



Bath & North East  
Somerset Council

CD/PMP/MM2

# Schedule of Minor Proposed Changes to the Submitted Placemaking Plan January 2017

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## Introduction

The Draft Placemaking Plan was submitted to the Secretary of State to be examined by an independent Planning Inspector in April 2016. The Examination hearings took place in September/October 2016. The Inspector has now written to the Council to confirm that the Examination can proceed to the consultation on the Main Modifications.

Alongside the Schedule of Main Modifications, the Council has produced a Schedule of Minor Proposed Changes on which you may also wish to comment. The Inspector is satisfied that these changes are not considered necessary for the plan's soundness or legal compliance. In accordance with Planning Inspectorate examination procedural guidance<sup>1</sup> this schedule does not include any additional (factual or minor editorial) changes to the Placemaking Plan which the Council is entitled to make before it adopts the Placemaking Plan as these do not need to be subject to the formal examination process.

The schedule below lists the Minor Proposed Changes in Plan order so that they can be read them alongside the Draft Placemaking Plan, comprising six volumes:

Volume 1 - District-wide

Volume 3 - Keynsham

Volume 5 - Rural Areas

Volume 2 - Bath

Volume 4 - Somer Valley

Volume 6 - Appendices

Each Minor Proposed Changes has a unique reference number as shown in the left-hand column of the schedule.

Please note that deletions to existing text are shown as ~~strike through~~ and additional text is shown as underlined.

MPC Ref.	Policy/Para	Minor Proposed Change
<b>VOLUME 1 - DISTRICT-WIDE STRATEGY &amp; POLICIES</b>		
<b>MPC1</b>	Para 178, p.80	This approach is consistent with advice in the Planning Practice Guidance which reinforces the controls of other bodies such as the Environment Agency, ensuring that early consideration is given to development proposals that may affect local groundwater quality. Water Source Protection Areas are now more commonly referred to as Source Protection Zones (SPZs) by the Environment Agency who holds all up to date information. <u>The potential impacts of development on groundwater areas beyond the designated zones should also be evaluated as part of a</u>

<sup>1</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/531005/Procedural\\_Practice\\_in\\_the\\_Examination\\_of\\_Local\\_Plans\\_-\\_final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/531005/Procedural_Practice_in_the_Examination_of_Local_Plans_-_final.pdf)

MPC Ref.	Policy/Para	Minor Proposed Change
		<u>development proposal, in particular principal and secondary aquifers, to ensure there is no unacceptable impact in groundwater quality.</u>
<b>MPC2</b>	New para 239a, p.101	<u>The Council will encourage the appropriate management of these heritage assets and those elements most at risk, and will support proposals that seek to conserve and enhance their significance.</u>
<b>MPC3</b>	<p>Para 479, p.181</p> <p>Para 480, p.181</p> <p>Para 481, p.181</p> <p>Para 482, p.181</p> <p>Para 483, p.181</p>	<p>Paragraph 51 of the NPPF (March 2012) states that “LPAs “should normally approve {planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate”.</p> <p>The term ‘change to’ encompasses both a change of use and redevelopment as ultimately both result in a ‘change to’ the use of land. Residential is defined as development in the C2, C3 and C4 use classes. Residential also encompasses sui generis residential uses such as large HMOs (i.e. blocks of student accommodation with shared flats hosting more than 6 persons).</p> <p>What constitutes a ‘strong economic reason’ is not defined in the NPPF or the PPG and so requires definition in policy locally to enable decision-taking, and the Development Plan for B&amp;NES <u>already</u> includes a very specific policy (B5) to regulate new student accommodation in certain parts of the city.</p> <p>In May 2013, Government amended the GPDO to introduce permitted development rights to enable premises in B1(a) office use (subject to some exclusions including but not limited to listed building and space built since May 2013) to change to C3 dwelling houses (though not C2, C4 or sui generis residential uses) without the need for a planning application, and subject to a prior approval process covering <u>noise</u>, flooding, highways and transport issues and contamination.</p> <p>The most commonly occurring exclusion in B&amp;NES relates to <del>a building being</del> <u>listed buildings</u>. If the building is listed or within the curtilage of a listed building (which is often the case in the centre of Bath), permitted development is not applicable and a planning application is needed. However, the Council considers that the purpose of such an application is to deal with (in addition to the prior approval matters listed above) any risk to the significance of heritage assets and not ‘in-principle’ issues. The permitted development rights initially lasted until May 2016, <u>but in April 2016, legislation came into force to make this change permanent.</u> <del>after some uncertainty about whether they would be extended, in October 2015 Government announced that</del></p>

