

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **5th June 2013**

AGENDA
ITEM
NUMBER

--

RESPONSIBLE OFFICER: Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an

application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

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

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02	12/04653/FUL 4 January 2013	Batheaston New Village Hall Church Hall, School Lane, Batheaston, Bath, Bath And North East Somerset Erection of a new single storey village hall building including multi-use main hall, activity rooms, kitchen, toilets and stores and associated external works to provide accessible access to the hall and fields following demolition of the existing Church Hall	Bathavon North	Rachel Tadman	PERMIT
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05	05/01993/FUL 3 September 2009	Hinton Organics (Wessex) Ltd Hinton Organics Ltd, Charlton Field Lane, Queen Charlton, BS31 2TN, Increase size of concrete storage area and variation of condition 13 of planning permission 97/02626/MINW to accept wood waste.	Farmboroug h	Anthea Hoey	PERMIT

06	11/00022/VAR 2 March 2011	Hinton Organics Ltd Parcel 5319, Charlton Field Lane, Queen Charlton, Bristol, Bath And North East Somerset Variation of conditions 13,16 and 19 of permission no. 97/02626/MINW to extend composting operations, increase vehicle movements and permit cardboard and wood recycling (Temporary use of land for 10 years for manufacture of organic green compost as amended by revised drawings received 14th April 1998 at land formerly Queen Charlton Quarry)	Farmboroug h	Anthea Hoey	PERMIT
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09	13/00483/FUL 17 May 2013	Bathampton Anglers Association Parcel 5900, Hunstrete, Marksbury, Bristol, Erection of educational facility, store and office (Resubmission)	Farmboroug h	Rachel Tadman	REFUSE
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13	13/00357/FUL 25 April 2013	Mrs Catherine McCabe And Mr Richard McCabe 25 Pulteney Gardens, Widcombe, Bath, Bath And North East Somerset, BA2 4HG Change of use from B&B (C1) to holiday let (C3) (Retrospective).	Widcombe	Sasha Coombs	PERMIT

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13/01157/FUL
13 May 2013

Mr Cole
6 Fairfield View, Ragland Lane, Fairfield
Park, Bath, Bath And North East
Somerset
Provision of a loft conversion to include
1no. rear dormer and front rooflights.

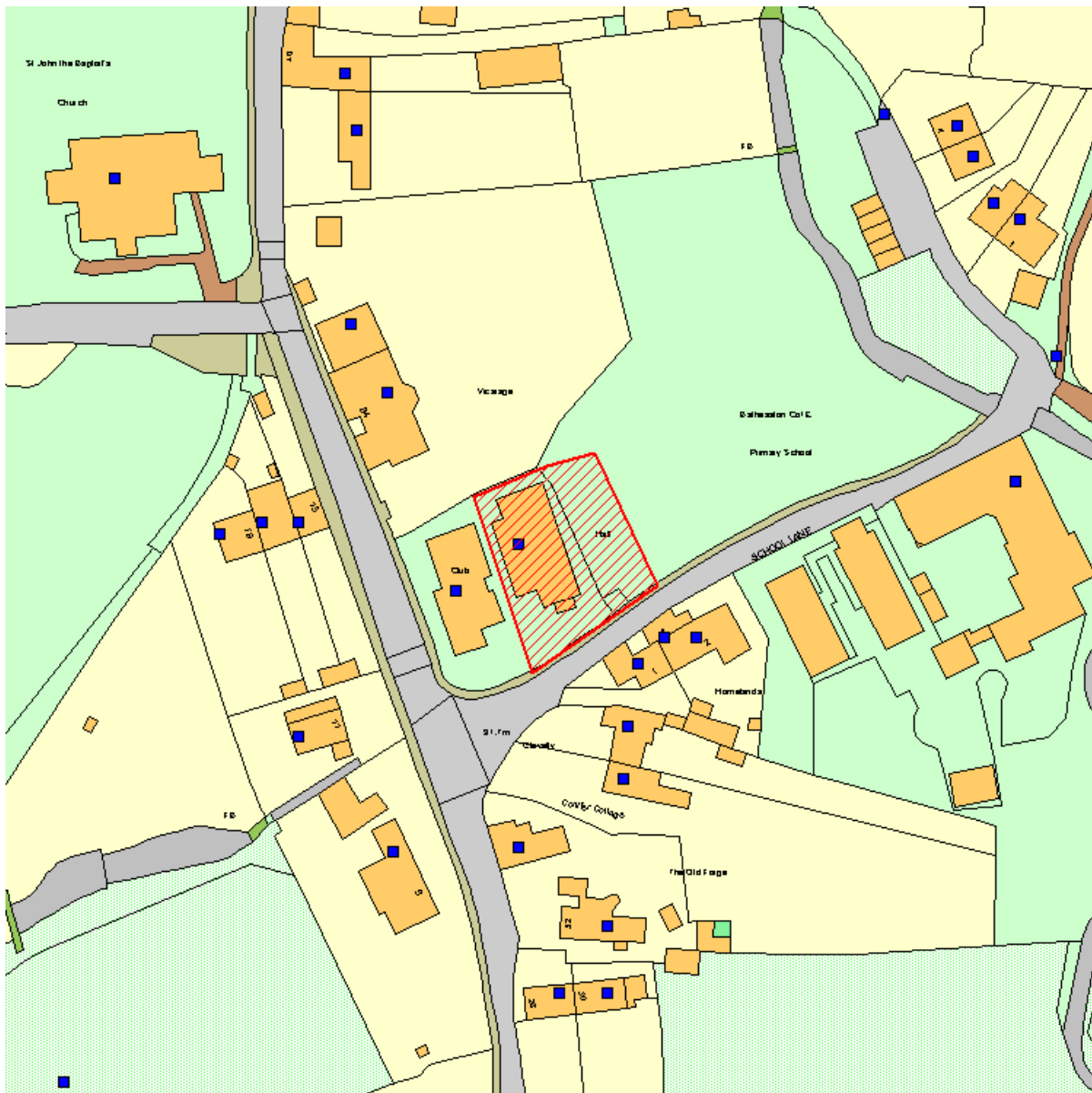
Lambridge

Sasha
Coombs

REFUSE

REPORT OF THE DEVELOPMENT MANAGER OF PLANNING AND TRANSPORT
DEVELOPMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 12/04654/CA
Site Location: Church Hall School Lane Batheaston Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Batheaston **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Gabriel Batt Councillor Geoff Ward
Application Type: Conservation Area Consent
Proposal: Demolition of the existing Church Hall

Constraints:	Agric Land Class 3b,4,5, Conservation Area, Forest of Avon, Hotspring Protection,
Applicant:	Batheaston New Village Hall
Expiry Date:	4th January 2013
Case Officer:	Rachel Tadman

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application has been the subject of an objection by Batheaston Parish Council and the Chair made the decision that it should be dealt with by Development Control Committee.

PROPOSAL: Demolition of the existing Church Hall.

The application relates to the demolition of the existing Church Hall in School Lane which is a single storey building located adjacent to an area of open space and an existing Scout Hall. The site is within the Batheaston Conservation Area and the building exceeds 115 cubic metres in volume and therefore conservation area consent is required for its demolition.

RELEVANT HISTORY:

There is a concurrent application for planning permission ref: 12/04653/FUL for the erection of a new single storey village hall building including multi-use main hall, activity rooms, kitchen, toilets and stores and associated external works to provide accessible access to the hall and fields following demolition of the existing Church Hall.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSERVATION OFFICER: I have visited the site and assessed the impact of the proposed development on the character, appearance and setting of the local heritage assets (ie conservation area and listed buildings). My comments are as follows:

Local historic character

The character of this part of the conservation area is semi-rural, located on the edge of the built area with the green backdrop setting of the field and mature trees to the east of the village hall. Several listed buildings are in close proximity, forming attractive groupings of built form with other local heritage assets. The site abuts the green space and is set at a lower level than the adjoining Youth Centre, respecting the topography of this part of Batheaston where the land levels drop away to the east.

The existing building to be demolished is unattractive and has a negative effect on local historic character. Its demolition provides opportunity for improvement and enhancement.

The settings of listed buildings close to the site are currently harmed by the poor quality design of the existing Youth Centre and Village Hall. Replacing the existing hall as proposed is considered to improve these settings, and these would be further improved by a new Youth Centre or other replacement building, designed to respect the visually important corner site location.

Conclusion

From the heritage aspect it is considered that removing the existing unsightly prominent building and replacing it with a good quality new design this will result in significant improvement to local built character and appearance.

BATHEASTON PARISH COUNCIL: The Parish Council formally Objects for the following reasons:-

- 1 The Parish Council is supportive of a Replacement Building with adequate parking - as advised in earlier consultations.
- 2 The proposed replacement building appears well designed with good acoustic and energy-saving features.
- 3 The proposed building is 63% larger in footprint and is said to accommodate 155 persons.
- 4 The parking policy T10 requires one off-street parking space for every 10 persons.
- 5 Fails to comply with transport policies T3, T5, T6, T15, Para D10, T24(7)(8) and T25
- 6 In earlier consultations it was proposed that additional parking would be provided inside the walling fronting onto School Lane. No such proposal in this Application
- 7 The Application's "Green Travel Plan" does not offer the required additional parking spaces.
8. The Hall will enjoy good acoustics - but events run until midnight. Noise and disturbance on drop off and pick up have not been addressed.
9. The Green Travel Plan confers no powers of compliance or enforcement. Major functions will attract car-borne attendees. The site is difficult to reach on foot from the further parts of the Parish.

Further comments on revised proposals received on 9 April 2013:

1. Reaffirms the Recommendations of 12th December 2012
 2. The resubmitted documents do not address the lack of dedicated parking to service the development in accordance with Local Plan Policy T24, T26
 3. The revised illustrative drawings indicate the scale and size of the proposed building to be some 25% to 30% bigger than that previously shown. The new drawings show trees to be cut down still in full leaf and therefore even these drawings are inaccurate and mis-represent the real impact on the Conservation Area and heritage assets. The proposal does not comply with Local Plan Policy BH6 and BH15.
 4. The new drawings and supporting documents do not show how irreversible harm can be prevented to off- site trees in the Conservation Area, as will arise from construction and excavation and placing of foundations for the new building. The proposal contravenes Local Plan Policy NE4 and NE12.
 5. The proposal will result in loss of amenity to local residents as it does not address late night noise, and disturbance from users and traffic and contravenes Local Plan Policy D2 and ES12 6. The existing Church Hall use is an ancillary use to St John's Church and falls under the category of D1 Non-residential institution use, which covers 'non resident social services'.
- Case law has determined this use will be extinguished as and when the existing building is demolished. The operating policy states the hall is to be used for 'entertainment events, concert and performances' as well as for dance and sport. These activities, in circular

03/2005 are classified as D2 assembly and leisure use. The proposal, is not a replacement building, and must be evaluated on its merit against all relevant development plan policies specifically D2, ES12, NE4, NE12, BH6, BH15, T24, T25 and T26.

7. The Travel Plan is not complemented and does not explicitly relate to a Transport Assessment or follow the guidelines published by the Dept. of Transport - 'Delivering Travel Plans through the Planning process ' The guidelines state travel plans cannot be used as a justification for unacceptable development and as presented is not sustainable or enforceable. The proposal as submitted does not satisfy Local Plan Policies T24 T25 and T26

8. The approved Application 10/05185/REG03 Feb 2011 for off-street parking besides the Methodist hall was not included in this submission.

OTHER REPRESENTATIONS / THIRD PARTIES

Representations from a total of 33 addresses have been received. Of these 29 have objected to the development along with 1 general comment raising the following concerns:

1. The proposed building is too large for the site, would represent overdevelopment and encroaches on land outside the red line plan.

2. The proposed building would cause increased traffic, lack of on street and/or off street parking and impact on Highway Safety within an already congested area. Access by emergency vehicles would be compromised and events at the adjacent School already cause unacceptable levels of congestion.

3. The submitted Green Transport Plan is inadequate.

4. The proposed building would have a detrimental impact on residential amenity as a result of the use of the hall including light pollution, noise and disturbance, particularly late at night and from people leaving the hall.

5. The proposed building would result in a loss of trees and hedgerow and unacceptable impact on the retained trees.

6 The proposed building would have a detrimental impact on the setting of the adjacent Grade II listed property.

6. The proposed building would have a detrimental impact on Batheaston Conservation Area.

7. Inadequate information on the use of the proposed building with particular concerns relating to the number and frequency of late night events, concerts, performances and weddings. There are also specific concerns that the building will be used as a theatre and that the proposal actually constitutes a change of use to sui generis or Use Class D2.

8. Green Travel Plan is unenforceable.

9. The plans for the proposed building are inaccurate and do not fully show the impact on the surrounding area including the street scene, neighbouring properties or the Batheaston Conservation Area, trees and also residential amenity.

10. That the results of the community consultation exercise were not sufficiently acted upon.

11. That the proposed development does not accord with the Batheaston Vision Plan which identified that a new village hall should be located on the Garden High Street site (the public car park site on London Road East).

Finally representations from 3 addresses have been received supporting the proposal.

It should be noted that the above concerns relate, in the majority, to the concurrent application for planning permission to replace the existing Church Hall which is also being considered on the Committee agenda.

POLICIES/LEGISLATION

The primary consideration is the duty placed on the Council under S 72 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

The Bath and North East Somerset Local plan including minerals and waste policies adopted October 2007

Policy BH7 - Demolition in the Conservation Area.

Bath and North East Somerset Submission Core Strategy (May 2011). At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

If the Council is minded to grant consent it is not a requirement to notify the Secretary of State before a decision is issued.

OFFICER ASSESSMENT

Impact on the Batheaston Conservation Area:

The character of this part of the conservation area is semi-rural, located on the edge of the built area with the green backdrop setting of the field and mature trees to the east of the village hall. Several listed buildings are in close proximity, forming attractive groupings of built form with other local heritage assets. The site abuts the green space and is set at a lower level than the adjoining Youth Centre, respecting the topography of this part of Batheaston where the land levels drop away to the east.

The existing building was constructed in the 1950's and is now coming to the end of its life and is in a poor state of repair. Due to this, and its inflexible layout, the building is not being used to its full capacity at the present time with significantly reduced bookings compared to historic levels when the building was in better condition. The existing building, due to its deteriorating condition and 1950's design, is unattractive and has a negative impact on the character of this part of the Batheaston Conservation Area and street scene.

It is therefore proposed to demolish the existing Church Hall building and replace it with a new high quality Village Hall of a contemporary design. The replacement Village Hall would be of a larger size but would provide flexible community space for the village of Batheaston.

The proposals for this site have attracted a high level of objection from local residents and Batheaston Church Hall, however the majority of the concerns relate to the replacement building rather than demolition of the existing building.

In light of the above it is considered that the proposed demolition of the existing Church Hall is acceptable and, due to its poor condition, would result in an enhancement to this part of the Batheaston Conservation Area.

CONCLUSION:

It is considered that removing the existing unsightly prominent building and replacing it with a good quality new design will result in significant improvement to local built character and appearance and an enhancement to this part of the Batheaston Conservation Area.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 No demolition shall take place until (a) a contract for the carrying out of redevelopment of the site has been made; and (b) planning permission has been granted for the redevelopment for which that contract provides.

Reason: To safeguard the character of the Conservation Area and the World Heritage Site

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

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

PLANS LIST:

This decision relates to drawing nos, 6186 D 0001 A, 6186 D 0101 A, 6168 D 0104 F, 6186 D 0105 A, 6186 D 0102 D, 6168 D 0301 E, 6168 D 0302 E, 6186 D 0201 A, 6186 D 0303.

REASONS FOR GRANTING APPROVAL:

The decision to grant approval has taken account of the Development Plan and approved Supplementary Planning Guidance.

The proposed development is in accordance with Policies BH.7 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

Bath and North East Somerset Submission Core Strategy (May 2011). At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the

Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

The existing Church Hall is in a very poor condition which is unsightly and prominent building within the Batheaston Conservation Area. Its demolition and replacement with a good quality Village Hall will result in significant improvement to local built character and appearance and an enhancement to this part of the Batheaston Conservation Area.

DECISION MAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and consent was granted.

Applicant:	Batheaston New Village Hall
Expiry Date:	4th January 2013
Case Officer:	Rachel Tadman

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application has been the subject of an objection by Batheaston Parish Council and the Chair made the decision that it should be dealt with by Development Control Committee.

PROPOSAL: Erection of a new single storey village hall building including multi-use main hall, activity rooms, kitchen, toilets and stores and associated external works to provide accessible access to the hall and fields following demolition of the existing Church Hall.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to the site of the existing Church Hall and an area of land surrounding it. The site is located on School Lane between the existing Youth Club to the west and the open amenity field to the east. The site is within Batheaston Conservation Area.

The proposal is for the erection of a village hall to replace the existing. The proposed building has been designed as a number of elements using a combination of pitched and flat roofs. The building would be single storey in size under mainly flat roofs with the exception of the pitched roof over the main hall. It would be constructed of natural Bath rubble stone and timber cladding to the walls with mixture of natural slate, sedum and membrane would be used on the flat roof areas. Externally the building would have level access at the front with two disabled parking spaces. To the side, fronting the adjoining field, would be a stepped access to a side entrance.

PLANNING HISTORY:

There is a concurrent application for Conservation Area Consent Ref: 12/04654/CA for the demolition of the existing Church Hall

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT: The hall is currently served by a vehicular access off School Lane, and this will be retained to provide for pedestrian and cycle access, together with access to two disabled parking spaces. The access also serves the existing Youth Club.

The proposal has been the subject of a pre-application enquiry, where concerns were expressed regarding the increased size of the hall, and its potential for being more intensively used, which could have implications for access and parking.

The proposed hall will allow for a greater variety of uses, and will also allow for a number of users to occupy the building at the same time.

The size of the proposed main hall is similar to that which exists, but it is being proposed without a fixed stage, to maximise the space for a variety of uses.

The roads surrounding the site are heavily utilised for parking in connection with residential properties and the school, and therefore consideration has been given to the impact of the proposal on these roads, with regard to a demand for parking.

There has been evidence of parking close to the junction of School Lane with Northend, which has both safety and operational issues for the highway, and the access to the hall, and I feel it is appropriate to require a contribution towards the implementation of a Traffic Regulation Order to secure parking restrictions around the junction of School Lane with Northend.

The proposed hall will be more attractive to other users, and could therefore be more intensively used than at present. In order to manage the potential increase in demand for the use of the hall, a Green Travel Plan and Operating Policy were previously requested, and have been submitted, which seeks to give priority of use to local people and groups, and to restrict simultaneous hiring of the main hall and the smaller rooms. There will also be liaison with the school and churches to seek to avoid clashes with other events, and the letting of the hall will tend to avoid the morning drop-off and afternoon pick-up times from the school.

The Travel Plan indicates the existing users of the hall and their respective modes of travel, which indicates a high proportion travelling by foot, and a survey undertaken of parking availability indicated some spare capacity on surrounding roads.

An information leaflet is proposed to be issued to all users of the new hall to advise of the limited parking availability and it will provide details of the available alternative modes of transport. It is also proposed that for larger events, details of the intended management of transport arrangements be submitted and approved by the trustees of the hall, and any failure to comply with such arrangements will result in a penalty of the loss of all or part of the booking deposit.

Having regard to the above, whilst the proposed hall would provide an increase in floor area and would be likely to attract more users, I consider that the applicants have provided sufficient information within the Operating Policy and Green Travel Plan to demonstrate how they can manage the bookings and use of the hall to avoid any material impact on the highway, and I therefore recommend that no highway objection is raised subject to the completion of a legal agreement to secure a contribution of £6,000 towards the implementation of a Traffic Regulation Order for waiting restrictions in the vicinity of the junction of School Lane with Northend.

I would also recommend that conditions be attached to any permission granted.

FURTHER HIGHWAY COMMENTS - 23rd April 2013.

I refer to the submitted revised drawings and additional information, together with subsequent objections and representations.

There have been a number of revisions to the proposals drawings, but none of these changes affect the vehicular access and parking areas proposed within the site.

Two objection reports on the highways/transport issues were submitted on behalf of residents and have questioned the lack of Transport Statement submitted with the application, and also challenges the change in highway comments from the pre-application enquiry to the submission of this application.

The contents of the pre-application enquiry are not on public record, as is always the case, but considerable and lengthy discussions were held between the applicants' team and Council officers to understand the nature of the proposal, and its impact on the highway network.

It is recognised that a replacement village hall, with better facilities, would be likely to generate more interest in its use, and this had previously generated a negative highway response. Furthermore, there was originally a proposal to form a new vehicular access and parking area off School Lane, where visibility would be restricted on a busy pedestrian route to and from the school, and where School Lane already becomes heavily congested at school times.

Whilst the provision of additional parking may well be welcomed by villagers, the access proposed at that time would have resulted in highway safety issues, particularly for the more vulnerable highway users, and would not encourage sustainable travel for the village hall users.

The roads surrounding the site are subject to a high level of on-street parking, and objectors have raised concerns that the proposal would further increase the demand for parking and cause congestion.

The applicants have submitted a travel survey of a production a pantomime by Encore in February of this year to identify the availability of on-street parking during the performance, with the cast and crew being requested to park more remotely from the site. The survey identified a number of free spaces in Northend during these times.

