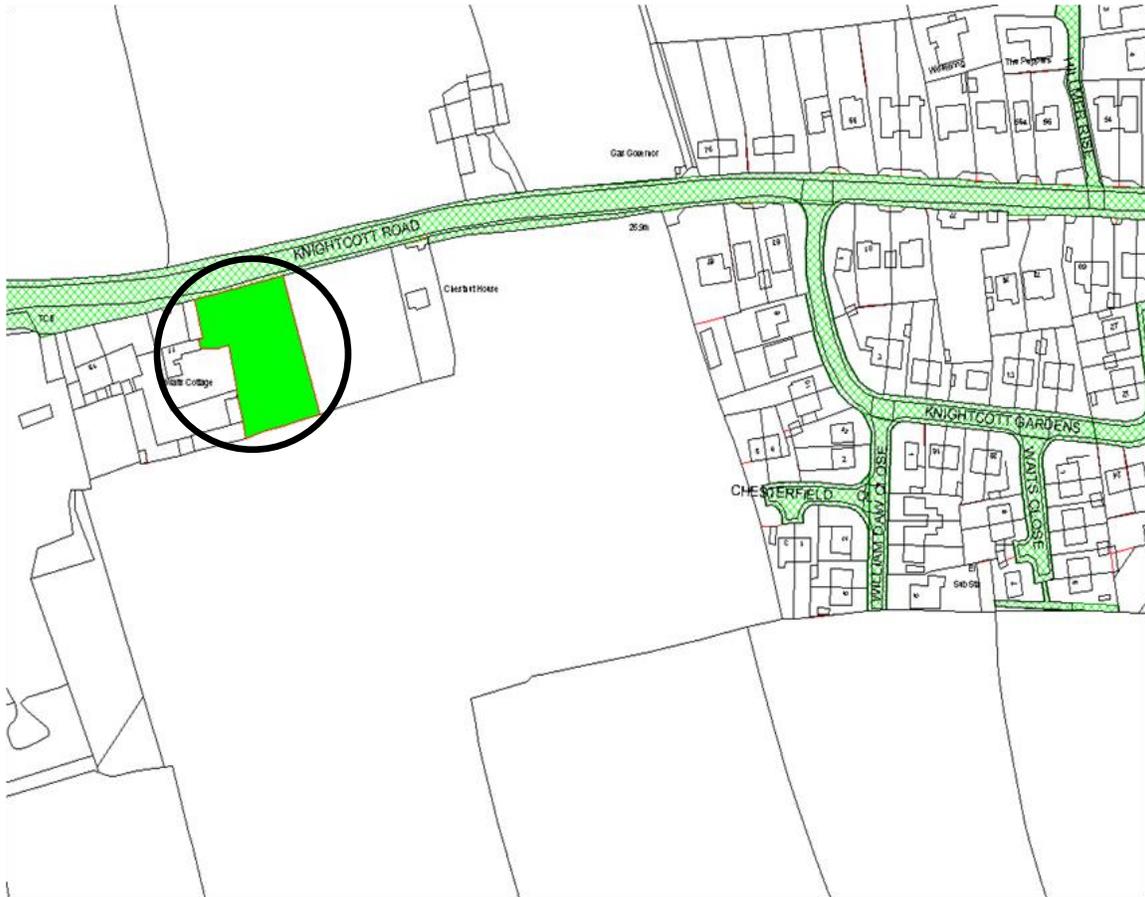


Planning and Regulatory Committee 9.11.16

SECTION 2

APPLICATION NO: 16/P/2173/F	CASE OFFICER: Julie Walbridge
APPLICANT: Messrs Mitchell and Curry	Extended expiry date: 11 November 2016
PARISH/WARD: Banwell/Banwell and Winscombe WARD COUNCILLOR(S): Cllr J O'Brien Cllr Mrs A F Harley	TARGET DATE: 20 October 2016
SITE ADDRESS: Waits Farm, Knightcott Road, Banwell, BS29 6HR	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



