

# Bath & North East Somerset Council

**MEETING:**            **Development Management Committee**

**MEETING DATE:**            **17th January 2018**

AGENDA  
ITEM  
NUMBER

**RESPONSIBLE OFFICER:**    Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)

**TITLE:**            **APPLICATIONS FOR PLANNING PERMISSION**

**WARDS:**    ALL

**BACKGROUND PAPERS:**

## AN OPEN PUBLIC ITEM

### BACKGROUND PAPERS

List of background papers relating to this report of the Group Manager, Development Management about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1]      Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2]      Department work sheets relating to each application/proposal as above.
- [3]      Responses on the application/proposals as above and any subsequent relevant correspondence from:
  - (i)      Sections and officers of the Council, including:
    - Building Control
    - Environmental Services
    - Transport Development
    - Planning Policy, Environment and Projects, Urban Design (Sustainability)
  - (ii)     The Environment Agency
  - (iii)    Wessex Water
  - (iv)    Bristol Water
  - (v)    Health and Safety Executive
  - (vi)    British Gas
  - (vii)   Historic Buildings and Monuments Commission for England (English Heritage)
  - (viii)   The Garden History Society
  - (ix)    Royal Fine Arts Commission
  - (x)    Department of Environment, Food and Rural Affairs
  - (xi)    Nature Conservancy Council
  - (xii)   Natural England
  - (xiii)   National and local amenity societies
  - (xiv)   Other interested organisations
  - (xv)    Neighbours, residents and other interested persons
  - (xvi)   Any other document or correspondence specifically identified with an application/proposal
- [4]      The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

#### **The following notes are for information only:-**

- [1]      "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

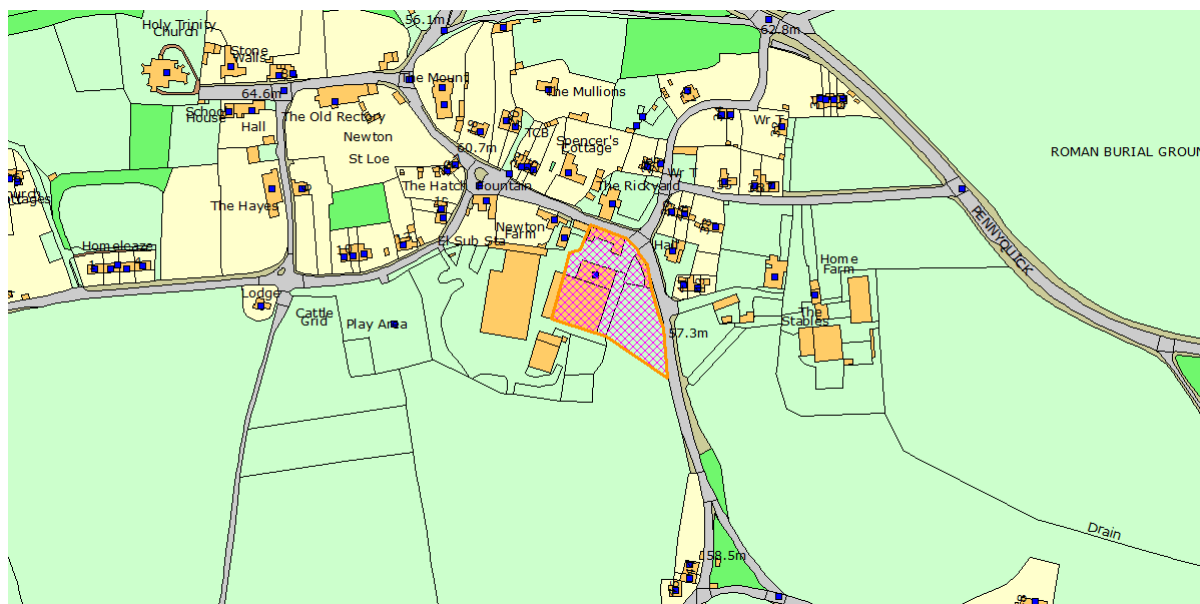
## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	17/04208/FUL 19 January 2018	Newton Farm Foods Farm Shop And Cafe, Newton Farm, Village Road, Newton St. Loe, Bath Extension to existing farm shop/cafe with new entrance, office and additional seating.	Bathavon West	Alice Barnes	PERMIT
02	17/05854/LBA 25 January 2018	Mr Hugh Gay Farm Shop And Cafe, Newton Farm, Village Road, Newton St. Loe, Bath Internal and external alterations for the extension to existing farm shop/cafe with new entrance, office and additional seating within the curtilage of a listed building.	Bathavon West	Alice Barnes	CONSENT
03	17/04512/RES 23 November 2017	Mr Mark Edwards Unregistered Farm Shop And Cafe, Castle Farm, Midford Road, Midford, Bath Approval of all reserved matters with regard to outline application 15/03325/OUT for the erection of an agricultural workers dwelling.	Bathavon South	Alice Barnes	PERMIT
04	17/04614/FUL 18 January 2018	Mrs Samantha O'Nians Middle Road Farm, Middle Road, Hinton Blewett, Bristol, Bath And North East Somerset Erection of a 4no. bed dwelling house	Mendip	Chloe Buckingham	REFUSE
05	17/05022/FUL 18 January 2018	Mr & Mrs Camm 10 Woodborough Hill Cottages, Woodborough Hill, Peasedown St. John, Bath, Bath And North East Somerset Erection of a two storey side extension (Resubmission)	Peasedown St John	Chloe Buckingham	REFUSE

06	17/04969/FUL 18 January 2018	Mr Hugh Norton Manor Farm, Caple Lane, Chew Stoke, Bristol, Bath And North East Somerset Change of use of agricultural land to domestic following the provision of a replacement hedge (retrospective) and the creation of a pond for natural water swimming. (Resubmission)	Chew Valley North	Chloe Buckingham	REFUSE
07	17/04882/FUL 19 January 2018	West Hill Land And Property Ltd Graden Farm Cottage, Wycotte Hill, Combe Hay, Bath, Bath And North East Somerset Demolition of existing cottage and erection of a replacement dwelling. (Resubmission)	Bathavon West	Rae Mephram	REFUSE
08	17/05333/FUL 27 December 2017	Mr Alan Brook 2 Princes Street, City Centre, Bath, Bath And North East Somerset, BA1 1HL Change of use from office (B1) to residential (C3)	Kingsmead	Hayden Foster	PERMIT

### **REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 01  
**Application No:** 17/04208/FUL  
**Site Location:** Farm Shop And Cafe Newton Farm Village Road Newton St. Loe  
Bath



**Ward:** Bathavon West      **Parish:** Newton St. Loe      **LB Grade:** N/A  
**Ward Members:** Councillor David Veale  
**Application Type:** Full Application

<b>Proposal:</b>	Extension to existing farm shop/cafe with new entrance, office and additional seating.
<b>Constraints:</b>	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Newton Farm Foods
<b>Expiry Date:</b>	19th January 2018
<b>Case Officer:</b>	Alice Barnes

## REPORT

Reason for reporting the application to committee

The parish council have objected to the application contrary to the case officer recommendation to permit.

The application has been referred to the chair of the development management committee who has agreed that the application should be considered by the committee.

Description of site and application

Newton Farm shop is located to the south of Newton St Loe village. The site is located outside of the Housing Development Boundary and within the Green Belt. The existing building was originally constructed as a farm building but has been converted to a farm shop and café. The café sits to the rear of the building and the associated parking area is sited to the east of the building. There is an outdoor seating area to the rear of the building.

This is an application for the provision of a rear extension to the existing café at the rear of the site. The proposed extension will enlarge the existing café providing seating for a further 36 covers. The proposed extension includes a flat roof and will utilise existing openings in the rear wall. The building is located within the curtilage of the nearby Newton Farm and therefore is considered to be curtilage listed. Listed building consent is being considered under application 17/05854/LBA.

Relevant History

13/01647/LBA - Internal and external alterations for the retention of, and extension to farmshop and cafe incorporating rest of existing barn, consent, 26th June 2016

13/03170/FUL - Retention of, and extension to farmshop and cafe incorporating rest of existing barn, permission, 16th June 2013

DC - 17/05854/LBA - PCO - - Internal and external alterations for the extension to existing farm shop/cafe with new entrance, office and additional seating within the curtilage of a listed building.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways:

The site is accessed via an internal one-way system where vehicles enter the site to the north-east corner and depart via the access at the south-east corner. This arrangement was approved under ref. 13/03170/FUL. While the use may intensify, it has been acknowledged that the nature and geometry of the adjacent public highway results in low driver speeds where a speed limit of 20 mph applies. Thus Highways DC are satisfied with the current access/egress arrangement.

It is noted that permission was granted to extend the farm shop and provide a café under ref. 13/03170/FUL. Although the application was permitted, Highways DC raised an objection on the grounds of intensification of traffic in the locality where the highway network is substandard. However, as the retail use had been operating for a sometime and there were no records of collisions in the vicinity, the application was considered acceptable on highway safety grounds.

It is noted that the application included the provision of 20 no. formal car parking spaces within the main carpark (as shown on drawing no. NSL.SBP.009) plus an additional 10 informal spaces. It is also noted that condition 5 of the approved application stated that 'The parking area identified on the submitted plans shall be provided with appropriate bay markings prior to the occupation of the cafe area and first floor accommodation hereby permitted and shall retained in perpetuity for parking associated with the retail/cafe use hereby permitted'. However, it has been specified in the TS that these spaces are not formally marked. It is therefore recommended that the 31 no. spaces proposed within the main car park be formally marked with each spaces being 2.4m x 4.8m in dimension in accordance with Manual for Streets.

Regarding the parking requirements, the recently adopted Placemaking Plan specifies that each case will be assessed on merit for A3 developments located outside Bath. In this instance, Highways DC recommends that additional parking be provided within the confines of the site. It has been specified in the TS that vehicles frequently park within the overflow area, which can accommodate up to 19 no. vehicles based on site observations, thus implying that the main car park reaches its capacity on a regular basis.

It has been observed that the access road and overflow parking have not been included within the site boundary on drawing no. SL-P17011-PR02. It has been specified that this is a shared access (with Duchy) and thus the applicant will be required to demonstrate a right to use the area adjacent to this access for parking. A revised layout plan will therefore be required prior to approval. In order to manage parking and circulation within the site, it is recommended that these spaces be also formally marked should the applicant obtain permission to do so.

Ecology: A protected species and bat survey specific to the current proposal has been submitted, and includes assessment of the bat mitigation for the previously approved scheme which comprised retention in situ of a lesser horseshoe bat roost.

The report confirms the roost is still in place and continues to be used as before by lesser horseshoe bats, which is very welcome news. The report also confirms that, subject to sensitive lighting design (avoiding any new lighting of the area around the roost entrance), the current proposal should not harm the known bat roost and an EPS licence will not be required.

Newton St Loe Parish Council: Object.

The extension will result in an increase in car traffic in the narrow roads of the village

The extension will result in an increase in on-street parking in roads already suffering at many times from excessive on-street parking

Both the increase in traffic and the increase in parking will result in the roads in the village being less safe for pedestrians (there are very few pavements in the village)

The extended opening hours, especially on Friday and Saturday, will result in a significant increase in noise pollution and late night traffic, especially when cars are leaving the premises on Friday and Saturday evenings

The extended opening hours are likely to result in an increase in light pollution (there is no street lighting in the village)

The extended opening hours may lead to an increase in anti-social behaviour in the village.