The performances by Encore seem to be raised by objectors as the main generator of traffic, and the survey data does indicate that spare capacity for on-street parking could be available during this most intensive use of the hall.

The proposed layout would formalise the use of the existing vehicular access off School Lane to just disabled parking and emergency access, providing more controls than currently exist.

Whilst one of the objection reports suggests that these disabled spaces would be difficult to manoeuvre into and out of, I am happy that there is sufficient room for vehicles to turn within the site, and to enter and exit in a forward gear.

Cycle parking has been indicated on the submitted plan, and provides for two cycle hoops which can accommodate 4 cycles. This level of provision is the minimum required, and no details have been submitted to support any justification for a greater level of parking, and therefore this is considered acceptable.

The discussions on the pre-application submission sought both an Operational Statement and Travel Plan to address highway concerns over uses of the hall generating additional traffic, and to manage travel to and from the site.

One of the objection reports raises concerns over the content of the Operating Statement and Travel Plan, and how they can be enforced.

It should be noted that the existing Church hall operates without any controls over its usage, and could be refurbished with the potential for an intensification of its use.

The proposed replacement hall would provide for additional capacity, and for a greater variety of uses, but it has been stated that priority of bookings will be given to community uses.

The submitted Operating Statement and Travel Plan were intended to provide some element of control over the booking and use of the hall, together with advising of available modes of travel and limitations to parking around the site. This would help to inform visitors of their intended means of travel.

It has always been recognised that the highway network surrounding the site is far from ideal to serve the proposal, but given that there is already an existing Church hall without any controls, consideration can only be given to any additional traffic generation for the increased capacity of the new hall. Such additional traffic generation can be controlled, to some degree, by informing users of the limitation of parking around the site, and by imposing restrictions on the frequency and any combined letting of the hall.

Furthermore, as the village hall will provide a local facility, where sustainable travel options are available to local residents, I do not feel that I can substantiate an objection, having regard to the existing use and proposals, which can incorporate restrictions and guidance through an Operational Statement and Travel Plan.

I therefore recommend that no highway objection is raised subject to conditions being attached to any permission granted.

ENVIRONMENTAL HEALTH: No observations.

CONSERVATION OFFICER: I have visited the site and assessed the impact of the proposed development on the character, appearance and setting of the local heritage assets (ie conservation area and listed buildings).

From the heritage aspect it is considered that removing the existing unsightly prominent building and replacing it with a good quality new design will result in significant improvement to local built character and appearance. It is also considered that the proposed building would not cause any harm, significant or otherwise to local views or to the appearance and character of this part of the conservation area, and would create improvements.

The settings of listed buildings close to the site are currently harmed by the poor quality design of the existing Youth Centre and Village Hall. Replacing the existing hall as proposed is considered to improve these settings, and these would be further improved by a new Youth Centre or other replacement building, designed to respect the visually important corner site location.

It is recommended that if the application is to be permitted that conditions are included to cover use of 'conservation' roof lights and a significant tree planting schedule to respect the local character.

HIGHWAYS DRAINAGE: No objection subject to Conditions.

ARBORICULTURE: The application includes a tree survey, arboricultural impact assessment, results of trial trenches, a preliminary arboricultural method statement and revised tree protection plan. The contents of these have been noted and are supported. Mitigation is possible for the proposed loss of three trees.

The application is considered to demonstrate due consideration of retained policy NE.4 Trees and Woodlands and there is no objection subject to conditions.

Further comments received 20 May 2013: No objections subject to conditions.

The revised drawings and objection comments relating to tree issues have been reviewed following initial arboricultural comments made on 5th December 2012. A meeting has also been held with the applicant to clarify several outstanding points.

The revised drawings and submissions indicate that the precautionary measures shown on the tree protection plan to the north of the proposed building are achievable providing that, if deemed necessary, shuttering or other solution is used to ensure that no excavations for ground works extend beyond the location of the trial trenches referred to in the arboricultural report. This is particularly relevant in the north western most corner of the proposed building where the ground level alterations are the most significant.

In response to comments received, the root protection areas shown on the tree protection plan relate to the basic guidance contained within BS 5837:2012 Trees in relation to design, demolition and construction. Recommendations. The root protection areas shown are not site specific in that they do not take into account the influence which existing buildings, ground levels and other structures will exert on root growth from adjacent trees into the site.

The majority of tree roots are usually within the top 600-900mm of soil, and this will be influenced by the surrounding topography and soils. The arboricultural report records that the depth of the trial trenches was informed by the size and frequency of roots encountered which is considered a reasonable approach, particularly because the site is below the level of the adjacent trees

The applicant has provided all information which can reasonably be asked to satisfy previous arboricultural concerns regarding the impact on adjacent trees.

BATHEASTON PARISH COUNCIL: The Parish Council formally Objects for the following reasons:-

- 1 The Parish Council is supportive of a Replacement Building with adequate parking - as advised in earlier consultations.
- 2 The proposed replacement building appears well designed with good acoustic and energy-saving features.

- 3 The proposed building is 63% larger in footprint and is said to accommodate 155 persons.
- 4 The parking policy T10 requires one off-street parking space for every 10 persons.
- 5 Fails to comply with transport policies T3, T5, T6, T15, Para D10, T24(7)(8) and T25
- 6 In earlier consultations it was proposed that additional parking would be provided inside the walling fronting onto School Lane. No such proposal in this Application
- 7 The Application's "Green Travel Plan" does not offer the required additional parking spaces.
8. The Hall will enjoy good acoustics - but events run until midnight. Noise and disturbance on drop off and pick up have not been addressed.
9. The Green Travel Plan confers no powers of compliance or enforcement. Major functions will attract car-borne attendees. The site is difficult to reach on foot from the further parts of the Parish.

Further comments on revised proposals received on 9 April 2013:

1. Reaffirms the Recommendations of 12th December 2012
2. The resubmitted documents do not address the lack of dedicated parking to service the development in accordance with Local Plan Policy T24, T26
3. The revised illustrative drawings indicate the scale and size of the proposed building to be some 25% to 30% bigger than that previously shown. The new drawings show trees to be cut down still in full leaf and therefore even these drawings are inaccurate and mis-represent the real impact on the Conservation Area and heritage assets. The proposal does not comply with Local Plan Policy BH6 and BH15.
4. The new drawings and supporting documents do not show how irreversible harm can be prevented to off- site trees in the Conservation Area, as will arise from construction and excavation and placing of foundations for the new building. The proposal contravenes Local Plan Policy NE4 and NE12.
5. The proposal will result in loss of amenity to local residents as it does not address late night noise, and disturbance from users and traffic and contravenes Local Plan Policy D2 and ES12 6. The existing Church Hall use is an ancillary use to St John's Church and falls under the category of D1 Non-residential institution use, which covers 'non resident social services'. Case law has determined this use will be extinguished as and when the existing building is demolished. The operating policy states the hall is to be used for 'entertainment events, concert and performances' as well as for dance and sport. These activities, in circular 03/2005 are classified as D2 assembly and leisure use. The proposal, is not a replacement building, and must be evaluated on its merit against all relevant development plan policies specifically D2, ES12, NE4, NE12, BH6, BH15, T24, T25 and T26.
7. The Travel Plan is not complemented and does not explicitly relate to a Transport Assessment or follow the guidelines published by the Dept. of Transport - 'Delivering Travel Plans through the Planning process ' The guidelines state travel plans cannot be used as a justification for unacceptable development and as presented is not sustainable or enforceable. The proposal as submitted does not satisfy Local Plan Policies T24 T25 and T26
8. The approved Application 10/05185/REG03 Feb 2011 for off-street parking besides the Methodist hall was not included in this submission.

OTHER REPRESENTATIONS / THIRD PARTIES

The application has attracted a lot of interest and letters from a total of 163 addresses have been received. Of these 56 have objected to the development along with 2 general comments raising the following concerns:

1. The proposed building is too large for the site, would represent overdevelopment and encroaches on land outside the red line plan.
2. Increased traffic, lack of on street and/or off street parking and impact on Highway Safety within an already congested area. Access by emergency vehicles would be compromised and events at the adjacent School already cause unacceptable levels of congestion.
3. The submitted Green Transport Plan is inadequate.
4. Detrimental impact on residential amenity as a result of the use of the hall including light pollution, noise and disturbance, particularly late at night and from people leaving the hall.
5. Loss of trees and hedgerow and unacceptable impact on the retained trees.
6. Detrimental impact on the setting of the adjacent Grade II listed property.
7. Detrimental impact on Batheaston Conservation Area.
8. Inadequate information on the use of the building with particular concerns relating to the number and frequency of late night events, concerts, performances and weddings. There are also specific concerns that the building will be used as a theatre and that the proposal actually constitutes a change of use to sui generis or Use Class D2.
9. Green Travel Plan is unenforceable.
10. That the plans are inaccurate and do not fully show the impact on the surrounding area including the street scene, neighbouring properties or the Batheaston Conservation Area, trees and also residential amenity.
11. That the results of the community consultation exercise were not sufficiently acted upon.
12. That the development does not accord with the Batheaston Vision Plan which identified that a new village hall should be located on the Garden High Street site (the public car park site on London Road East).

Finally representations from 105 addresses have been received supporting the proposal in addition to a petition containing 32 signatories.

At the time of writing a re-consultation exercise was still being undertaken. The deadline for comments is prior to the Committee date and any additional representations received will be reported in an update report.

POLICIES/LEGISLATION

Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

D2 General Design and public realm considerations

D4 Townscape considerations

BH.2 Listed buildings and their settings

BH.6 Conservation Areas

BH.7 Demolition in the Conservation Area

BH.15 Visually important open spaces

CF.2 Community facilities

ES.2 Energy consumption

ES.5 Foul and surface water drainage
ES.9 Pollution and nuisance
ES12 Noise and vibration
NE.1 Landscape Character
NE12 Natural Features
T1 Over-arching access policy
T5 Cycling Strategy: improved facilities
T6 Cycling Strategy
T24 General development control and access policy
T25 Transport assessment and travel plans
T26 On-site parking and servicing provision

Bath and North East Somerset Submission Core Strategy (May 2011). At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, and as this application does not relate to housing, the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework (NPPF). The following policy is relevant:

RA3 - Community facilities and shops

National Planning Policy Framework - March 2012

OFFICER ASSESSMENT

ACCURACY OF THE INFORMATION SUBMITTED:

The application has been subject to a number of objections pointing out that the original plans submitted were inaccurate and that the development was not contained within the red line plan. These concerns have now been addressed with the submission of revised plans which the Agents have stated are accurate and the development is now wholly contained within the red line.

PROPOSED USE, SIZE AND CAPACITY OF THE DEVELOPMENT:

The application proposes to replace the existing Church/Village Hall with a larger, more modern building offering a flexible community facility primarily for the use of the residents of the Parishes of Batheaston and St Catherine. The existing hall falls within Use Class D1 of the Use Classes Order and it is proposed that the new building will offer a village hall which likewise would fall within a D1 use class. This means that the proposal is not considered to represent a material change of use of the site.

The existing hall has a gross internal floor area of 241 m² and is used for the same general community uses as most other Village/Church Halls located within villages and towns. The supporting information submitted has stated that the existing uses of the building are wide ranging but briefly comprise dance classes, toddlers group, school clubs, local history society talks and meetings, drama and musical rehearsals and other community uses that are considered, by Officers, to fall within typical D1 use classes. The Town and Country Planning (Use Classes) Order 1987 (as amended) identifies Use Class D1 as Non-residential institutions including Clinics, health centres, crèches, day nurseries,

day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non residential education and training centres.

The building is currently made up of a main hall with fixed stage, two activity rooms, a small kitchen and toilets. It has a maximum capacity of 130 people but has an inflexible internal layout meaning that the hall can only be used by one single group/user at a time. The fixed stage also severely compromises the useable floor space within the main hall.

The building was constructed in the 1950's and is now coming to the end of its life and is in a poor state of repair. Due to this, and its inflexible layout, the building is not being used to its full capacity at the present time with significantly reduced bookings compared to historic levels when the building was in better condition. Due to the historic use of this site there are currently no planning conditions controlling the hours of use or capacity and it is on this basis that the application is considered.

The proposed building would increase the gross internal floor area from 241 m² to 347m², an increase of 106m². Whilst this increase is significant it has to be balanced against the proposed maximum capacity of 155 people, an increase of 25 in comparison with the existing.

It is clear that the majority of the increase in floor space comprises improved ancillary facilities such as additional toilets, larger kitchen, storage areas and corridors to allow access around the building without interrupting other users. The building would not have a fixed raised stage but would use raked seating that would fold away against a wall when not in use for talks or performances that may otherwise have required a stage.

The building would continue within its existing Use Class D1 general community use offering a high quality and flexible space for users. The use of the building would be very similar, if not the same, as the existing hall with spaces suitable for meetings, workshops and activities such as dance classes, children's sporting activities along with health and well-being activities such as aerobics etc, theatre productions and other events. It is also anticipated that the building would be used for larger events such as weddings or theatre events although these would be infrequent and wedding ceremonies would not themselves take place at the venue.

The redevelopment of the site with a high quality, flexible community space will inevitably mean that it is more attractive to users and is likely to result in it being used on a more regular basis in comparison with the existing situation, although of significance is the fact that the overall capacity of the building is only marginally increased.

Nevertheless the increase in use is likely to be significant in comparison with the use of the existing dilapidated hall. However such an increase needs to be carefully balanced against the historic use of the building, when it was in better condition and in more frequent use, and also against the fact that the existing building could be refurbished and modernised, possibly without requiring planning permission. This would again provide an attractive space that has the potential to increase the level of its use to one more comparable with other Village Halls of its size.

Notwithstanding this, in order to provide additional information on the use and operation of the building, an Operating Policy has been submitted that includes information on the

hiring policy for the Hall and management of bookings. In summary the document states that:

- The building is primarily for the use of those living within the 'Area of Benefit' i.e. the Parishes of Batheaston and St Catherine and priority will be given to bookings for activities of direct potential benefit to these residents.
- Hirings will not normally be permitted on schooldays for events starting before 9.30am or between 2.45 and 3.30pm
- Weddings will be limited to 12 per annum
- Concerts and performances will be limited to a capacity of 155 people
- The use of the adjoining field in conjunction with the hall will be required to cease by dusk or 9.30pm whichever is the later.
- Activities will normally end by 11pm (10.30pm on Sundays) with a limited number of events on Friday or Saturday evenings ending at Midnight. Such events would be limited to 26 per annum.

It is clear from the Operating Policy that, whilst the existing hall has no such controls over capacity or hours of use, the applicants seek to ensure that bookings are managed in an acceptable way having regard to the amenities of neighbouring occupiers and also highway safety.

The application has attracted a significant level of objection from neighbouring residents and Batheaston Parish Council which includes concerns that the increased size of the building, the number of events, the flexibility of the space and the attractiveness of the new facility will result in an intensification of the use.

Intensification of use is an issue that has to be considered very carefully in light of established policy and case law.

In this respect Circular 03/2005 Changes of Use of Buildings and Land states at Para 12 that:

'The Courts have held that the first thing to consider in determining whether a material change of use has occurred (or will occur) is the existing primary use of the land.'

At Para 16 the Circular goes onto state that:

'Intensification of a use within a class in the Order has been held by the courts as not to constitute development unless and until its effect is to take the use outside of that class altogether.'

In this case, Officers are clear that any intensification of the use would be in relation to the building being used on a more frequent basis, and at times, by a higher number of people when compared with the existing situation. Therefore Officers are satisfied that any intensification of the use would only be within its existing use as a Village Hall and would be very unlikely to constitute a material change of use.

In addition a significant level of objection has also been received raising concerns that the development would provide an auditorium space allowing it to become a theatre and

thereby trigger a material change of use to Use Class D2 - Assembly and Leisure or a sui generis use (meaning a use in its own class).

It would appear that the concerns have come about due to the inclusion of raked seating within the building implying that its overriding use would be for the holding of theatre productions. However, whilst these concerns have been considered, the information provided within the application does not indicate that this would be the case and the application therefore needs to be considered on its merits.

In this regard the existing and proposed use of the site as a Village Hall encompasses a wide range of uses, including various entertainment and sports uses which might suggest a D2 classification. However, provided that the primary use remains as a building available for hire for local community purposes there is little room for suggesting that a community hall is anything else but a D1 use. In this instance the applicant's operational statement and supporting justification clearly indicate this to be the case. It is therefore clear that the primary function of the proposed building is intended to be as a Village Hall, constituting a D1 use, and not a theatre as stated by objectors.

The proposal is also considered to be in line with Policy CF.2 of the Local Plan which seeks to permit the development of community facilities within a settlement such as Batheaston.

Other concerns by objectors have been that the development does not accord with the Batheaston Vision Plan (2009). As stated within the document the Vision Plan has no statutory planning status and was prepared for the benefit and awareness of the residents of Batheaston.

However, notwithstanding this, the document confirms that the results of the village survey suggested a high degree of support for a multipurpose village hall that should satisfy the following requirements;

- Adequate off street parking immediately accessible nearby;
- Relate well to other village facilities;
- Avoid disturbance to its immediate area and neighbours;
- No limiting planning conditions on its use or hours of operations;
- Primarily available for Village activities;
- Suited to hold external functions;
- Suitable changing facilities;
- Flexible and sub-divisible internal spaces;
- Licensed bar;
- Efficiency in use and being maintenance friendly.

It was also identified that the Coalpit Road corridor and the Garden High Street (the public car park on London Road East) were potential sites for a Village Hall, primarily due to the sites being in public ownership and therefore could be made available for a development such as this.

Whilst the Batheaston Vision Plan has little weight in the determination of this application for planning permission it is useful in understanding the aspirations of Batheaston Village

for a multipurpose village hall. Having considered the relevant parts of the document it is clear that the proposed development has been designed to meet many of the requirements summarised above although a notable exception is the lack of off street parking provided by this scheme.

Furthermore, although the Batheaston Village Plan identifies the Garden High Street and Coalpit Road corridor as a suitable location for a village hall this does not necessarily preclude the opportunity for a suitable hall to be sited on the existing Church Hall site.

Ultimately the Local Planning Authority is duty bound to determine any applications received in the light of the policies within the Development Plan and all other material considerations.

DESIGN AND IMPACT ON THE BATHEASTON CONSERVATION AREA, LISTED BUILDINGS AND STREET SCENE:

The character of this part of the conservation area is semi-rural, located on the edge of the built area with the green backdrop setting of the field and mature trees to the east of the village hall. Several listed buildings are in close proximity, forming attractive groupings of built form with other local heritage assets. The site abuts the green space and is set at a lower level than the adjoining Youth Centre, respecting the topography of this part of Batheaston where the land levels drop away to the east. The existing building, due to its deteriorating condition and 1950's design, is unattractive and has a negative impact on the character of this part of the Batheaston Conservation Area and street scene.

The proposed building is of a contemporary design that has the appearance of a community type facility meaning that its use and function within the street scene will be clear to all. The building uses both natural Bath stone and timber cladding to the walls and a mixture of flat and pitched roofs. The use of traditional and natural materials reflects the local vernacular and timber cladding in this semi-rural location is appropriate. The use of flat roofs has reduced the overall bulk of the building and the overall height of the single pitched roof has been kept to a minimum in order to reduce its impact on the street scene and Conservation Area. Although the ridge height of the single pitched roof exceeds that of the existing building, and the neighbouring Youth Club, the ridge is central to the site meaning that the impact from the street scene is lessened. Nevertheless the building would occupy a larger footprint, resulting in a larger building overall, but this, due to its overall design and location, is not considered to be harmful to the street scene or surrounding area.

When viewed from public viewpoints, from School Lane, as well as from the adjacent recreational field, the proposed building, specifically the ridge of the roof, would be visible in views across the site from the higher level at Northend. However, such a small protrusion is not considered to cause harm. Other longer distance views of the building from the Conservation Area street scene would be partly restricted by its set-back positioning from the lane frontage, and short distance views will be improved by removing the existing building and its replacement by the proposed high quality building.

It is therefore considered that the proposed building would not cause any harm, significant or otherwise to local views and would enhance the character and appearance of this part of the Batheaston Conservation Area. The proposed building is considered to be of a high

quality design that would fit well within the street scene and, whilst the majority of buildings adjoining the site are of a more traditional or historic form and design, the introduction of a contemporary community building in this location is considered to be acceptable.

Turning to the impact of the development on the Grade II listed building at the rear the height of the building has been kept to a minimum in order to reduce any impact. The Conservation Officer has specifically considered this point and is of the view that the settings of the surrounding listed buildings are currently harmed by the poor quality design of the existing Youth Centre and Village Hall. The replacement of the existing hall is considered to improve this situation and therefore the setting of the listed buildings will not be harmed by the proposed development.

IMPACT ON RESIDENTIAL AMENITY:

The site is located close to existing residential properties, sharing a boundary with one dwelling and with other dwellings located across School Lane and Brow Hill. The proposal would replace the existing hall. The neighbouring residents therefore already experience some level of noise and disturbance from the existing hall, and the adjacent Scout Hall, both through the use of the hall but also the coming and going of users. Whilst the replacement building is proposed to be larger and will accommodate an increased number of people the existing situation is a material consideration. Therefore the impact of this development on the residential amenity of neighbouring occupiers has to be considered with this in mind and it is the increase in noise and disturbance as a result of the new building, over and above that already experienced, that is under specific consideration.