SECTION 2

15. **Section 2:16/P/2173/F Conversion and extension of existing barn to create 1no. dwelling. Replacement of 2no. existing farm buildings with 1no, new building creating a single dwelling and a further building to create 2no. dwellings and the change of use of agricultural land to domestic gardens at Waits Farm, Knightcott Road, Banwell, BS29 6HR**

DEPARTURE FROM DEVELOPMENT PLAN POLICIES

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The application site is located outside the settlement for Banwell on the south side of Knightcott Road. Adjoining the site to the west is Waits Farm and there is open agricultural land to the south and east of the site

The site is a small complex of agricultural buildings consisting of a two storey traditional stone barn, a pole barn, and two single storey cattle sheds with additional lean-to agricultural barn to east elevation of barn 3. Adjoining the site to the west lies Waits Farm and open agricultural land to the east and south of the site

The Application

Full permission is sought for:

- The erection of 1 single storey 2 bed dwelling following the demolition of the existing barn and the demolition of the attached lean to barn to form garden to serve the new dwelling.
- The erection of 2 attached single storey dwellinghouses, and will provided 1 x 2 bedrooms and 1x1 bedroom following the demolition of the existing L shaped barn
- The conversion and change of use to residential use of the existing two storey barn and the erection of a first floor extension.
- Demolition of the existing pole barn to provide space for 3 off street parking spaces.
- 8 off street parking spaces will be provided within the site.

SECTION 2

Relevant Planning History

Year	Reference	Proposal	Decision
2015	15/P/2625/F	Conversion and extension of existing barn (building 1) to dwelling. Erection of new dwelling following demolition of existing farm buildings (building 2). Erection of associated car port	Refused. Appeal dismissed
2014	14/P/2011/O	Outline planning permission for the erection of 5no.dwellings and garages with access and layout for approval; appearance, landscaping and scale reserved for subsequent approval	Refused. Appeal dismissed
2014	14/P/0996/CUPA	Prior approval for the change of use from two agricultural buildings to two dwellings within Use Class C3 plus associated operational development to include a replacement roof for building 2	

Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary for Banwell
- Greater Horseshoe Bat Habitat

The Development Plan

North Somerset Core Strategy (NSCS) (adopted April 2012)*

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS10	Transport and movement

SECTION 2

CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS33	Smaller settlements and countryside

** Core Strategy - High Court Challenge*

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The examination of the other remitted policies has taken place and the Inspector's Report is expected shortly.

The Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM34	Housing type and mix
DM37	Residential development in existing residential areas
DM44	Replacement dwellings in the countryside
DM45	The conversion and re-use of rural buildings to residential use
DM56	Conversion and re-use of rural buildings for employment development

SECTION 2

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

Section No	Section heading
6	Delivering a wide choice of high quality homes
7	Requiring good design
10	Meeting the challenge of climate change, flooding and coastal change
11	Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: No correspondence had been received by third parties at time of writing

Banwell Council: "Whilst the Parish Council support turning redundant farm buildings into dwellings. For knocking down two of these buildings and increasing to four dwellings the council recommend refusal on landscaping, massing and character".

Principal Planning Issues

The principal planning issues in this case are (1) the principle of residential development in this location, (2) impact upon the character and appearance of the surrounding area, (3) issue 3: impact upon the occupiers of the neighbouring buildings, (4) issue 4: parking and highway safety, (5) ecology, (6) setting of listed building, (7) trees and (8) contamination.

SECTION 2

Issue 1: The principle of residential development in this location

Banwell is defined in policy CS32 of the Core Strategy as a Service Village. The application site is some distance outside the settlement boundary for Banwell and therefore has to be assessed against policy CS33 (as proposed to be modified). This makes clear that “proposals for development within the rural areas outside the Services Villages will be strictly controlled in order to protect their character and prevent unsustainable development”

Following recent appeal decisions including on the adjoining land (15/P/0248/O), it was considered that the Council is unable to demonstrate a 5 year supply of housing. In the absence of a 5 year supply, paragraph 49 of the NPPF states that ‘relevant policies for the supply of housing should not be considered up-to-date’. For decision making this means that sustainable development proposals should be granted permission unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits’ when assessed against the NPPF policies as a whole.