The Parish Council is concerned about the effect of the extension on the Green Belt

The Parish Council is concerned about the effect of the extension on the visual appearance of a listed building.

Representations:

24 representations have been received in support of the application for the following reasons

The business will be able to provide a better service to their customers.

There is a queue in the winter.

The shop offers local employment

This will allow for extra seating when the weather is poor

The café serves meat from the farm.

This is an important local business

The design is sympathetic to the local area.

Local farmers can diversify

The café can be used in winter and summer

The shop is a supporter of local suppliers and businesses

The seating will cater for people at weekends and busy periods

Indoor seating will deal with local demand

15 representations have been received objecting to the application for the following reasons:

The provision of one off events will lead to an increase in traffic to the village.

Students have started parking in the village.

The traffic report states that visitors use public transport but this has included Bath Spa University. The Bus to Bath Spa University does not go near the farm shop.

The nearest bus stop does not have pavement access.

There will be a significant increase in traffic to the village.

Uncontrolled parking presents a hazard within the village.

The village is small with narrow roads.

Delivery vehicles have increased.

Visitors to the shop will park in the residents places and residents cannot park

The current parking area will become overwhelmed by the proposed development leading to customers parking in the village.

The junction between Pennyquick and the village is not safe.

The proposed opening hours are excessive  
 This will result in a change of use of agricultural land.  
 This is inappropriate development in the green belt and harmful to the openness of the Green Belt.  
 This is unsustainable development increasing reliance on the private car.  
 There are no pavements on the approach to the site and no street lighting  
 The original permission did not represent farm diversification  
 Outside seating has been added since the café opened.  
 The majority of visitors are from outside the village and arrive by car.  
 If the extension is built the outdoor seating area will still operate.  
 Cars have been removed to allow lorries through the village.  
 Pedestrian space has been diminished by on street parking.  
 The farm shop access is on a blind bend.  
 The applicant has stated there will be no increase in parking but the car park is already at capacity  
 The previous applicant required the provision of bay markings but this has not been provided.  
 Business growth in the village has already doubled.  
 There have been evening events beyond the permitted opening hours. This results in unwanted noise within the village.  
 There is light pollution from evening events.  
 The café may be used for a wake as it is close to Haycombe cemetery  
 The application form states there will be four new staff but the design and access statement states six new staff.  
 The overflow car park is not within the farm shop footprint  
 The application states that the café could be used for community events but there is already a village hall.  
 The red line includes part of an agricultural barn  
 The site has a near permanent marquee over the outdoor seating area.  
 Landscaping should be added to the proposal

## **POLICIES/LEGISLATION**

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality

## CP8 - Green Belt

### Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- D.2 - Local character and distinctiveness
- D.3 - Urban Fabric
- D.5 - Building design
- D.6 - Amenity
- ST.7 - Transport requirements for managing development
- HE.1 - Historic Environment
- NE2 - Conserving and Enhancing the Landscape and Landscape Character
- NE3 - Sites, species and habitats
- CR4 - Dispersed local shops
- GB1 - Visual amenities within the green belt
- GB2 - Development in Green Belt villages
- GB3 - Extensions and alteration to buildings in the green belt
- RE3 - Farm diversification

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to '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.'

### **OFFICER ASSESSMENT**

This is an application for the provision of a rear extension to the existing café at the rear of the site. The existing farmshop is located on the southern side of the village but can be said to occupy a central position within the village. The building comprises a single storey building with a shop to the front and café to the rear. The site also includes a car park and outdoor seating area.

### Planning History

In 2013 permission was granted for the provision of a farm shop and café. The car park provided 20 spaces. Condition 9 required the permission to operate in accordance with the submitted plans but the café has implemented an outdoor seating area outside of the red line.

When permission was granted for the shop and café the business was considered to go beyond what could be considered to be farm diversification and was considered as a dispersed local shop.

An agricultural building to the rear of the café was demolished but this was sited outside of the red line. This area now provides the outdoor seating area but did not form part of the original application.



The main issues to be considered here are:

Principle of development in the Green Belt

Impact on the openness of the Green Belt

Design

Highways

Amenity

Ecology

#### Principle of development in the Green Belt

The proposed extension will extend to the rear of the property into land to the rear of the site where the land is currently used as an outdoor seating area. This land was outside of the red line of the original café permission so is regarded as being within agricultural use. Therefore to extend into this area could be considered to be a change of use of the land. Paragraph 90 of the NPPF outlines forms of development which are not inappropriate development in the Green Belt. The change of use of land within the Green Belt is not included within the list in paragraph 90 and therefore the change of use of the land is considered to be inappropriate development in the Green Belt.

The original permission for the farm shop and café were not considered to be farm diversification as the proportion of farm products sold in the shop were not considered to be ancillary to the farm use. Since permission was granted the applicant has increased the amount of farm products sold in the shop and café.

Policy RE.3 outlines the councils policy on farm diversification. The policy states as follows;

Proposals for farm diversification involving the use of agricultural land or buildings will be permitted providing:

- i) they are consistent with Policy RE5 (protection of high grade agricultural land)
- ii) they complement the agricultural function of the holding
- iii) they do not compromise the agricultural function of the holding or lead to the fragmentation or severance of a farm holding
- iv) the activity will not lead to an unacceptable impact on the viability of nearby town or village centres
- v) in the case of a farm shop, the operation would not prejudice the availability of accessible convenience shopping to the local community
- vi) they do not compromise key ecological function or key habitat integrity
- vii) existing buildings are re-used in accordance with Policy RE6

In this case the proposed development must complement the existing agricultural function. The existing shop includes a butchery selling meat from the farm and the café includes food which uses produce from the farm. The applicant has advised the 50% of sales now relate to produce from the farm.

With half the produce coming from the farm this is considered to demonstrate that the existing café and shop are currently operating as part of the farm. It is further acknowledged that the original permission was granted to the applicant as a personal

permission and therefore should the applicant vacate the site then permission will cease to exist.

Therefore in this case the proposed café extension is regarded as being part of the overall farm business and to extend the café outside of the original red line into land classed as agricultural would not constitute a change of use of the land and therefore is not in conflict with paragraph 90 of the NPPF.

#### Impact on the openness of the Green Belt

Paragraph 89 of the NPPF states that the construction of new buildings within the Green Belt is considered to be inappropriate development. Exceptions to this can include the limited extension to a building. This is reflected in policy GB.3 of the placemaking plan which states that extensions will only be permitted where they would not represent a disproportionate addition to the host building.

In this case the proposed extension will increase the volume of the building by 30% of its original volume. An increase of volume of this size is considered to be a limited extension to the building and is not considered to be a disproportionate increase to the host building.

However the impact of the development cannot be considered on the volume increase alone. The proposed extension is a lower height than the host building and appears subservient. It will not appear to be visually prominent within the wider landscape.

The proposed extension will result in an increased in indoor covers from 45 to 81. Subsequently the number of parking spaces will be increased allowing for a total of fifty parking spaces. The applicant has submitted a revised drawing which contains the parking area within the existing hard standing. Car parking will not spread outside the confines of the existing site into the open countryside.

Policy GB.1 of the placemaking plan states that

Development within or conspicuous from the Green Belt should not prejudice but seek to enhance the visual amenities of the Green Belt by reason of its siting, design or materials used for its construction.

Whilst the proposed development will likely increase the level of activity at the site, it will be contained within the existing built up area and will not encroach into the open countryside. The development will be viewed as part of the existing buildings and therefore is not considered to be harmful to the openness of the surrounding Green Belt.

Paragraph 80 of the NPPF outlines the five purposes of including land within the Green Belt which are as follows;

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

As stated above the proposed development will be contained within the curtilage of the site and will not encroach into the open countryside. The development is not considered to result in harm to the openness of the surrounding green belt and is not considered to conflict with the five purposes of including land within the green belt listed above.

## Design

The building which is subject of this application is within the curtilage of the Grade II listed building of Newton Farm and therefore is also protected by this listing. The design of the scheme has been reduced following initial concerns within the corresponding planning application.

The proposed extension has been designed to reflect the character of the existing building. It will include a pitched roof with a gable end. The proposed extension would be located within the rear courtyard adjacent to a number of farm buildings and will respect the appearance of the host building. The building has been set at a lower level to the host building so appears subservient to the host building.

The proposed extension will be timber clad. Whilst the existing building has been constructed from stone the provision of timber cladding will be on the rear elevation and will not appear as the dominant material on the host building. The use of timber and metal sheeting for the roof is acceptable and would be in keeping with the character of this rural area.

The main extension has been separated from the historic barn by a flat sedum roof link. The use of a sedum roof is supported; however, it is recommended that a maintenance schedule be submitted. The applicants have indicated a box profile roofing sheet for the pitched roof. Whilst a metal sheet roofing material is not objected to; concern is raised over the provision of a box profile. A corrugated profile should be used instead which is a more traditional roof finish for barns. However this detail could be agreed with by condition through the submission of material samples.

The existing building is located close to Newton Farm House which is Grade II listed. The proposed building will be viewed as part of the existing barn within the rear courtyard. It will not be viewed within the context of the Grade II listed building and will not impact on the setting of the Grade II listed building.

The proposed extension will utilise the existing openings within the building so will not damage the rear wall of the existing building. There are no proposals to alter the planform of the barn.

The extension will be a prominent addition; however, given the sensitive design of the proposal, the proposal will not cause harm to the setting of the surrounding heritage assets.

The application is being considered in conjunction with application reference 17/05854/LBA which is applying for listed building consent for the proposed works. Conditions requiring details of the proposed materials and green roof are added to the application for listed building consent.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a listed building or its setting. Here it is considered that the proposed extension and associated works will not harm the setting of the curtilage listed building.

The submitted objections have made reference to a marquee being erected within the rear courtyard and requesting that permitted development rights are removed for the provision of free standing structures within the rear courtyard. The provision of any further structure within the rear courtyard would require an application for planning permission and therefore it is not considered to be reasonable to add such a condition.

## Highways

The site is not accessible by public transport and therefore the majority of visitors to the site would likely arrive by car. The proposed development has the potential to increase traffic to and from the site within an unsustainable location.

The existing permission allowed for the provision of 20 parking spaces. The proposed development will provide parking for 50 cars.

The applicant has submitted a transport statement in support of the application. The applicant has stated that the site is well served by public transport. However forms of public transport outlined within the transport statement are not located within the village and would require any bus users to walk into the village from either a busy main road or Bath Spa University. Therefore it is not accepted that the site is well served by public transport and users of the farm shop will likely access the site by private car.

The highways officer has advised that the site is accessed via an internal one-way system where vehicles enter the site to the north-east corner and depart via the access at the south-east corner. While the use may intensify, it has been acknowledged that the nature and geometry of the adjacent public highway results in low driver speeds where a speed limit of 20 mph applies.

The permitted parking area has not been formally marked and all parking spaces must be formally marked within the site if this application is permitted. The application originally proposed parking within the road exiting the site and this has been revised to contain the parking within the existing hardstanding area.