In this respect it has been stated that the existing building has a very poor acoustic performance and is one of the reasons why a replacement is being proposed. This issue appears to have caused significant levels of disturbance to neighbours in the past and, although there are no planning conditions controlling hours of use or noise, has led to a reduction of late night bookings in order to accommodate residents concerns and reduce complaints.

These existing problems have been raised by objectors and there are significant concerns that the proposed building will exacerbate these due to its larger size and design in conjunction with its increased capacity. The concerns also relate to the increased numbers of people potentially leaving the building, particularly late at night.

In order to prevent such problems reoccurring and to provide a development that would not have a detrimental impact on residential amenity, the proposed building has been carefully designed with measures included specifically to minimise any potential impact from noise and disturbance. Furthermore, and as explained above, an Operating Policy has been submitted that includes information on the hiring policy for the Hall and management of bookings.

In particular the building has been designed to ensure that all noise from the main hall is contained within the envelope of the building by proposing that the main hall has no opening windows. Furthermore the building has buffer zones of doors and spaces between the main hall and the external space to prevent noise escaping. An acoustically attenuated natural ventilation system is also proposed and use of the adjacent open space

by users of the hall would be restricted by the Operating Statement. Whilst the activity rooms and kitchen will have opening windows it is unlikely that noise from these rooms would be significant enough, given their distance from the boundaries with neighbouring dwellings, to have a detrimental impact on the residential amenity of neighbouring occupiers.

With regard to concerns relating to users leaving the building late at night and the disturbance that this could potentially cause neighbouring residents, this also has to be considered in light of the existing, uncontrolled, situation. The increase in capacity of the building will inevitably give rise to additional numbers leaving the building late at night but, as the total capacity of the building will rise to 155 compared with 130 at present, it is considered that the increase would not be overly significant.

Furthermore the number of times that people would be leaving late at night would be on an infrequent basis as late night events, as specified within the Operating Policy, would nevertheless be limited to 26 per annum. The chances that the building would also be at capacity for all 26 of these events, is also considered unlikely. Nevertheless the site is within a central location in Batheaston village, at the heart of the community and surrounded by the Church, Scout Hall and School where some impact from traffic movements and events, potentially late at night, are to be expected.

It is therefore considered that the levels of noise and disturbance from the use of the building itself, even with the increased capacity, would be very unlikely to reach levels that would be detrimental to the residential amenity of neighbouring occupiers. Furthermore, when the existing situation is also taken into consideration, Officers are of the view that the building would result in a significant improvement in levels of noise and disturbance. With regard to noise from users leaving the hall late at night it is also considered that the level of potential disturbance or the frequency is not significant both given the existing situation and the location of the site at the heart of the village where some late night noise is to be expected. Finally the submitted Operating Policy gives further reassurance that the building will be operated in a responsible manner by taking all reasonable steps to reduce any impact on the residential amenity of any neighbouring occupiers.

Turning to concerns received in relation to overlooking, the building has also been designed to ensure that neighbouring properties would not be adversely affected. The majority of windows are at ground floor level which would have no impact on residential amenity. The clerestorey windows at high level at the rear of the hall would face a neighbouring garden but would be obscure glazed and fixed shut thereby preventing any overlooking.

Finally the location and design of the building is not considered to give rise to any overbearing impact on any neighbouring dwellings or their gardens.

In consideration of all the above matters it is considered that the proposed development is acceptable and would not have an unacceptable detrimental impact on the residential amenity of any neighbouring occupiers.

IMPACT ON TREES:

The application has provided information on the impact of the development on existing trees including a tree survey, arboricultural impact assessment. These documents also include the results of trial trenches, a preliminary arboricultural method statement and revised tree protection plan.

The proposal will result in the loss of 3 existing trees (False Acacia trees) and the location of the rear elevation of the building, and its foundations, will affect a number of other trees, particularly 4 trees located outside of the site boundary and within a neighbouring garden. In particular the development would impact on the root protection area of a large Copper Beech, located in the neighbouring garden.

As a result of this, objections have been received outlining concerns that the information provided was not clear enough to enable Officers to fully consider the impact on existing trees and that therefore the impact could be significantly worse than anticipated. The concerns expressed have been in relation to both the identified loss of trees and the impact on the remaining trees.

The Arboricultural Officer, in her initial comments, was of the view that the scheme was acceptable, but following the concerns raised realised that further information was required. Therefore additional information has been provided in the form of an addendum to the Arboricultural Impact Assessment and additional plans identifying the location of the trial trenches and the location of shuttering at the rear of the site.

The revised information now confirms, as far as possible, that the development can be constructed without having a significant adverse impact on the neighbouring trees. Whilst the development is in close proximity to existing trees, and will in parts impinge on the root protection areas shown on the plans, the Arboricultural Officer, having regard to the results of the trial trenches, and the influence which existing buildings, ground levels and other structures have on root growth, is confident that the existing trees will not be harmed to an unacceptable degree.

Replacement planting as mitigation for the loss of 3 trees was originally requested by the Arboricultural Officer but, as there is no room within the red line plan to plant any further trees, and considering that there are a significant number of trees already surrounding, in particular around the adjacent open space, it was concluded that mitigation planting was not necessary.

In answer to specific concerns raised in relation to the root protection areas shown on the tree protection plan, the Arboricultural Officer has commented that these areas follow the basic guidance contained within BS 5837:2012 Trees in relation to design, demolition and construction. Therefore the root protection areas shown on the plan are not site specific and do not take into account the influence which existing buildings, ground levels and other structures will exert on root growth from adjacent trees into the site. On this site the ground conditions are considered too heavily influence the direction and depth of root growth of the surrounding trees meaning that, although the development does encroach into the identified root protection area, the actual impact would be significantly lower allowing a departure from the 'standard' approach.

With regard to the construction phase, the additional information submitted has clarified what precautionary measures are achievable to ensure that the trees are not also harmed

by the actual construction of the building. It is now clear that, if deemed necessary, shuttering or other solutions can be used to ensure that no excavations for ground works extend beyond the location of the trial trenches referred to in the Arboricultural Impact Assessment. This is particularly relevant in the north western most corner of the proposed building where the ground level alterations are the most significant. The final details will form part of an Arboricultural Method Statement to be submitted by condition.

Overall it is considered that the applicant has provided all information which can reasonably be asked to satisfy previous arboricultural concerns regarding the impact on adjacent trees and, having fully considered all the information submitted, in conjunction with objections made, the proposed development is considered to be acceptable subject to conditions.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The proposal has been subject to a significant number of objections which raise concerns with regard to the impact on highway safety but also specifically challenge the change in highway comments from the pre-application enquiry to the submission of this application

It therefore useful for background information to explain the initial development considered through the pre-application process enquiry and the response that Officers made at that time.

The initial pre-application proposal was very similar to the application proposal although it did include a new vehicular access and parking area off School Lane. Overall Officers raised similar concerns to the objectors in that the development would provide a larger, more attractive facility that would result in an intensification of its use and result in additional cars using the already congested surrounding highway network. With regard to the proposed parking area, this was found to be unacceptable, due in part to the restricted visibility on a busy pedestrian route to and from the school, and where School Lane already becomes heavily congested at school times. At that time it was appreciated that the provision of additional parking may well have been welcomed by villagers, but the access proposed at that time would have resulted in highway safety issues, particularly for the more vulnerable highway users, and would not encourage sustainable travel for the village hall users. This therefore resulted in a negative response from Officers.

In order to overcome the concerns, the access and parking area off School Lane was removed from the scheme and Officers were involved in considerable and lengthy discussions with the applicants resulting in the submission of an Operating Policy and Green Travel Plan. These documents explained how the building would be used, how it would be managed, the travel modes of the users and the impact on the highway network and were, at that time, considered to address the outstanding concerns. The application now being considered was submitted shortly after.

The current application was therefore accompanied by a similar Travel Plan and Operational Statement which includes a number of measures to manage bookings and reduce the impact of the development on the surrounding highway network and off street parking situation. The documents seek to give priority of use to local people and groups with liaison between the Hall and the neighbouring school and church to seek to avoid

clashes with other events. Furthermore the letting of the hall will seek to avoid the morning drop-off and afternoon pick-up times from the school.

Nevertheless the concerns raised at pre-application stage were reiterated by the Highways Development Officer in their comments on this application although they were also of the view that the submitted Travel Plan and Operating Policy had provided sufficient information to demonstrate that the bookings could be managed to avoid any material impact on the highway. At this time they recommended that no highway objection was raised subject to the completion of a legal agreement to secure a contribution of £6,000 towards the implementation of a Traffic Regulation Order (TRO) for waiting restrictions in the vicinity of the junction of School Lane with Northend.

The TRO was recommended in order to secure parking restrictions around the junction of School Lane with Northend as there is evidence of parking close to the junction of School Lane with Northend, which, in the view of the Highways Development Officer, has both safety and operational issues for the highway, and the access to the hall.

However, whilst a TRO may still be necessary, it is considered that the need is not as a direct result of this development and it would therefore be inappropriate to require a contribution for such a measure through this application.

In the meantime a significant level of objection was received from local residents and the Parish Council in relation to the impact of the development on highway safety and the intensification of the use. The representations have raised concerns in relation to the lack on-site parking provision, the content of the Operating Statement and Travel Plan, and their enforcement, along with the impact that the development would have on existing on street parking provision and the adjoining highway network. Furthermore the objections have questioned the lack of a Transport Statement, culminating in the submission of a Transport report commissioned by an objector to the scheme.

Members can be assured that all the concerns and objections received as a result of the development, including the submitted Transport report, have since been considered very carefully but also have been viewed against the existing situation.

Throughout this process it has always been recognised by Officers that that the highway network surrounding the site is narrow with a high level of on street parking that is far from ideal to serve the proposal, and that a replacement village hall, with better facilities, would be more attractive to users and likely to generate more interest in its use. Concerns have also been expressed by objectors that access by emergency vehicles is very difficult at present and will only get worse as a result of the application. Again, it is acknowledged that the existing situation is far from ideal but it is unlikely that this scheme will prevent access by emergency vehicles any more than at present.

However, as the application has progressed it has become clear that the weight that can be given to concerns of the impact on highway safety is actually less than had been given at pre-application stage. It is now considered, as has been stated throughout this report, that any increase resulting from the proposed building needs to be carefully balanced against the historic use of the building, the potential for the building to be refurbished and modernised, thereby increasing the frequency of use, and the lack of conditions to control its use at present.

In light of this it is the Officer's view that only limited weight can be given to the impact of the development on highway safety and parking in relation to its current capacity of 130 people. However, as a direct result of the development, the capacity of the hall would be increased to 155 and its layout would enable more than one group to use the hall at any one time, which could potentially have a corresponding impact on the highway network. Therefore it is correct that this additional impact should be considered in full and given appropriate weight.

Therefore it is with this in mind that Officers have considered the scheme and the supporting information including the Travel Plan and Operations Policy.

It is clear from the Operating Policy that, whilst the existing hall has no such controls over capacity or hours of use, the applicants seek to ensure that bookings are managed in an acceptable way having regard to the amenities of neighbouring occupiers and also highway safety.

As has been outlined within this report it is clear from the content of these documents that the applicants seek to ensure that the impact of the development on highway safety and on street parking provision is kept to an absolute minimum.

The Travel Plan includes an indication of the existing users of the hall and their respective modes of travel which shows a high proportion travelling by foot, and a survey undertaken of parking availability also indicated some spare capacity on surrounding roads. A travel survey of a pantomime production held by Encore in February of this year was also undertaken to identify the availability of on-street parking during the performance, with the cast and crew being requested to park more remotely from the site. The survey identified a number of free spaces in Northend during these times.

The performances by Encore seem to be raised by objectors as the main generator of traffic but the survey data does indicate that spare capacity for on-street parking could be available during this most intensive use of the hall, especially if it is managed properly.

The submitted Operating Statement and Travel Plan do include measures to provide some element of control over the booking and use of the hall, together with advising of available modes of travel and limitations to parking around the site. In addition to those measures already outlined within this report the Travel Plan and Operations Policy would also seek to implement the following additional measures:

Provision on site for cycle parking to accommodate 4 cycles. Whilst this is the minimum level of provision required, in the absence of any details to support a greater level of cycle parking, this is considered acceptable.

The issue of an information leaflet to all users of the new hall to advise of the limited parking availability and also provide details of the available alternative modes of transport.

For larger events, as part of the booking conditions, details of the intended management of transport arrangements are to be submitted and approved by the trustees of the hall, and any failure to comply with such arrangements will result in a penalty of the loss of all or part of the booking deposit.

It is therefore considered that the measures within the Travel Plan and Operating Statement would enable any additional traffic generation to be controlled to a satisfactory degree, especially as the Village Hall will provide a local facility, where sustainable travel options are available to local residents. When full consideration is given to the existing, uncontrolled, situation it is felt that the development would not have a significant detrimental impact on highway safety even when the increased use and capacity of the building is taken into account.

CONCLUSION:

The application seeks to replace an existing inflexible and outdated 1950's Church Hall that is in poor condition with a modern Village Hall that will offer enhanced facilities and a flexible space for the use of the community. The capacity of the building would be increased from 130 people to 155 but only two off street parking spaces for the use of disabled users would be provided.

The proposed building is of a high quality design using mainly natural materials that would sit well within the existing street scene and would not have a detrimental impact on this part of the Batheaston Conservation area or surrounding area.

The proposal would not result in a change of use of the site which is a material consideration that should be given significant weight.

Nevertheless objections have been received from local residents and third party representatives in relation to the impact of the development, and the intensification of the use, on off street parking and highway safety but also on the residential amenity of neighbouring occupiers. However a significant number of letters of support have also been received.

The proposed building, due to the high quality space and facilities it will provide will undoubtedly result in a higher level of use than the existing building. It appears that the use of the existing building has been declining in recent years due to its poor condition, inadequate heating and inadequate facilities. Therefore, whilst the proposed building may result in what could be viewed as an intensification of the use, this has to be considered against the fall back position that the site is already in use as a Village Hall. It may be the case that the existing hall could be refurbished to a good standard resulting in a significant rise in use that would also have increased impact on residential amenity and highway safety without requiring planning permission. Furthermore the existing hall currently operates without any control from planning conditions which, again, is a material consideration to be given significant weight.

In relation to Highway Safety, similar concerns to those of objectors have also been raised by the Highways Development Officer. However the Highways Development Officer is satisfied that the submitted Travel Plan and Operation Policy shows that the Hall would be managed so that there would be no significant impact on highway safety and would be enforceable. They also initially recommended that a legal agreement for a contribution towards the provision of a Traffic Regulation Order is also necessary.

Again these comments and objections have to be considered against the fall back position of the existing use of the site. Therefore, as the proposed development would not lead to a material change of use, the objections and concerns about the intensification of the use and the resulting impact on Highway Safety can only be given limited weight. Furthermore, whilst a TRO may still be necessary, this would not be as a direct result of this development and it would be inappropriate to require a contribution for such a measure through this application. It is therefore considered that the development would not have a material impact on highway safety over and above that which is, or could be, experienced at present.

With regard to residential amenity, the building includes a number of measures to ensure that the use of the building would not have a detrimental impact either through noise and disturbance or overlooking. The building, in particular the main hall, has been designed to keep all noise within its envelope using buffer zones between the main hall and external doors, un-opening windows and an acoustically attenuated natural ventilation system to achieve this. All relevant windows are also obscure glazed to prevent any overlooking and avoid any unnecessary impact on residential amenity.

It is therefore considered unlikely that the development would result in any increased detrimental impact on the residential amenity of neighbouring occupiers over and above that which is, or could be, experienced at the present time. Particular concerns have been raised regarding noise and disturbance from people leaving the site late at night, but again this is something that would be experienced at present and would not be significantly increased as a result of this development.

The proposed building is in close proximity to a number of trees, including 4 within a neighbouring garden, and would necessitate the loss of 3 trees. However, following the submission of additional information to clarify a number of issues, the Arboricultural Officer is of the view that the loss of 3 trees is acceptable and that the impact on the existing trees would not be significant. Therefore, subject to appropriate conditions, there are no objections to the development in relation to the impact on existing trees both on and adjacent to the site.

Overall the proposed development is considered to be acceptable and the recommendation is to Permit subject to relevant conditions.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs and external hard surfacing, have been submitted to and approved in writing by the

Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the appearance of the development and the surrounding area.

3 No ground preparation, demolition or construction activities shall take place until a Detailed Arboricultural Method Statement with scaled Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. It should include the following details:

- Provisional programme of works;
- Supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion.
- Details of the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning,
- Location of any site office
- Service run locations including soakaway locations and movement of people and machinery.
- Details of the method of tree removal to avoid the use of herbicides on tree stumps to avoid any transfer to adjacent trees
- Construction details to ensure that no ground works extend beyond the position of the tree root trial trenches.

The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals.

4 The local planning authority is to be notified in writing two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

5 The area allocated for disabled parking on the submitted plan shall be provided in accordance with the approved details and provided to the building being first brought into use. The disabled parking shall thereafter be kept clear of obstruction and shall not be used for any other purpose.

Reason: In the interests of amenity and highway safety.

6 The cycle parking on the submitted plan shall be provided prior to the building being first brought into use, in accordance with details of the cycle hoops which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable travel.

7 The development shall operate only in accordance with the submitted Operating Policy dated 27.09.2012 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8 The development shall operate only in accordance with the submitted Green Travel Plan dated 10.09.2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of sustainable development.

9 The high level windows to the main hall on the north elevation shall be obscure glazed and fixed shut and shall remain so in perpetuity.

Reason: In the interests of residential amenity.

10 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: To prevent flood risk to the site and to third parties.

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

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

PLANS LIST:

This decision relates to drawing nos 6186 D 0001 A, 6186 D 0101 A, 6186 D 0303, 130307-BVH-TPP-Rev B-LI&AM, 6186 D 0102 D, 6186 D 0105 A, 6186 D 0201 A, 6168 D 0104 F, 6168 D 0301 E, 6168 D 0302 E.

INFORMATIVE:

Information regarding Condition 10: Surface water from the proposed redevelopment should be discharged via SUDS features. Due to the close proximity of an ordinary watercourse, we would encourage surface water discharge into that watercourse. Applicant would need to apply for a Land Drainage Consent from this office in order to do this .

The applicant has indicated that surface water will be disposed of via soakaways. Infiltration testing to BRE Digest 365 should be carried out to ensure a suitable soakaway design is possible (the test results should be submitted to support the discharge of the above condition).

Discharge to the main sewer is the least favourable method of surface water discharge and should be considered as the last resort. A confirmation from Wessex Water would be required to confirm that they are happy with the applicant proposal and that there is a sufficient capacity within their network to accept the additional flows.

REASONS FOR GRANTING APPROVAL

The decision to grant approval has taken account of the Development Plan and approved Supplementary Planning Guidance.

The proposed development is in accordance with Policies D2, D4, BH.2, BH.6, BH7, BH.15, CF.2, ES.2, ES.5, ES.9, ES12, NE.1, NE12, T1, T5, T6, T24, T25, T26 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

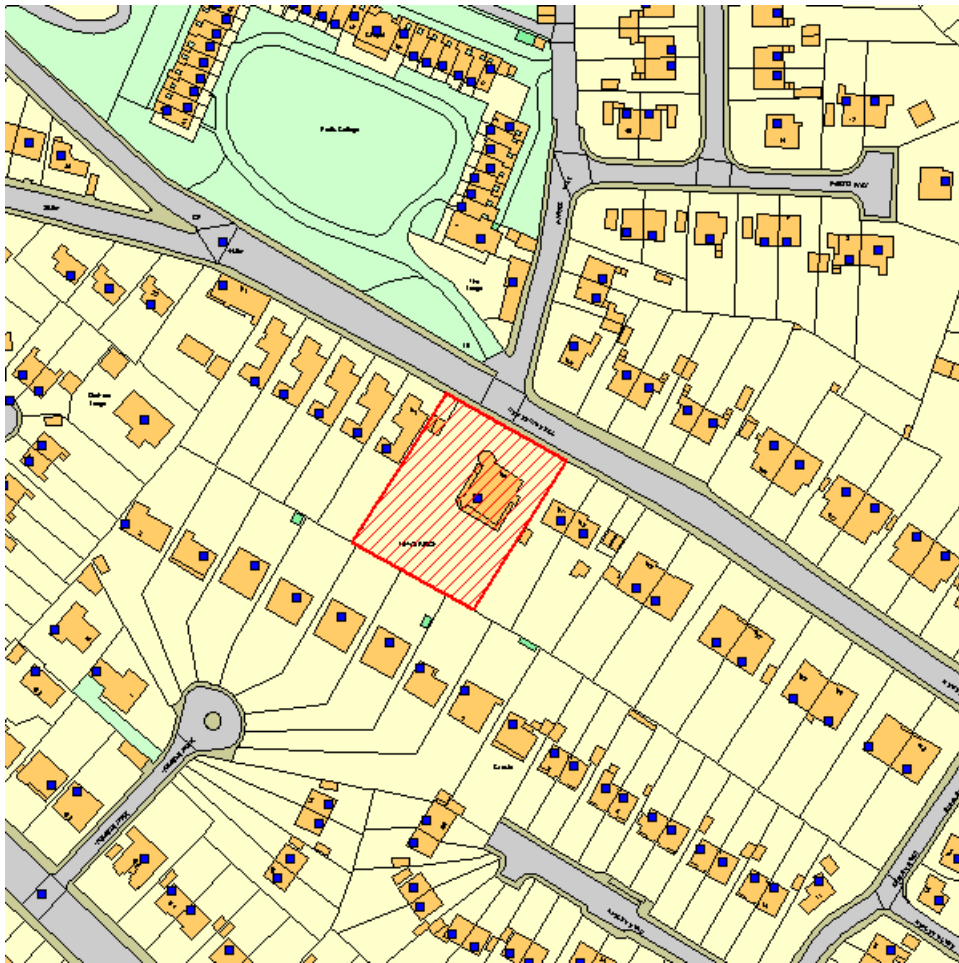
Bath and North East Somerset Submission Core Strategy (May 2011). At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

The proposed development would replace an existing building within Use Class D1 which offers a community facility to the village of Batheaston. The replacement building, although larger than the existing, would not trigger a material change of use as its use would remain the same. The proposal is not considered to, despite the increase in capacity, have a significant detrimental impact on the residential amenity of the neighbouring occupiers or have an unacceptable impact on highway safety. The proposed building is considered to be of a good quality contemporary design which would not have a detrimental impact on the street scene and, in comparison with the existing building, would represent an enhancement to this part of the Batheaston Conservation Area. The development is also not considered to have a detrimental impact on the setting of any adjacent listed buildings.