A number of appeal decisions on this site and in the immediate vicinity have concluded that this area can be considered a relatively sustainable location. The site is outside the settlement boundary of Banwell but within walking distance of Banwell’s facilities and with a regular bus service passing the site. The proposal does not have any adverse impacts (see assessment below) of such significance that they would outweigh the benefits of the additional housing. Therefore in principle the erection of 3 no. new dwellings to replace the existing building on the site and the conversion of the existing barn would be a sustainable location and would be considered acceptable.

In conclusion, given the Inspectors’ conclusions on the Council’s housing land supply, the erection of a 3 no. single dwellinghouses in this location is acceptable in principle in accordance with Paragraph 14 of the National Planning Policy Framework.

Issue 2: Impact upon the character and appearance of the surrounding area

The previous refusal in respect of this site (application no. 15/P/2625/F) and subsequent appeal was dismissed on grounds of its impact upon the character of the area. The previous proposal was for the replacement of existing farm buildings with a dwelling and car port. The two storey dwelling was significantly bulkier than the existing barns within the site.

The planning inspector noted that the agricultural outbuildings associated with the neighbouring Waits Farm integrate well into the surrounding rural setting. The planning inspector commented in paragraph 9 that ‘*the proposal would*

SECTION 2

significantly alter the scale of the existing building, increasing its impact on both the site and the surrounding landscape. Although the roadside hedging would provide some screening, the new dwelling would nevertheless be visible above it and would contrast with the low level development on the rest of the site. Although there would be limited public views from the road side, the addition of a two storey dwelling would reduce the sense of openness currently evident, detracting from the surrounding rural aspect. This would impact negatively on and be harmful to, the surrounding landscape’.

This proposal comprises the demolition of “barn 2” which has no architectural merit and will be replaced with a single storey L shaped building to provide two and one bed dwellinghouses with associated parking for each unit. Although a new pitched roof on the west wing would be 1m higher than the existing building, the main section of building 2 which lies north to south would be the same height and size as the existing building.

When viewed from the wider context of the surrounding area the overall size and scale of the new dwellings would not have a significant adverse impact upon the rural character of the surrounding area or adversely harm the sense of openness within this area.

The demolition of the “barn 3” (except for the retention of the stone wall along the north elevation) would be replaced with a building which in terms of scale will be very similar to the existing building and will be no bigger than the existing footprint of the existing building. The materials will consist of natural stone works and contemporary, fibre cements sheets both roof and elevation cladding. This type of materials is in keeping with the materials of the existing building and will have no greater impact upon the character of the surrounding area.

The conversion of “barn 1” is considered acceptable in that previous approval has been granted for the conversion of the barn to residential use under a prior approval application (ref no. 14/P/0996/CUPA). This proposal also includes a first floor extension which is considered acceptable in that it respects the linear form of the building and the front single storey extension is to be partially demolished to form a new hall.

It is concluded that the proposals respect the rural character of the surrounding area and would not adversely affect the character of its surroundings and is in accordance with the Policy CS12 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Part 1.

SECTION 2

Issue 3: Impact upon the occupiers of the neighbouring buildings

The proposal would not adversely affect the living conditions of the occupiers of the neighbouring dwellings in terms of privacy, loss of light, overshadowing or overbearing impact.

The proposed development complies with the relevant tests contained within the Residential Design Guide (Section 1: Protecting living conditions of neighbours) and would not result in a significant adverse impact upon the living conditions of neighbouring residents. In this respect, the proposal complies with policies H/7 and GDP/3 of the NSRLP and policy DM38 of the merging Sites and Policies Plan.