A number of objections have stated that the proposed development will result in increased parking within the village. The highways officer has advised that the proposed development will provide adequate parking within the site and therefore the proposed café is not considered to result in additional pressure to the surrounding residential streets.

Policy ST.7 of the placemaking plan states that development will be permitted where there is no introduction of traffic of excessive volume, size or weight onto an unsuitable road system or into an environmentally sensitive area. The applicant has provided on site parking to accommodate the increase in covers within the café. The highways officer has not raised an objection to the application and the proposed development is not in conflict with policy ST.7 of the Placemaking Plan.

## Amenity

The applicant is proposing to extend the opening hours from the existing permission. The original permission allowed for the opening times of 07:00 to 17:30 Monday to Saturday and 07:00 to 16:00 Sunday. The revised opening times are proposed to be 07:00 to 18:00 Sunday to Wednesday and 07:00 to 22:00 Thursday to Saturday. The existing shop and café is located on the opposite side of the road to Newton St Loe Village Hall. The hall operates a club which opens until 23:00 on Fridays and Saturdays. Therefore the later opening of the café from Thursday to Saturday is considered to be acceptable given that there is already a late night use close to the site and the café does not sit adjacent to any residential properties.

## Ecology

A protected species and bat survey specific to the current proposal has been submitted, and includes an assessment of the bat mitigation for the previously approved scheme which comprised retention in situ of a lesser horseshoe bat roost.

The report confirms the roost is still in place and continues to be used as before by lesser horseshoe bats, which is very welcome news. The report also confirms that, subject to sensitive lighting design (avoiding any new lighting of the area around the roost entrance), the current proposal should not harm the known bat roost and an EPS licence will not be required.

## Conclusion

The proposed expansion of the existing café is considered to be farm diversification and will not harm the openness of the surrounding green belt.

The proposed rear extension will not harm the setting of the nearby Grade II listed building and is not considered to result in harm to highway safety.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission

### **2 External Lighting (Bespoke Trigger)**

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights; details of predicted lux levels

and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

### **3 Hours of Use (Compliance)**

The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 07:00 to 18:00 Sunday to Wednesday and 07:00 to 22:00 Thursday to Saturday.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

### **4 Parking (Compliance)**

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. Parking is only permitted within marked bays.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

### **5 Parking Area (Bespoke Trigger)**

No construction above slab level shall commence until plans showing a parking area (providing for 50 vehicles), including full details of the surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. No occupation shall commence until this area has been constructed in accordance with the approved details and shall not thereafter be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

### **6 Hard and Soft Landscaping (Pre-occupation)**

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained, a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

## **7 Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

## **8 Plans List (Compliance)**

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

### **PLANS LIST:**

Existing site plan SL-P17011-EX02  
Existing plan SL-P17011-EX10  
Existing roof plan SL-P17011-EX11  
Existing north elevation SL-P17011-EX30 P01  
Existing east elevation SL-P17011-EX31 P01  
Existing south elevation SL-P17011-EX32 P01  
Existing west elevation SL-P17011-EX33 P01  
Proposed plan SL-P17011-PR10 P02  
Proposed roof plan SL-P17011-PR11 P02  
Proposed east elevation SL-P17011-PR31 P03  
Proposed south elevation SL-P17011-PR32 P03  
Proposed west elevation SL-P17011-PR33 P03  
Proposed north elevation SL-P17011-PR30 P01  
Proposed site plan SL-P17011-PR02 P03  
Alternative parking layout SL-P17011\_SK171101\_B P01

## **Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.





Newton Farm shop is located to the south of Newton St Loe village. The site is located outside of the Housing Development Boundary and within the Green Belt. The existing building was originally constructed as a farm building but has been converted to a farm shop and café. The café sits to the rear of the building and the associated parking area is sited to the east of the building. There is an outdoor seating area to the rear of building.

This is an application for the provision of a rear extension to the existing café at the rear of the site. The proposed extension will enlarge the existing café providing seating for a further 36 covers. The proposed extension includes a flat roof and will utilise existing openings in the rear wall. The barn which is subject of this application is within the curtilage of the Grade II listed building of Newton Farm and therefore is also protected by this listing.

#### Relevant History

13/01647/LBA - Internal and external alterations for the retention of, and extension to farmshop and cafe incorporating rest of existing barn, consent, 26th June 2016

13/03170/FUL - Retention of, and extension to farmshop and cafe incorporating rest of existing barn, permission, 16th June 2013

DC - 17/04208/FUL - PDE - - Extension to existing farm shop/cafe with new entrance, office and additional seating.

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Conservation Officer: The barn which is subject of this application is within the curtilage of a listed building and therefore is also protected by this listing. The design of the scheme has been reduced following initial concerns within the corresponding planning application.

The revised design is considered acceptable. The main extension has been separated from the historic barn by a flat sedum roof link. The building is to be clad with timber, stained black. The use of timber and metal sheeting for the roof is acceptable and would be in keeping with the character of this rural area. The use of a sedum roof is supported; however, it is recommended that a maintenance schedule be submitted. The applicants have indicated a box profile roofing sheet for the pitched roof. Whilst a metal sheet roofing material is not objected to; I have concerns with the proposal to use a box profile. A corrugated profile should be used instead which is a more traditional roof finish for barns. However, I consider this detail could be agreed with by condition.

The extension will be a prominent addition; however, given the sensitive design of the proposal, I do not consider that the proposal will cause harm to the setting of the surrounding heritage assets.

The floor plans demonstrate that there are no new openings in the wall of the listed building and there are no internal alterations to planform of the barn.

Representations: Four representations have been received objecting to the application for the following reasons:

Objections are raised on the same grounds as the planning application

The extended opening hours are not appropriate

Cars should not exit from the vehicle entrance

The building is curtilage listed

## **POLICIES/LEGISLATION**

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to 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.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the National Planning Practice Guidance (NPPG).

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality

CP8 - Green Belt

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D.2 - Local character and distinctiveness

D.3 - Urban Fabric

D.5 - Building design

D.6 - Amenity

ST.7 - Transport requirements for managing development

HE.1 - Historic Environment

NE2 - Conserving and Enhancing the Landscape and Landscape Character

NE3 - Sites, species and habitats

CR4 - Dispersed local shops

GB1 - Visual amenities within the green belt

GB2 - Development in Green Belt villages

GB3 - Extensions and alteration to buildings in the green belt

RE3 - Farm diversification

## **OFFICER ASSESSMENT**

This is an application for the provision of a rear extension to the existing café at the rear of the site. The existing farmshop is located on the southern side of the village but can be said to occupy a central position within the village. The building comprises a single storey building with a shop to the front and café to the rear. It is a converted barn.

The building which is subject of this application is within the curtilage of the Grade II listed building of Newton Farm and therefore is also protected by this listing. The design of the scheme has been reduced following initial concerns within the corresponding planning application.

The proposed extension has been designed to reflect the character of the existing building. It will include a pitched roof with a gable end. The proposed extension would be located within the rear courtyard adjacent to a number of farm buildings and will respect the appearance of the host building. The building has been set at a lower level to the host building so appears subservient to the host building.

The proposed extension will be timber clad. Whilst the existing building has been constructed from stone the provision of timber cladding will be on the rear elevation and will not appear as the dominant material on the host building. The use of timber and metal sheeting for the roof is acceptable and would be in keeping with the character of this rural area.

The main extension has been separated from the historic barn by a flat sedum roof link. The use of a sedum roof is supported; however, it is recommended that a maintenance schedule be submitted. The applicants have indicated a box profile roofing sheet for the pitched roof. Whilst a metal sheet roofing material is not objected to; concern is raised over the provision of a box profile. A corrugated profile should be used instead which is a more traditional roof finish for barns. However this detail could be agreed with by condition through the submission of material samples.

The existing building is located close to Newton Farm House which is Grade II listed. The proposed building will be viewed as part of the existing barn within the rear courtyard. It will not be viewed within the context of the Grade II listed building and will not impact on the setting of the Grade II listed building.

The proposed extension will utilise the existing openings within the building so will not damage the rear wall of the existing building. There are no proposals to alter the planform of the barn.

The extension will be a prominent addition; however, given the sensitive design of the proposal, the proposal will not cause harm to the setting of the surrounding heritage assets.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a listed building or its setting. Here it is considered that the proposed extension and associated works will not harm the setting of the curtilage listed building.

#### Other matters

The content of the submitted objections have included objections to the planning merits of the case which are not considered under an application for listed building consent. The planning merits of the case are considered under application 17/04208/FUL.

#### Conclusion

The proposed rear extension will not harm the setting of the nearby Grade II listed building. The proposed works will not damage the fabric of the existing structure and will respect and complement the host building. There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to 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 be an acceptable alteration/addition to the listed building that would preserve the significance of the designated Heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

### **RECOMMENDATION**

#### **CONSENT**

#### **CONDITIONS**

##### **1 Time Limit - Listed Building Consent (Compliance)**

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

##### **2 Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

### **3 Green Roof Details (Bespoke Trigger)**

Prior to the construction of the roof of the approved development a detailed specification of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include section drawings of the roof, a planting schedule, a timetable for implementation and a maintenance schedule. The green roof shall be implemented in accordance with the approved details prior to the occupation of the development or in accordance with the approved timetable for implementation.

Reason: To ensure the successful implementation of the green roof in the interests of preserving the character and appearance of the area in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

### **4 Plans List (Compliance)**

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

#### **PLANS LIST:**

Existing site plan SL-P17011-EX02  
Existing plan SL-P17011-EX10  
Existing roof plan SL-P17011-EX11  
Existing north elevation SL-P17011-EX30 P01  
Existing east elevation SL-P17011-EX31 P01  
Existing south elevation SL-P17011-EX32 P01  
Existing west elevation SL-P17011-EX33 P01  
Proposed plan SL-P17011-PR10 P02  
Proposed roof plan SL-P17011-PR11 P02  
Proposed east elevation SL-P17011-PR31 P03  
Proposed south elevation SL-P17011-PR32 P03  
Proposed west elevation SL-P17011-PR33 P03  
Proposed north elevation SL-P17011-PR30 P01  
Proposed site plan SL-P17011-PR02 P03  
Alternative parking layout SL-P17011\_SK171101\_B P01

#### **Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development.

The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

**Item No:** 03  
**Application No:** 17/04512/RES  
**Site Location:** Unregistered Farm Shop And Cafe Castle Farm Midford Road  
Midford Bath



**Ward:** Bathavon South      **Parish:** South Stoke      **LB Grade:** N/A

**Ward Members:** Councillor Neil Butters

**Application Type:** PI Permission (Approval Reserved Matters)

**Proposal:** Approval of all reserved matters with regard to outline application 15/03325/OUT for the erection of an agricultural workers dwelling.

**Constraints:** Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,

**Applicant:** Mr Mark Edwards

**Expiry Date:** 23rd November 2017

**Case Officer:** Alice Barnes

## REPORT

Reason for reporting application to committee

The parish council have objected to the application contrary to the case officers recommendation to permit.

The application has been referred to the chair of the committee who has agreed that the application should be considered by the committee.