DECISION MAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and consent was granted.

Item No: 03
Application No: 13/01529/FUL
Site Location: 169 Newbridge Hill Newbridge Bath BA1 3PX



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor L Morgan-Brinkhurst Councillor C M L Roberts
Application Type: Full Application
Proposal: Erection of a 11 bed care home to the rear of the existing care home and associated works
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Tree Preservation Order, World Heritage Site,
Applicant: Mr Mehmet Iltas
Expiry Date: 12th June 2013
Case Officer: Sarah James

REPORT
REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been requested to be reported to Committee if approval is recommended on the request of Cllr Roberts due to the potential for impact on several nearby residents.

THE SITE

The site which measures 0.2ha is located on the south side of Newbridge Hill, within the urban area of the City of Bath. The site is broadly rectangular, 43 metres x 55 metres, with an existing residential care home "Newbridge Towers" located towards the north-east corner of the site, fronting Newbridge Hill. Newbridge Towers is a large 3 storey red brick property built in 1904. It contains 20 bedrooms. The building is set back from the road with a small tarmac area and soft landscaping with some large trees between the retirement home and the road. A gate in the site's north-eastern corner provides pedestrian access to the retirement home.

Vehicular access is located in the north west corner of the site, which leads to a double garage on the site's western boundary. Between the garage and the retirement home are a number of trees covered by a TPO, the largest and most significant of which is a Copper Beech located on the road frontage.

The surrounding area is predominately residential, with large detached and semi-detached houses fronting Newbridge Hill, set back from the road. Partis College which is a grade 1 listed building used as almshouses and the RUH hospital are in the general vicinity of the site being located to the north side of Newbridge Road. The houses in the immediate area are a mix of ages and architectural styles. To the east of the site on the south side of Newbridge Hill are modern dwellings and large Victorian semi-detached properties. To the west of the application site on the south side of Newbridge Hill are more modern detached houses. Directly to the south of the site are single storey bungalow type properties. These back onto the site and front Yeomede Road, which is a residential cul-de-sac.

THE PROPOSAL

The proposal seeks permission for the erection of a new build care home within the rear grounds of the existing Newbridge Towers residential care home. The proposed new care home would be a two storey building located in the south west corner of the site. Because of the natural slope of the site, the building would appear single storey from the north (Newbridge Hill) and the main entrance of the building would be from first floor level. The building would contain a total of 11 en suite bedrooms and would include associated communal areas. The proposed building would have a total floor space of 478 m² (GIA). The building would be equipped and suitable for dementia patients. The building would have an overall total height (taken from the rear two storey element) of 9.5 metres to the top of the gable and 8 metres to the ridge.

Materials would comprise of black slate roof, red facing brick (to match the existing development) and Bath stone detailing.

The proposed building would utilise the existing vehicular access in the north west corner of the site. The existing garage building would be demolished. The internal access would provide occasional vehicular access into the site e.g for ambulances and mini buses. The development would operate on a car free basis as the existing care home does.

HISTORY

DC - 11/00552/FUL - PERMIT - 22 March 2011 - Provision of 2no. dormers, replacement of staircase, re-cladding of bathroom annexe and internal alterations to top floor.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway officer comments made 7th May 2013 - No highway objections are raised subject to conditions to encourage sustainable transportation.

Arboricultural officer comments made 16th May 2013 - Potential alterations to the surfacing of the existing drive and the extended drive down to the front (north) of the building would affect protected trees. Further detail is required as to the impacts of the construction to ensure these matters are properly controlled.

Archaeology Officer comments made 30th April 2013 - The proposed new care home lies close to Partis College in an area of Roman burial and occupation evidence recorded on the B&NES Historic Environment Record. Consequently a watching brief condition is suggested.

Landscape officer comments made 21st May 2013 - I have no objection to the principle of development in this location as long as the proposed building is subservient to the main one, which it clearly is. Newbridge Towers is a large and imposing building and there is ample space for an appropriately scaled new development.

The existing trees are of primary importance and must be retained and protected. The large Copper Beech is magnificent and the longer term treatment of the space below it is very important as it forms an important part of the overall street frontage. Likewise the hedge to the southern property boundary is particularly important and a comprehensive scheme of tree and shrub planting designed specifically to respond to this area is sought. A range of plant heights will allow for some selected views out of the site. The new development will not have any significant visual impact as there are few longer distance views and local views are restricted. The building would sit low down in relation to the adjacent taller buildings. Whilst the character of the immediate garden will change, it will make much better use of the space and I do not think this change would be unacceptable. Should permission be granted then a high quality scheme of hard and soft landscape works should be agreed by condition before any clearing or construction works commences.

Urban design officer comments made 21st May 2013 - No objections in principle. The garden is of a large enough scale to accommodate an annex of the size proposed comfortably and that redevelopment might actually improve the setting because the garden is scruffy and scrubby. Reservations about the design of the building being a miniature in the style of the main building on site are raised on the basis that there is scope for the building to be designed specifically for its own context in the corner of the site. It could potentially be possible to lower the height of the building with a different architectural approach. The sustainable construction checklist refers to environmental orientation being considered for building design, fenestration, etc. which is supported by policy.

An adequate rear boundary is essential. The trees on site are really important for the character of Newbridge Hill. All hard surfacing must be permeable and the development should include retrofitting energy efficiency measures.

Historic Buildings officer comments made 16th May 2013. - The site is in the conservation area and the proposed development indicates a traditional design approach which would respect this context. The existing care home is an imposing early C20 red brick building with a distinct architectural character. It acts as a visual landmark in this part of the conservation area and in long views from the Twerton area. It adjoins 1960s two storey housing to the west.

It is considered that the architectural approach proposed for the detached extension is acceptable. It is separated from the existing building and reflects local built characteristics such as form, spans, use of traditional materials, proportions of openings and so on. It is set back from the Newbridge Hill frontage and its stepped form would respect the local topography and avoid any detrimental visual impact on the local street scene.

At the rear it will be seen in long distance views from further down the hill, but its design avoids any sky-line intrusion and it is not considered to have any harmful effect on the character, appearance or setting of this part of the conservation area.

There are therefore no objections from the historic environment aspect. It will be important to ensure use of high quality detailing and materials which reflect the local vernacular.

Wessex Water comments made 21st May 2013 advise of the need to agree points of connection onto existing drainage systems and/or new drainage systems with Wessex Water.

Third parties

18 Objections have been received from residents on the basis of the following:-

The density of the development is inappropriate for the site

The impact of additional parking on the local area, which is already adversely affected by overspill parking from the hospital

The adverse impact on the eastern views

The height of the development

The inappropriate style and scale of development within a conservation area

Inappropriate backland development that may set a precedent

Overdevelopment

Inadequate waste storage/disposal

Overlooking/loss of privacy

Light pollution

Inappropriate landscaping

Inadequate drainage

Loss of light

Noise

Design

Smells

Impact on property values

POLICIES/LEGISLATION
ADOPTED LOCAL PLAN

"Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007" was adopted October 2007. Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

SC.1 Settlement classification
D2 General Design and public realm considerations
D4 Townscape considerations
T24 General development control and access policy
T25 Transport assessment and travel plans
T26 On-site parking and servicing provision
ES.2 Energy conservation
ES3 Gas and Electric Services
ES.4 Water supply
ES.5 Foul and surface water drainage
ES.9 Pollution and nuisance
ES12 Noise and vibration
NE14 Flood Risk
BH1 World Heritage Site
BH6 Development within a conservation area
BH.12 Archaeology
BH22 External lighting
CF2 Provision of new or replacement community facilities
CF6 care Home facilities

The B&NES Local Development Framework Core Strategy is at an advanced stage of preparation, with consultation on the Draft Core Strategy having been completed in February 2011 and examination of the Draft Core Strategy took place early 2012.

Policy CP2 is relevant

NATIONAL PLANNING POLICY FRAMEWORK

National Planning Policy Framework (March 2012) can be awarded significant weight. In this case there are no conflicts between the NPPF and the local plan policies..

Adopted supplementary Planning Guidance The Bath City -wide Character Appraisal (adopted 2005) - The site is included within Area 4: Newbridge

Sustainable Construction and Retrofitting SPD adopted 2013

OFFICER ASSESSMENT

HIGHWAYS

The proposed Care Home would utilise the existing access into the site from Newbridge Road. This would permit access into the site for servicing and emergency vehicles as currently provided, with no car parking for visitors or staff proposed. The existing care home operates on a car free basis and the proposed care home would operate in a similar way. The new accommodation would employ an additional 12 staff, as well as some part-time staff. Due to the health of the residents, it is extremely unlikely that any would own a car. Therefore the highway impact has been considered on the basis of movements

generated by the new staff, and additional visitors. In accordance with the Local Plan parking standards, a development of this scale would require a maximum of 8 parking spaces. Any compromise to this maximum is based on the accessibility of the site and the potential to travel by alternative means, as well as the potential impact on-street. The applicant's Transport Statement has therefore considered the impact of the additional parking demand (8 cars maximum), and a basic 'snapshot' survey has been undertaken of existing parking demand in the local area. At the times when demand from the development is at its maximum (at 9.15 when staff arrive, and at 21.45 when demand from residents is likely to be greatest). There remains on-street capacity and the Council's highway officer is raising no objection to the development subject to travel plan conditions.

ECOLOGY

The site has no special interest for ecology that would be affected by these proposals.

NOISE

The use as proposed is acceptable in a residential area. In the event that unacceptable noise nuisance was created there are mechanisms through other legislation to address this. The occupants of the site would have the same requirements for quiet as residents surrounding the site and therefore noise is not expected to be issue on a daily basis. Emergencies may arise but these are anticipated to be occasional and not create levels of disturbance that would warrant refusal.

DESIGN

Notwithstanding that there are alternative designs that might be equally appropriate there is no objection raised on design grounds. Both the conservation officer and urban design officer accept that the development is not harmful in terms of design and it is agreed that is the case. It has been suggested to the applicant that further consideration is given to the roof of the proposal as it is felt this could be reduced in height, assisting in meeting some of the concerns of residents. However this would require a redesign and withdrawal of the current scheme and the applicant has chosen not to take this further at this stage. Consequently the building has been considered on its merits. The building is in that regard considered to be acceptable in its appearance, including its height. It would appear as single storey in views into the site from Newbridge Hill and wider views would be maintained. From the south, looking back toward the site, the development would be seen against the backdrop of the existing site and the development is not considered harmful to the conservation area or World Heritage Site.

Although this development would be of a reasonable size in terms of its footprint, it would be subservient to the existing home, Newbridge Towers, which is a very substantial three storey building with 20 bedrooms. In the context of this site, which is also substantial relative to surrounding plots, being effectively double the width, it is considered that the site can accommodate the level of development as proposed acceptably. It is also considered that the characteristics of the site and in particular the plot size is unusual and in that regard it is not considered this ancillary building would set a precedent for similar schemes in the vicinity.

Residential amenity in relation to design is discussed below.

ADJOINING RESIDENTS

The key issue in this case is considered to be the effect on adjoining neighbours in particular those to the south of the site as a consequence of the scale and massing of the proposals relative to adjoining neighbours. The proposed development would be located toward the rear of the site close to the rear boundary which would be between 7.5 and 9.5 metres away from the rear boundary. There are no opportunities to move the development further from the boundary due to the location of the protected trees to the immediate north at the front of the site. Nearest properties to the south have rear gardens of approximately 18 metres; the distance between existing rear walls and the proposal being consequently over 25 metres. This distance between residential properties would usually be regarded as acceptable.

In this case there are 2 other factors of significance in that the existing nearest residential properties to the south are on lower land and they are single storey albeit some have roof accommodation. In this case however the slope of the land and differentiation in heights is considered to have some advantage, reducing direct relationships between the two developments. At ground floor (or lower ground floor level in the case of the split level proposal) it is considered that adequate screening (as discussed in the landscape section) can be conditioned. The upper floor of the proposal (ground floor level) would have an eyeline above the single storey buildings and that would reduce direct overlooking between the properties.

Notwithstanding that the principle of bedrooms at the upper levels of the proposal is accepted and not found to be harmful, the proposal includes a south facing communal room and this would be more intensively used. This is not agreed to be acceptable. However the applicant has agreed to design amendments to address this issue which could be easily achieved through revised window positions. Amended plans will be presented to the committee which show this revision.

The proposed development is located to the north of its closest adjoining neighbours and its location would minimise any loss of light and direct sunlight would not be lost and there would be no direct overshadowing of properties to the south. There may be some overshadowing to the west but this is minimised due to the design of the roof (hipped on the west side) and the slope of the site and in that regard this is not considered an unacceptable impact sufficient to warrant refusal.

The applicant has been encouraged to consider design amendments with a view to making reductions to the roof height, which is achievable. However that would necessitate a redesign and withdrawal of the application and is not being pursued by the applicant. Notwithstanding this, the current development, taking account of all mitigating factors, the nature of surrounding development, the slope of the site and the design which incorporates a roof design which slopes away from the south side and is hipped to the west side are on balance factors which make the overall relationship of the development to its neighbours acceptable.

TREES

The submitted Arboricultural Impact Assessment confirms that the proposed development would only involve the removal of one small tree and there is no objection to that removal. The proposed access path would run down the western boundary of the site. Whilst acceptable in principle, more detail is sought to ensure that construction would be adequately controlled so as not to impact on protected trees and that would be provided and suitable conditions imposed. However it is considered that there is an acceptable solution and the Arboricultural officer does not consider this would warrant refusal and therefore no objection on grounds of tree impact is raised.

LANDSCAPING

A landscaping scheme has been proposed and includes the provision of additional planting around the boundaries of the site and the provision of a sensory garden which provides useable outdoor space for those requiring dementia care. Landscaping has a key significance in this case with regard to the acceptability of the landscaping of the boundary and whilst a landscape scheme has been proposed officers are not satisfied that this is sufficiently detailed at this stage. A landscape scheme would be conditioned that would provide a mix of shrubs of different heights and densities along the rear boundary allowing selective views into and out of the site rather than a dense and unrelenting hedge.

ARCHAEOLOGY

Archaeological conditions are applied as a precautionary measure taking account of local archaeological evidence.

DRAINAGE

Points of connection onto drainage systems will need to be agreed with Wessex Water. In light of concerns raised by residents a condition to ensure that details are provided to the Local Planning Authority is suggested.

JOB CREATION AND COMMUNITY BENEFITS

The provision of additional nursing home care for which there is a demand and the creation of jobs are both benefits in this case.

WASTE

Proposals to dispose of waste will need to be provided and are conditioned.

CONCLUSION

Taking all of the above into account the recommendation in this case on balance is approval of the development. It is considered there would be no significant highway impact, the design is acceptable and the relationship of the proposal to off site development is acceptable.

RECOMENDATION

Authorise the Development Manager of Planning and Transport Development to PERMIT subject to receipt of satisfactory amended plans which reposition the communal living area window located in the south elevation to the east elevation and subject to conditions.

CONDITIONS

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

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

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

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

3 No development shall commence until a sample panel of all external walling materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The panels shall be of a size to be agreed in writing with the local planning authority.

Reason: In the interests of the appearance of the development and the surrounding area.

4 Plans showing a secure and sheltered parking area (providing for at least 8 cycles) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. This area shall be provided before the development is occupied and shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

5 Prior to the occupation of the development a Travel Statement shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Statement.

Reason: In the interests of sustainable development.

6 No development shall commence until sewage disposal and surface water drainage works have been carried out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the adequate provision of drainage infrastructure.

7 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and

positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

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

Reason: To ensure that the landscape scheme is implemented and maintained.

9 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered.

10 No ground preparation, demolition or construction activity shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the demolition of the existing garage, removal of existing concrete; storage, movement and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals and to ensure that the approved method statement is complied with for the duration of the development.

11 No ground preparation, demolition or construction activity shall commence until the protective measures as stated in the approved Detailed Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no lines, mains, pipes, cables or other apparatus shall be installed or laid on the site other than in accordance with drawings first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the existing and proposed trees, vegetation and open spaces on the site.

13 No works or deliveries required to implement this development shall take place outside the hours of 8.00 am and 6.00 pm Monday to Saturday and at no time on Sundays or bank holidays.

Reason: To safeguard the amenity of nearby occupiers.

14 The development hereby approved shall not be used other than for purposes ancillary to the existing nursing home located within the site ('Newbridge Towers') as shown on site location plan drawing P001.

Reason: In the interests of residential amenity of the existing and proposed occupiers and surrounding residents.

15 No development shall commence until details of refuse storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the refuse storage has been provided in accordance with the details so approved, and thereafter shall be retained solely for this purpose. No refuse shall be stored outside the building(s) other than in the approved refuse store(s).

Reason: In the interests of the appearance of the development and of the amenities of the area.

16 The use hereby approved shall not commence until details of proposed extract/ventilation systems have been submitted to and approved in writing by the local planning authority. The system shall thereafter be retained in accordance with the approved details.

Reason: To safeguard the amenities of local occupiers.

17 Prior to commencement of development a detailed external lighting scheme shall be submitted and approved in writing by the Local Planning authority. No external lighting shall be erected other than that approved by virtue of the details submitted by this condition.

Reason: In the interests of residential amenity.

18 No development shall take place until a plan showing existing and proposed ground levels across the site and details of slab levels for the new development has been

submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development

PLANS LIST:

290101-B1-E-010, 011, 012, 013, P - 001, 002, 003, Site - D - 01, 02, 03, 04, Site - P - 001, 002, 010, 011, Site - S 001, 002.

REASONS FOR GRANTING APPROVAL:

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

(A) BH1, BH6, SC.1, D2, D4, T24, T25, T26, ES.2, ES3, ES.4, ES.5, ES.9, ES12, NE14, BH12, BH22, CF2, CF6

2. The proposed development is considered acceptable in this location. The scheme will provide for a use on site that is locally in demand and would be an acceptable addition to the mix of uses currently in the vicinity. It would provide some local employment. The development would not be visually harmful and would take account of trees within the site so as not to adversely impact upon them. There would be no harm created by traffic. The development would not unacceptably reduce neighbouring amenities.

