

<b>Application Number:</b>	P/FUL/2020/00052
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Grove Farm Chaffeymoor Hill Bourton Dorset SP8 5BY
<b>Proposal:</b>	Erect Yoga Studio with attached deck and sauna facilities, use of existing on site parking and turning to serve the proposed use, improvements to the access onto Chaffeymoor Hill and change of use Grove Farm from C3 to C1 use to provide B&B accommodation for not more than 20 persons in connection with the proposed use.
<b>Applicant name:</b>	Mr Chris Kazamias
<b>Case Officer:</b>	Graham Parkinson
<b>Ward Member(s):</b>	Cllr Pothecary, Cllr Ridout, Cllr Walsh

#### 1.0 Reason for Consideration by the Planning Committee

Recommendation contrary to the views of Bourton Parish Council

#### 2.0 Summary of recommendation: Grant Planning permission

#### 3.0 Reason for the recommendation:

- Will result in the creation of a business to the benefit of the local rural economy and which is supported by the NPPF and Policy 12 of the Neighbourhood Plan.
- Represents a contemporary building that in size, design and siting terms will not have any material impact on the rural or landscape character of the area nor intrude into any protected views identified by the Neighbourhood Plan.
- Will not result in any material impact to the outlook or aural amenity of any neighbouring dwellings.
- Is acceptable in its heritage, wildlife and highway impacts.
- Tree loss is minimized to examples that are not worthy of protection and a replacement landscaping scheme has been agreed.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Considered acceptable as the proposal will contribute to the character and vitality of the

	local area in accordance with the provisions of Policy 12 of the Neighbourhood Plan while the NPPF also gives support for well-designed new buildings in rural areas supporting new businesses and enterprises.
Impact on rural character and landscape of the locality	Considered acceptable as the proposed building occupies a freestanding, isolated and enclosed location that will not encroach into any protected views identified in the Neighbourhood Plan while improvements to the access will have minimal impact on the highway frontage, subject to the provision of a replacement hedge and the retention of an ash tree within the visibility splay.
Impact on amenity	No houses sufficiently close to experience any direct loss of visual or aural amenity
Heritage assets	Proposed development will enhance local distinctiveness while not harming the character or setting of a nearby Listed building.
Wildlife	No protected species found on site while sufficient enhancement is proposed. Replacement planting will ensure the retention of the wildlife corridor on the highway frontage.
Access and Parking	Sufficient on-site parking available while sight line improvements onto Chaffeymore Hill will ensure that the free flow of traffic and highway safety will not be adversely affected.

## 5.0 Site Description

- 5.1 The application site having an area of 937 sqm, lies in open countryside abutting the northern side of a pond and is just over 30 metres to the north west of the detached house known as Grove Farm. Grove Farm is one of an isolated pair of dwellings, the other being Grove House a Grade II Listed Building just over 45 metres from the application site and separated from the application site by Grove Farm.
- 5.2 The application site has a steep gradient falling from the north towards the pond and main house resulting in a level change of 8.5 metres over a distance of 52 metres. It then slopes more gradually to meet the southernmost boundary resulting in a level change of 1.5 metres over a distance of 43 metres.
- 5.3 To the west of the site is Chaffeymore Hill which has a dense hedgerow running along its eastern boundary. There are no public footpaths/bridlepaths running close to the application site.