Issue 4: Parking and Highway Safety

The access arrangements have been assessed and are acceptable. As the access is existing and established and the proposed development would not significantly intensify the use and this arrangement is considered acceptable.

On-site parking provision is acceptable and complies with the standards set out in DM24 and DM28 of the Sites and Policies Part 1 and the North Somerset Parking Standards SPD.

Issue 5: Ecology

Barns 1 and 2 offer good roosting opportunities for bats. Bat roosts have been identified during the course of the surveys and in order for development of Barn 1 to legally proceed, a development Licence from Natural England will be required.

The proposed development will not have a material detrimental impact upon biodiversity subject to a revised updated Bat Survey for the proposed mitigation for Barn 3 which is to be demolished. This proposal is considered acceptable subject to a suitable mitigation for biodiversity enhancement before the decision is made.

By law, the LPA must meet three tests to comply with the legal protection afforded to European protected species. The tests are that:

1. There is "no satisfactory alternative"

There are no satisfactory alternatives to the proposed activity. The alternative of doing nothing is not satisfactory because if left as it is the barn will fall into disrepair and lose its suitability as a bat roost.

SECTION 2

2. The proposal would "not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

This test has been met by the mitigation scheme which provides for the opportunity to install a pair of Habitat bat boxes which can be incorporated into the fabric of a building as it is being renovated. The roost is classified as being of medium potential. The impact on the local bat population will be low provided that the mitigation strategy is implemented. Favourable conservation status of the species population will be maintained during and after development".

3. The proposal is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment"

This test has been met by the re-use and enhancement of an underused building for residential purposes, to the benefit of the rural economy and the character of the area.

It is concluded that the proposals subject to a revised bat survey for Barn 3 will safeguard the bat roost and will meet the three tests required for European protected species. I will also comply with Policy CS4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan part 1.

Issue 6: Setting of Listed Building

The proposal does not affect the setting of no.17 Knightcott Road which is a listed building.

Issue 7: Trees

Trees of amenity value are on site and further trees within the adjoining orchard. It is considered that the works can be carried out without harming the trees and conditions are recommended to ensure that the tree will be safeguarded during the development works. A condition is recommended to show details of the boundary treatment to ensure that it respects the rural character of the area. To avoid a harmful impact upon the rural character of the surrounding area a condition is recommended for a landscaping scheme to show the trees to be retained and new trees and hedgerow to be planted along the boundary of the application site.

SECTION 2

Issue 8: Contamination

The contamination report states that there is some potential for contamination on the site therefore a mitigation condition would be imposed should the application be approved.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application

Conclusion

It is concluded that this area can be considered a sustainable location and in the light of the council's housing supply shortfall there are no adverse impacts which outweigh the benefits of the development. The proposal for the new dwellings and conversion of the existing barn due to their scale, design and materials will not adversely affect the open characteristic of this rural location. The proposal will not impact upon highway safety and will have a minimal impact upon the living conditions of the neighbouring dwellings. It is also concluded that the proposals will safeguard the existing bat roosting habitat and will meet the three tests required for European protected species.

It is concluded that proposal is acceptable and in accordance with Paragraph 14 of the National Planning Policy Framework, Policies CS12 and CS11 of the North Somerset Core strategy and Policies DM8, DM9, DM32, DM24, DM28, DM8 of the North Somerset Sites and Policies Plan 1.

RECOMMENDATION: APPROVE subject to the receipt of a satisfactory bat survey and subject (for the reasons stated in the report above) to the following conditions together with any additional or amended conditions which may be required:-

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

SECTION 2

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

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

3. No work shall be commenced until samples of the materials to be used in the development have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in the approved materials unless otherwise agreed in writing.

Reason: To ensure that the materials are acceptable in the interests of the appearance of the area and in accordance with section 7 and paragraph 17 of the National Planning Policy Framework, policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Part 1.