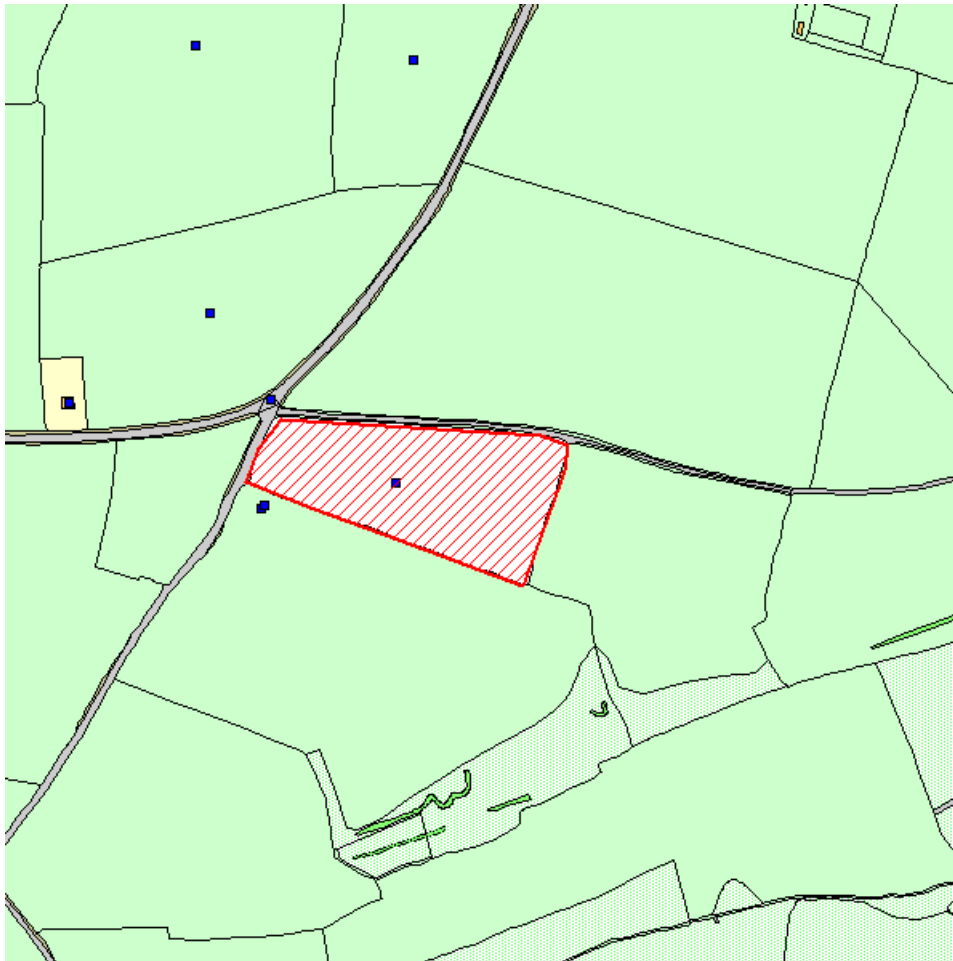
STATEMENT OF PROACTIVE WORKING:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

Item Nos: 04 to 06

Application No: 05/00723/VAR, 05/01993/FUL & 11/00022/VAR

Site Location: Parcel 5319 Charlton Field Lane Queen Charlton Bristol Bath And North East Somerset



Ward: Farmborough

Parish: Compton Dando

LB Grade: N/A

Ward Members: Councillor S Davis

Application Type: Application for Variation of Condition

Proposals: 05/00723/VAR - Variation of condition 13 and 16 of Planning Permission: 97/02626/MINW dated 02/12/1998 to allow permanent recycling of cardboard waste and increase in truck movements.

05/01993/FUL - Increase size of concrete storage area and variation of condition 13 of planning permission 97/02626/MINW to accept wood waste.

11/00022/VAR - Variation of conditions 13, 16 and 19 of permission no. 97/02626/MINW to extend composting operations, increase vehicle movements and permit cardboard and wood recycling (Temporary use of land for 10 years for manufacture of organic green

	compost as amended by revised drawings received 14th April 1998 at land formerly Queen Charlton Quarry)
Constraints:	Agric Land Class 1,2,3a, Forest of Avon, Greenbelt,
Applicant:	Hinton Organics Ltd
Expiry Date:	2nd March 2011
Case Officer:	Anthea Hoey

1. Reason for Reporting Application to Committee

The proposals in the applications have been held to be Environmental Impact Assessment (EIA) development by the Secretary of State. The Committee considered the applications at their meeting on 13 February 2103 with a recommendation for refusal as it was advised that there were deficiencies in the submitted information which meant that it could not be considered to constitute an Environmental Statement (ES) in compliance with the 1999 EIA Regulations. The Committee resolved to defer the applications for three months to allow time for further information to be submitted to enable the submission to be considered as an Environmental Statement. The further information has now been submitted and is it considered to amount to an Environmental Statement.

2. Description of the site and proposed development

The site is an existing composting facility, which is located off Charlton Field lane, between Queen Charlton and Keynsham. The site was previously used as the processing works for the adjacent former Queen Charlton Quarry, now in the final stages of restoration by inert landfilling.

The site is in the Green Belt and is part of the Forest of Avon. The surrounding land is designated as a Site of Nature Conservation Importance.

Planning permission for the temporary use of the site for 10 years for the manufacture of organic green compost use of the site as a composting facility was granted in 1998 under reference 97/02626/MINW. The composting use actually commenced on 31 January 2001.

The applications seek variations to conditions on the planning permission 97/02626/MINW. It is logical for the applications to be considered together, and this report covers all three.

The details of the proposals in each application are as follows:-

05/00723/VAR, Variation of condition 13 and 16 of Planning Permission: 97/02626/MINW dated 02/12/1998 to allow permanent recycling of cardboard waste and increase in truck movements.

Conditions 13 and 16 of planning permission 97/02626 state:

"13 No material other than green garden and parks waste (and no kitchen or animal waste) shall be imported to the site without the prior written approval of the Local Planning Authority."

"16 No more than five heavy goods vehicles shall enter the site on any day. From the date of this permission the site operators shall maintain daily records of vehicle movements and make them available to the Local Planning Authority at any reasonable time upon request."

These conditions were temporarily varied under planning permission 04/00105/VAR granted on the 15 March 2004 to allow the composting of cardboard waste and to allow 82 HGV movements a week between March 2004 and October 2004 and 60 HGV movements a week between November 2004 and February 2005.

Application 05/00723 seeks authorisation to retain those changes until the completion of composting operations permitted under 97/02626.

The site has in fact continued to receive cardboard waste and to operate to the higher limits of HGV movements since March 2005.

05/01993/FUL - Increase size of concrete storage area and variation of condition 13 of planning permission 97/02626/MINW to accept wood waste.

This application seeks authorisation for an increase in the size of the concrete hardstanding from 2048 square metres to 4082 square metres and for a further variation of condition 13 (quoted above) to allow the receipt of wood waste.

The increase in the size of the hardstanding was applied for retrospectively, and due to the earlier granting of the proposals sought in the application, the site has received wood waste since November 2006.

11/00022/VAR Variation of conditions 13, 16 and 19 of permission no. 97/02626/MINW to extend composting operations, increase vehicle movements and permit cardboard and wood recycling

This application incorporates the proposals to allow composting of cardboard and of wood waste, and to increase the number of HGV movements from both the above applications, and in addition seeks a variation of condition 19 of permission no. 97/02626/MINW.

Condition 19 of permission no. 97/02626/MINW states:-

"The green waste composting operations authorised by this permission shall cease not later than 10 years from the commencement of composting operations."

The variation sought is to allow operations to continue for a period of 18 months from the determination of the application. The application was submitted in January 2011, less than a month before the original 1998 permission expired.

3. Relevant background

The first judicial review was against the Council's view that the two 2005 applications did not require to be screened under the 1999 Regulations. The Court held that Council's

understanding of the Regulations was correct, but that the Regulations failed to implement the relevant EU Directive properly and that the Directive required the applications to be screened. The Council promptly screened the applications, negatively. However in January 2010 the Secretary of State intervened and took upon himself the responsibility for screening the applications. He then spent over two years doing this. By the time he made a screening direction, on 9 March 2012, application 11/00022 had also been submitted and the Secretary of State screened this also.

The Secretary of State directed that each application was for EIA development because the development was considered likely to have significant effects on the environment because the possibility of unacceptable odours originating from the operations and because the likelihood of a release of nitrogen rich effluent into the Nitrogen Vulnerable Zone (NVZ). The possible sources for the release of nitrogen rich effluent were a leak of leachate and the spreading of non PAS 100 compost onto the NVZ.

In response to the screening direction Officers made it clear to local objectors that they would give the applicant an opportunity to submit an environmental statement and stated that –

‘Officers accept that, if Hinton does not avail itself of the opportunity to submit an environmental statement, the Council will be obliged to serve an enforcement notice requiring the complete cessation of all activities on the Composting Site and the restoration of the Site.’

This was a correct statement of the legal position.

Despite this statement, objectors started a further judicial review against the Council, challenging its failure to take immediate enforcement action. A ‘rolled-up’ hearing of the judicial review proceedings took place in the High Court in Bristol on 21 and 22 February 2013. The Judge granted permission for Judicial Review but dismissed the substantive claim. The claimant has now served the Council with a Notice of Appeal against the Judge’s decision to the Court of Appeal. The Court has yet to decide whether to grant permission to appeal.

The submissions which comprise the ES have been submitted in three stages:-

- The first submission was made on 17 July 2012;
- the second, in response to the Regulation 19 Notice, was submitted on 17 December 2012,
- the third part of the information for the ES, the ‘further information’, was submitted on 2 April 2013, with a minor correction to page 10 of the Non Technical summary submitted on 8 April 2013, and a further revised version of the Non Technical Summary submitted on 24 April 2013.

The ‘further information’ covered the following subject areas:-

- A contents page for each of the submissions,
- A Non-Technical Summary;
- Ecology;
- Water balance and nitrate runoff; and
- Restoration plans for the site after the composting operations cease.

4. Summary of Consultation/Representations:

COMPTON DANDO PARISH COUNCIL

The response to the 'further information' is as follows:-

Compton Dando Parish Council does not feel it has the technical expertise to comment on the environmental impact assessment.

We would like to see site improvements resolved before next winter, when problems of mud on the road are more likely to recur.

We would also like to see wheel washing equipment regularly used, as we believe was required by the original planning permission.

Subject to these observations, we would support the temporary extension of 97/02626/MINW

Comments received in respect of the earlier submission area as follows:-

The Parish Council received the consultation request on the Reg 19 response too late to be considered at the January meeting and the next meeting was not until after the February committee meeting.

The Parish Council has asked for its original comments on the applications to be reported instead and advised that the Parish Council been invited to the liaison group meetings with local residents, and this has been a positive move. However, complaints are still received about mud on road, lorry movements, smell etc

In addition the Chair of Compton Dando Parish Council sent an email on 7 February which stated:-

As chairman of the parish council, I would like to state that I now believe that odour and traffic movements associated with the composting business have not been an issue in the last 12 – 18 months, and that I have no objection in principle to the application , but would like any extension to the composting business to be finite.

If the committee determination is delayed, I will ask Planning if we can give them a full council decision after our February meeting and add it to the agenda.

The previous responses from Compton Dando Parish Council are:-

11/00022/VAR –

Response dated April 2012

Compton Dando Parish Council would like to raise the following comments on the above application:

- The Parish Council supports the cessation of operations in July 2012;
- The Parish Council requests that consideration be given to the proposed clause 5 of the Joint Waste Strategy Policy 8 (Landfill);
- It is noted that an Environmental Impact Assessment is required at the site;
- It is strongly recommended that scientific monitoring of the operating procedures at this site be undertaken.

Response dated March 2011

The Parish Council recommend that this application goes to committee as the Parish Council feel there is insufficient scientific monitoring, they have reservations with regard to the proposed increase of lorry movements, they are concerned about the visual impact of the site, they have received complaints that the conditions of the original application are not being adhered to, they have received complaints that there are inaccuracies within the application documentation in respect of the distance from the compost site to the nearest receptor.

Copies of letters from a local resident – (reported separately in this report) and from Council officers were attached together with an extract from the Joint Waste Core Strategy Pre-Submission Document:

**05/00723/VAR and 05/01993/FUL
Response dated July 2009,**

Due to insufficient information the Council are not clear on what they are being asked to comment on but would remind you of their previous comments which was that they had reservations, Hinton Organics have not needed the number of lorries specified so the limit should be reduced. Permission should only be granted for another 12 months and reviewed annually. There is strong feeling that there is insufficient scientific monitoring of the operating procedures and the Council still receive complaints/concerns regarding the operation.

PUBLLOW AND PENSFORD PARISH COUNCIL.

On April 28 the Parish Council responded as follows:-

We believe these applications will be superseded by a later application for the development of the site on which we will comment in due course. We would object to the above developments on the grounds that our residents have already had to put up with additional deliveries to the site and can see no reason why the composting activity should be extended to wood and cardboard and question the demand for the product. There have been time limits placed on these activities which seem to have been ignored and we feel it is time to finally enforce the conditions which were placed on earlier applications.

We also, as you may know have concerns about the interference with the water courses and the strong possibility of contamination, these concerns have also been expressed to the Environment Agency, but with no response.

WHITCHURCH PARISH COUNCIL:

Any comments will be reported verbally at the meeting.

KEYNSHAM TOWN COUNCIL:

In respect of all submissions the Town Council has expressed support for all the applications.

ENVIRONMENT AGENCY:

The EA response to the 'further information' is as follows:-

We are satisfied that the proposed operations at ReOrganics represent a low risk to the Nitrate Vulnerability Zone.

However, in ReOrganic's Environment Statement dated 2 April 2013, the first paragraph of

Page 34 the report states that "the leachate in the lagoon has been tested and analysed..... and found to contain such low levels of nitrates and other additives that it may be discharged to a water course without harm to the environment". We would disagree with this assertion as the sample results appear to show elevated levels of Ammonium Nitrogen that could cause environmental harm if discharged to a watercourse. ReOrganics do not have permission to discharge effluent from the site (under any circumstances) and any such discharge would be regarded as a breach of permit.

That said, we are satisfied that ReOrganics have an Environment Management System (EMS) that sets out how they would manage their leachate lagoon and deal with any problems that arise. At all times we would expect ReOrganics to comply with the conditions of their Environmental Permit and EMS.

Therefore, we can agree to the variation of conditions 13, 16 and 19 of planning permission **97/02626/MINW** as set out in the applications.

In response to specific queries about the issues highlighted by the Secretary of State in the Screening Opinion, the EA responded as follows on 13 February 2013:-

Thank you for your emails dated 29 January and 1 February 2013, concerning the above proposal.

The Environment Agency can now make the following comments in response to the points you raised:

Size of lagoon and increase in hardstanding

A Construction Quality Assurance report was provided in 2005 which was accepted by the Environment Agency. This report has been provided as part of the application process by ReOrganics. We do not have any calculations to demonstrate that the increase in the size of the pad did not require any increase in the size of the lagoon. Rainfall data has been provided to the operator to enable them to calculate the correct lagoon requirements.

Within the Environmental Management System, the site must monitor the levels of the lagoon to ensure they do not breach their permit condition, which states that the lagoon must not breach 90% of its capacity. The leachate can be re-circulated on some parts of the composting process if moisture levels require it. If they do not the leachate would need to be removed from site via tanker to a suitably permitted facility. If the lagoon was to breach its capacity, and there was an accidental release to the environment, then the Environment Agency would take enforcement action as per our usual procedures.

Considerations for improvements:

- The site could consider an alarmed gauging device for the lagoon level.
- Covering the lagoon would help reduce volumes of rainwater adding to the levels.

Impacts on the Nitrate Vulnerable Zone (NVZ) - if the leachate were to be spread to land, or Non-Pas compost were to be spread on land.

Leachate

Assuming the leachate from the composting site has high readily available Nitrogen (N), it will be subject to the closed period for spreading under NVZ rules. If the applicant wishes to challenge a high N content, we would need laboratory analysis to confirm that the leachate was of low readily available N. If the feedstock varies considerably we would need to see several analyses to prove that leachate composition stayed relatively constant.

Based on the above and an assumption that the liquid produced is high available N the applicant must not apply this liquid to land during a closed period (this will vary depending on soil type and cropping – the earliest date the closed period can start is 1st Aug, latest ending on 15th January).

Waste Compost (Non-PAS compost)

If the site wanted to spread waste compost on land, the applicant would need to apply for an Environmental Permit. As part of this application process they would need to submit waste analysis, which will determine if there is any benefit to spreading the waste. This will prevent any additional N being added to areas that are at risk, or that do not require any further N to be added.

This will also be subject to closed periods for NVZs, the soil type of the area to be spread on, and the crop intended for the land.

In summary if it is a planned release of either leachate or waste compost, the above controls would apply. If it is a leak of leachate there are controls and required actions within the Environmental permit which should control any releases to the environment. Please see above comment regarding the lagoon controls.

Odour Control

With regard to Point 7 information, Odour control is required under the Environmental Permit, as part of the Odour Management Plan (OMP). The information provided in Point 7 is as stated in the OMP. We have no reason to believe that this is not carried out as stated. As stated in point 7, there have been no substantiated odour incidents since 2009, the incidents that were substantiated in 2009 came to court in 2011 as stated in the previous enforcement history information.

The EA responses to the applications in respect of the original submission and the response to the Reg 19 are:-

05/00723

The Environment Agency has no objection to the variation of conditions 13 and 16 to allow permanent recycling of cardboard waste and truck movements.

05/01993

The Environment Agency has no objection to the variation of condition to increase the concrete pad area. The Operator must comply with its Environmental Permit with regard to the amounts of waste stored onsite at any one time, which at this time is 800 tonnes.

Drainage from this area runs to a slurry lagoon. Please note that this slurry lagoon is only permitted to reach up to 90% full, with any excess required to be tankered away. Otherwise there will be a breach of the Environmental Permit.

In response to a specific query about the increase in the hardstanding and the NVZ, the EA sent a further reply dated 3 April 2013, which stated:-

In response I can confirm that the Environment Agency would have no concerns over the increase in hardstanding from 2048m² to 4082m², subject to the current slurry lagoon arrangements.

Please see my earlier correspondence dated 13 February 2013 for the application 11/00022VAR at this site. This letter covers increase in hardstanding, lagoon arrangements and Nitrate Vulnerable Zones, which is relevant for this application.

11/00022/VAR

The Environment Agency has no objection to the variation of conditions 13, 16 and 19, for this proposal.

However, as a matter of completeness, and to make corrections to the accompanying documentation, wish to make the following comments:

Previous correspondence regarding this application sent on the 9th Feb 2011 should be taken into consideration. Since Feb 2011 the site then operating under the name Hinton Organics (Wessex) Limited were prosecuted for three offences for breaches of their permit, relating directly to odour control and waste acceptance criteria. A post conviction plan was provided and accepted. The site permit was transferred to ReOrganics Limited on the 16th November 2012.

ReOrganics Limited currently holds permit number EPR/LB3339RK. They do not hold any other Environment Agency permits or exemptions.

The following points should be noted:

The previous company in charge of this permitted facility Hinton Organics (Wessex) Limited, had a long history of non-compliance and enforcement history from the Environment Agency. ReOrganics have not yet had a routine inspection for compliance. The Compliance Rating of a site shows the total Compliance Classification Scheme (CCS) score during that calendar year. All sites start the calendar year with no breaches and hence a Band A Compliance Rating. As the year progresses breaches may be recorded against permit requirements, points are accrued and band ratings go down.

Information provided under Point 2, the odour management plan.

The Odour Management plan provided by the site is not yet accepted by the Environment Agency as further improvements have been suggested. We are in the process of providing feedback for improvements to this document.

Information provided under Point 13 of the documents provided states that the Environment Agency tests the leachate lagoon. This has been done on one occasion, which indicated that the results were within the working plan limits, that was in place at the time. The EA does not regularly test the leachate in the lagoon.

Information provided under Point 15 of the documents provided states that it is not uncommon for the lagoon to run dry, and that leachate is recirculated if the lagoon reaches 90%. The Environmental Permit allows for leachate to be recirculated during the sanitisation phase only and only if the compost requires moisture. It does not allow the recirculation of leachate in order to lower the lagoon levels. An annual inspection of the lagoon liner is required by the environmental permit. Inspecting Environment Agency Officers have not noted any other occasion when the lagoon has run dry.

Information not received for incidents:

Incident information was sent to Jo Downes on the 18th Dec. The EA attached a document detailing odour related incidents for which enforcement action was taken. This information is also available on the public register at

<http://epr.environment-agency.gov.uk/ePRInternet/SearchRegisters.aspx>

ReOrganics refers to an odour report carried out in 2007 stating in several places that the level of odour was insignificant. The attached information listed incidences of enforcement action taken for breaches of the Environmental Permit with regard to Odour.

The Environment Agency does hold rainfall data for a number of rain gauges. To calculate predicted effect from climate change various scenarios are available on the UKCIP website. <http://www.ukcip.org.uk/bac/liat/>

Please refer to the current environment agency position statement on permitting of Open Windrow Composting sites which is:

<http://www.environment-agency.gov.uk/research/library/position/41211.aspx>

The initial response to application 11/00022 dated 9 February 2011 raised no objection in principle to the proposal but wish the following to be taken into consideration:

Advice to Planning Authority/Applicant:

The site currently operates to Permit Number EPR / DP349LJ. The closest residential property is approximately 150m from the site boundary.

On 30 November 2009 the permit was varied to require Bioaerosol Monitoring to be undertaken. The most recent report submitted as part of the Planning Statement is a draft version; the accepted final version is available through the Environment Agency's public register if required by the LPA.

The permit outlines the cardboard and wood waste streams which the site is permitted to accept.

Information was provided regarding the rules set out in the permit for the use of the compost from the site in the restoration of the adjacent inert landfilling site

The EA advised that the assertion in the planning statement that '*there have been no issues with in terms of any pollution to air, land or water over that period*' is not considered to be accurate, and a reference was given to records of past complaints pursued by the EA.

The response also gave a reference to the Environment Agency's position statement on sites which operate composting operations within 250 metres of a 'sensitive receptor' (typically a dwelling or workplace).

