

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

8th May 2024

**UPDATE REPORT AND OBSERVATIONS RECEIVED SINCE THE
PREPARATION OF THE MAIN AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
1	20/04965/ERES	Bath Quays North, Avon Street, Bath

Update:

1. Avon & Somerset Police Designing Out Crime Officer has recommended that the cycle parking for commercial space should be partitioned to max 75 bikes (each with separate secure entrance) and cycle storage in the public car park should have solid/opaque walls so bikes cannot be seen. They also request details of the CCTV strategy for the site and car park.

These matters would be covered by a planning condition requiring further details to be submitted for approval prior to installation.

2. In accordance with LPPU Policy NE3a a biodiversity net gain implementation, management and monitoring plan needs to be submitted for approval pre-commencement.

These matters would be covered by a planning condition.

3. Notwithstanding Natural England's agreement to a condition being imposed in respect of further lighting details, under the Habitat Regulations an appropriate assessment to consider the likely environmental effects on the Bath and Bradford on Avon SAC needs to be prepared by the Council as the competent authority and Natural England consulted on the conclusions prior to formal approval of the application.

The Recommendation is amended to 'Permit subject to the carrying out of an appropriate assessment and consultation with Natural England on the Habitat Regulations Assessment.'

Item No.

2 and 3

Application No.

23/04747/FUL and 23/04748/LBA

Address

Lower Shockerwick Farm Shockerwick Farm Lane Bathford

The following plans list apply to both applications:-

PLANS LIST:

845- FP- 001B, 003E, 006E, 008C, 100C, 101C, 102C, 103C,115, 211B, 212B, 213C, 214B, 220A, 300A, 401, 403,

845-A- 01B, 02A, 03A, 10A.

845-FH-L 301, 310, 311, 312, 314,401, 402, 403,

845-FH-P 103.01, 305, 801

845-FH-S 301, 311A, 312, 314

845 SO L 301

For clarification purposes in respect of the report for 23/04747/FUL

Where Policy RE3 and RE6 are discussed it is concluded that the requirements of these policies have been met.

On pages 61 and 68 the text should refer to S.66 for a full planning application.

FURTHER REPRESENTATIONS

The following letter has been received in support of these applications from the Children, Young People and Families Service Bath and North East Somerset Council.

We are very pleased to support the development of a new Jamie's Farm within our county. Having made extensive use of the Wiltshire farm for groups of young people facing disadvantage from Bath & NE Somerset – such as Children who are Looked After; Unaccompanied Asylum-Seeking Children and at-risk families, including families in legal proceedings or the child protection process – the prospect of another centre opening even closer to our community is really exciting. While as a local authority, we have worked with Jamie's Farm for memorable residential experiences for over a decade, it was during the pandemic that we particularly saw the value of having such a resource available for our young people, when everyone had to 'stay local.' Now the partnership has gone from strength to strength, with the addition of extra elements to our work together – including Wellbeing and Training days for teams of social workers and other local authority staff; weekend visits for young people during lambing and other seasonal moments on the farm and apprenticeships and other longer-term support.

We wholeheartedly support the development of the organisation and very much look forward to hearing whether this development opportunity comes to fruition.

FURTHER INFORMATION

Additional submissions from the applicant have been made. These are set out as a summary below with the full response available to read on line.

Applicant comments:-

Underpinning does not pose risk to the historic fabric if designed and installed correctly, so there should not be a presumption of harm.

There is no acknowledgement that the internal features so highly prized are being retained.

The soffit upgrades have been described in detail on the submitted drawings and the lath and plaster soffit upgrades will consist of a thin intumescent paint coating, therefore of no more impact than painting. Other soffits are modern.

We have explained in drawings/photographs that the current ceiling which is of variable height is not original, the original being higher; our Heritage Consultant has deemed that the existing ceiling/roof structure is of no historic significance, therefore this concern is unfounded.

A full explanation and detailed drawings have already been provided.

Aerogel to the mullions has been omitted.

We do not agree that the extension is out of scale with the main house, it constitutes less than 10% volume addition. The roof matches the existing wing so, when viewed from a distance, will blend in with the existing, the timber cladding of the walls represents a more environmentally appropriate wall finish than stone and will be a neutral colour ensuring it does not stand out. It is of an agricultural aesthetic entirely suitable for its rural environment. The windows are not subdivided on advice of our Heritage Consultant (but could be if necessary) however the large gable window is considered an important feature to give young people using this facility an expansive view of the beautiful countryside from the kitchen/dining room where they spend time together. This provides them with a valuable experience they may not have enjoyed before.

Conservation Officers response:-

We would not support the removal of the internal features. While the roof is modern and the chimney is truncated, the store has retained its sense as a separate entity because its single storey form and varied roof form, which helps illustrate its historic function.

It is unclear where the applicant has described soffit upgrades on the submitted drawings. 'Up grade soffit to REI 60' is not linked to a detailed drawing or note. Upgrading to the stairs, does show instrument paint and is accepted as is the painting of ceilings.