## 6.0 Description of Development

- 6.1 Permission is sought to erect a single storey self-contained yoga studio to allow yoga and other meditative exercises to take place with ancillary spa facilities.
- 6.2 The studio includes shower and plant rooms, storage and decked areas. In addition, there are sauna and hot tub facilities to the east, connected by timber decking and a hardwood pergola.
- 6.3 The main studio will be white rendered with vertical timber cladding to interior walls which the applicants advise is intended to soften the impact of the building within the landscape while giving it a contemporary appearance. All windows will have powder coated aluminium frames, and the sauna and hot tub will be faced with cedar cladding.
- 6.4 The studio and sauna will both have 'sedum' roofs. The applicants advise this is to ensure the proposal blends into the landscape whilst creating microhabitats for insects. The pergola and wire rigging will allow climbers to cover areas of the studio which the applicants contend will further diminish the presence of the building in the landscape.
- 6.5 The applicants also advise that rear corners of the studio have been curved to create a 'softened' view for users when standing at the top of the site looking down towards the cottage. A hardwood pergola will connect the studio space with the spa area with timber deck wrapping around the buildings.
- 6.6 The accompanying energy and resources statement advise that surface water will go into a soakaway to attenuate runoff. The south elevation will receive passive solar gain due to full height glazing whilst the north elevation has high level windows.
- 6.7 The principal elevation has a 2 metre roof overhang to provide shade and to ensure the building does not overheat. The open design of the building is also intended to permit natural lighting with LED lighting used elsewhere.
- 6.8 The application is also supported by an arboricultural impact assessment and ecology survey accompanied by a biodiversity plan approved by Dorset Council valid until 19/10/23.
- 6.9 Supporting information is provided which is summarised below and includes details to address concerns raised by objectors:
  - The proposal makes no demand on local services and is accessible using public transport with a bus stop just over 160 metres to the south.

- Acknowledge planning policy does not support development in open countryside so could not propose the studio in the adjoining land as this would impact on the openness of the area.
- Siting the proposal within the applicant's residential curtilage utilises space that is underused and ensures development does not encroach into the countryside. This does not prevent the building being used for commercial purposes.
- Intended use is for yoga, which is by definition is an ancient form of exercise that focuses on strength, flexibility and breathing to boost physical and mental wellbeing in addition to meditation and wellbeing groupwork.
- Activities will be of a calm and quiet nature which will not cause nuisance, annoyance or disturbance to neighbours.
- Design of the scheme seeks to mitigate noise and disturbance by siting the studio at the furthest point from Grove House Farm. The presence of mature landscaping will attenuate noise breakout while siting up the hill will project noise up and away from nearest noise sensitive receptors.
- The Bourton Neighbourhood Plan sets out numerous important views in the area and these were taken into account during the design process
- The pre-app advice concluded that the important view is within the top field beyond the site and therefore, the scheme will have no impact on it while dense hedging and tree lined boundary's provide significant screening of the site.
- Site Location and proposed block plan show there is ample parking on site for occasional clients and visitors to attend the Yoga Studio with approximately 233 sqm of existing available space for parking at the front of the farm house. As such no need for any visitors to park on the lane.
- Regarding traffic generation the business would attract no more visitors than would be ordinarily expected for residential dwellings, with trades/family/visitors attending site on a non-permanent and infrequent basis.
- Difficult for a business to normally forecast the number of visitors they would expect but business will be run on a booking basis enabling the applicants to control how many people visit and how frequently.

Amended application:

6.10 In an attempt to address traffic concerns and in response to concerns relating to the effectiveness of a traffic management plan in addressing vehicle movements to the site the application has been amended to enable the house and nearby cottage to be used as visitor accommodation.

- 6.11 The main house would be used for B&B purposes with 18 bedspaces provided in the main houses (with 2 for the owners) leaving 16 bedspaces for guests.
- 6.12 The nearby cottage, which is also under the applicant's ownership and control, would provide bedspaces for 4 guests resulting total on site guest accommodation of 20 persons.
- 6.13 Neither of the above proposal will result in any external changes to the house or cottage.
- 6.14 As the proposal is no longer relying on a transport plan to manage traffic movements it is also proposed to carry out sight line improvements to the existing access onto Chaffeymore Hill. These involve provision of 33 metre visibility splays in both directions by reducing the height of existing shrubbery within the vision splays to no more than 600mm. No mature tree loss is required to achieve these vision splays.

## 7.0 Relevant Planning History

PRE/2019/0214/PREAPP : Single storey Yoga Studio - response 12/09/2019.