HIGHWAY DEVELOPMENT OFFICER:

No response has been received to date to the 'further information'. The Highway Development Officer's responses to the applications in respect of the original submission and the response to the Reg 19 are:-

05/00723, 05/01993 and 11/00022/VAR

Response dated 10th January 2013

The highway response remains one of NO OBJECTION, subject to the conditions set out in the response to 11/00022 dated February 2011.

11/00022/VAR

14th February 2011

In highway terms, this application is broadly the same as 05/00723/VAR and 05/01993/FUL, to which no highway objections were raised.

Charlton Lane is subject to a local 7.5 tonne environmental weight restriction to the north of the site, commencing at the Redlynch Lane junction. Vehicles exceeding this weight limit are not permitted to pass through the area of restriction, so it is likely all HGVs accessing and egressing the site will need to do so via Woollard Lane and A37. Drivers should be informed of this restriction.

Expressed concern about the lack of a wheel wash as required by condition 11 of 97/02626/MINW. This all the more importance given the proposed increase in vehicles

Bearing the above in mind, the highway response is one of NO OBJECTION, subject to the following conditions;

1. Vehicles carrying material to or from the site shall not exceed in size an eight wheel tipper lorry and be restricted in number to a maximum of 100 vehicles (200 movements) per seven day week.

Reason: To control the size and movement of vehicles in the interests of highway safety.

2. Each vehicle attending the site shall be properly logged with the load recorded in cubic metres (for preference). A certified summary of the records shall be submitted in writing to the Local Planning Authority on a bi-monthly basis within 10 working days of the end of each second month.

Reason: To maintain and overview of the traffic conditioned above.

3. All vehicles leaving the site shall be inspected to ensure that they are in a condition not to emit dust or deposit mud, slurry or other debris on the highway, and wheel cleaning facilities shall be installed prior to the commencement of works, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the wheel wash facilities shall be maintained in operation at all times during the life of the planning permission.

Reason: In the interests of highway safety.

4. The deposit of materials or slurry from the site on the public highway shall be treated as an emergency and will be cleared regularly by a vacuum/road sweeper and/or hand picked in the case of litter. Visual inspections of the site access road will be carried out daily and staff will report any problems with mud on the site surface immediately to the site manager. Vehicles will be visually inspected before exit to check that loads are safe and that no mud is carried on the wheels or body of the vehicle.

Reason: In the interests of highway safety.

ENVIRONMENTAL HEALTH OFFICER:

In response to the 'further information' the Environmental Health Officer commented as follows:-

With regard to the above application variation of conditions 13, 16 & 19 of permission 97/02626/MINW.

I make reference to my previous consultation response of 4th February 2013.

Your email of 16.04.2013 and the attached documents addresses the concerns with regard to the odour management Plan and the recording of wind direction.

The Environmental Health Officer's responses to the applications in respect of the original submission and the response to the Reg 19 are:-

Environmental Protection has no objection.

The Odour Management Plan submitted as item 2 in the Reg 19 Response from the applicant is sufficient and satisfies the points listed below:

1. Precise details of proposed odour monitoring and mitigation measures
2. Height of windrows to be maintained (Page 8, Para 3.1.2 30m x 5m x 3m)

With regard to the need to identify triggers for management measures by reference to specific wind speeds, odour intensity and character, temperature and weather conditions, we consider that the OMP is considered adequate with regard to all of the above, however the reference made to specific wind speeds is poorly addressed.

We conclude that the wind direction is the important trigger with regard to potential odour complaints from nearby receptors and that specifying wind speeds as a trigger is not necessary as this is addressed within the OMP (3.2.7, 4.2.1, 4.3.1 4.5, 5.6)

3. The monitoring form is considered adequate as part of the OMP
4. Generally the OMP is considered adequate however the daily monitoring process could require external checks to ensure compliance

COUNCIL ECOLOGIST:

The comments on the 'further information' which included information on ecology is as follows:-

No Objection subject to conditions described below

Further to my previous comments of 8th February (copy below), the EIA document has been revised and an ecological assessment has also now been submitted.

The ecology survey report includes a statement that “No protected species have been identified on the site prior to this survey.” It should be noted that this is not quite correct, for example there are prior records of badger at the site, however the current survey did not find them at the site at present.

The survey identified the presence of one stand of Japanese Knotweed; this indicates there is a risk of this species occurring at the site and rigorous measures must be continued or put in place as appropriate to regularly monitor for this species, and eradicate where it is found. This can be secured by condition.

The ecological survey and assessment are satisfactory. There is a proposed restoration plan which includes removal of the bund and reinstatement of the hedgerow along the northern boundary, which also is considered to be satisfactory.

I note the response of the Environment Agency, which includes the following statement:

We are satisfied that the proposed operations at ReOrganics represent a low risk to the Nitrate Vulnerability Zone.

However, in ReOrganic’s Environment Statement dated 2 April 2013, the first paragraph of Page 34 the report states that “the leachate in the lagoon has been tested and analysed..... and found to contain such low levels of nitrates and other additives that it may be discharged to a water course without harm to the environment”. We would disagree with this assertion as the sample results appear to show elevated levels of Ammonium Nitrogen that could cause environmental harm if discharged to a watercourse. ReOrganics do not have permission to discharge effluent from the site (under any circumstances) and any such discharge would be regarded as a breach of permit.

That said, we are satisfied that ReOrganics have an Environment Management System (EMS) that sets out how they would manage their leachate lagoon and deal with any problems that arise.

Water sample test results have been provided as follows for sample points around the site:

	Total Dissolved Solids (mg/l)	Total Nitrogen (mg/l)	Total Nitrate (mg/l)	Total Ammonium (mg/l)
1 NW Goat Pen	1,395	3.6	0.50	2.50
2 N Compacted Hard	1,616	2.4	0.60	< 0.1
3 NE Corner	2,700	32.6	0.30	11.9
4 Reception	1,003	3.9	1.40	0.70

Based on this and the response from the Environment Agency I am satisfied that operations on the site do not cause unacceptable pollution within the adjacent

watercourse or in groundwater. I would however request some specific measures, to be secured by condition, to add confidence to this as follows:

- Details of proposals for continued monitoring of water quality at reasonable intervals using the same locations tested for this application
- Provision of one or more raised highly visible marker/s demarking the edge of the concrete pad along its western boundary, for use both by site operatives and visitors to the site to enable a safe gap between the edge of deposited waste and the edge of the concrete pad to be clearly visible and for remedial action to be taken if the gap reduces

Suggested Condition:

Full details of the following measures must be submitted to and approved in writing by the local planning authority within *xx months* of this decision. These details shall include:

- (i) a programme of ongoing screening, control, eradication and monitoring procedures for Japanese Knotweed in accordance with current best practice guidance
- (ii) details of proposed ongoing water quality monitoring programme
- (iii) details of proposed marker for the edge of the concrete pad and remedial action to be taken if necessary

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out with immediate effect for the duration of this consent.

The Council Ecology Officer's responses to the applications in respect of the original submission and the response to the Reg 19 are:-

The operational site for the proposal is surrounded by land all of which adjacent is part of the Wooscombe Complex designated Site of Nature Conservation Interest (SNCI).

There is a need for the submitted documents to assess likely ecological impacts of the proposal, on land within the site boundary and any potential impacts on adjacent land and further afield.

The submitted documents do not provide sufficient information to properly assess likely impacts of the proposals on ecology, ecological value of the watercourses / drainage channels and bankside habitats, and ground water quality, and impacts of the existing and proposed operations.

The consideration of such information by the LPA is likely to require further specialist input (hydrological / water quality assessment and pollution).

However I am confident that the documents provided so far for these applications do not in any case sufficiently address the ecological issues.

There is no ecological assessment – including provision of information regarding previous and existing ecological value at and adjacent to the site (such as ecological survey &

mapping of habitats and habitat quality; botanical value; species diversity; protected species; water quality in drainage channels; identification of non-native invasive species); recognition of historical ecological value of land including land within the designated SNCI; provision of assessment of likely impacts of all operations and these proposals on habitats, species and overall ecological value of the area. A significant proportion of the submitted information that would relate to potential impacts on ecology is theoretical, and fails to provide data or factual evidence of current or historical conditions of the above features at and adjacent to the site, on which assessment can confidently be made.

I object to the proposal due to insufficient information to assess ecological value at the site (prior to and existing) and demonstrate that the proposals will not harm ecology and water quality. The likelihood that ecological damage has in the past already resulted from operations at the site cannot be eliminated; any such historical impacts need to be addressed.

Should the LPA decide to consent these proposals, I would expect the above issues to be properly addressed by:

- Full EIA and ecological assessment by suitably experienced and qualified personnel that comply with best practice methods and meet all current good practice standards
- Detailed proposals for ecological mitigation, compensation and enhancement (on and off site) and long term provision of new ecological benefits on and adjacent to the site to compensate for impacts
- Details for prevention of spread of non-native species (eg Japanese knotweed) and treatment of such when found to occur on the site or adjacent or nearby land (when it may have originated from the site)

PLANNING POLICY SECTION OF BANES PLANNING

The response concerning the 'further information' is:-

Planning Policy will not be commenting on the applications.

The Planning Policy Officer's responses to the applications in respect of the original submission and the response to the Reg 19 is:-

No comment.

NATURAL ENGLAND:

In response to the 'further information' EN had responded as follows:-

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendment to the original application relates to variation of conditions and is unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

In response to the earlier submissions the EN response was:-

'Natural England does not consider that these applications pose any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation' The features requiring more detailed consideration include SSSIs, Natura 2000 site, National Park, Area of Outstanding Natural Beauty or a large population of a protected species which may affect a significant quantity of habitat across the country.

The lack of case specific comment from NE should not be interpreted as a statement that there are no impacts on the natural environment.

In particular, NE would expect the LPA in determining the applications to assess and consider the possible impacts resulting from this proposal on Protected species and Local wildlife sites, and to consider the scope for biodiversity enhancements.'

Initial response dated April 2012 was written on the basis that the development was not EIA development. NE raised no objections but asked to be consulted again if any changes to the application were made.

ENGLISH HERITAGE

Do not consider that it is necessary for these applications to be referred to EH.

OTHER REPRESENTATIONS/THIRD PARTIES:

81 letters of objection have been received from 21 different local residents and a solicitor acting on behalf of one of them.

The letters raise objections on the grounds of :-

- impact on health,
- inaccuracies in the information submitted re distances to nearest sensitive receptors, this should include adjacent farmland, which retains permitted use rights for changes to their current grazing use. Livestock should also be included as sensitive receptors.
- impact from odour and air pollution from bio-aerosols,
- impact from noise,
- impact on traffic safety, mud on roads unsuitable roads leading to the site and damage to surface and verges,
- impact on Green Belt,
- proximity to houses, the site is in the wrong place and should be restored to agriculture
- impact on wildlife,
- impact from fly tipping/litter,
- failure to comply with existing conditions and limits, including a compound on adjacent land.
- The supporting information does not satisfy the requirements for an Environmental Statement. The ES fails to adequately describe the project, mitigation, data to measure impacts and alternatives. An incorrect baseline has been used.
- The applicant has provided insufficient information about the waste imported into the site since 2001, or the sources of that waste and its content; consideration of alternatives is inadequate; the statements are inconsistent about the number of employees, and about the amount of material that is allowed to be held on the site. Other matters are also inaccurate.

- The unauthorised sale of wood from the site
- Suspicion at the applicant's change of name.

Several of the respondents requested that enforcement action be taken to ensure the use of the site is discontinued.

51 letters of support have been written by 17 local residents. The points made are:-

- The site is a good operation and serves a useful and valued role to local businesses and there is no alternative.
- It provides much needed jobs and work for local people, which are important particularly in this period of economic adversity.
- The business is doing its bit for the environment by producing great compost from waste, also used as farm fertiliser.
- The staff are very helpful people.
- The site is being held back by red tape and it seems inappropriate to remove the consent with the consequential detrimental effects on a sustainable local business.
- It would not be appropriate to close the business because of a misinterpretation of the purposes of an EIA by Environmental Officers .

5. PLANNING POLICY

Planning applications should be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

The **development plan** includes the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, and The West of England Joint Waste Core Strategy adopted in March 2011. The relevant policies in these plans are as follows:-

Bath and North East Somerset Local Plan:

Paragraph B1.5 states that within rural areas the overriding objectives for development are the protection and enhancement of the character of the countryside and its settlements and the maintenance of economic and social vitality of rural areas.

Policy GB.1 sets out general policy for development in the Green Belt. In particular, it sets out a list of the types of development that are acceptable within the Green Belt. The list includes *'other development and material changes of use which maintain the openness of the Green Belt and do not conflict with the purposes of including land in it'*. Policy GB.1 makes it clear that permission for other types of development will not be given except in "very special circumstances".

The purposes of including land in the Green Belt and objectives for the use of land in the Green Belt are set out in Table 10 of the Local Plan. The latter list includes item 4 – 'To improve damaged or derelict land'.

Policy GB.2 seeks to protect the visual amenities of the Green Belt.

Policy NE.5 states that development in the Forest of Avon will only be permitted where it respects the existing and developing woodland setting and does not conflict with the objectives of the Forest Plan and has regard to its aims in the layout of development, including landscaping

Policy NE.9 relates to locally important species and habitats. Development which would adversely affect either directly or indirectly the nature conservation value of Sites of

Nature Conservation Importance, Local Nature Reserves or Regionally Important Geological and Geomorphological Sites as shown on the Proposals Map, or any other sites of equivalent nature conservation value, will not be permitted unless; material factors are sufficient to override the local biological geological / geomorphological and community/amenity value of the site; and any harm to the nature conservation value of the site is minimised; and compensatory provision of at least equal nature conservation value is made.

Policies ES.9 and ES.10 deal with pollution, nuisance and air quality.

Policy ES.10 states amongst other things that development will not be permitted where it would have an adverse impact on health, the natural or built environment or amenity of existing or proposed uses by virtue of odour, dust and/or other forms of air pollution.

Reference is made to composting in the Waste Section of the Local Plan, but the relevant policies have been superseded by The West of England Joint Waste Core Strategy.

Policy M.9 of the BNESLP deals with transport.

The West of England Joint Waste Core Strategy (JWCS):

Paragraph 5.6.7 confirms that the JWCS does not replicate or replace local development management policies. However, it explains that some local plan policies will be superseded by the JWCS and they are listed in Appendix 3 to that document. LP policies WM1, WM3, WM5, WM6, WM7, WM8, WMN10, WM12, WM13, WM14 and WM15 are all thereby superseded.

Overall the JWCS seeks to increase the capacity for recycling and composting available within the sub region by an additional 800,000 tonnes per annum (Para 6.3.1). The Plan does not identify sites where this might take place, but Policy 3 sets out the approach to open windrow composting. The supporting text explains that open windrow composting has different land use implications to other waste management facilities not least because it generally requires minimal support buildings. The operations are comparable to agricultural activities and may therefore be appropriate to locate in the open countryside.

Policy 3 states:-

Planning permissions for open windrow composting, with sufficient distance, as defined in Environment Agency guidance¹², from any sensitive receptor will be granted, subject to development management policy:

- 1. on existing or proposed waste management sites, subject in the case of landfill and landraising sites or other temporary facilities, to the waste use being limited to the life of the landfill, landraising or other temporary facility;*
- 2 . on sites in the countryside which constitute previously developed land, or redundant agricultural and forestry buildings and their curtilages for proposals for the composting of waste and;*
- 3. sites in agricultural use proposing composting of waste for use within that agricultural unit.*

(12) Policy 405_07, Policy Position composting and potential health effects from bioareosols. Environment Agency, 2007.

Policy 11 on planning designations advises that planning permission will not be granted for waste related development where this would have a significant adverse impact on, amongst other designations, the Green Belt, except where very special circumstances are justified. The policy continues by saying that due regard should be paid to appropriate

prevailing national policy, and that the assessment should take account of whether any significant adverse impact can be controlled to acceptable levels.

Other material considerations include National policy contained in the NPPF and PPS10 and advice about temporary permissions contained in Circular 11/95.

The NPPF sets out national policy on Green Belts in paras 79 onwards. This makes it clear that development involving the construction of new buildings should be regarded as inappropriate in the GB. There are a few listed exceptions to this, including buildings for agricultural or forestry. The advice lists certain other forms of development that are also not inappropriate provided they preserve the openness of the GB and do not conflict with the purposes of including land in the GB; engineering operations are included in this list.

PPS10 'Planning for Sustainable Waste Management' (March 2011) is one of the few Planning Policy Statements that was not replaced by the NPPF. Its Companion Guide is also still in place. The PPS forms part of the UK's implementation of the EC Framework Directive on Waste.

PPS10 sets out the key planning objectives for sustainable of waste management as follows:

- i. Driving waste up the waste hierarchy and addressing waste as a resource.
- ii. Providing a framework for communities to take more responsibility for their own waste and enable sufficient and timely provision of waste management facilities to meet community needs.
- iii. Implementing national waste strategy and supporting targets.
- iv Securing the recovery or disposal of waste without endangering human health or the environment.

The Waste Hierarchy ranks different forms of waste management in terms of their effectiveness, with prevention being at the top of the hierarchy, and disposal at the bottom. Recycling, defined as reprocessing of waste materials into products, materials, or substances falls in the middle of the hierarchy, and composting would fall within this definition.

The companion Guide to PPS10 includes open windrow composting amongst those waste management facilities that require largely open sites.

The implementation of the EC Landfill Directive by the Landfill Regulations (England and Wales) 2002 has restricted the waste types which can be landfilled and requires pre-treatment of certain wastes before deposit, making landfill a more costly disposal operation than in previous years. From 31 October 2007 all non-hazardous wastes, with limited exceptions, have required pre-treatment prior to deposit in landfill. This requirement has meant a significant increase in the volume of waste recycled in the UK and more stringent targets are being set as a result.

Compost is regarded as a substitute for peat. The NPPF includes restrictions on the identification of new or extended sites for peat extraction in the preparation of mineral plans and instructs mineral planning authorities not to grant planning permission for extraction of peat on new or extended sites.

Circular 11/95 sets out advice on temporary permissions in para 109. The advice gives guidance on the factors that should be taken into account in deciding whether a temporary permission is appropriate. The considerations described mean that the limited circumstances where a temporary permission will normally be appropriate include where the applicant proposes temporary development.

6. Planning Issues

Principle of development

The applications seek changes to conditions on a planning permission originally granted in 1998 for a period of 10 years from commencement. The reason for the condition restricting the period of operation of the composting use was because 'The development is of a type not considered suitable for permanent retention in the Green Belt'.

The changes to the types of material that may be imported and to lorry numbers and to the size of the hardstanding do not raise issues in relation to the principle of development, however seeking an extension of time to continue operating for a further 18 months from the date of approval does. It may be appropriate to approach this question from the point of view of an extension from January 2011, when the previous planning permission expired, to December 2014, which would be the date of expiry if permission was granted in June 2013.

When the proposal was first considered back in 1998 it was treated as a departure from the development plan, because it was considered inappropriate development in the Green Belt. Therefore very special circumstances had to be demonstrated, sufficient to offset the harm to the Green Belt in order for the application to be approved.

The factors that led to the conclusion that these very special circumstances had been demonstrated were that the use had a functional relationship with agriculture, it could be accommodated on the site without serious harm to the landscape and nature conservation issues, and that suitable arrangements could be made in relation to site management. The format of the eventual restoration was also considered, although it was recognised that approving the use would postpone the time when the restoration would take place.

The application reports also considered the potential for the use to contribute to achieving targets for composting in the Waste Management Strategy and looked at alternative sites which had earlier been considered for their suitability for the operation of a centralised composting facility. The conclusion at the time was that the other sites were not suitable, and that the Queen Charlton site was a good location because it was central, of sufficient size, offered scope for transport efficiencies and afforded scope for environmental protection.

These factors continue to apply to the current application for the extension of time until 2014. In addition the outcome of the judicial review is considered relevant. Therefore in this instance 'very special circumstances are considered to continue to apply for the extension of the operating period from 2011 to 2014.

However it is considered important that the applicants be informed that no further temporary extensions of time will be considered. Any future application for continuation of the composting use should be permanent and as well as revisiting the other factors that

have led to the conclusion that the harm to the GB was outweighed, should also provide information about the availability of alternative sites, with the presumption that if a suitable alternative site is available, then the alternative site should be used instead of the present site. Permission will only be granted in any future scenario if it can be clearly demonstrated that no suitable alternative sites are available.

Adequacy of the submitted information

The development is considered to be 'Environmental Impact Assessment' development, and therefore the Council is prohibited from granting planning permission without first considering environmental information, i.e. an environmental statement (ES).

The initial ES submitted with the application and the first response to the Regulation 19 Notice were considered inadequate because of deficiencies in presentation, and on a number of points on content. These deficiencies were described in the report to the Planning Committee for 13 February.

These deficiencies were considered sufficiently material to mean that the applications had not been accompanied by a proper Environmental Statement; therefore irrespective of the merits of the application, the Council could not approve the applications. The Council resolved to allow more time for the applicants to submit the information.

The subsequent submissions have been considered carefully and it is considered that the deficiencies have been sufficiently remedied to the extent that they can collectively be considered as an Environmental Statement.