Description of site and application



Castle Farm Barn is located to the south of Bath within the open countryside. The existing site is located within the Green Belt and Area of Outstanding Natural Beauty. The application site is located within the open countryside and occupies a hillside position within the existing valley. The site is accessed from a vehicle entrance on Midford Road to the south of the site. A public footpath runs to the north of the site within the valley.

Outline consent with all matters reserved has been granted for the construction of an agricultural workers dwelling on site. This is an application for the reserved matters. The applicant is applying for access, appearance, landscaping, layout and scale.

#### Relevant History

DC - 12/00707/FUL - RF - 9 May 2012 - Erection of a temporary agricultural dwelling and an extension to cattle shed, allowed at appeal

DC - 15/03325/OUT - APP - 17 December 2015 - Erect of an agricultural workers dwelling (Outline application with all matters reserved).

DC - 16/01425/AGRN - AN - 14 April 2016 - Erection of produce drying shelter

DC - 16/01584/RES - RF - 9 November 2016 - Approval of reserved matters with regard to outline application 15/03325/OUT, for the approval of access, appearance, landscaping, layout and scale of proposed agricultural workers dwelling.

DC - 16/01609/FUL - PERMIT - 25 August 2016 - Change of use of agricultural barns to a flexible commercial use comprising farm shop and cafe.

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

##### Ecology:

The plans are in accordance with the previously approved wildlife mitigation and habitat provision proposals (reference condition 8 and details approved under application ref 16/02452/COND). Provided the scheme continues to be compatible with the previously approved wildlife mitigation and is implemented in accordance with the recommendations in section 5 of the approved Habitat Survey report (Western Ecology, April 2016), and the lighting details also submitted for that condition, I have no objection on ecological grounds.

##### Highways:

The site is accessed via the B3110 (Midford Road) which has a 50 mph speed limit at the location of the site. While concerns were raised with regard to the standard of the access, these were addressed during the previous application for a temporary agricultural workers dwelling (Ref. 12/00707/FUL, appeal ref.

APP/F0114/A/12/2181874 and Ref. 13/02070/COND) and outline application (Ref. 15/03325/OUT). Highways DC are therefore satisfied with the existing access where the visibility splays are now considered adequate. It is also acknowledged that the access has been in use for some time without incident and for over a year since the launch of the farm shop and café. It was also acknowledged that there will be no significant increase in

vehicular movements as the proposed permanent dwelling will replace the existing temporary dwelling.

The level of parking proposed (i.e. 3 no. spaces) is considered more than adequate as this will comply with the minimum parking standards outlined in policy ST7 of the recently adopted Placemaking Plan. There will also be ample space available for turning to enable vehicles to depart the site safely in a forward gear.

#### Landscape:

When judged against our standard landscape condition the submitted information would be insufficient to warrant its discharge. I therefore consider that it is reasonable to object to the discharge of condition 2 of the Notification of Decision for Application No: 15/03325/OUT because it is evident that information it is reasonable to expect with regard to the approval of a landscape scheme has not been submitted.

#### Arboriculture:

Condition 9 of the decision relating to 15/03325/OUT relating to the submission of an Arboricultural Method Statement and Tree Protection Plan was discharged under 16/02452/COND.

However, the arboricultural information provided was based on the outline application (all matters reserved ) and did not include all information now presented eg creation of a new 4m wide path. The Tree Protection Plan is based on an aerial view with indicative footprint only.

The Provisional Method Statement and Tree Protection Plan approved under application 16/02452/COND should be reviewed and updated to accommodate the details provided within the reserved matters application and locations of soakaways

#### South Stoke Parish Council:

The Parish Council objects to this proposal as it appears disproportionately large, in respect of size, massing and especially height when viewed in the context of the current temporary agricultural workers dwelling. The proposed scale and height of this proposed dwelling is inappropriate for this location, as it will be clearly visible from a well used right of way, and is located within the Cotswold Area of Outstanding Natural Beauty and within the Green Belt. Indeed something along the lines of a Chalet Bungalow would be far more appropriate. Furthermore, this lack of consideration of detailed design within these plans, with no discussion of materials, styling, landscaping and arboriculture, render this proposal entirely deficient for approval in what is a very sensitive location. Finally, we wish to make the point that were these, or any other alternative proposals to be permitted, then it would be essential that all permitted development rights should be removed. This would be to ensure that further developments such as loft conversions or ground floor office extensions would require planning approval, as any such further increases/ developments must necessarily be regarded as unacceptable.

Representations: One representations has been received objecting to the application for the following reasons:

Bath Preservation Trust -

The height of the building is excessive and will intrude visually on the AONB and Green Belt.

The building should be lower and contextual imagery provided.

A full schedule of materials should be submitted.

The building should be faced with Bath stone.

## **POLICIES/LEGISLATION**

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality

CP8 - Green Belt

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D.2 - Local character and distinctiveness

D.3 - Urban Fabric

D.5 - Building design

D.6 - Amenity

ST.7 - Transport requirements for managing development

RE.4 - Essential dwellings for rural workers

NE.2 - Conserving and enhancing the landscape and landscape character

NE.6- Trees and woodland conservation

GB.1 - Visual amenities of the Green Belt

## **OFFICER ASSESSMENT**

Outline consent with all matters reserved has been granted for the construction of an agricultural workers dwelling on site. This is an application for the reserved matters. The applicant is applying for the following:

Scale  
Appearance  
Layout  
Access  
Landscaping

#### Scale

The proposed dwelling will have a total floor space of 180 sqm. A previous application was refused under reference 16/01584/RES as the proposed floor space of 280sqm was not considered to be commensurate with the size of the agricultural operation. Typically there is acceptance that an agricultural workers dwelling in the 150-160 m<sup>2</sup> range is appropriate. The proposed dwelling would be slightly above that typical range. The reduced floor space proposed under this application will allow for a three bedroom dwelling with a farm office. This is considered to be appropriate for the scale of the existing agricultural operation and the scale of the proposed dwelling is consequently accepted. However it is agreed that any further additions may exceed what might be reasonably necessary as an agricultural workers dwelling and conditions to restrict permitted development rights are considered reasonable to apply.

#### Appearance, and layout

The proposed dwelling includes a pitched roof and is designed as a two storey property of a traditional appearance. It is proposed to be constructed using a mix of stone and render. The proposed building is of a traditional appearance and would not be out of character with the surrounding area.

The applicant is proposing to construct the building using Bath Stone Ashlar on the front elevation and render on the rear and side elevations. The front elevation will be the most visible from within the streetscene and the use of traditional materials on the front elevation is welcomed. The proposed render would be a cream finish which will complement the colour of Bath Stone. The rear elevation will more likely be viewed at a distance and therefore in this case render is considered to be acceptable.

As discussed during the granting of the outline approval despite occupying a hillside position the site is not easily visible from the surrounding footpaths which provide public view points within Horsecombe Vale. The dwelling would be sited adjacent to an existing farm building and would be viewed in this context. The building would not be easily visible from footpaths when walking around the wider valley. Therefore if the dwelling could be seen from longer range views, it would be seen in the wider context adjacent to the existing barn.

#### Access

The highways officer has raised no objection to the application. The applicant has provided on site parking for the proposed dwelling which is in accordance with policy ST.7 of the placemaking plan. Vehicles will be able to enter and leave in forward gear and the proposed development will not result in harm to highway safety.

#### Landscape and trees

The applicant has submitted a landscape plan which indicates where the planting will take place around the proposed dwelling. The landscape officer has advised that further details are required such as a programme of implementation and planting specification. The landscape officer has also required details of the proposed fencing. The site is surrounded by mature hedgerows which will be retained. Such details can be required and secured by the provision of a landscape condition.

The arboricultural officer has raised concern that the submitted application could compromise the previously agreed arboricultural method statement and tree protection plan. These documents can be updated to reflect the proposed reserved matters application to include features such as the footpath and parking area. The arboricultural officer has advised that a condition should be attached requiring the submission of an updated arboricultural method statement and tree protection plan prior to the commencement of the development.

## Ecology

The ecologist has raised no objection to the application conditions have been attached to the outline permission requiring the development to be constructed in accordance with a wildlife mitigation and enhancement scheme.

## RECOMMENDATION

PERMIT

## CONDITIONS

### 1 Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained, a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

### 2 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **3 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**

No development shall take place until a revised arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees and vegetation to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation, during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the creation of the new footpath to the north, position of service runs and soakaways, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

### **4 Arboricultural Method Statement and Tree Protection Plan (Compliance)**

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwelling.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

### **5 Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

### **6 Removal of Permitted Development Rights - No Windows (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the roof at any time unless a further planning permission has been granted.

Reason: Any further extensions require detailed consideration by the Local Planning Authority because the permitted dwelling is located within the green belt

### **7 Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority because .

### **8 Plans List (Compliance)**

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

#### **PLANS LIST:**

Location plan

Landscape and block plan, received 19th September

Proposed ground floor plan

Proposed first floor plan, received 21st November

Proposed side east elevation

Proposed rear/north elevation

Proposed front/south elevation

Proposed side/west elevation, received 23rd November

Levels plans

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

#### **Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

**Compliance** - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

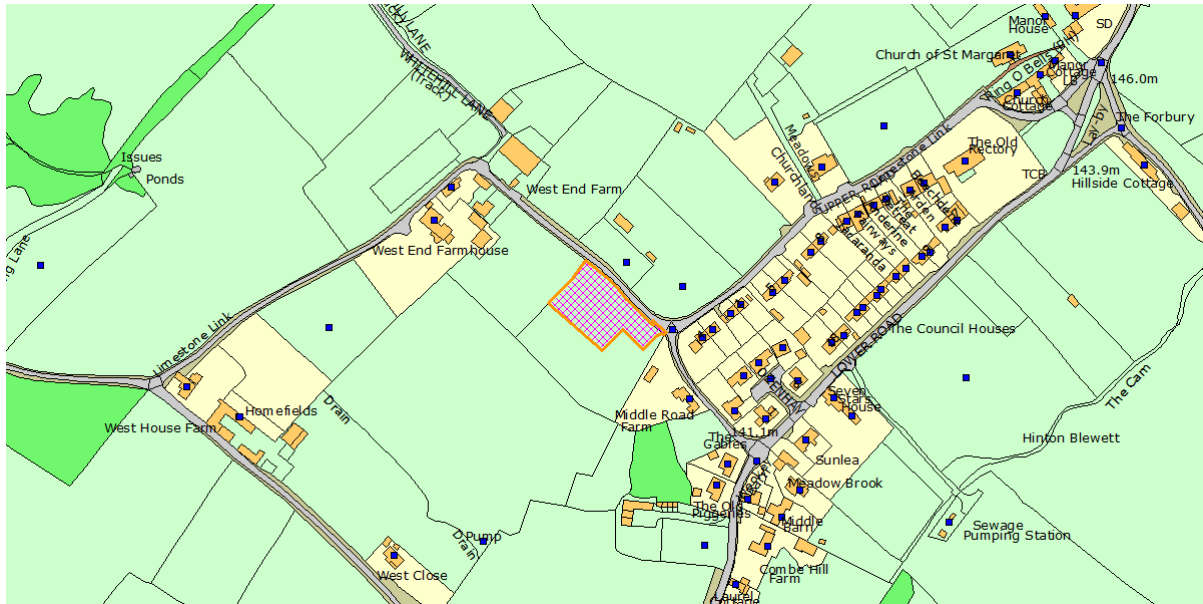
Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)



**Item No:** 04  
**Application No:** 17/04614/FUL  
**Site Location:** Middle Road Farm Middle Road Hinton Blewett Bristol Bath And North East Somerset



<b>Ward:</b> Mendip	<b>Parish:</b> Hinton Blewett	<b>LB Grade:</b> II
<b>Ward Members:</b>	Councillor T Warren	
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a 4no. bed dwelling house	
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
<b>Applicant:</b>	Mrs Samantha O'Nians	
<b>Expiry Date:</b>	18th January 2018	
<b>Case Officer:</b>	Chloe Buckingham	

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

Hinton Blewett Parish Council and Cllr Tim Warren have supported the application and the chair of committee has agreed to take the application to committee for the following reason:

I have studied this application and note the PC support & Ward Cllr DMC request, consultees & third party comments vary, some support while some object.