In summary advice given positive in relation to proposed use, design, siting and landscape impact. It should be noted these comments were made in connection with a proposal almost identical to the current submission.

## 8.0 List of Constraints

LB - Grade: II Listed Building: GROVE HOUSE

North Dorset Local Plan Part 1

Bourton Neighbourhood Plan

## 9.0 Consultations

All consultee responses can be viewed in full on the website.

### Consultees

1. **Bourton Parish Council:** Comments received in connection with revised application:

- Provision of sight lines will involve removal of hedgerow with trees and as such have a detrimental impact on the setting and secluded character of Chaffeymore Hill.

- This conflicts with policy 2 of Neighbourhood Plan (NP) which requires that **proposals likely to alter, remove or otherwise have a detrimental impact on trees, hedges and open spaces should be resisted.**

-Conflicts with policy 6 of the NP requiring **proposals to ensure that local biodiversity will not be harmed either directly or indirectly.**

- Nature of the proposed business will amount to it becoming a 'Wellness' resort with increased traffic posing a significant risk to pedestrians and horse-riders along Chaffey Moor Hill in contravention of policy 4 of the NP.

- Will have a detrimental impact on the aural amenity of neighbouring properties.

- Insufficient parking provision as the plan shows parking provision for just 8 vehicles. Provision of additional parking would contravene Policy 4(c) of the NP requiring that new development or alterations shall ensure that frontages do not become dominated by hard surfacing and parked vehicles.

- If permission granted site would become dominated by hard surfacing and parked cars.

- The D&A statement is outdated as it does not reflect the impact of the amended proposal on the amenity and outlook of neighbouring properties

2. **DC Highways:** No objection subject to conditions to secure visibility splays and on site parking and turning, cycle parking and siting of gates

3. **DC - Conservation Officers:** Proposed development will sit comfortably by the lake preserving and enhance the local distinctiveness of the area while no harm is identified to the setting of the Listed building and surrounding assets.

4. **DC - Trees (Team B):** I'm content that the loss of some vegetation at the entrance could be adequately mitigated by the planting of a new native species hedge. It would be planted on the back edge of the splay, and be long enough to tie-in with existing, retained hedging on either side.

The construction of the yoga studio proposes the use of a helical pile system, in order to minimise excavation. This, and the natural slope across the site, will mean that impact on neighbouring trees is minimal.

With part of the proposed sedum roof falling below the canopy of the existing mature trees, advice should be sought on shade tolerant species to ensure successful establishment.

If minded to approve the scheme, conditions are advised; one requiring tree protection details, and another for planting details.

5. **DC - Env. Services** - No indication the proposed development within area identified with historic potentially contaminative land uses. However, recommend imposition of precautionary condition.

## **Representations received**

5 representations received to proposal as originally submitted which are summarised below:

- No objections to domestic use but if for business use more information required as it will harm the rural character of the area.
- Reference to a covenant between Grove Farm and Grove House – Council must make sure this covenant is not breached.
- Inappropriate intensification of a commercial use in the countryside contrary to LP and NP policies.
- Will adversely affect important views identified in the NP and does not reflect character of the area which also a requirement of the NP.
- Will generate additional traffic contrary to NP policy 4a and on site parking needs to be provided to avoid parking in the lane.
- Represents an unsustainably sited proposal which will bring no benefits to the locality.
- Should be no commercial development permitted outside the Bourton settlement boundary.
- Additional information provided by the applicants confirms a high intensity use while there will be harm to aural amenity due to drumming and singing.
- Evident that this is only the beginning of the applicant's aspirations for the site.
- If permitted proposal would provide the foundation for significant expansion harmful to the rural character of the area.

3 additional representations received in response to proposed amendments:

- Overdevelopment of site, harm street scene and is unacceptable in its highway impacts.
- Access improvements will harm to ecology and involve tree loss.

## **10.0 Relevant Duties/Policies**

### **Duties**

Section 66 includes a general duty 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.