The 'further information' addressed all the topics identified in the February 13 Committee report, and the Non-Technical Summary together with the tables of contents are sufficiently clear for the coverage of all relevant impacts to be understood by the general public.

Therefore the application can now be considered to be accompanied by an adequate Environmental Statement.

Key impacts

The Screening opinion issued by the Secretary of State identified odour and the potential impact on the NVZ as the key impacts that led to the conclusion that the composting operation might have significant effects on the environment.

Odour

The operation of the site has in the past led to proceedings by the EA and by the Council against the operators on grounds of odour. The last such instance was in 2009. Since then an Odour Management Plan has been prepared and is now in operation. No prosecutions on the grounds of odour have been made since then. The Odour Management Plan is considered to be suitable by the Council's own Environmental Health Officer.

The applicant is well aware of the importance of ongoing management in the control of odours.

The issue for Members to consider now is whether the development covered by the present application has the potential to generate objectionable odours. Officers and the EA consider that the present application has no such potential. The changes to the conditions to allow importation of wood and cardboard reduces the likelihood of odours being emitted, and increasing the size of the hardstanding also assists because it enables the height of the windrows to be reduced.

A condition requiring adherence to the Odour Management Plan should be attached to any permission. It will also be required by the EA in association with the Environmental Permit.

Impact on the NVZ

The risk to the NVZ is either from a leak of leachate from the site or from the spreading of Non PAS 100 Compost in the NVZ.

A leakage of leachate could occur either from an escape from the hardsurface or leak in the lagoon, or from the lagoon overtopping as a result of a significant rainfall event.

The hardstanding is designed to drain into the lagoon and the applicant has provided copies of the Construction Quality Assurance reports for the hardstanding and lagoon, which demonstrate that they have both been built to the correct specification. The Council Ecologist raises a point about the definition of the western edge of the hardstanding, which is not one of the lower edges of the hardstanding. The risk there is of spillage of raw green waste, rather than of leakage of leachate. It is considered that this issue can be addressed by a condition as suggested.

The risk of a leakage from overtopping of the lagoon due to a significant rainfall event has been addressed by the applicant by calculating the amount of runoff that would be generated by a 1 in 5 year storm, which is the appropriate period advised by the EA in their 'Technical Guidance on Composting Operations'. This is then compared with the capacity of the lagoon, either when it is full, or when it is partially full. The risk of a leak due to overtopping is calculated by reference to the ability of the site management to make available additional capacity in the lagoon by pumping leachate onto the compost (which would then be absorbed), or by removing the surplus leachate by tanker. The calculations demonstrate that there is a low risk of leakage due to overtopping, a conclusion with which the EA agrees.

The applicants also undertook an analysis of the nitrate content of the leachate as an additional check on the impact in the event that the lagoon was overtopped. Although the EA state that it disagrees with the applicant's conclusion that the level of nitrate in the leachate means that it is not potentially harmful to the NVZ, it also states that it is satisfied with the site Environmental Management System is adequate to address this issue.

In addition it is relevant that the applicant advises that the lagoon is in a hollow and before any leachate could leave the site, the hollow would also have to be filled. From the topographical survey, the volume of the hollow is more than adequate to accommodate the level of overtopping that might occur in the event of a 1 in 5 year storm, even though site management measures might fail.

PAS 100 is an industry standard for the manufacture of compost. The site is registered to produce compost to this standard, and appropriate documentation to demonstrate this has been included in the ES.

The site management regime includes provision for detecting imported material that might lead to the compost not meeting the standard, and its removal from the site. This is considered adequate measures within the control of the applicant to prevent the spreading of non PAS compost within the NVZ.

Other impacts.

HEALTH: Concern has been expressed by objectors that emissions of bioaerosols from the site cause harm to the health of local residents. Policy 1 of The West of England JWCS includes consideration of the distance between the site and any sensitive receptors in the assessment of the suitability of proposed sites. The footnote to the policy explains that the origin of this criterion is the EA 2007 Policy Position Statement on composting and potential health effects from bioaerosols. Environment Agency. The 2007 Position Statement has now been updated with a later interim statement dated November 2010. The policy position statement requires the production of a site specific bioaerosol risk assessment if the distance between a composting site and the nearest sensitive receptor is less than 250 metres as part of the Environmental Permitting of the site.

The definition of Sensitive Receptor in the EA Policy Position Statement is:-

'Sensitive receptors refers to people likely to be within 250 metres of the composting operation for prolonged or frequent periods. This term would therefore apply to dwellings (including any associated gardens) and to workplaces where workers would frequently be present. It does not apply to the operators of composting facilities or their staff while carrying out the composting operation as their health is covered by Health and Safety legislation'

In this case, the distance between the site and the nearest sensitive receptor (as defined above) is 150m. The objector considers that the distance is much less (only 20m) because he claims that his open farmland should also be regarded as 'sensitive receptors' because it requires the presence of staff to farm it. Although the farmland is currently pasture land which would not normally require the presence of farm staff for the same level of intensity as the occupation of a dwelling or other work place, the objector claims that there is no removal of permitted development rights on the farm holding to prevent different farming practices that may require more intensive levels of presence of farm staff being introduced.

The adjoining land is not classed as among the best and most versatile grades of agricultural land, and no specific proposal has been put forward by the objector which would suggest that any such different farming practices might be introduced nor what that practice might be. There is no basis to include livestock in the definition of 'sensitive receptors'.

It is relevant to know that the Environment Agency advises that the permit for the site is supported by a Bioaerosol Risk assessment which requires Bioaerosol Monitoring to be undertaken. This has been done since November 2009, and to date no evidence has been produced which would indicate that the levels of bioaerosols from the site as measured in accordance with the Monitoring Regime are above levels regarded by the EA as acceptable.

The Bioaerosol Risk Assessment was undertaken on the basis of the site having the extended hardstanding, and importing wood and cardboard for incorporation into compost, so it addresses the changes sought in the current applications. The report to the in February 2010 referred to material submitted by the objectors in relation to the emission of bioaerosols (measurements carried out in 2006 and a modelling exercise carried out in 2009) which was not in a format that could be compared to any recognised standard. The 2010 committee report also advised that Bristol Scientific Services carried out such measurements for the site and found that they 'appear fairly low compared to other figures published for Aspergillus spores in and around compost heaps.' The HSE assessed the objectors' measurements carried out in 2006 and did not consider that they indicated significant adverse environmental effects.

No further evidence has been submitted to the Council since 2010.

Based on the advice from the Environment Agency it is considered that there are not sufficient grounds for refusing the application on grounds of harm to health.

NOISE: No additional plant or equipment is required to handle wood waste or cardboard waste. The development for which planning permission is sought will therefore not involve any increase in noise. As lower windrows are easier to turn, this reduces the generation of vehicle noise.

There is no evidence of the operation of machinery on the site causing noise problems. The increase in vehicle movements is not considered sufficient to result in a noticeable increase in traffic associated noise.

OTHER POLLUTION: The Environment Agency requires that all processing and composting of waste materials should take place on the concrete pad which drains to a sealed lagoon. The present application does not involve any change to the arrangements for collecting and disposing of waste water from the composting process. Litter impacts will not change from the existing situation, which is considered to be acceptable. There is no evidence to support the view that there has been an increased incidence of fly tipping in the area.

HIGHWAYS: The highways implications of the applications are considered to be acceptable by the Council's Highways officer subject to conditions.

ECOLOGY: The site has been an active waste site since 2001 and has limited ecological value. The development covered by the present applications has no effect on ecological interests. The impacts on ecology of the applications are considered to be acceptable by the Council's Ecology officer subject to conditions. Provision of the required schemes for the control of Japanese Knot weed, water sampling and means of marking the edge of the hardstanding within one month of the date of approval is considered a reasonable requirement.

LANDSCAPE: The view into the site from the adjoining road network is restricted by bunding and hedges. A bund within the site screens views of the present operations and other features of the site from the byway which runs along the north boundary of the site. The applicant has agreed to remove one of the containers which has been placed on top

of another and is therefore notably visible above the site screening within a short period and this can be enforced by condition.

ARCHAEOLOGY: The development covered by the present application will have no effect on any archaeological assets which the site may have.

POPULATION: The closest residential property is approximately 150m from the site boundary but is surrounded by tall hedges. The next closest property is approximately 380m away. The use of the site has no material visual impact on these properties. The implications in terms of odours, bioaerosol emissions, noise and traffic generation are considered above.

WASTE MANAGEMENT: Government policy supports proposals for the recycling and composting of waste and policy 3 of The West of England Joint Waste Core Strategy provides for the provision of open windrow composting on existing waste management sites, or on sites that constitute previously developed land. This is subject to satisfaction on the question of bioaerosols, which is addressed above. In this case the site was previously a quarry before being used for composting.

Officers consider that the previous use of the site in fact makes it more rather than less 'appropriate' for use as a composting site. Accordingly officers consider that the location of the development falls within the terms of Policy 3.

The proposed development is considered to be in accordance with the principles of sustainable waste management which seek to drive the treatment of waste up the waste hierarchy and help implement targets for diverting waste from landfill whilst not causing harm to human health and the environment. These matters have been addressed above.

Other matters raised by Objectors

Objectors refer to failure to comply with existing conditions and limits, including a compound on adjacent land and the unauthorised sale of wood and mulches from the site. These matters are being investigated with the applicant and will be reported to the committee if found to require enforcement action. Other alleged infringements have been found not to comprise breaches of planning control.

On the question of the change in the applicant's name from Hinton Organics to ReOrganics, this is not a material planning matter. Any planning permission will run with the land, not with the applicant. The company has changed its name for legitimate commercial reasons and the new name is correctly registered with Company's House.

It is not agreed that the ES fails to adequately describe the project, mitigation, data to measure impacts. The project description now includes restoration of the site, relevant mitigation measures, and includes data necessary to assess the impacts. On the question of alternatives, the Regulations only require an 'outline of the alternatives studied by the applicant'. There are no real alternatives available to the operator, so this does not apply. What has been done is sufficient to explain this.

The objectors allege that an incorrect baseline has been used. It is true that the 'further information' includes a reference to the marginal difference to the operation made by the importation of wood and cardboard and of the enlargement of the hardstanding. However

the subsequent analysis of impacts does not address itself to the marginal impacts attributable to these changes, and correctly examines the total impact of the whole operation.

Issues arising from the allegation that insufficient information about the waste imported into the site since 2001, or the sources of that waste and its content are not relevant to the consideration of the applications. These matters concern the past operation of the site and are not necessary for assessing the potential impact in the future.

It is not agreed that the applications warrant refusal because ReOrganics has been inconsistent about the number of employees, nor the amount of material that is allowed to be held on the site. On this latter point, there is actually no limit in planning terms, the limit is applied by the EA. The relevant point in planning terms is the number of lorry movements, which has been included. The other points raised are considered minor in a similar manner.

7. RECOMMENDATION

It is recommended that all 3 applications be approved for a period of 18 months further subject to the same conditions as were proposed when the 05 applications were last considered (in February 2010) together with additional conditions suggested by consultees.

1 Composting operations shall have ceased and all material removed from the site by 31 December 2014 and the site restored in accordance with the scheme required under condition 11 by 31 July 2015.

Reason: The development is of a type not considered suitable for permanent retention in the Green Belt.

2 No material other than green garden and parks waste, wood and cardboard shall be imported on to the site.

Reason: Waste materials outside these categories raise environmental and amenity issues which would need to be assessed.

3 All operations on site shall take place in accordance with the Working Plan dated September 2012, and the Odour Management Plan dated September 2012.

Reason: To ensure the development does not have an unacceptable impact on the local community.

4 No operations shall be carried out at the site except between the following hours:
0800 to 1800 Monday to Friday
0800 to 1300 Saturdays
No operations shall take place on Sundays or public holidays.

Reason: To prevent an unacceptable impact on local amenity.

5 No material shall be stockpiled, deposited or windrowed to a height exceeding 3 metres.

Reason: To prevent an unacceptable impact on local amenity.

6. Vehicles carrying material to or from the site shall not exceed in size an eight wheel tipper lorry and be restricted in number to a maximum of 100 vehicles (200 movements) per seven day week.

Reason: To control the size and movement of vehicles in the interests of highway safety.

7. Each vehicle attending the site shall be properly logged with the load recorded in cubic metres (for preference). A certified summary of the records shall be submitted in writing to the Local Planning Authority on a bi-monthly basis within 10 working days of the end of each second month.

Reason: To maintain and overview of the traffic conditioned above.

8. All vehicles leaving the site shall be inspected to ensure that they are in a condition not to emit dust or deposit mud, slurry or other debris on the highway, and wheel cleaning facilities shall be installed within 3 months of the date of this permission, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the wheel wash facilities shall be maintained in operation at all times during the life of the planning permission.

Reason: In the interests of highway safety.

9. The deposit of materials or slurry from the site on the public highway shall be treated as an emergency and will be cleared regularly by a vacuum/road sweeper and/or hand picked in the case of litter. Visual inspections of the site access road will be carried out daily and staff will report any problems with mud on the site surface immediately to the site manager. Vehicles will be visually inspected before exit to check that loads are safe and that no mud is carried on the wheels or body of the vehicle.

Reason: In the interests of highway safety.

10. Full details of the following measures must be submitted to and approved in writing by the local planning authority within 1 month of the date of this decision. These details shall include:

- (i) a programme of ongoing screening, control, eradication and monitoring procedures for Japanese Knotweed in accordance with current best practice guidance
- (ii) details of proposed ongoing water quality monitoring programme
- (iii) details of proposed marker for the edge of the concrete pad and remedial action to be taken if necessary

Following approval the schemes shall be carried out with immediate effect for the duration of this permission in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: In the interests of nature conservation.

11. The rating of noise emitted from plant and equipment in use on the site shall be 3BA below the existing background noise level, determined to be 38dBA LA90, at the boundary

of the nearest noise sensitive premises (Charlton Fields). Measurements and assessments shall be in accordance with BS 4142, 1997.

Reason: To prevent an unacceptable impact on the amenities of the local area.

12. All plant and machinery used on site which requires a reversing warning system shall be fitted with a bbs-tek backalarm system or another similarly specified product.

Reason: To safeguard the amenity of local residents.

13 No retail sale of any treated or processed material shall take place from the site.

Reason: To prevent unnecessary traffic visiting the site.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no buildings, fixed plant, fixed machinery or other structures, (except those already on the site), shall be erected or placed on the site without the prior written approval of the Local Planning Authority. Within one month of the date of this permission, the container presently placed on top of another container shall be removed from its current position and placed at ground level in a position that has been previously approved by the Local Planning Authority. In the absence of an agreed alternative position, the said container shall be removed from the site.

Reason: To prevent an unacceptable impact on the visual amenities of the local area.

15. The site shall be restored in accordance with a scheme to be submitted for the written approval of the Local Planning Authority within 3 months of the date of this permission.

The scheme of restoration shall include details of:

- the removal of all plant, machinery, buildings, structures, concrete and other hardstandings, lagoons and haul roads;
- the nature of the intended after use, including plans and details of the habitats to be created;
- the re-spreading of material to a depth of at least 1m of final cover consisting of soil or other cover material suitable as a rooting medium, free of stones or other obstructions to cultivation. This final cover shall be placed in layers.
Any suitable cover material previously stripped from the site being placed first as a base layer, then subsoil as an intermediate layer, then top soil as the uppermost layer to a depth of 300mm and seeded with a suitable herbage mix;
- the ripping of any compacted layers of cover to ensure adequate drainage and aeration. Such ripping to take place before the placement of topsoil;
- the machinery to be used in soil spreading operations;
- the drainage of the restored land including the formation of suitably graded contours to promote natural drainage or the installation of artificial drainage if required;
- a scheme for the aftercare of the restored land to cover a period of five years from the completion of placement of topsoil on the site; and
- a timetable for the implementation of the scheme as approved.

Reason: To ensure the site is restored to an acceptable standard.

FOOTNOTE

This decision relates to the following drawings:-

05/00723:-

503/01B and 503/04B date stamped 14 April 1998.

503/02B and 503/03B dated June 1997, received on 3 April 2013

05/01193

503/01B and 503/04B date stamped 14 April 1998.

503/02B and 503/03B dated June 1997, received on 3 April 2013

11/00022

Site location map 2159/1093/01, Site location plan 2159/1093/02 rev A, Site layout plan 2159/1093/03

REASONS FOR GRANTING APPROVAL:

The proposed development is a temporary extension of time to a temporary planning permission for open windrow composting and involves changes of condition regarding the importation of wood and cardboard, and the control of lorry numbers. The original permission was approved for a temporary period because the site is in the Green Belt. The temporary further extension of time is considered acceptable within this context, especially in the light of the acknowledged need for additional composting facilities in the West of England Joint Waste Core Strategy adopted in March 2011.

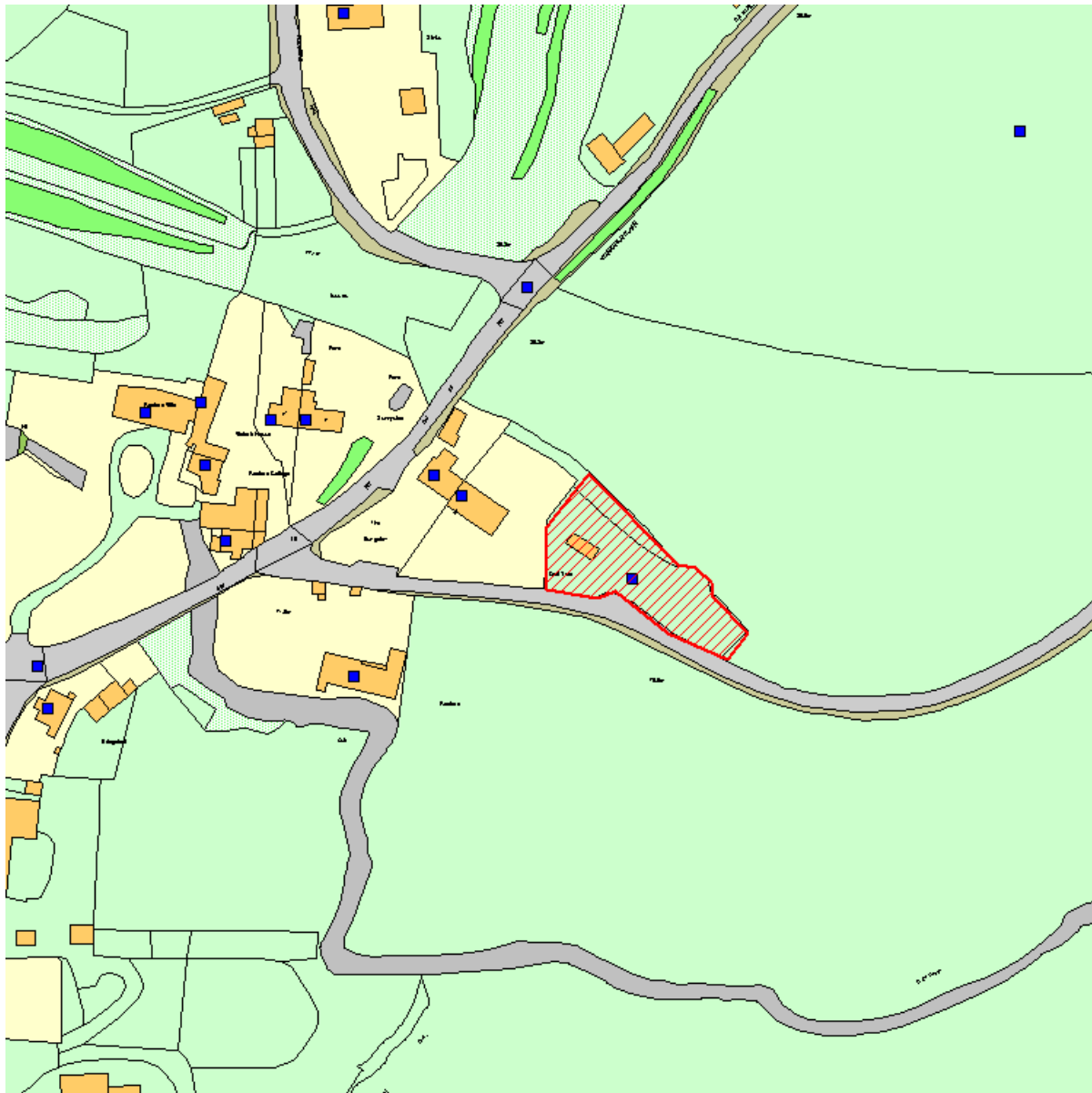
Having considered the content of the Environmental Statement accompanying the applications, it is considered that the Site Management Plan and Odour Management Plan and other features of the proposal provide sufficient mitigation to the likely environmental impacts of the composting process in this location. The permission seeks key impacts to be monitored and information to be submitted to the Council in future. The Council is aware that similar controls on these and other aspects of the composting operation are undertaken by the Environment Agency.

The proposed development also seeks retrospective permission for the extension of the hardstanding. Having considered the information in the Environmental Statement about water balance of the hardstanding and the lagoon into which it drains, and the management of the site the Council is satisfied that there is adequate mitigation to keep likely environmental impacts within acceptable levels.

The decision is subject to conditions requiring the implementation of the Site Management Plan and the Odour Management Plan and other conditions.

