

SECTION 2– ITEM 7

Application No: 20/P/2020/FUL

Proposal: Change of use of former masonic lodge (use Class F.2(b)) to Office, research and development use (use Class E(g)(i) and (ii))

Site address: Rickford Chapel (former Masonic Lodge), The Batch, Burrington, BS40 7AH

Applicant: Sir David Wills

Target date: 04.12.2020

Extended date: 19.02.2021

Case officer: Jessica Smith

Parish/Ward: Burrington/Blagdon and Churchill

Ward Councillors: Councillor Patrick Keating

REFERRED BY COUNCILLOR KEATING

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.

Background

This application was deferred by the Committee at the last meeting on 21 January for the applicant to consider including the provision of 4 parking spaces to serve the proposed office within other land owned by the applicant.

The applicant has considered the possibility of providing 4 parking spaces on other land owned by them and has concluded that this cannot be economically justified or on the landscape impact of a proposed parking area on the Area of Outstanding Natural Beauty.

This assessment is based on their information that the proposed conversion of the Grade II Listed building is going to require significant funds for its repair and ongoing maintenance of the building. The applicant considers that having to spend an additional amount of approximately £12,000- £14,000 to create the surfacing for an entrance, car parking spaces and fencing to secure the site, would make the reuse of this Grade II Listed Building unviable due to the length of time it would take to recover the additional expenditure.

In addition, the applicant considers that by providing parking in the Orchard as suggested by Councillors and locals, would see the introduction of hard landscaping and the erection of fencing in an open area of the AONB which is currently grassland and as such would have a detrimental effect on the visual aspect of the AONB.

Moreover, given that the Highway Authority has already confirmed that the proposed use would require less parking provision than the current lawful use of the building, the applicant considers that there is no justification to provide the additional parking as suggested when the proposal would be an improvement of the current parking shortfall. should the application site be brought back into any other community use.

As such the proposed development remains the same as at the previous Planning and regulatory Committee on 21 January 2021.

The Site

The application site is located outside of any established settlement boundary and falls within the Mendip Hills Area of Outstanding Natural Beauty. It is located on the northeast side of the A368 to the northwest of Rickford Pond and southwest of Mill House at The Batch Rickford. The site consists of a vacant Grade II Listed building that was formerly used as a Masonic Lodge. The application site therefore has a lawful use as a meeting hall albeit with no onsite parking. Adjoining the site to the north west is Mill House, a Grade II Listed building with further residential development and the Plume of Feathers pub beyond.

The Application

Full permission is sought for:

- The change of use of former masonic lodge (use Class F.2(b)) to Office, research and development use (use Class E(g)(i) and (ii))
- There are no external changes proposed to the existing building
- The planning application forms indicate one person would be employed full time. However, there may be increased employees should the business experience growth over time.

Relevant Planning History

Year: 2002

Reference: 02/P/2036/LB

Proposal: Replace rotten window frame above main entrance

Decision: Approved

Year: 1963

Reference: 65286

Proposal: Use of Baptist Chapel as a Masonic Lodge.

Decision: Approved

Policy Framework

The site is affected by the following constraints:

- Within the Area of Outstanding Natural Beauty
- Outside any established settlement boundary
- Within a Greater Horseshoe Bats Habitat
- Grade II Listed Building

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

CS4	Nature Conservation
CS5	Landscape and the historic environment
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS20	Supporting a successful economy
CS27	Sport, recreation and community facilities
CS33	Smaller settlements and countryside

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

The following policies are particularly relevant to this proposal:

DM4	Listed Buildings
DM8	Nature Conservation
DM11	Mendip Hills Area of Outstanding Natural Beauty
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM28	Parking standards
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM54	Employment development on previously developed land in the countryside
DM68	Protection of sporting, cultural and community facilities

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

SA2	Settlement boundaries and extension of residential curtilages
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Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following sections are particularly relevant to this proposal:

6	Building a strong, competitive economy
9	Promoting sustainable transport
12	Achieving well designed places
15	Conserving and enhancing the natural environment
16	Conserving and enhancing the historic environment

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

- North Somerset Parking Standards SPD (adopted November 2013)

- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

Consultations

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

Third Parties: 14 letters of objection have been received. The principal planning points made are as follows:

- Inadequate access and parking. On street parking is already used by B&B and Pub customers. Access is already difficult on the turning point from the A368.
- Vehicles accessing the village have nowhere to turn around without driving over private property which is made more difficult due to conversion of the former commercial unit to housing. Access for emergency services would be impossible if the junction to be used for business parking
- Inadequate public transport provisions so travel to this place of business would have to be by car or possibly bicycle
- Previous use was one evening a month and not used all the time where proposed is full time use. Future employee numbers are understated.
- Increase of pollution. None of the properties in the village are on main sewers. Environment Agency already has an ongoing investigation into pollution in Rickford Stream emanating from the culvert running down from the Mill Pond
- Affects local ecology
- Noise nuisance. Close to adjoining properties with adverse impact on residential amenity
- Strain on existing community facilities

One letter of support has been received.

Burrington Council: Objects. (see Appendix 1 for full comments).

A statement prepared by Burrington Parish Council responding to the officer's report was sent to all P&R Committee Members prior to the Committee's meeting on 20th January. The statement did not oppose the principle of the use but restated concerns about vehicular access, car parking and road safety.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of employment development in this location, (2) parking and highway safety, (3) impact on Area of Outstanding Natural Beauty, (4) character and appearance, (5) impact on listed building, (6) drainage and foul drainage, (7) impact on neighbours, (8) protected species and (9) other matters.

Issue 1: The principle of employment development in this location

The proposal is for the change of use of the former masonic lodge to an office and research and development use. There are no external or internal alterations proposed to the existing building and as such the proposal is for the change of use of the building only.

The application site is located outside of any established settlement boundary where Policy DM54 of the Sites and Policies Plan Part 1 supports proposals for economic development provided that the character and appearance of the countryside is not harmed, existing structurally sound buildings contributing to the rural area are maintained, design of proposals are in keeping with the surroundings, there is safe and convenient access to the highway network and that there would be no significant impacts on the living conditions of adjoining occupiers.

Given that the proposal would retain the existing building and no alterations are proposed to its appearance, it is considered that the proposal would have no adverse visual impact on the character of the area. Moreover, the proposed office use would have no further impact on the living conditions of neighbouring occupiers than that of the previous use. While concern has been raised over highway safety and inadequate parking (see Issue 2 below), the proposal would have no unacceptable highway safety impacts. In principle, the re-use of this listed and rural building for employment purposes after being vacant for 3 years is supported and the proposed office use is considered to be appropriate for a building of this type. As such the proposal will provide employment in the rural area which is in accordance with the council's planning policy DM54 and government advice.

Policy DM68 seeks to protect community facilities, such as halls, and states that for use for other purposes will only be permitted if the site or building is genuinely redundant to requirements and does not comprise of open space or undeveloped land with recreational or amenity value. While the submitted marketing evidence suggests that the site has not been marketed for 6 months, there appears to have been previous interest in the application site for a variety of uses some of which were for community uses. However, consultation with the Parish Council and other relevant consultees has found that there is no demand for any form of community facility in the vicinity and the proposed use of the site for a business would be supported within the rural location. It is therefore considered that there is no need for the building to be retained as a community facility in the vicinity and as such the proposal complies with Policy DM68 as the site is considered to be genuinely redundant.

In light of the above, the proposal is therefore considered to be acceptable in principle.

Issue 2: Parking and highway safety

Significant concern has been raised over the proposed development having no on-site parking provisions which it is suggested would lead to occupiers parking in the already narrow and restricted roads causing dangerous highway safety conditions.

The starting point in the assessment of this proposal on the impact on the highway network is to assess what the current impact from the current and lawful use of the site as a meeting hall is in comparison to that of the proposed use of the site as an office and research and development use. The existing meeting hall has no off-street parking.

Policy CS11 of the Core Strategy states that adequate parking must be provided and managed to meet the needs of anticipated users (residents, workers and visitors) in usable spaces. Local car parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of car parking spaces for non-residential development, specifying 1 car parking space per 30sqm of office space.

Using the above standard 4 parking spaces should be accommodated at the site. It is noted, however, that the previous use of the site as a meeting venue would have required 1 space per 10sqm of open hall area to comply with the North Somerset Parking Standards SPD. This current and lawful use of the site as a meeting hall would therefore require a larger number of parking spaces than the proposed use as an office. While it is noted that concern has been raised over the potential capacity of the building to accommodate additional employees, the assessment of required parking spaces is based on the floor space of the building rather than other measures of capacity.