The Officer has assessed the application against planning policy but having read all the associated documents I feel there are issues which would benefit from being debated by

the DMC including the importance of sustainability in the area & weight given to self-build and employment in the rural areas adjacent to a Housing Development Boundary.

#### DESCRIPTION OF SITE AND APPLICATION:

The application relates to a parcel of land located outside of a defined settlement boundary in Hinton Blewett. The site is near to Middle Road Farm which is a grade II listed building.

The proposal is for the erection of a 4-bed dwellinghouse.

#### Relevant Planning History:

There is no relevant planning history for this parcel of land to the side of Middle Road Farm.

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Cllr Tim Warren: support the comments expressed by the Parish Council and recommend the application is called in if the Council are minded to refuse the application.

Hinton Blewett Parish Council: Supports the application for the following reasons;

With any application for development in Hinton Blewett it is important that it complies with the relevant policies in both the Chew Valley Neighbourhood Plan and the Placemaking Plan, specifically the principles referred to in the Hinton Blewett PMP Character Assessment.

With regard to development generally, Hinton Blewett is considered to be unsustainable in that it is accessed by single track roads, has no facilities other than a pub and no daily public transport. It is necessary to travel to access services. It is important that these limitations, all detailed in the PMP Character Assessment, are taken into account, particularly in respect of this application which is outside the Housing Development Boundary (HDB), albeit immediately adjacent to it.

Its location is in keeping with the scattered, linear development of property in the village, and although adjacent to the HDB, there is concern that if permitted the knock-on effect could have implications for further future development in the adjacent field to the North West of the site. A consequence of this could create a precedent leading to unacceptable 'development' enclosure around the West end of the village.

The Parish Council would welcome this type of development if it was inside the HDB and will support it as it is so close and a one-off. However, this decision is with the proviso that it would not consider or tolerate further development away from the HDB.

It has been suggested that a more suitable location would be to the South at the rear of Middle Road Farm.

The style of the proposed building is similar in shape to that of the existing stable block at Middle Road Farm and appears to be in the style of a converted modern agricultural barn (allowed under permitted development).

Contaminated Land: no objection subject to 1 condition and an advisory.

Highways: Objection

Arboriculture: No objection subject to a condition.

Third Party representations: 5 Support comments and 1 objection comment has been received by the Council.

The main points raised from the comments of support are:

- o Property is eco-friendly.
- o Innovative design.
- o Fit in well due to agricultural appearance.
- o Positive impact on the village
- o Allows a young family to stay in the village.
- o Visibility is sufficient and access is satisfactory.

The main points raised from the objection comment are:

- o Need to improve the current property before another dwelling is constructed.
- o Object to further development until the existing infrastructure (water pressure, utilities, roads, public transport) are improved.

## **POLICIES/LEGISLATION**

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

Relevant Core Strategy Policies:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o DW1 - District Wide Spatial Strategy
- o RA2 - development in villages outside of the Green belt, not meeting the RA1 criteria.

Relevant Placemaking Plan Policies:

- D.1 General urban design principles
- D.2 Local character and distinctiveness
- D.3 Urban Fabric
- D.4 Streets and Spaces
- D.5 Building Design

D.6 Amenity  
ST.1 Promoting sustainable travel.  
HE.1 Historic Environment  
ST.7 Transport Access and Development Management  
LCR.9 Local Food Growing  
LCR.7 Broadband  
SCR.5 Water Efficiency  
RE.4 Essential dwellings for rural workers

Relevant policies from the Chew Valley Neighbourhood Plan (2016);

HDE1 - Rural Landscape Character  
HDE2 - Settlement Build Character

## LEGAL FRAMEWORK

Town and Country Planning Act, 1990

## NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

## NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting to 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.

## OFFICER ASSESSMENT

### PRINCIPLE OF PROPOSED USE:

Policy RA2 explains that in villages outside of the Green Belt with a housing development boundary defined on the policies map and not meeting the criteria of policy RA1 proposals for some limited residential development will be acceptable provided (amongst other things) they lie within the housing development boundary. However, the proposed dwelling is situated on land outside of a defined housing development boundary and so the principle of residential development is not accepted.

Policy RE4 goes on to explain that new dwellings will not be permitted outside of a housing development boundary unless there is an essential need for a rural worker to live permanently at or near their place of work. However, there is no evidence submitted to show that there is an essential need for a rural worker to live permanently at or near their place of work.

Whilst it is noted that the Parish Council are happy with this application on the proviso that there is no further development into surrounding fields, this is not possible to condition. Furthermore, as the location is outside of the development boundary and is not included as a possible site for development within the Chew Valley Neighbourhood Plan this

proposal is unacceptable in principle even if the Parish Council have supported the application.

Comments have also been submitted to explain that this house will enable a family who have lived in the village for a while the opportunity to stay in the village. However, this is not considered to overcome the main issue being that it is located outside of the housing development boundary.

#### DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:

The application is for a single storey pitched roof elongated barn-style dwelling with the proposed walls being timber clad with a standing seam metal roof and large single pane windows.

Whilst it is noted that there are a mixture of styles within Hinton Blewett, the general style of dwelling is that of two-storey stone or brick built properties with pitched, tiled roofs. The erection of a simple single storey elongated barn-style property with timber clad walls and a metal roof is not considered to be representative of good design or in-keeping with the character and appearance of the existing properties.

It is noted that Paragraph 60 of the NPPF states: 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'

It must also be pointed out that here the Council have not imposed an architectural style and the design is not considered to be particularly innovative or original. It is agreed that the design and use of materials are more akin to a simple agricultural building rather than having any distinct characteristics taken from the locality. Whilst this maybe in-keeping with the rural character of the wider area, it does nothing to reinforce local distinctiveness of the settlement that it is closely linked to.

The erection of the dwelling is also considered likely to have a significant negative impact on the setting of the grade II listed building. Whilst it is noted that the current disrepair of the listed building detracts from the character and appearance of the street to some degree already, the erection of the proposed dwelling is considered to exacerbate the current situation and would not preserve the setting of the building.

#### IMPACT ON RESIDENTIAL AMENITY:

There are not considered to be any significant negative residential amenity impacts as a result of the development.

It is noted that there is a garden area for the dwelling which would be suitable for growing food, however, it is considered that the location of the property may not be adequate for appropriate broadband. Therefore, it is considered that whilst the proposal would comply with policy LCR.9, further evidence that appropriate broadband could be achieved is needed in order to satisfy the requirements of policy LCR.7.

Policy SCR5 explains that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency being 110 litres per person per day. Rainwater harvesting or other methods of capturing rainwater for use by residents eg) water butts will be required for all residential development. This would normally be secured by condition but as there is an in principle policy objection to the scheme such a condition is not considered necessary.

#### **PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:**

The applicant has provided additional information that demonstrates that appropriate visibility splays can be provided from the proposed access location.

However, there would be a requirement for vegetation to be trimmed and maintained either side of the access, and this would need to be secured by condition should permission be granted.

However, this does not help to overcome the concerns raised in relation to the sustainability of the site and the highway authority objects to the planning application for the following reason.

The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Policy ST.1 of the Bath & North East Somerset Placemaking Plan (adopted July 2017) and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport.

#### **CONCLUSION:**

For the reasons set out above, it is recommended that this application is granted permission for the reasons as outlined within the decision notice.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting to 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 proposed dwelling does not preserve the setting of the listed building.

#### **RECOMMENDATION**

**REFUSE**

#### **REASON(S) FOR REFUSAL**

1 The proposed development will be located in an unsustainable location outside of a defined settlement boundary where the principle of residential development is not accepted. Therefore, the proposal is contrary to policies DW1, RA2, RE4 and ST1 of the Bath and North East Somerset Core Strategy (2013).

2 The proposed development represents poor design and would have demonstrable harm to the visual amenity of the locality and to the setting of the listed building nearby. The proposal is contrary to policies D2, D4, D5 and HE1 of the Bath and North East Somerset Council Placemaking Plan (2017), policy HDE2 of the Chew Valley Neighbourhood Plan (2016) and the provisions of the National Planning Policy Framework (2012)

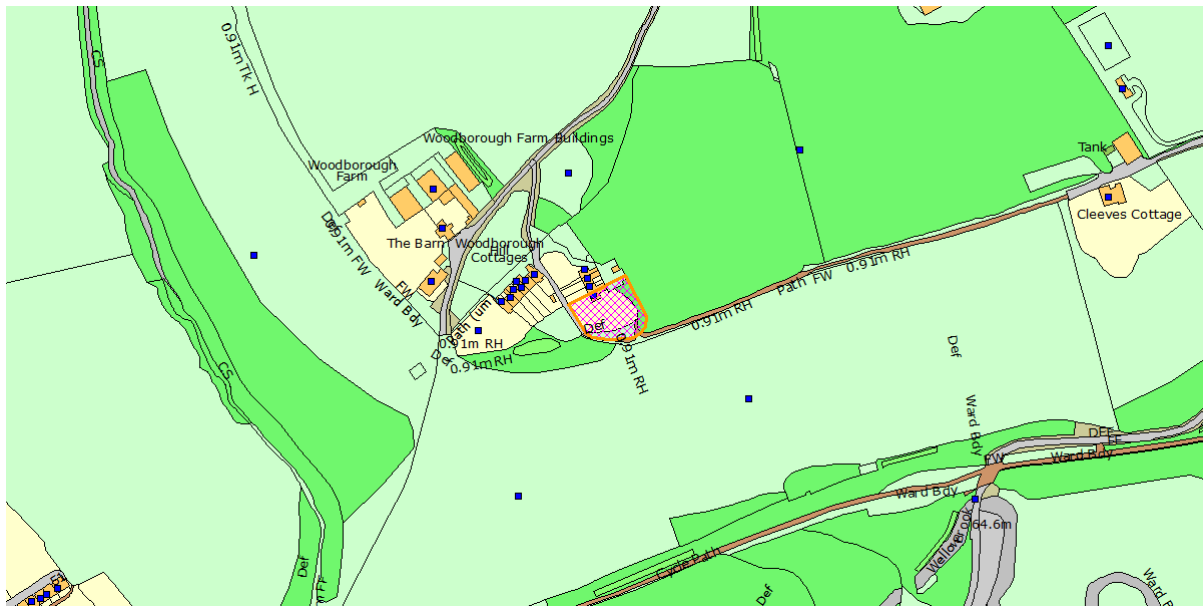
**PLANS LIST:**

This decision relates to; Site Location Plan (101), Block Plan (103), Ground Floor Plan (201), First Floor Plan (202), Section AA (302), Rear Elevation (401), Side Elevation (402) and Front Elevation (403) received 28th September 2017.

