levy (CIL) is Non-urban Residential £111.81sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of . This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.

Main Issues

Principle

The site is located within the countryside and forms part of a mixed use site, which included the use of the existing building and those adjacent as a children's nursery. Policy S2 and C03 support proposals for re-use or remodelling of existing brownfield sites within rural areas.

The proposal seeks to convert and change the use of a non-traditional building nursery building to 5 dwellings. The building benefits from an extant planning permission for a residential conversion to 2 dwellings and this is a significant material consideration in the assessment of the proposal now submitted. As was considered the case previously, while the building is not of traditional rural character, it does display the characteristics of its former agricultural use. It is also a permanent structure and its conversion into 5 dwellings would have no impact on the character of the building.

Therefore, the proposal is acceptable in principle.

Impact on Flood Risk

Policy D1 (Flood Risk and Surface Water Management) of the Local Plan states that the vulnerability of the development must still be compatible with the flood zone, including application of the exceptions test and to ensure that the development will be safe over its lifetime.

The site is within Flood Zone 3a in an area with a high probability of flooding. However, in terms of vulnerability, the use as dwellings would be the same classification as a nursery (more vulnerable) and as such there would be no increase of risk/threat of flooding. A Flood Risk Assessment has been submitted.

With regard to the Sequential Test, the proposal involves the conversion of an existing building and therefore has a specific locational requirement and is considered to be passed. In terms of the Exceptions Test, the proposal includes a refuge at an upper level for each of the dwelling. This would be consistent with the previously approved plans although as now submitted these refuge areas would be larger in floor space (equating to the kitchen/dining areas) and it is considered that the flood mitigation measures are improved over that consented and certainly over the previous use

as a nursery.

It is considered that the Exceptions Test is passed and that the development is in accordance with Policy D1 of the Local Plan.

Impact on the Character of the Area

Policy D2 seeks to achieve high quality, sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area and be of a design solution that makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the buildings.

The existing building has no distinct rural character but is of an appearance that is not out of keeping with the locality and forms part of a site that has a selection of building with different styles and materials. The proposed changes to the building, including additional openings and a small extension, would have no adverse impact on the building and therefore it is not considered that the proposal would be detrimental to the street scene or wider area.

The proposal would accord with policy D2 of the Local Plan.

Impact on Highway Safety

Policy D14 of the Local Plan seeks to ensure provision is made for inclusive, safe and convenient access for all and that the nature and volume of expected traffic from development would not compromise highway safety and that development proposals must provide safe access to roads of adequate standard within the route hierarchy and ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated.

At this location the road is relatively straight and wide having passed over the M5 Bridge and the existing entrance is located approximately 160 meters from the Burnham Moor Lane junction with the A38. Notwithstanding the comments received from the Parish Council according to highway records there has been no recorded personal injury accidents recorded associated with the existing access.

It is considered that the traffic generated by the proposed development will not have a severe impact on the local highway network. The average dwelling generates 6 – 8 vehicle movements per day which means that this proposal would generate approximately 40 movements per day based on the higher figure. This is considerably less than the number of movements if the site was operating as a children's nursery.

The proposal seeks to utilise the existing access into the site from the highway which has been used for vehicles accessing the buildings as a children's nursery. The site plan indicates that this would be widened sufficiently to allow two vehicles to pass each other without conflict and lead to the proposed turning area. The proposal appears to provide a large enough space for parking and sufficient area for turning to allow vehicles to leave the site in a forward gear as well as not having to rely on the highway for parking. The access has served the nursery currently on site with no recorded accident history and, as it is likely that traffic movements would be reduced compared to the permitted use, this would result in an improvement to highway safety. The access provides sufficient visibility in both directions along what is a straight section of road and this would be retained.

It is not considered that the development would have any adverse impact on highway safety and proposal would accord with policy D14 of the Local Plan.

Impact on Residential Amenity

Policy D25 which states that 'Particular consideration will be given to the extent that the proposal would result in unacceptable noise and disturbance, over shadowing, overlooking and/or visual dominance.'

The buildings adjacent to the site comprises of holiday units and a permanent dwelling further to the west. The building is of sufficient distance from the neighbouring properties so as not to cause undue adverse impact to the amenities of the occupants of any of the neighbouring residential property.

While the Environmental Health team have recommended a noise mitigation condition be imposed with respect to potential impacts from traffic noise, it is considered that this would be unnecessary in this instance. While the dwellings would be adjacent to Burnham Moor Lane this is a moderately used highway of single width and in its own right unlikely to generate a significant impact on the amenity of future occupants. It should also be noted that such a condition was not imposed on the extant permission and therefore as the existing site and its situation remain as was previously assessed any such condition would be unreasonable.

The proposal would accord with policy D25 of the Local Plan.

Conclusion

The change of use and conversion of the building would have no adverse impact on highway safety, amenities of neighbouring residents, character of the area or flood risk.

RECOMMENDATION

GRANT PERMISSION

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 3 Before any of the dwellings hereby approved are occupied the parking and turning areas as shown on plan no.223/7 shall have been provided and constructed within the site. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety.

- 4 Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interest of highway safety.

- 5 The development hereby approved shall be constructed with an integral safe refuge area for each dwellings set at a minimum of 6.75m AOD and all flood resilience measures detailed in section 2.03 of the submitted Flood Risk Assessment dated July 2023. These measures shall be implemented prior to first occupation and thereafter retained and maintained for the lifetime of the development.

Reason: To reduce flood risk to the development and future users.

Schedule A

Location Plan Drg No. 100022432

Existing Floor Plan & Elevations Drg No. 22014/01

Block Plan & Proposed Floor & Elevations Plan Drg No. 223/7

DECISION