The current ceiling height is modern and there originally ceiling lining sat higher but vaulting to the roof will change the character and appearance of the space.

Further explanation of why other traditional approaches could not be achieved in order to justify the modern detailing and impact on the stonework has not been provided.

The omission of the aerogel is acceptable. Fineo window details have been provided and these are seen to be acceptable in principle.

It is inevitable alongside a significant structural intervention that there will be loss of historic integrity to these sensitive areas of survival as a result of the underpinning works commencing. In terms of the extending the kitchen range at first floor level, the key concern has been with the harm to legibility of the service range and outbuildings by oversailing Store 5 and smaller outbuildings and the impact on the hierarchy of historic development.

Supplementary Planning Officers assessment of Heritage.

All information submitted and relevant to the applications have been fully considered by officers. As discussed in the committee report in isolation many of the works are considered acceptable however, cumulatively they are seen to harm the historic character of the building. In addition the extension to the building due to its size and impact on the footprint of the farm house and outbuildings is considered unacceptable. The cumulative effect of the large extension and the alterations are such that the building may well no longer be considered to meet the special interest of the listed building. Notwithstanding the different views and additional submissions to the Conservation Officer it is concluded that the development would result in less than substantial harm at the upper end of the spectrum and this must be weighed against the public benefits of the proposal as set out below.

PUBLIC SECTOR EQUALITY DUTY

The applicant has identified within the submissions that the development provides for the needs of disadvantaged children and that is further highlighted and recognised in the support letter from Childrens Services.

S.11 of the Children Act 2004, (2004 Act) which gives effect to Article 3 of the UN Convention on the Rights of the Child. Subsection (1) of s.11 of the 2004 Act applies s.11 to local authorities in England. Section 11(2)(a) provides that each person and body to whom s.11 applies must make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the interests of children.

The failure to grant planning permission may have an adverse impact on the following protected characteristics, as the profile of uses is unknown.

Gender; Pregnancy and maternity; Transgender; Race ; Sexual orientation; Marriage & civil, partnership; Religion/belief

The proposed facility would benefit particularly disabled young people with mental impairments. The facilities do not in themselves allow access to all, given the nature and layout of the historic building. Two parking spaces for people with disabilities are provided to the front of the building.

The needs of children and groups with protected characteristics that may benefit in this case are acknowledged and taken into account in the planning assessment.

PLANNING BALANCE

Benefits: There are a number of key benefits associated with the proposal

1. Retention of the agricultural buildings in agricultural use, which would ordinarily not be economically viable. The optimum viable use of the agricultural buildings and the public benefit arise from the project's charitable work. The associated agricultural benefits connected to good agricultural husbandry.
2. Conservation and enhancement of Landscape
3. Ecological interests
4. Social benefits including benefits relating to groups with protected characteristics.

PLANNING OFFICER ASSESSMENT OF THE PLANNING BENEFITS

The retention of the agricultural buildings in agricultural use and the diversification of the farm use cumulatively are seen to result in a substantial benefit.

The re-instating of the farmyard to its original use with the instatement of 'regenerative farming practices' is also seen to have the potential to significantly benefit the holding and landscape (AONB) around the farm.

The works to the building and in particular the farmhouse which seek to prevent further damage through water ingress is seen to be a substantial benefit, but this is balanced against the nature of the works proposed which in isolation are acceptable given the condition of the building but, which cumulatively impact and erode the buildings historic character.

In terms of the benefits to ecology the proposals primarily retain the existing bat roost and so this benefit is seen to be modest in this respect as it proposes the retention of the existing situation with limited additional benefits. The 'regenerative farming practices' as indicated but not detailed have the potential to have a moderate benefit on ecology within the holding.

The public benefit arising from the charities work to provide support to young people who are at risk of academic or social exclusion is considered a significant benefit.

The social benefits of the proposed development as stated is significant.

Harms: the harm identified in this case is singularly that caused to Heritage assets as set out earlier in the report.

That harm in this case is at the upper end of less than substantial.

OTHER MATTERS

Attention is drawn to the fact that Natural England that have not approved the Habitats Regulation Assessment as the application is recommended for refusal that will not affect the decision and a verbal update will be provided.

PLANNING OFFICER CONCLUSION:

It is acknowledged that consideration of these two applications is finely balanced however, given the significant impact of the proposed extension, associated harm, potential loss of early historic fabric and changes required to facilitate the proposed change of use, the public benefit would be insufficient to outweigh the less than substantial harm identified. As such, the proposal would not comply with paragraph 208 of the NPPF.

RECOMMENDATION

In conclusion, the recommendations for both applications are as set out in the main report- REFUSAL.

Item No.	Application No.	Address
4	23/04190/REG03	Land To Rear Of Danes Court Dane's Lane Keynsham Bath And North East Somerset

Update:

The following paragraph has been missed from the CHARACTER, APPEARANCE AND HERITAGE section of the report:

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the setting of nearby listed buildings and would preserve the significance of the designated Heritage assets. The proposal accords with policy HE1 of the Placemaking Plan and part 16 of the NPPF.