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

### **Development Plan**

#### **North Dorset Local Plan:**

The following policies are considered to be relevant to this proposal:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 4 - The Natural Environment
- Policy 5 - The Historic Environment
- Policy 11 – The economy
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity
- Policy 20 - The Countryside

#### **Neighbourhood Plan: Bourton**

Policy 3: Building Design and Form.

Policy 6: Biodiversity.

Policy 12: Support for Local Business.

### **Other Material Considerations**

National Planning Policy Framework (2021):

- Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design...

- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

## 11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **12.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The proposal does not directly impact on those with protected characteristics. The development would not give rise to specific impacts on persons with protected characteristics.

## **13.0 Planning Assessment**

13.1 The key issues in relation to this application are principle, impact on rural character and landscape of the locality, amenity, heritage, wildlife and highways.

### **Principle:**

13.2 Paragraphs 84 and 85 of the NPPF both promote the sustainable growth and expansion of all types of business and enterprise in rural areas, through, amongst other things, the erection of well-designed new buildings and leisure developments where identified needs are not met by existing rural service centres.

13.3 Policy 20 of the Local Plan relates to development in the countryside and states, amongst other things, that development outside defined settlement boundaries will only be permitted if it is of a type appropriate in the countryside or it can be demonstrated there is an ‘overriding need’ for it to be located in the countryside.

13.4 A yoga studio is considered as an indoor recreation use which, due to its quiet contemplative nature, may well benefit from a rural location. However, there is no overriding need for it to be located in the countryside.

13.5 However, Policy 11 of the Local Plan states that economic development will be supported in the countryside by enabling rural communities to plan to meet their own local needs, particularly through neighbourhood planning.

- 13.6 The status of the Bourton Neighbourhood Plan (BNP), made on 26 January 2018, means it now also forms part of the development plan for the area.
- 13.7 Policy 12 of the BNP supports local business. The relevant parts of Policy 12 state, amongst other things, that proposals that support working from home and other businesses that meet the needs of the community, such as the creation of live-work units, will be supported provided they would contribute to the character and vitality of the local area, protect residential amenity, do not adversely impact upon road safety and conform to the environmental and other policies in this plan.
- 13.8 As the applicants will run the business while also living on the site the proposal has elements of a live work use though the live work benefits are diluted by the need for clients to visit the site. Regarding whether the proposed use would contribute to the character and vitality of the local area, while no specific local need is identified there is no reason to assume clients would not come from the local area and as such the proposal will increase the range of local services.
- 13.9 As such it is considered the proposal will contribute to the character and vitality of the local area in accordance with the provisions of Policy 12 of the NP while the NPPF also gives support for well-designed new buildings in rural areas supporting new businesses and enterprises.
- 13.10 The proposal is considered to be acceptable in principle.

**Impact on rural character and landscape of the locality:**

- 13.11 The NPPF supports well designed buildings in rural areas. Policy 24 of the Local Plan relates to design and states, amongst other things, that development should be designed to improve the character and quality of the area within which it is located.
- 13.12 The relevant parts of Policy 3 of the BNP (building design and form) states, amongst other things, that the scale, form and massing of new development shall reinforce the underlying vernacular or character of its particular context; shall be of high quality and respect the surrounding environment, both built and natural; and shall complement the character and appearance of surrounding properties in terms of height, scale and density.
- 13.13 Computer generated photographs included with the design and access statement show a low level open fronted square profile structure partly set into a slope abutting a pond with a terrace supported on piles projecting over the pond.
- 13.14 The building has been designed to be south facing to take advantage of views offered by the elevated site. The wider site is well enclosed with substantial planting along the Chaffey Moor Hill frontage. Most of this frontage planting will remain and, that which is to be removed, will be replaced by new planting to a specification agreed with the Council's Tree Officer. As such it is considered the proposed

building will occupy an enclosed and self-contained site such that its impact on the wider rural landscape will be confined to mainly within the site.