4. Prior to the new dwellinghouses hereby permitted being brought into use, the parking area and erection of gates set back 6m from the road edge shall be provided in accordance with layout plan drawing no. PL3692/3 and surfaced using permeable materials. Thereafter, the permeable parking area and position of the gate shall be retained. The parking area shall not be used except for the parking of vehicles in connection with the use of the dwellinghouses hereby approved.

Reason: To ensure that the site is served by an adequate off street parking area in the interests of highway safety and to reduce the risk of surface water flooding and in accordance with paragraph 17 and section 10 of the National Planning Policy Framework, the Technical Guidance to the National Planning Policy Framework (March 2012) and policies CS/3 and CS/11 of the North Somerset Core Strategy.

5. No development shall take place until an assessment of the nature and extent of contamination on site has been submitted to and approved, in writing, by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
 - i. a survey of the extent, scale and nature of contamination;
 - ii. an assessment of the potential risks to:
 - human health

SECTION 2

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

6. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s) and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

7. The remediation scheme, if required, shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

8. No development shall take place until details the boundary treatment and a landscaping scheme to show the existing trees to be retained and proposed trees and hedgerows within the application site have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the proposal respects the rural character of the surrounding area and a satisfactory landscaping scheme is prepared and in accordance with policy CS5 of the North Somerset Core Strategy and Policy DM9 and DM32 of the North Somerset Sites and Policies Part 1.

SECTION 2

9. No development shall commence until a plan showing the location and design of tree protection fencing has been submitted and agreed in writing by the Local Planning Authority and the agreed tree protection has been erected around existing trees to be retained. Unless otherwise specified the fencing shall be as shown in Figure 2 of BS5837:2005 Trees in Relation to Construction - Recommendations and shall be erected to achieve root protection areas in accordance with BS5837: 2005 root protection area calculations and the location of the fencing will be informed by the recommendations of BS5837:2005. This fencing shall remain in place during site works. The Local Planning Authority is to be advised prior to development commencing of the fact that the tree/hedge protection measures as required are in place and available for inspection.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place within this protective zone and in accordance with policies CS4 and CS5 of the North Somerset Core Strategy and Policy DM9 of the North Somerset Sites and Policies Plan Part 1.

10. All works comprised in the approved details of landscaping should be carried out in accordance with the approved details during the months of October to March inclusive following occupation of the building or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with policy CS5 of the North Somerset Core Strategy and Policy GDP/3 of the North Somerset Replacement Local Plan (saved policies).

11. Trees and hedges shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policy CS5 of the North Somerset Core Strategy and Policy GDP/3 of the North Somerset Replacement Local Plan.

12. The units 2, 3 and 4 hereby approved shall not be occupied until measures to generate 10% (less if agreed with the Local Planning Authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with details that have been submitted to and approved in writing by the Local Planning

SECTION 2

Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

13. The dwellings shall not be occupied until details of a scheme for providing space and facilities for the storage and collection of waste have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: The Local Planning authority wishes to encourage sustainable waste collection initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order amending or revoking and re-enacting that Order, no extensions or external alterations to the dwelling referred to as unit 1 or no extensions to the dwellings referred to as units 2, 3 and 4 as shown on drawing no. PL3692/3 shall be carried out, other than those expressly authorised by this permission.

Reason: The Local Planning Authority wish to retain control over extensions and external alterations in order to maintain the integrity and appearance of this development and protect Biodiversity in accordance with policies CS4 and CS12 of the North Somerset Core Strategy and policies DM8 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

15. The approved works shall be shall be carried out in accordance with the recommendations within paragraph 4 of the Bat Survey received 23 August 2016 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to preserve bio-diversity and protected species in accordance with policy CS4 of the North Somerset Core Strategy and paragraph 118 of the National Planning Policy Framework.

SECTION 2

Advice Note:-

Prior to commencement of the development hereby approved a development Licence from Natural England will be required.