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	<p>Para 484, p.181</p> <p>Para 485, p.181</p> <p>Para 486, p.181</p>	<p><del>the rights would be extended indefinitely.</del></p> <p>The utilisation of permitted <u>development</u> rights has had a meaningful negative impact on the supply of office space in Bath city centre, including on good quality occupied space. This means that more new office space will be needed than previously proposed when the Core Strategy was adopted. Whilst an expectation of losses was built into the Plan based on trends, permitted development rights have meant that those expectations have already been exceeded. The gross amount of new office space to be planned for has thus been increased as set out in Core Strategy Policy B1 in order to achieve the necessary net outcome. Making the rights permanent further risks undermining the spatial strategy for the city as a whole and therefore the Council will consider making an Article 4 Direction to remove the rights in specific parts of the District. In 2013 it applied to Government for parts of the District to be exempted as Article 2(5) land but was not successful.</p> <p>The current permitted development rights only apply to a literal ‘change of use’ (not redevelopment). Currently, proposals for the ‘redevelopment’ of office space to C3 residential use still require a planning application, which can test in-principle matters (albeit against the background of the NPPF:51). However, in October 2015 Government announced that it intended to extend permitted development rights to redevelopment. The extended rights will enable the demolition of offices and new build as residential use but will be subject to as yet unknown limitations and prior approval tests by the local planning authority. <del>The full details are not yet known.</del> Further, the Council will consider making an Article 4 Direction to remove change of use and redevelopment rights in specific parts of the District. The policies below are written to be sound in the current national planning context and to be flexible enough to be able to respond to changes at a national or local level, without requiring a review of the policy.</p> <p>Proposals for the redevelopment of offices to a C2, C4 or sui generis residential uses do not benefit from permitted development rights and will, in all circumstances, be judged against policy ED.1B. Where a proposal is for student accommodation, Policy B5 of the Core Strategy will also be used in decision-taking.</p>
<b>MPC4</b>	Policy ED1.B, p.182	<p><b>POLICY ED.1B - CHANGE OF USE &amp; REDEVELOPMENT OF B1 (A) OFFICE TO RESIDENTIAL USE</b></p> <p><b>Clause 1</b></p> <p><u>1. Change of use (i.e. conversion)</u></p> <p><del>a</del> The conversion of office space (B1a) to <u>residential (C3)</u> is normally permitted development, <u>subject to the</u></p>

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		<p><del>exceptions set out in the GDPO (which includes listed buildings). The principle of the change of use through conversion of listed buildings in B1a use to C3 residential use is also accepted. and the GDPO sets out circumstances when it is not. Most commonly this circumstance relates to listed buildings. So long as the permitted rights remain in force the LPA will not raise any in principle planning issues in respect of applications for the loss of office space in listed buildings.</del></p> <p><u>2. Redevelopment (i.e. demolition and construction of a new building)</u></p> <p><u>The redevelopment of office space (B1a) to non-student C2, C3 or C4 residential will be permitted unless there are strong economic reasons for refusal, as set out below.</u></p> <p><del>-b Should this permitted development right be extinguished or removed clauses 2a, 3a and 3b on the redevelopment of office space will also apply to all applications for conversions. Permission will be granted unless both clause 3a and 3b) are met, which would equate to a strong economic reason for refusal</del></p> <p><del>-Clause 2 a The redevelopment of non listed office space (B1a) to C3 will be permitted unless both clauses 3a and 3b) are met, which would equate to a strong economic reason for refusal.</del></p> <p><del>-b If permitted development rights are widened in scope, to include redevelopment, as well as conversion to C3 then this right will take precedence over Clause 2 of this policy c The conversion or redevelopment of office space (B1a) to non student C2, C4 residential uses, will be normally be approved, unless both clauses 3a and 3b) are met, which would equate to a strong economic reason for refusal</del></p> <p><u>3. Strong economic reasons</u></p> <p><u>Strong economic reasons will exist if:</u></p> <p><del>-Clause 3</del></p> <p><del>-a i) the space site is within the Bath Central Area, the Bath City Riverside Enterprise Area, Somerdale, or a town centre listed in Policy CP12, or on a site that has been granted permission since 2011; and</del></p> <p><del>ii) the loss of the space would be a significant loss to strategically important office accommodation in B&amp;NES and significantly harm the Council's ability to plan positively for economic development.</del></p> <p><del>In determining planning applications against clause 3b assessing whether strong economic reasons exist, consideration will be given to:</del></p>

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		<ul style="list-style-type: none"> <li>• <u>the quality of the office space (existing or permitted) to be lost or not implemented relative compared to alternative, available premises in the locality, and whether these are suitable for any displaced existing occupiers;</u></li> <li>• <u>the need to retain the space in the context of the achievement of strategic Core Strategy targets set out in B1, KE1 and SV1;</u></li> <li>• <u>current market signals and forecasts (to ensure that at any point in time the long term targets of CS policies B1, KE1 and SV1 remain justified throughout the plan period);</u></li> <li>• <u>in the case of a mixed-use residential-led site granted permission since 2011, whether the premises are critical to the sustainability of the permission and whether implementation remains viable, and realistic in light of market signals.</u></li> </ul> <p><u>4. In the event that permitted development rules referred to in this policy no longer apply (whether due to the introduction of a direction under Article 4 of the Town and Country Planning Acts or through changes to national legislation or policy)</u></p> <p><u>a) If the permitted development rules relating to change of use (conversion) from office to residential are removed, all such applications, including for listed buildings, will be assessed using the criteria set out in paragraphs 2-3d, above. For the avoidance of doubt in these circumstances the principle of the change of use through the conversion of listed buildings in B1a use to C3 use will no longer be automatically considered acceptable.</u></p> <p><u>b) If the permitted development rules relating to change of use (conversion) from office to residential are widened to include redevelopment, consideration of strong economic reasons, as set out in paragraphs 2-3d, above, will no longer be required. This would not apply to listed buildings.</u></p>
<b>VOLUME 2 – BATH</b>		
<b>MPC5</b>	Contents page	Page 118 Policy B5 Strategic Policy for Bath’s Universities <del>and their impacts on the Housing Market</del>
<b>VOLUME 5 - RURAL AREAS</b>		
<b>MPC6</b>	Policy SR5, criterion 9,	<b>POLICY SR5 - PINKERS FARM</b> 9. Any development must take into account all of the lighting needs associated with the development <del>during</del>

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	p.27	<del>operational hours</del> and shall be the minimum required to perform the relevant lighting task subject to the requirements of Policy D8.
<b>MPC7</b>	Policy SR6, criterion 2, p.29	<p><b>POLICY SR6 - WATER STREET</b></p> <p><i>Amend criterion 1 as follows:</i></p> <p><del>About</del> <u>Up to</u> 10 dwellings</p> <p><i>Delete point 2 as this was superseded by point 3 and should have been deleted. Renumber the remaining principles</i></p>