- 13.15 Turning to design, the building is of contemporary appearance. The policy requirements are that new development shall reinforce the underlying vernacular or character of its particular context, shall be of high quality and respect the surrounding environment, both built and natural.
- 13.16 The building will occupy a freestanding and isolated location remote from other buildings. Given its context is enclosed countryside lessens the need to reinforce the local vernacular as the building will not be viewed against a backdrop of existing buildings.
- 13.17 It is acknowledged that the nature and specific requirements of the intended use means this is a case of form following function and which, as likely as not, could not be achieved in a building of more conventional appearance. It is considered the building makes its own unique design statement and is of sufficient quality to meet the test for acceptable development at this location without resorting to being a pastiche of the local vernacular.
- 13.18 As such, subject to controls on external lighting, it is considered that the impact of the building on the rural and landscape character of the locality is acceptable thereby meeting the policy tests.
- 13.19 Concerns have been raised that the building will harm protected views identified in the BNP. However, the nearest protected view is beyond this site and dense hedging and a tree lined boundary will provide sufficient screening to avoid material harm to any protected view.
- 13.20 The proposal also now involves sight line improvements to the access onto Chaffeymore Hill. This will involve minor cutting back of existing low-level planting around the access point with no mature tree loss. As such no harm is identified to the rural or landscape character of the area due to these changes.

**Amenity:**

- 13.21 Concerns have been raised regarding loss of outlook and harm to aural amenity.
- 13.22 The main concern is loss of a view which is not maintained to protect individuals but in the wider public interest and is safeguarded by the countryside protection policies contained with the local plan and BNP. It has already been concluded above that no material harm to landscape preservation interests will occur.
- 13.23 *Aural amenity:*

In response to concerns raised by objectors on this issue further information has been provided on the nature of the use as below:

- *Would work with groups of no more than 20 people but also rent to other therapists and teachers.*
- *Hope to run regular weekly classes and workshops taught by local practitioners for the local community to include activities such as yoga, pilates and thai chi.*
- *Have no interest in running or hosting any groups that will generate noise or disturbance nor intend to host weddings, hen/stag parties or anything that would require a late night licence or involve alcohol.*
- *Yoga and meditation are peaceful and tranquil activities.*
- *It is normal practice to have a small hand drum to start a meditation session, normally a single tap, and the group would collectively chant a phrase or the like at the end of the session in a hushed voice. No choral voices or the playing of loud music will occur.*

13.24 It is acknowledged the building is open fronted enabling noise breakout. There is also a terrace where open air activities will take place. However, given the quiet contemplative nature of the proposed uses described above and distance to other dwellings, no harm to the aural amenity of the wider locality is likely to arise.

13.25 However, to ensure aural amenity continues to be safeguarded a condition precluding the playing of amplified music and voices should be imposed on any consent.

13.26 Amendments to the application now seek to also enable the use of the house and cottage to be used for B&B accommodation for clients attending classes.

13.27 It should be stressed the B&B use will not run as a commercial entity separate from the proposed yoga activity but as an integral part of the of yoga package on offer. As such, it will fall within the same planning unit, the B&B use operating solely to provide accommodation for clients attending yoga classes. Consequently, it would be appropriate to condition the use of the B&B, so that it would only be permitted in association with the yoga studio.

13.28 Concerns have been raised regarding harm to aural amenity and overly intense use of the site. However, as the house and cottage are both set well back from Cheffeymore Hill and as B&B is also a residential use, any increases in noise and disturbance are likely to be minimal and imperceptible outside the site.

13.29 In addition, as the use is considered to be Sui Generis it is appropriate to restrict the use to that applied for.

#### **Heritage considerations:**

13.28 The conservation officer advises the proposed development will sit comfortably by the pond preserving and enhancing the local distinctiveness of the area while no

harm is identified to the setting of the nearby Listed building and other heritage assets. This assessment has considered both the proposed change of use and the operational development proposed. It is specifically noted that the arrangement and external appearance of the barns adjoining the grade II listed farmhouse will remain; the functional and physical setting of this designated heritage asset will be preserved as a result, recognising that the barns and the farmhouse were once part of the same farmstead.