It is noted that the previous occupiers made informal use of the field opposite the application site, however, the land is not within the application site or the ownership of the applicant and cannot have been guaranteed to be used by any other occupiers of the site using the building as a community facility. In this respect, while the proposed use would have an under provision of 4 parking spaces, this under provision is considered to be considerably less than the that of the current lawful use of the site. As such, it is considered that the proposed use would not result in an increase adverse impact through the lack of on-site parking.

Concern has been raised over the proposed use resulting in dangerous highway conditions as a result of the under provision of on-site parking provisions and an increase in traffic. However, as set out above, the existing use of the site as a meeting hall could result in a significantly larger number of people and vehicles visiting the building. This creates the potential for higher levels of traffic and parking which would cause a greater obstruction and have a higher safety impact on the highway network than the proposed use.

Concern has also been raised over the proposed use of the site having an all-day impact on the highway network where the current use would only host events once a month. However, there is no restriction on the number of events that could be held in the hall nor is there a restriction on the hours of use and number of attendees. As such, in comparison, the proposed use is considered not to have any unacceptable prolonged impact on the highway network given the previous use.

In light of the above, it is concluded that the proposals do not result in a worsening of current under provision of parking. A condition is considered acceptable in order to ensure that onsite bicycle storage is provided in order to encourage occupiers to use more sustainable modes of transport.

In this respect, although on-site parking provision will fall below the standards set out in the North Somerset Parking Standards SPD, the highway conditions in the area are such that there will be no adverse impact on highway safety as a result of approving this proposal. The proposal therefore complies with policy DM28 of the Sites and Policies Plan (Part 1).

Issue 3: Area of Outstanding Natural Beauty

The proposal will conserve the landscape and the scenic beauty of the AONB and is in accordance with policy CS5 of the North Somerset Core Strategy, policy DM11 of the Sites and Policies Plan (Part 1) and section 15 of the NPPF.

Issue 4: Character and appearance

The proposal would not unacceptably harm the characteristics of the existing building or the character of its surroundings given that there are no external alterations proposed to the existing building and site. In this respect, the proposal complies with policy CS12 of the Core Strategy, policies DM32 and DM54 of the Sites and Policies Plan (Part 1).

Issue 5: Listed Building

The building is a grade 2 listed building and has been vacant for 3 ½ years. The proposals do not adversely affect the character of the building. The national guidance on listed buildings indicates that they should not be left vacant and new uses which protect them should be considered favourably. In this case the change of use provides a viable future use for the vacant building and this should be given considerable weight.

Regard has been paid to the significance of this heritage asset when determining the weight to be given to its conservation and the proposal is considered to be in accordance with policy CS5 of the North Somerset Core Strategy, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and sections 16(2) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Issue 6: Drainage and foul drainage

It is noted that concern has been raised over the application site not having a main sewerage connection and there are current issues with the Environment Agency through pollution. However, there are existing facilities within the building and there would be no additional pressure on these services arising from the proposal. In this respect, the proposal is in accordance with policy DM1 of the Sites and Policies Plan (Part 1) and section 14 of the NPPF. It should also be noted that foul drainage is dealt with under the Building Regulations.

Issue 7: Impact on neighbours

The lawful use of the site as a meeting hall, could allow the building to host community events with large numbers of visitors and as such it is considered that the proposed change of use would have no more noise nuisance than the lawful use of the site. It is noted that the hall has not been used since 2017, however there would be no requirement for planning permission for the meeting hall to be used for community meetings. Such a community use could potentially cause an increase in noise nuisance from that of the proposed office and research and development use.

The proposed development would not result in a significant adverse impact upon the living conditions of neighbouring residents. In this respect, the proposal complies with policies DM32 and DM54 of the Sites and Policies Plan (Part 1).

Issue 8: Protected species

Concern has been raised over the proposal resulting in an increase pollution to the watercourses thereby affecting local ecology. However, this is an existing concern within the wider area that would be unaffected by the proposed change in use of the site from a community facility to an office and research and development use.

In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

Issue 9: Other matters

All other matters raised have been taken into account, but none is of such significance as to outweigh the considerations that led the recommendation below given that each planning application is considered on its own merits.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon bio-diversity.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

The Crime and Disorder Act 1998

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

Conclusion

Following the deferral of the application by the Committee at its meeting on 20th January, the possibility of providing additional parking has been explored with the applicant. However, due to issues of viability, the existing fallback position and the potential impact on the AONB no additional parking has been provided.