**DECISION TAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

**Site Location:** 10 Woodborough Hill Cottages Woodborough Hill Peasedown St.  
John Bath Bath And North East Somerset



**LB**

**Case Officer:** Chloe Buckingham

## REASON FOR REPORTING APPLICATION TO COMMITTEE:

The report explains the changes made to the application from the previous submission and the officer has assessed the changes in line with planning policy, some are seen as improvements while others are felt to harm the visual impact of the area. The Parish Council know the area well and are still supporting the development.



## DESCRIPTION OF SITE AND APPLICATION:

The application relates to an end-of-terrace cottage located outside of the settlement boundaries of Peasedown St John and Radstock. The site is within the Radstock Conservation Area and the row of terraced cottages are considered to be an undesignated heritage asset. The proposal is for a two storey side extension.

### Relevant Planning History:

DC - 16/03715/FUL - RF - 20 October 2016 - Erection of two storey extension

DC - 17/00705/FUL - WD - 17 March 2017 - Erection of new dwelling at Land at 10 Woodborough Hill Cottages, Bath, BA2 8LN.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

### Consultation:

Cllr Karen Walker: Support: Call in to committee request.

Peasedown St John Parish Council: Support

Highways: No objection.

Conservation: Not acceptable in current form.

Landscape: No objection.

Ecology: No objection subject to two conditions.

Third Party representations: 1 support comment has been received to explain:

100% support; looking forward to it being built.

## POLICIES/LEGISLATION

### POLICIES:

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

### Relevant Core Strategy Policies:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o SV1 - Somer Valley Spatial Strategy

Relevant Placemaking Plan Policies:

D1 General urban design principles

D2 Local character and distinctiveness

D4 Streets and Spaces

D5 Building Design

D6 Amenity

ST1 Promoting sustainable travel

ST7 Transport Access and Development Management

NE2 Conserving and Enhancing the Landscape and Landscape Character

NE3 Sites, Species and Habitat

HE1 Historic Environment

NE6 Trees and Woodland Conservation

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

## **OFFICER ASSESSMENT**

PRINCIPLE OF PROPOSED USE:

The property lies in an area of open countryside, outside of a defined settlement boundary. Whilst development is not generally considered acceptable outside of a settlement boundary, it should be noted that the development proposes to maintain the associated use.

DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:

Whilst it is agreed that there have been improvements made to the design from the originally refused application, the scheme has not gone far enough to create a subservient

extension in-keeping with the character and design of the host building and the terraces it is associated with.

The host dwelling is a two-bed traditional ex-miners cottage with a pitched clay-tiled roof, stone walls and timber doors and sash windows. The change in the materials and design of the two storey extension showing a more traditional pitched roof with matching stone walls and roof tiles is welcomed. However, the two storey extension is still considered overly large and out-of-proportion with the main dwelling. The host property is approximately 6m in length and the extension is a further 5m in length and the continuation of the roofline further emphasises the overly-developed nature of the extension.

Furthermore, the two storey extension includes a bedroom, living space, kitchenette and bathroom on the ground floor and a bedroom, bathroom and study on the first floor. Whilst there is a door on the ground floor for connection between the extension and the main family lounge, the size of the extension combined with the inclusion of all primary living accommodation is considered to be tantamount to a separate unit of accommodation. The extension also has a door to the rear which would allow entrance to the house without needing to enter through the main dwelling, which further emphasises the independent nature of the extension. Therefore, due to the size and design of the side extension it is not considered to respect the proportions of the main dwelling and terrace as it reads as a separate planning unit rather than a subservient extension.

It is noted that the amount of glazing on the South elevation has been reduced and is now considered to be acceptable. However, the flat-roof two storey and single storey parts to the rear of the property is considered to be poor design and incongruous with the character and appearance of the host building whilst also having a detrimental impact on the character and appearance of the undesignated heritage asset and this part of the Radstock Conservation Area.

In addition, the large roof light to the rear as well as the overly elongated window on the first floor rear elevation are considered to look particularly awkward and out-of-keeping with the main dwellings and wider terrace.

There is some contradiction between the landscape officer and the conservation officer comments in that landscape officer has explained that the ridge and eaves line as well as the west façade should remain in line with the existing building whereas, the conservation officer has explained that the ridge and eaves should be set down to respect the proportions of the main dwelling. However, on balance it is considered that the continuation of the ridge and eaves line has a significant negative impact on the local characteristics and distinctiveness in that the two storey extension reads as an end-terrace separate planning unit and not as a subservient extension. Furthermore, the two storey and single storey rear elements do not respect the local characteristics in terms of architectural styles and are considered to be incongruous with the pattern, rhythm and theme of the terraces which are considered to be an undesignated heritage asset. On balance the suggested changes would have a significantly more positive impact on the setting of the undesignated heritage asset and wider conservation area than it would have a negative impact on the wider landscape. However, the suggested changes were not accepted by the applicant.

Overall, due to the size and design of the extension it is not considered to be in-keeping with the proportions and design of the host dwelling and wider terrace. The proposal is contrary to policies D2, D4, D5 and HE1 of the Placemaking Plan (2017) and is recommended for refusal.

It must be noted here that the applicant was informed of the issues with the design and given the opportunity to submit revised plans but no plans were received.

#### IMPACT ON RESIDENTIAL AMENITY:

Due to the positioning of the extension to the side of the end-of-terrace property and as the other terraced dwellings are situated at a sufficient distance away from the proposed extension, it is not considered that the proposal would cause any significant negative residential amenity impacts for any surrounding occupiers. The proposed extension is large but it is noted that the garden to the side of the dwelling is also substantial and so the amount of private amenity space leftover after the development would be sufficient for the host dwelling.

#### PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

Whilst it is noted that the first floor of the extension is labelled a 'study' this room could be used as a bedroom in the future and so will be treated as such. The extension is proposing to change the property from a 2-bed to a 5-bed. However, there is sufficient space to the front of the property in line with policy ST7 of the Placemaking Plan (2017).

#### ECOLOGY:

There are no objections to the scheme subject to two conditions regarding bat mitigation and sensitive lighting. However, due to the significant negative impacts in terms of character and appearance such conditions are not considered necessary.

#### CONCLUSION:

Due to the size, scale and design of the extension, the proposal is not considered to be in-keeping with the host dwelling or the other properties in the terrace and would have a significant detrimental impact on this part of the Radstock Conservation Area. Therefore, the proposal is not in accordance with Policies D2, D4, D5 and HE1 of the Placemaking Plan (2017).

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that the proposal would be detrimental to the character and appearance of the Conservation Area and is therefore unacceptable development in this location.

Whilst it is considered that the proposal causes harm to the character and appearance of this part of the Conservation Area this harm is considered to be less than substantial. Therefore in accordance with paragraph 134 of the NPPF this harm should be weighed against the public benefits of the proposal. It is not considered that the proposal results in

any benefits to the public and therefore it is recommended that this application is refused permission for the reasons as outlined on the decision notice.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed development would have demonstrable harm to the visual amenity of the locality and to the appearance of this row of terraced dwellings. As a result the proposal would detract from the character and appearance of this part of the Radstock Conservation Area and is contrary to policies D2, D4, D5 and HE1 of the Bath and North East Somerset Council Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2012)

## **PLANS LIST:**

This decision relates to the Site Location Plan (S03E), Block Plan (S04E), Existing Plans and Elevations (S02D), Existing Site Plan (S01D), Proposed Elevations and Sections (P05E), Proposed Elevations (P04E), Proposed First Floor and Roof Plan (P03E), Proposed Ground Floor Plan (P02E) and Proposed Site Plan (P01E) received 13th October 2017.

## **DECISION TAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	06
<b>Application No:</b>	17/04969/FUL

**Site Location:** Manor Farm Caple Lane Chew Stoke Bristol Bath And North East Somerset



**Ward:** Chew Valley North

**Parish:** Chew Stoke

**LB Grade:** N/A

**Ward Members:** Councillor Liz Richardson

**Application Type:** Full Application

**Proposal:** Change of use of agricultural land to domestic following the provision of a replacement hedge (retrospective) and the creation of a pond for natural water swimming. (Resubmission)

**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

**Applicant:** Mr Hugh Norton

**Expiry Date:** 18th January 2018

**Case Officer:** Chloe Buckingham

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

Chew Stoke Parish Council have supported the application and the chair of committee has agreed to take the application to committee for the following reason:

I have looked at the application and history of the site and Chew Stoke Parish Council support this development for reasons stated in the report while the Officer has assessed the application in line with relevant Greenbelt planning policy which the Officer states it contravenes.

The application is controversial regarding the inappropriateness of the change of use the land from agriculture to domestic in the Greenbelt and should be debated as the proposal is seen as a positive by Chew Stoke Parish Council.

#### DESCRIPTION OF SITE AND APPLICATION:

The application relates to a detached farm building which is located within the Mendip Hills Area of Outstanding Natural Beauty (AONB) and designated Green Belt land. The application seeks planning permission for the change of use of part of the adjacent agricultural paddock into residential garden space, creation of a natural water swimming pond in rear garden with associated landscaping and replacement of existing leylandii hedge with hornbeam hedge around new boundary.

#### Relevant Planning History:

DC - 06/00931/FUL - PERMIT - 8 June 2006 - Conversion of outbuilding to annex with study above.

DC - 17/02195/FUL - REFUSE - 11 July 2017 - Change of use part of adjacent agricultural paddock into residential garden space, creation of natural water swimming pond in rear garden with associated landscaping and Replacement of existing leylandii hedge with hornbeam hedge around new boundary.

#### SUMMARY OF CONSULTATIONS/REPRESENTATIONS

##### Consultation:

Chew Stoke Parish Council: The Parish Council would not normally support a planning application that involves the conversion of agricultural land into residential garden space; however, the space involved is minimal and is close to the house. It has already been used as a vegetable plot for 10 years+. The proposed use of the additional land will not be obtrusive to neighbours or the surrounding landscape. The parish council notes that the applicant has removed an unattractive leylandii hedge not in keeping of the rural location and planted a new hornbeam hedge.

The Parish Council would like to suggest that the boundary between the existing garden and new garden area and the surrounding agricultural land is clearly defined with a continuous boundary, preferably a mixed rural hedge to delineate the 2 separate land uses.

In view of the above facts, the Parish Council is prepared to make an exception and does not object to this application.

Third Party representations: none received.

#### POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)

- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
  - o Joint Waste Core Strategy
  - o Made Neighbourhood Plans
- Relevant Core Strategy Policies:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o CP8 - Green Belt

Relevant Placemaking Plan Policies:

D.1 General urban design principles  
 D.2 Local character and distinctiveness  
 D.3 Urban Fabric  
 D.6 Amenity  
 ST.1 Promoting sustainable travel.  
 GB.1 Visual Amenities of the Green Belt  
 GB.2 Development in Green Belt Villages  
 NE.2 Conserving and Enhancing the Landscape and Landscape Character  
 NE.6 Tree and Woodland Conservation  
 ST.7 Transport Access and Development Management

Relevant policies from the Chew Valley Neighbourhood Plan (2016);

HDE1 - Rural Landscape Character  
 HDE2 - Settlement Build Character

#### LEGAL FRAMEWORK

Town and Country Planning Act, 1990

#### NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

#### NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

Supplementary Planning Documents: Existing Dwellings in the Green Belt SPD (October 2008)

#### **OFFICER ASSESSMENT**

##### PRINCIPLE OF PROPOSED USE:

The existing site comprises a residential farm building with adjacent agricultural paddocks which is within the open countryside, within the Green Belt and Mendip Hills Area of Outstanding Natural Beauty (AONB). The applicant proposes to change the use of part of the agricultural paddock into residential garden space and the creation of a natural water swimming pond with associated landscaping and replacement of existing leylandii hedge with hornbeam hedge around new boundary.



The National Planning Policy Framework sets out the criteria in which development in the Green Belt is acceptable. It starts by stating that development will not be permitted within the Green Belt unless very special circumstances can be demonstrated save for some exceptions. Paragraphs 89 and 90 list certain forms of development which are not considered inappropriate development within the Green Belt. However, paragraph 90 does not make reference to changes of use from agricultural to residential use and therefore the change of use is considered to be inappropriate development within the Green Belt.

It is noted that the proposed swimming pond would provide opportunities for outdoor sport and recreation albeit within a domestic use, which is promoted in paragraph 89 of the NPPF. However, paragraph 90 has not carried forward the previous PPG.2 reference to material changes of use being appropriate "other" forms of development in the Green Belt and thus it must be taken that the proposed change of use represents inappropriate development in the Green Belt.

Furthermore, whilst the Parish Council have explained that this land has been in use as residential land for more than ten years, no evidence has been submitted to support this.

Paragraph 87 of the NPPF states that inappropriate development is by definition harmful to the Green Belt. As stated above the proposed development is considered to be inappropriate development and is therefore harmful to the Green Belt.

Paragraph 88 explains that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of appropriateness, and any other harm, is clearly outweighed by other considerations.

The very special circumstances put forward have included a very detailed Green Belt visual impact assessment concluding that the proposed change of use would have a positive impact on the appearance and biodiversity of the surrounding area. The very special circumstances put forward have been considered in detail but it is considered that the reasons as outlined could apply to many other cases where people wish to turn agricultural land into residential land and construct a swimming pond with associated landscaping. Therefore, the special circumstances put forward cannot be considered to be very special in this instance.

#### DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:

It is noted that this application is a resubmission of a previously refused application. The applicant has submitted a comprehensive green belt visual impact report setting out why the proposal would have a positive impact on the surrounding area. However, as also explained within the previous assessment of the scheme, the change of use from agricultural to residential land and the siting of the swimming pond would have limited visibility within the landscape and is not considered to harm the openness of the surrounding Green Belt. Similarly, the proposal would be unlikely to adversely affect the natural beauty of the landscape of the AONB to any significant degree.

The main issue here is that the principle of the change of use from agricultural to residential land in the green belt is unacceptable.

#### **IMPACT ON RESIDENTIAL AMENITY:**

There are not considered to be any significant negative residential amenity impacts as a result of the development.

#### **PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:**

The existing access arrangement is to remain unchanged and the proposed development is not considered to cause harm to highway safety.

#### **CONCLUSION:**

The proposal amounts to inappropriate development in the Green Belt, which is harmful by definition. In the absence of very special circumstances to outweigh this harm, the proposed development is contrary to Policy CP8 of the Core Strategy and the aims of the National Planning Policy Framework.

#### **RECOMMENDATION**

**REFUSE**

#### **REASON(S) FOR REFUSAL**

1 The proposed material change of use of the land from its lawful use as agriculture, to a residential use, in the absence of very special circumstances to clearly outweigh any harm to the Green Belt, would comprise inappropriate development within the Green Belt which is, by definition harmful, and therefore unacceptable in principle. The proposed material change of use of the land is contrary to policy CP8 of the Bath and North East Somerset Core Strategy (2013) and Chapter 9 of the National Planning Policy Framework, 2012.

#### **PLANS LIST:**

This decision relates to;

Site Location Plan and Block plan (no reference) and Green Belt visual impact assessment (1491-17-102) received 11th October 2017.

Existing and Proposed Block Plans (1491-17-101 Rev A) received 17th October 2017.

#### **DECISION TAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

**Item No:** 07  
**Application No:** 17/04882/FUL  
**Site Location:** Graden Farm Cottage Wycotte Hill Combe Hay Bath Bath And North East Somerset



**Ward:** Bathavon West      **Parish:** Combe Hay      **LB Grade:** N/A  
**Ward Members:** Councillor David Veale  
**Application Type:** Full Application  
**Proposal:** Demolition of existing cottage and erection of a replacement dwelling. (Resubmission)  
**Constraints:** Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,  
**Applicant:** West Hill Land And Property Ltd  
**Expiry Date:** 19th January 2018  
**Case Officer:** Rae Mephram

## REPORT

### Reason application being referred to committee

Support from Combe Hay Parish Council contrary to officer recommendation.

### Details of location and proposal

Graden Farm Cottage is a single storey dwelling house located on Wycotte Hill in Combe Down. This application is for the erection of a replacement dwelling following the demolition of the existing property.

### Relevant history

15/04609/CLEU - LAWFUL - 9 December 2015 - Use of dwelling in breach of condition of previous application dated 3rd November 1949 (Certificate of Lawfulness for an existing use).

17/00583/FUL - WD - 7 April 2017 - Demolition of existing cottage and erection of a replacement dwelling.

17/02332/CLPU - RF - 13 July 2017 - Erection of a rear conservatory extension (Certificate of Lawfulness for a proposed development)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### Consultation responses

*Combe Hay Parish Council* - Support:

#### Observations

1. The replacement dwelling is not materially larger than the existing dilapidated and rather shabby building
2. The new building would enhance character and appearance of the area and would not have a materially greater impact on the openness of the green belt than the current building.
3. Before demolition takes place the ecology of the site should be sensitively assessed and considered in accordance with the Ecology Report recommendations, and measures should be in place to protect the area surrounding the property from unnecessary disturbance

In the event that you recommend refusal, Combe Hay Parish Council requests that this application be considered by the Development Management Committee.

### Third party representations

None received.

## **POLICIES/LEGISLATION**

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

The following Core Strategy policies would be applicable:

DW1 - District Wide Spatial Strategy  
CP5 - Flood risk management  
CP8 - Green Belt

The following B&NES Placemaking Plan policies should be considered:

- D1 - General Urban Design Principles
- D2 - Local Character & Distinctiveness
- D3 - Urban Fabric
- D4 - Streets and Spaces
- D5 - Building Design
- D6 - Amenity
- D8 - Lighting
- D10 - Public Realm
- GB1 - Visual amenities of the Green Belt
- H7 - Housing Accessibility
- LCR9 - Increasing the Provision of Local Food Growing
- NE3 - Sites, species and habitats
- SCR5 - Water Efficiency
- ST1 - Promoting sustainable travel
- ST7 - Transport requirements for managing development

Consideration has been given to the National Planning Policy Framework and the National Planning Practice Guidance.

### **OFFICER ASSESSMENT**

This application is an exact resubmission of an application withdrawn earlier this year. Although not an overly prominent building, the property is easily seen when at road level.

#### Principle of development

The main issue is the principle of development. As set out within Section 9 of the NPPF, replacement buildings can be considered as appropriate development provided the new building is in the same use and not materially larger than the one it replaces.

The proposed dwelling sits on roughly the same footprint as the existing dwelling, and is around 23% larger in volume. The proposed building sits around 60cm higher at its tallest point, and incorporates the addition of a gable end to the rear. When on the ground, the proposal building albeit not much taller would be bulkier and larger than the existing building, especially when viewed from either side.

Given that the property is larger volumetrically, larger in height, and larger in bulk and massing, the proposal is considered to constitute a materially larger building, and therefore inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful. No very special circumstances have been brought forward under this submission.

The "fall back" position of an extension being constructed under permitted development has been put forward by the applicant, however due to the location of the property within Article 2(3) land, and the fact that the property is rendered, only a small rear conservatory could potentially be allowed under permitted development. The fall back position, if any, is down to the applicant to demonstrate, and a Certificate of Lawfulness as proposed was refused in 2017. There must also be a reasonable chance of the fall back position being carried out, and given the deterioration and poor condition of the property, as set out by

the applicant, it is considered unlikely that an extension to the current property would be constructed.

### Character and appearance

The proposal dwelling is located within a relatively isolated lane, with some farm buildings to the north and south. It is recognised that the existing building is in a poor state of repair, and there is no objection to its removal. The proposed building is to be of natural rubble stone, with ashlar detailing, with features such as a staircase turret, small dormers, and an oak framed gable to the rear. It is not considered that the proposal would appear out of context in this location, and in terms of character and appearance is considered to be acceptable.

### Residential amenity

Given the isolated location of the property it is not considered that the proposal would cause harm to residential amenity.

### Highways

The existing cottage is accessed off a Bridleway, BA7/5, which forms junction with the C467 Combe Hay Lane at an oblique angle. It is served by a steep sloping driveway up to a parking area with a similar oblique angle at its junction with the bridleway, which does make access and egress more difficult due to the limited width of the bridleway at this point.

The supporting statement with the application suggests that there are no proposals to materially change the access and parking arrangements, but a rolled gravel is suggested as a surface material. Such a material would not be suitable on such a steep driveway, where loose material is likely to be discharged onto the bridleway, and therefore a bound material would be required.

The construction of the new dwelling would require careful management due to the restrictive nature of the means of access to the site, together with the gradient of the site. A Construction Management Plan would be required as a condition of any approval, in order to agree details of working/delivery times, method of work, wheel wash facilities, traffic management etc. and to ensure the safety of all users of the bridleway.

No highway objection is raised, subject to conditions requiring a construction management plan to be submitted prior to development commencing, and no construction above slab level to commence until plans showing a parking area for 2no. vehicles including full details of surfacing materials.

### Flooding and drainage

No objection. Proposal will have minimal effect on drainage and flood risk. Drainage to be constructed in accordance with Building Regulations.

### Ecology

A Bat Detector Emergence and Re-Entry Survey Report has been carried out, and no evidence of use of bats has been found. Any permission should be conditioned for works to be carried out in line with the report, and all details of external lighting shall be conditioned.

#### Increasing the Provision of Local Food Growing

Policy LCR9 states that all residential development will be expected to incorporate opportunities for informal food growing where possible. The proposal site benefits from garden areas where future occupiers could grow food if they wished.

#### Water Efficiency

All dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. water butts) will be required for all residential development, where technically feasible.

### **RECOMMENDATION**

REFUSE

### **REASON(S) FOR REFUSAL**

1 The proposed development would result in inappropriate development, which is by definition harmful to the Green Belt contrary to Section 9 of the NPPF, and Policy CP8 of the Core Strategy.