- 13.29 It is therefore considered the proposal satisfies the provisions of the NPPF and policy 5 of the local plan and the duty contained within section 66 of the Listed Buildings Act 1990/

**Wildlife:**

- 13.30 The ecology report referred to below has had its biodiversity plan approved by the Council.
- 13.31 The ecology report identified a line of trees at the north perimeter of the site providing suitable nesting habitat for birds and foraging commuting habitat for bats and small mammals and invertebrates. No trees will be removed as part of the proposal. The Council's Tree Officer has inspected this boundary and noted the watercourse between the trees and the proposed location of the yoga studio. They also noted the appropriate foundation details for the structure.
- 13.32 Habitat at the base of a hedge also provided moderate reptile habitat which will also remain. However, no indication of protected species or their habitats were found on or adjacent to the site. As such it was concluded it was unlikely the proposal will adversely affect protected species or their habitats.
- 13.33 Regarding enhancements, two bat boxes will be mounted on the trunk of a mature tree near the pond at a height of between 4 and 6 metres in a non-shaded location. Two bird boxes and two insect features are also proposed while native or wildlife friendly trees and plants will be used around the site for landscaping. As such it is considered that wildlife interests are appropriately safeguarded in accordance with the provisions of the NPPF and Policy 4 of the Local Plan.
- 13.34 Amendment of the application involving improvements to the sight lines onto Chaffeymore Hill raised concerns that this will result in tree, hedgerow and wildlife habitat loss contrary to the provisions of the BNP.
- 13.35 It should be noted the access lies within a highway verge, as verified on site by the Council's Highway Officer and the Tree Officer (measurements were taken by officers on site) where cutting back can already take place as part of normal maintenance. Some self-set trees and a small section of former hedge that has developed into small trees, will be lost as a result of the need to provide the sight lines. There is one mature ash within the southwards visibility splay. It is desirable for this tree to remain and the Highways Officer is content that highway safety will

be preserved even with its retention. A replacement hedge of native field species (hazel, hawthorn, holly etc.) will provide an appropriate wildlife corridor link and screening from receptors along the highway as well as preserving the rural character of this lane.

### **Highways:**

- 13.36 The applicants advise there is ample parking on site for occasional clients and visitors to attend the Yoga Studio with approximately 233 sqm of existing available space for parking at the front of the farm house thereby ensuring parking in connection with the use will only take place on site.
- 13.37 Following concerns by DC Highways over additional traffic using a substandard access onto Chaffey Moor Hill a Transport Management Plan was submitted seeking to address this. However, reservations regarding the ability to secure compliance with the plan resulted in the applicant seeking to improve sight lines onto Chaffey Moor Hill.
- 13.38 DC Highways are satisfied the proposed sight lines are acceptable and as such do not identify any harm to the free flow of traffic or highway safety in connection with the proposed use.
- 13.39 Concern has been raised that the proposal does not provide sufficient parking and that additional traffic raises highway safety concerns. However, DC Highways does not object on highway safety grounds and so it is not considered that the proposal would be unacceptable in terms of traffic flow or highway safety.
- 13.40 Regarding on-site parking, though the submitted plans only show 8 cars parked there are still substantial areas of hard surfacing where additional parking could take place without the need for further hard surfacing. As such in the absence of objection from DC Highways the proposal is also considered acceptable in its parking impacts.

### **Other matters:**

- 13.41 Objectors refer to a covenant precluding commercial activity taking place at the site. However, the Council does not enforce private covenants. It is not relevant to the planning considerations and is for parties referred to in the covenant to decide whether they wish to invoke its requirements.

### **14.0 Conclusions:**

The key conclusions are as follows:

- Will result in the creation of a business to the benefit of the local rural economy and which is supported by the NPPF and Policy 12 of the Neighbourhood Plan.