The proposed development would see a vacant Grade II Listed Building being brought back into use for employment which will protect its future and provide employment within the rural area which would have a positive impact on the local economy. It is considered that the existing lawful use of the site could have a greater impact on highway safety through an under provision of parking and inadequate access than that of the proposed office use and as such the proposal would be an improvement on the existing use of the site. The proposal would have no adverse impacts on the character of the area, living conditions of neighbouring occupiers or local ecology. It is therefore considered that the benefits of the proposed development which is in accordance with the council's policies and national planning advice significantly outweigh any perceived harm.

As such the proposed development is in accordance with Policies CS1, CS4, CS5, CS11, CS33 of the Core Strategy and Policies DM1, DM4, DM8, DM28, DM32, DM54 and DM68 of the Sites and Policies Plan Part 1 and section 16 of the NPPF and sections 16(2) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

RECOMMENDATION: APPROVE (for the reasons stated in the report above) subject to the following conditions:-

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

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

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. The use hereby permitted shall not commence until secure parking facilities for bicycles have been provided on site in accordance with the approved plans and specifications. The approved facilities shall thereafter be permanently retained and kept available for the parking of bicycles at all times.

Reason: To ensure that secure cycle parking facilities are provided in order to encourage the use of more sustainable transport choices and in accordance with policies CS1 and CS11 of the North Somerset Core Strategy, policy DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the premises shall only be used as an Office and Research and Development use falling within Class E(g)(i) and (ii) and for no other purpose.

Reason: The Local Planning Authority wish to ensure that adequate parking provision is made in the interests of preserving highway safety and the living conditions of neighbouring residents and in accordance with policies CS10, SC11 and CS12 of the North Somerset Core Strategy, policies DM24, DM 28, DM32 and DM54 of the North Somerset Sites and Policies Plan (Part 1), the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours) and the North Somerset Parking Standards SPD.

5. The use hereby permitted shall not take place outside the hours of 08:00 hours to 20:00 hours Mondays to Fridays and 09:00 hours to 16:00 hours on Saturdays and at no time on Sundays or Bank or Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to minimise noise nuisance in the interests of nearby occupants and in accordance with policy CS3 of the North Somerset Core Strategy.

Appendix 1 – Burrington Parish Council Comments

Comments on proposed development:

The proposed change of use is described on the application form as a change of use to Class B1 Business Use, however applications validated after 1st September 2020 now have to be considered against the 2020 Amendment to the 1987 Use Classes Order and so the application is now described by North Somerset Council as 'Change of use of former masonic lodge (use Class F.2(b)) to Office, research and development use (use Class E(g)(i) and (ii))' to be consistent with the new use classes.

The Parish Council noted that the proposed floor plans show a total internal floor area of 118 sq m, with at least 6 workspaces plus meeting space, although the application form states that only 1 person would be employed on the site.

The supporting statement acknowledges that there is no vehicular access to the site to allow for parking.

North Somerset Council's Highways and Transport team has noted that the Council's car parking standards (1 space/30 sq m) would require the provision of 4 car parking spaces for the area of floorspace proposed for business use. They also note that the site would now require a larger number of spaces (12) in its former use as a meeting hall and conclude that the proposals would not worsen that situation.

However, the Parish Council is not convinced by the council officers' conclusion. The Masons only met in summer months and parking was always in an adjacent field. There is no proposal to restrict the number of people working on site or visiting and it would be impossible to enforce a planning condition to restrict the number, in any event. Parking would therefore be a potentially serious problem, especially if it entailed on-street parking near this very difficult junction, resulting in problems and dangers for local residents and users of The Plume of Feathers. Deliveries would also be problematic at this location.

There is no mains sewer in Rickford, contrary to the statement on part 14 of the application form, and an intensification of use could potentially pose problems of pollution in the stream, unless this risk is addressed.

The Parish Council recognises the importance of securing an economic use for this important listed building. However, given the nature of the site and its location, an off-site solution is likely to be required to the problems of vehicular access, deliveries and car parking associated with the proposed change of use. The application should therefore be refused until suitable off-site solutions are identified and secured by a planning agreement to make the proposed change of use acceptable.

Comments on need for community facility:

Not saying that The Chapel should have a community use - villagers were not using the premises when it was a Masonic Lodge - just a viable use to maintain the building without significant adverse impacts on the village and surrounding roads. Whatever the use, parking and safety are our main objections.