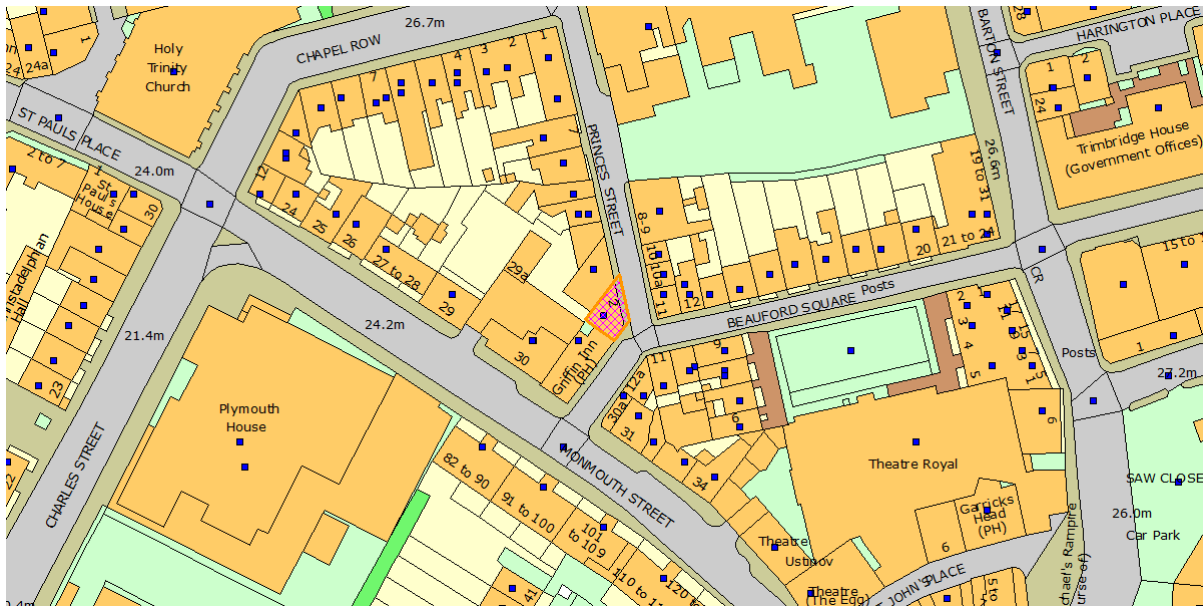
### **PLANS LIST:**

This decision relates to:

06 Oct 2017	12	PROPOSED LANDSCAPE PLAN
06 Oct 2017		SITE LOCATION PLAN
24 Oct 2017	10A	PROPOSED FLOOR PLANS
01 Dec 2017	11 B	PROPOSED ELEVATIONS 1
01 Dec 2017	12 B	PROPOSED ELEVATIONS 2

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

**Item No:** 08  
**Application No:** 17/05333/FUL  
**Site Location:** 2 Princes Street City Centre Bath Bath And North East Somerset BA1 1HL



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Chris Pearce      Councillor Andrew Furse  
**Application Type:** Full Application  
**Proposal:** Change of use from office (B1) to residential (C3)  
**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,  
**Applicant:** Mr Alan Brook  
**Expiry Date:** 27th December 2017  
**Case Officer:** Hayden Foster

## REPORT

Reason for the application being referred to Committee

The application has been referred to Committee due to a local councillor having an ownership interest in the site.

Site Description and Proposal:

The application relates to a grade II Listed building on Princes Street, which is located within the City Centre of Bath. The site is located within the City of Bath Conservation Area and is within the wider World Heritage Site.



The application seeks consent for the Change of use from office (B1) to residential (C3).

Relevant Planning History:

None of relevance.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses:

### **Conservation Team**

No objection to change of use however converting rooms into kitchen/bathroom/drainage/ventilation likely to require listed building consent. Granting planning permission will not guarantee outcome of LBC application. The decision notice should make it clear either by condition or informative that they cannot implement the planning permission without first obtaining listed building consent.

Treat this application as an opportunity to secure removal of redundant signage from the building.

### **Highways DC**

There is no objection to the planning proposal, however, the applicant should be made aware of the following advisory relating to parking.

The applicant shall note that future residents will not be entitled to residents parking permits in accordance with Single Executive Member Decision E2911, dated 14th November 2016. This is due to the number of existing permits exceeding the supply of parking spaces within the Controlled Parking Zone. This, however, is considered to be at the developers risk given the sustainable location of this development proposal.

### **Drainage**

No objection. Proposal will not affect drainage and flood risk.

### **Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Bath & North East Somerset Core Strategy (CS), adopted in July 2014, the Bath & North East Somerset Placemaking Plan (PMP), adopted in July 2017, saved policy GDS1 (in relation to four partly implemented sites) of the Bath and North East Somerset Local Plan (BANESLP), adopted in October 2007 and the West of England Joint Waste Core Strategy (JWCS), adopted in 2011. The site lies within an area which does not have a neighbourhood plan which has been made, or passed a referendum.

This response is concerned with the principle of the proposed development.

Relevant development plan policies

ED1B

## Other relevant policies (material considerations)

Discussion- PMP ED1B is concerned with the change of use & redevelopment of B1(a) office to residential use. ED1B states that conversion of office space (B1a) to residential C3 is normally permitted development, subject to the exceptions set out in the GDPO (which includes listed buildings). The principle of change of use through conversion of listed buildings in B1a use to C3 residential use is also accepted. Therefore there is no objection.

## Economic Development

The application proposes the change of use of a 90sqm B1 office to a C3 residential property. At the time of the application the property was not occupied, but does have the capacity to employ approximately 10 people.

The annual office accommodation monitoring figures for Bath show a net loss of over 13,000 sqm (completions) of office accommodation in the City between 2011 - 2016.

Employment growth in the City has been relatively poor with a net increase of 159 jobs<sup>1</sup> since 2011.

The adopted Core Strategy (2014) Bath Spatial Policy B1.2, seeks the development of 40,000s sqm<sup>2</sup> (net) of office accommodation in the City with an increase of 7,000 jobs across the plan period until 2029.

Place Making Plan Policy ED1B provides the basis for the change of use of B1a offices to residential premises, under national permitted development rights, exceptions to this include listed buildings. However, PMP policy ED1B permits the conversion of listed buildings in B1A use to C3 residential premises.

In economic development terms it is a concern that this application will, if approved further reduce the stock of available office accommodation in the City, compounding the issues that are presently being faced in meeting the growth targets in Core Strategy Policy B1.2.

However under the present B&NES planning policy framework there is no basis to refuse this application on economic development grounds, hence there is no objection.

## Representations Received:

None received.

## POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)

- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

#### Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

B1.2: Bath Spatial Strategy- Economic Development

B4: Impact of development on World Heritage site of Bath or its setting

CP6: Environmental Quality

#### Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General Urban Design Principles

D2: Local Character and Distinctiveness

D.3: Urban Fabric

D.5: Building Design

D.6: Amenity

HE1: Historic Environment

ST7: Transport requirements for managing development

ED1B: Change of Use & Redevelopment of B1(a) Office to Residential Use

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

#### **OFFICER ASSESSMENT**

Planning permission is sought for the change of use from an existing office (B1) to residential use (C3). The proposal is set to be associated with a grade II listed terrace property located within the City Centre of Bath.

Policy D.1 of the Placemaking Plan states that development will only be permitted if, amongst other things, the development enriches the character and qualities of places and contributes positively to local distinctiveness. Policy D.2 states that development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Policy D.3 states that development proposals must contribute positively to the urban fabric and should, amongst other things, be designed in a way that does not adversely prejudice existing/ future development or

compromise adjoining sites. Policy D.5 states that development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building. Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking. Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting. Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity. Policy ED1B states that the conversion of office space (B1a) to residential C3 is normally permitted development, subject to the exceptions set out in the GDPO (which includes listed buildings). The principle of change of use through conversion of listed buildings in B1a use to C3 residential use is also accepted.

Core Strategy Policy B4 states that there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity. This presumption applies equally to development within the setting of the World Heritage Site.

Core Strategy Policy B1.2 sets out for the development of 40,000s sqm2 (net) of office accommodation in the City with an increase of 7,000 jobs across the plan period until 2029.

### Change of Use

The proposal involves the use of an existing office (B1 use) as a residential dwelling (C3). A consultation response has been received from the Planning Policy team. Within the comments given it was noted that the conversion of office space (B1a) to residential use (C3) is normally permitted development, subject to the exceptions set out in the GDPO (which includes listed buildings). The principle of change of use through conversion of listed buildings in B1a use to C3 residential use is also accepted. Based on the points raised it can be seen that the proposed change of use is acceptable in principle and complies with policy ED1B of the Placemaking Plan.

A consultation response has also been received from the economic development team, within the response it was noted that if the application were to be approved it would further reduce the stock of available office accommodation in the City. However, it was also noted that under the present B&NES planning policy framework there is no basis to refuse this application on economic development grounds, hence there is no objection.

As such the proposal is acceptable in principle, unless there are other material considerations. The main considerations now are character and appearance, the impact on the listed building, the Conservation Area, residential amenity and highways safety.

### Character and Appearance

It is noted that there will be no external alterations to the building with changes only planned to be made to the buildings interior.

## Conservation Area

Following a consultation response from the Historic Environment team it is noted that there is no objection to the principle of the change of use for this listed building. However, it is noted that regardless of planning permission being granted this will not guarantee the outcome of a listed building consent application. Such an application will be required before any changes are implemented.

## Residential Amenity

With regard to the impact upon the adjacent properties (Griffin Inn, 29A-30 Monmouth Street, and 3, 10, 10A, 11, 11A, 12 and 12A Princes Street), it is considered that the proposed change of use would not have a detrimental impact upon the residential amenity of the neighbouring occupiers in terms of loss of privacy, light or overbearing impact. The proposed change of use is not considered to have a negative impact on levels of daylight or sunlight to Griffin Inn, 29A-30 Monmouth Street, and 3, 10, 10A, 11, 11A, 12 and 12A Princes Street.

The proposed garden room will integrate satisfactorily with the existing dwelling. Due to the orientation of the property and the location of the garden room, the proposal will not reduce daylight or sunlight levels to neighbouring properties. The proposed garden room to the rear will not cause overlooking to neighbouring properties.

## Drainage and Flooding

The council's drainage and flooding officer has no objection to the proposal. It is noted that the proposal will not affect drainage and flood risk.

## Highways and Transport

The Council's Highway Development Officer has no objection to the proposal. However, the following comments have been raised in regards to parking:

'Future residents will not be entitled to residents parking permits in accordance with Single Executive Member Decision E2911, dated 14th November 2016.'

This is due to the number of existing permits exceeding the supply of parking spaces within the Controlled Parking Zone. This, however, is considered to be at the developers risk given the sustainable location of this development proposal.'

## Conclusion

In light of the points raised above, the proposal is considered to have be acceptable in principle. The proposal is not considered to pose a negative impact in regards to highways safety and parking, Character and Appearance, the Conservation Area and Residential Amenity. Therefore the application is recommended for approval.

## **RECOMMENDATION**

**PERMIT**

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

### **2 Plans List (Compliance)**

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

## **PLANS LIST:**

This decision relates to the following plans received 1st November 2017: Proposed Floor Plans.

### **Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

Informative: The applicant is advised that any works to the building may require listed building consent and that future residents will not be entitled to residents parking permits in accordance with Single Executive Member Decision E2911, dated 14th November 2016.