- Represents a contemporary building that in size, design and siting terms will not have any material impact on the rural or landscape character of the area nor intrude into any protected views identified by the Neighbourhood Plan.
- Will not result in any material impact on the outlook or aural amenity of any neighbouring dwellings.
- Is acceptable in its heritage, wildlife and highway impacts.

**15.0 Recommendation:** Grant planning permission subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. External materials used in the development hereby permitted shall be as specified in section 7 of the planning application forms accompanying this application.

Reason: In the interests of visual amenity.

3. The yoga studio and bed and breakfast accommodation hereby permitted shall only be carried out in support of one another as part of a single planning unit and shall only be used by clients attending the yoga studio. The approved uses shall only take place within the area outlined red on drawing no: 01 rev C and shall only be carried out in connection with the residential occupation of Grove Farm.

Reason: In the interests of the amenity of the area within the countryside.

4. No playing of amplified music or voices shall take place anywhere on the land shown edged red and blue on drawing no: 01 rev C.

Reason: In the interests of aural amenity.

5. No external lighting whatsoever shall be placed anywhere within the red line site, without first obtaining the prior approval in writing of the Local Planning Authority. Any request for external lighting shall include details of the number, type and design of luminaires (including output), means of support along with details of orientation and screening. Any such external lighting must be installed and retained in compliance with the approved details

Reason: To minimise light spread to safeguard the night-time rural environment and in the interests of wildlife.

6. Apart from instructors, no more than 20 persons shall be present at any one time on the site in connection with the use hereby permitted.

Reason: In the interests of amenity.

7. Bed and breakfast accommodation provided at the site shall not exceed 20 persons, shall only be occupied by persons attending the yoga studio and shall only be operated by persons residing at Grove Farm as shown on drawing no:01 rev C.

Reason: In the interests of amenity.

8. Prior to the erection of the access gates shown drawing no: 13B details of size, design and materials shall be submitted for the prior approval in writing of the Local Planning Authority. The gates, which shall only open inwards, shall be sited and constructed in accordance with the approved details and retained as such for the life of the development.

Reason: In the interests of visual amenity and highway safety.

9. Before first use of the development hereby permitted the visibility splays shown on drawing no:13 B (version received on 16/12/21) must first be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway and shall thereafter be maintained without any impediment to their use for the life of the development.

Reason: In the interests of the free flow of traffic and highway safety.

10. Before first use of the development hereby permitted the vehicle parking, turning and cycle parking shown on drawing no:13 B (version received on 16/12/21) shall be provided and maintained without any impediment to their use for the life of the development.

Reason: To encourage the use of sustainable transport options and in the interests of the free flow of traffic and highway safety.

Reason: In the interests of pollution prevention and health and safety.

11. The wildlife safeguarding and enhancement measures set out in the preliminary ecological appraisal compiled by D V Leach and dated August 2020 shall be carried out in the manner specified.

Reason: In the interests of wildlife.

12. The Treecall Consulting Ltd Arboricultural Method Statement (AMS) reference no. DS/38020/AC and plan reference no. TC1 Appendix B shall be

adhered to in full, subject to the pre-arranged supervision detailed in Appendix C, Section C2.1 of the report by a suitably qualified and pre-appointed tree specialist.

Reason: In the interest of amenity.

13. The development hereby permitted shall be carried out in accordance with the following plans nos: 01 rev C, 02, 03 rev B, 04 rev B, 05 rev A, 06 and 13B (version received 16/12/21 showing new hedgerow at rear edge of visibility splay), and 14 including the specific foundation detailed specified on these drawings.

Reason: In the interests of amenity.

14. Within the first planting season following the first use of any of the developments hereby approved, the new hedges at the back edge of the visibility splay as annotated on the drawing 13B (version received on 16/12/21) shall be planted to the specification detailed on the same said drawing. The planting shall thereafter be managed and retained for 15 years with any species that die within that period replaced like for like.

Reason: In the interests of amenity.