This decision has been made having particular regard to policies GB1, GB.2, NE.5, NE.9, ES.9 ES.10 and M.9 of the Bath and North East Somerset Local Plan (including Minerals and Waste policies) 2007, and Policies 3 and 11 of the West of England Joint Waste Core Strategy (March 2011).

Item No: 07
Application No: 13/00533/FUL
Site Location: Yard Adjoining 2 The Bungalows Durcott Lane Camerton Bath



Ward: Bathavon West **Parish:** Camerton **LB Grade:** N/A
Ward Members: Councillor David John Veale
Application Type: Full Application
Proposal: Erection of 2no work/live units
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon,
Applicant: Mr Kevin Tranter
Expiry Date: 16th May 2013
Case Officer: Daniel Stone

REPORT

REASON FOR REPORTING APPLICATIONS TO COMMITTEE:

The application has the support of the Parish Council, but is recommended for refusal.

SITE CONTEXT

The application site is located on a rural lane in the hamlet of Radford, approximately 800 to the west of Camerton. The settlements of Timsbury and Paulton are located 1.2 and 3 km to the north and west respectively. For the purposes of planning, the site is located in the open countryside.

The site itself is roughly triangular in shape and stretches along Durcott Lane, backing onto agricultural land to the north. To the east is a semi-detached bungalow, elevated substantially above the site. This property is also owned by the applicant.

Formerly the site was a coal yard, but has established use for a Skip hire business, a Sui Generis use.

PROPOSAL

The application seeks consent for the erection of 2 detached dwellings. The dwellings would be arranged serially along the site, with each property having its own garage and sharing a single access onto Durcott Lane.

The application would involve the relocation of the skip hire business from the site. In the course of determining the previous application, the Managing Director of a Waste Recycling facility at Fullers Earth has confirmed that the business has transferred all its operations to this location, although the security of tenure at this location was not confirmed.

RELEVANT PLANNING HISTORY:

12/02178/FUL - Erection of 3 houses - Refused 06.09.12

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

CONSULTATION

Consultation letters were sent out to 3 properties, a notice was placed in the local press and additionally a site notice was displayed on the site frontage.

To date 3 letters of support have been received, stating the application will improve the appearance of the site, reduce congestion and the need for heavy vehicles.

CAMERTON PARISH COUNCIL - Support

As the applicant has offered through a section 106 agreement land to allow the highway to be widened the development complies with policies T.1 and T.24 of the local plan saved to the submitted draft core strategy.

Similarly while this development is outside but adjoining the village housing boundary by provision of combined work living space this development offers employment opportunity. It is therefore compliant with policy RA.2 of the draft submitted core strategy.

It also complies with policy D.2 of the local plan saved to the submitted draft core strategy as the scheme maintains the character of the public realm and by way of the applicant giving up his burning licence will in fact enhance the amenities of the neighbouring properties.

This application complies with the NPPF as it is sustainable development by providing home based employment opportunities and support for the school in terms of potentially increasing the number of pupils. Similarly it promotes sustainable transport as there is no need for the future residents of these dwellings to commute to their employment. Also it widens the choice of high quality homes. The development secures high quality design and a good standard of amenity especially with the forgoing of the burning licence. It also complies with the NPPF as this combination of residential and work development supports the sustainable growth of this rural area. While the NPPF does state that new isolated homes should not be built in the countryside it does allow development of this nature as this reuses redundant facilities and with the forfeiture of the burning licence leads to the enhancement of the immediate setting. This enhancement is further increased with the offered improvements to the highway and potentially increased pupils for the school.

HIGHWAYS DEVELOPMENT CONTROL - No objections subject to conditions

The proposal involves the erection of 2no. 4-bedroom dwellings which each include a home office above the detached double garages. The dwellings would be served by a single point of vehicular access with a shared turning facility, and visibility splays of 2.4m by in excess of 60m are stated in the Access and Design Statement to be achievable.

A previous proposal on this site submitted under application 12/02178/FUL for three dwellings was refused on planning and highway grounds, with sustainability and the number of accesses, without adequate visibility, being raised by this Team.

The current proposal for a single point of access demonstrates that more than 60m visibility can be achieved to the west and 50m can be achieved to the east. Having regard to the nature and speed of the lane at this point, and the former use of the site, I consider this level of visibility to be acceptable to serve two residential dwellings.

The site is still considered to be remote from local services and public transport, and therefore residents and visitors would be reliant on the private car for the main mode of transport. However, the inclusion of a home office could enable residents to reduce their frequency of commuting.

The loss of the larger vehicle movements associated with the former skip hire business and the reduced level of development than previously proposed, would minimise the level of traffic on the country lanes, and therefore you may consider that an objection on sustainability grounds could be offset by the overall improvements through the redevelopment of the site.

Having regard to the above, I would ask that an amended plan be submitted which addresses the pedestrian accesses to the dwellings, and subject to the receipt of a satisfactory plan, and on the basis that you would not wish to pursue an objection purely on sustainability grounds, I would recommend that conditions be attached covering visibility splays, and parking and turning areas.

TRANSPORTATION AND HIGHWAYS (DRAINAGE) - No objections provided that a condition is applied requiring the submission of surface water drainage scheme prior to the commencement of development, utilising S.U.D.s principles.

CONTAMINATED LAND OFFICER - No objection provided conditions are attached to any consent requiring the submission of a contamination risk assessment and remediation strategy.

BUILDING CONTROL - No Objections - advised that level access is required to each of the plots.

ENVIRONMENTAL HEALTH - Advised (in respect of the previous application) that there were no noise complaints attributable to the skip yard but that there had been two complaints in the past relating to materials being burnt on the site and giving rise to dark smoke.

POLICIES/LEGISLATION

Policies/Legislation:

POLICIES

Adopted Local Plan:

SC.1 Settlement classification
D.2 General design and public realm considerations
D.4 Townscape considerations
BH.16 Village buffers
HG.7 Minimum residential density
HG.14 Replacement dwellings
ET.1 Employment Land Overview
ET.3 Core Employment Sites
ES.5 Foul and surface water drainage 87
ES.9 Pollution and nuisance
ES.15 Contaminated land
ET.1 Employment Land Overview
T.1 Overarching access policy
T.6 Cycling Strategy: cycle parking
T.24 General development control and access policy
T.26 On-site parking and servicing provision

Core Strategy

DW1 - District Wide Spatial Strategy

RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
CP6 - Environmental Quality
CP10 - Housing Mix
SV1 - Somer Valley Spatial Strategy

Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan

Policy 1 - Sustainable Development and Development Strategy

OFFICER ASSESSMENT

Officer Assessment:

KEY ISSUES:

The Key consideration for this application is whether the proposals have overcome the previous reasons for refusal, which were as follows:

1 The proposal, located remote from services, employment opportunities and being poorly served by public transport, would be a fundamentally unsustainable, car dependent form of development. As such the development is contrary to Policies T.1, T.24 and HG.4 of the Bath & North East Somerset Local Plan adopted 2007, policy RA2 of the draft Bath and North-East Council Core Strategy, Policy 1 of the Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan, and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport and encourage a sustainable pattern of development.

2 The proposed development would result in a multiplicity of accesses onto the public highway without adequate visibility splays which would be likely to increase the risk of hazards and inconvenience to all users of the road and be prejudicial to highway safety. As such the development would be contrary to policy T.24 of the Bath & North East Somerset Local Plan adopted 2007.

3 The proposed development would comprise the over-development of the site, by virtue of the number of dwellings on the site and the large dwelling sizes proposed in relation to the limited plot size. As a result the proposed development would provide an unacceptably compromised environment for future residents, in terms of lack of privacy for the occupants of 2 Durcott Lane and proposed plot 1 (and the constrained ground outlook for this proposed dwelling), and the limited and constrained garden space available for proposed plot 3. As such the development would be contrary to policy D.2 (f) of the Bath & North East Somerset Local Plan adopted 2007.

4 The proposed development would be contrary to policy ET.3 of the Bath & North East Somerset Local Plan adopted 2007 in that insufficient evidence has been submitted to demonstrate that the site would not be capable of continued business occupation, or that a business use would give rise to unacceptable traffic or environmental problems.

The headings set out below address each reason for refusal.

A. IS THE PRINCIPLE OF RESIDENTIAL DEVELOPMENT ACCEPTABLE ON THIS SITE IN TERMS OF SUSTAINABILITY AND HOUSING POLICY CONSIDERATIONS?

Local Plan policies SC.1 and HG.4 would allow residential development in Camerton on sites within the development boundary provided it is appropriate to the scale of the settlement in terms of the availability of facilities, employment opportunities public transport.

In this case the site lies well beyond the established development boundary which is drawn tightly around the village and consequently there is an 'in principle' objection to the residential development of the site. The proposals would also be contrary to policy RA2 of the draft Core Strategy which would likewise restrict residential development to within the development boundary.

As discussed in the delegated report for the previous application, the National Planning Policy Framework (NPPF) advises (paragraph 55) that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities... For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting."

It is acknowledged that the NPPF (Paragraph 111) encourages the use of previously developed land (brown field land) provided that it is not of high environmental quality. The application site does constitute previously developed land and is not of high environmental quality.

As discussed in the Transport comments, the site is remote from services and public transport. No bus routes pass through Radford. The nearest bus routes (which themselves are not particularly frequent) pass through Timsbury and Camerton, but either settlement is a significant distance from the site along roads that are narrow and lacking pavements and therefore ill-suited to pedestrian use.

The proposals have been modified to address this point by including garages with large first floor rooms which could be used as home offices. Officers acknowledge that this could enable home based workers to occupy the properties, potentially reducing trip generation rates, however there is no guarantee that the properties would be used in this way, and this is really no different to the opportunity available in any large dwelling to use a spare room to work from. As a result, the properties are considered to be straight-forward dwellings, and no weight is given to their description as "live-work" units.

Even if all the working age residents in the properties to work from home (which is highly unlikely), the site is still in a remote position in relation to all other resources (shops, schools, cultural activities), and potential future residents would still be highly reliant on the private car for all their other daily needs. Therefore the site is considered to be an unsustainable location for residential development.

Notwithstanding these concerns, consideration needs to be given to the fall back position, and the sustainability of the established employment use.

In the report for the previous application, officers argued that the location was a relatively sustainable location for a skip yard, in that whilst such a use was inherently "car" dependent, the website for the company appeared to demonstrate that the site was well located in terms of the catchment area it served, minimising the length of vehicle trips to and from sites. Were the skip hire company to continue in operation, this would continue to be the case.

It is fair to say that other forms of proposed employment with greater trip generation rates would be likely to raise similar concerns to the proposed residential use in terms of sustainability concerns, but were a small workshop use to be established on the site, it could offer employment for local residents in a convenient location. As the established Skip Hire Use is a Sui Generis use, planning permission would be required for any replacement employment use, at which point the sustainability and trip generation of the use could be considered in detail.

The Core Strategy outlines key challenges for the Somer Valley which include "an imbalance of housing over jobs, a vulnerable local economy and high levels of out-commuting due to lack of local employment opportunities". As a result, even were an employment use to draw employees from as far afield as Midsomer Norton, Radstock, Paulton or Peasedown St. John, it would still assist in promoting the self-sufficiency (and sustainability) of the Somer Valley.

B. IS THE DEVELOPMENT ACCEPTABLE IN TERMS OF HIGHWAY SAFETY?

As set out in the highway comments, subject to a small amendment to the layout plan, the proposals are acceptable in terms of highway safety considerations and overcome the second reason for the refusal of the previous application.

C. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR LAYOUT, APPEARANCE AND IMPACT ON THE AMENITY OF SURROUNDING RESIDENTS?

Officers considered the previous application to be an overdevelopment of the site which would have resulted in unacceptable amenity impacts for future residents as a result of overlooking. By cutting down the number of dwellings proposed and realigning them so that they don't overlook the adjoining property, these concerns have been overcome, and the proposals would have no material impact on residential amenity.

The proposed dwellings which would be substantial in scale and would be faced in stone coloured render with natural slate roofs. The development would and the removal of the existing skip hire operation would have a substantial positive impact on the appearance of the site.

Amenity Impacts of Existing Use

As is evident from the comments from the Parish Council and the Council's Environmental Health Officer, the burning of materials on the site have given rise to amenity and

environmental impacts for local residents, and were the development to go ahead, these activities would cease which would also be a benefit of the scheme.

B. IS THE LOSS OF THE EXISTING BUSINESS USE ACCEPTABLE?

Policy ET.3 of the Adopted Local Plan advises that proposals for the loss of land and floorspace for the B1c, B2 and B8 uses will be judged against the extent of positive or negative progress being made in achieving a managed reduction in floorspace on the scale sought by Policy ET.1(B) and against the following additional criteria:

- (i) whether the site is capable of continuing to offer adequate accommodation for potential business or other similar employment uses; or
- (ii) whether continued use of the site for business or other similar employment uses would perpetuate unacceptable environmental or traffic problems; or
- (iii) whether an alternative use or mix of uses offers community benefit outweighing the economic or employment advantages of retaining the site in business or other similar employment uses.

(i) The applicants asserted in the previous application that the skip hire use was uneconomic without expanding and intensifying its operations, however no evidence was submitted to substantiate this. The site was also not subject to a marketing exercise to test the market demand for alternative employment uses.

No further evidence has been submitted in this application to address this point, but the applicants argue that the proposed live/work units now proposed meet this test and maintain the site in employment usage.

Officers give the employment benefits of the "live/work units" very little weight. Whilst the rooms above the garages could be used for home-working (in much the same way as a spare room within either of the dwellings could be) there is no guarantee that they would be. Looked at objectively there is very little in the plans to differentiate the live-work units from standard executive houses, and therefore they should be treated no differently.

(ii) As addressed below at Key Issue D below, the removal of the existing use from the site (and the giving up of the burning licence) would offer a reduction in traffic and also environmental improvements in terms of the appearance of the lane, and a reduction in noise and smoke from the skip hire use. However some or all of these benefits could be secured by an alternative business use, and it is not considered that the continued use of the site for employment purposes would necessarily give rise to unacceptable environmental or traffic problems.

(iii) The proposals would deliver housing to meet local needs, and would deliver local environmental improvements, however these would not outweigh concerns in respect of the loss of an employment site or concerns about the sustainability of the site for residential uses.

The proposals are considered to be contrary to Local Plan policy ET.3.

Policy SV1 (3) of the Schedule of Proposed Changes to the Submitted Core Strategy (March 2013) advises "The Strategy for the Somer Valley is to:

- a) Enable the delivery of around 900 net additional jobs between 2011 and 2029 and facilitate further jobs if economic circumstances allow
- b) Encourage the retention and expansion of local companies and the growth of new businesses by making provision for the changes in employment floorspace set out below:
- Office floorspace: from about 30,000m² in 2006 2011 to about 40,000m² in 2029
 - Industrial/Warehouse floorspace: from about 110,000m² in 2011 to about 100,000m² in 2029...
- c) Protect land in existing business use and consider alternative use where this is no reasonable prospect of a site being used for that purpose and does not lead to an unacceptable loss of employment land."

Addressing point c of Policy SV1(3), no evidence has been submitted to demonstrate that there is no reasonable prospect of the site being taken up for employment purposes. In particular, the site has not been marketed for continuing employment uses. The proposals are contrary to this policy.

It is not considered that the 4th reason for the refusal of the previous application has been overcome.

CONCLUSION

The application is balanced. Previous concerns in respect of overlooking and highway safety have been overcome. The proposals would also result in a substantial improvement to the appearance of the site and would benefit residents through reductions in noise, traffic and smoke from the site.

The proposals would however involve the loss of the employment use from the site, aside from a token opportunity for residents to work from home offices above the garages, and insufficient evidence has been submitted to demonstrate that either the existing business is unviable, or (through the site being marketed) that the site is incapable of continuing employment use. As a consequence the proposals are contrary to policy ET.3 of the Local Plan which aims to protect existing employment uses, and to policy SV1 (3) of the Schedule of Proposed Changes to the Submitted Core Strategy (March 2013).

There are also significant concerns about the sustainability of the site for residential development. The location is poorly related to services and public transport and inaccessible by walking, and as a result residents would be almost wholly dependent on the private car to meet their daily needs. By contrast, were the site to be put to a new employment use (such as small workshops) it could offer a relatively sustainable location for employment in the Somer Valley, whilst still delivering some of the environmental improvements offered by this development.

Consequently, officers consider that the application should be refused on the grounds of the loss of employment floorspace and sustainability grounds.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development would be contrary to policy ET.3 of the Bath & North East Somerset Local Plan adopted 2007 and to policy SV1 (3) of the Schedule of Proposed Changes to the Submitted Core Strategy (March 2013). Insufficient evidence has been submitted to demonstrate that the site would not be capable of continued business occupation, or that an alternative business use would necessarily give rise to unacceptable traffic or environmental problems.

2 The proposal, in a remote position from services, employment opportunities and being poorly served by public transport, would be a fundamentally unsustainable, car dependent form of development. As such the development is contrary to Policies T.1, T.24 and HG.4 of the Bath & North East Somerset Local Plan adopted 2007, policy RA2 of the draft Bath and North-East Council Core Strategy, Policy 1 of the Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan, and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport and encourage a sustainable pattern of development.

PLANS LIST:

This decision relates to drawing nos:

- Site Location Plan
- DUR1/A Elevation And Floor Plans
- DUR3/C Street Elevation, Block Plan
- DUR4A/B Site Section A & B
- DUR5A/B Proposals - Elevations, Plans, Section
- DUR6/A Existing Site Sections
- DUR3/C Street Elevation And Block Plan
- Sustainable Construction Checklist
- Schedule of photos

Decision Taking Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The submitted application was considered to be unacceptable in principle for the reasons outlined above and the applicant was advised that the application was to be recommended for refusal but choose not to withdraw the application. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

REPORT

REASON FOR REPORTING APPLICATIONS TO COMMITTEE:

The application has the support of the Parish Council, but is recommended for refusal.

SITE CONTEXT + PROPOSALS

The application site consists the garden of a vacant bungalow on a roomy site in the open countryside on Green Lane, Hallatrow, just off the A37. The site is not within the Green Belt and lies within Flood Zone 1. The site lies within the HSE notification zone for a hazardous pipeline.

Consent is sought for the erection of two single storey holiday cottages, in the garden of the property which is extensive. Planning permission was recently given for a replacement dwelling on the footprint of the existing bungalow, which is in very poor condition.

RELEVANT PLANNING HISTORY:

12/04576/FUL - Erection of 1.5 storey dwelling with associated landscaping works following demolition of existing bungalow - approved 04.12.2012

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION

Consultation letters were sent out to 3 adjoining properties, and a notice was placed in the local press.

To date no response has been forthcoming to the public consultation.

HIGH LITTLETON PARISH COUNCIL - Support

HIGHWAYS DEVELOPMENT CONTROL - This site is not sustainable in transport/travel terms for traditional residential development due to its remote location, and a recommendation for refusal was made to a previous application for a dwelling on this site.

I am aware of other similar developments in rural areas, granted prior to NPPF, where holiday accommodation has not raised an objection on these grounds as the argument for rural diversification was deemed appropriate. Since the publication of the NPPF there seems to be a greater acceptance that development should be allowed in rural areas that promotes the sustainability of these communities.

I accept the comments of the TPA letter which comments on the transportation issues, in that access to certain facilities (schools, employment opportunities etc.) would not be required for this sort of development. Relatively frequent bus services do exist on the A37, within a reasonable walking distance which does give a realistic alternative travel option to/from Bristol.

On balance therefore while realistically most journeys from the accommodation are likely to be undertaken by car, there are no grounds for objection on this basis. This would not be the case if this were a housing development. I accept the assessment of traffic generation and would agree there would be no impact on the efficiency or safety of the junction, the access to/from Green Lane being signalised. This is based on advice I have been given by our traffic-signal design colleagues.

I therefore recommend no highway objection on highways grounds, subject to the following conditions being attached to any consent granted:

The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

'Welcome packs' shall be issued to all occupiers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc. The content of such packs shall have been approved in writing by the Local Planning Authority before the development hereby approved is first brought into use.

Reason: In the interests of sustainable development.

ECOLOGY

An ecological survey has been submitted, which confirms no protected species at the site, although the site is suitable for use by nesting birds. Works to existing structures must take place outside of the nesting season, or surveyed first for nesting birds and disturbance avoided for any that are present, until chick are fledged. This must be secured by condition.

The proposals include the previously approved mitigation for the adjacent development ie the retention of one of the buildings to be adapted to make it suitable for use by bats.

Subject to

1. a condition requiring measures to avoid disturbance to nesting birds, and
 2. the long term retention of the building, unlit, with access for bats so as to allow continued suitability of the building for use by bats once the new development is in use,
- I have no objections to the proposal.

Recommended Condition:

No removal of buildings shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and details of measures to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no building shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection measures.

POLICIES/LEGISLATION

POLICIES

Adopted Local Plan:

D.2 General design and public realm considerations
D.4 Townscape considerations
T.1 Overarching access policy
T.6 Cycling Strategy: cycle parking
T.24 General development control and access policy
T.26 On-site parking and servicing provision

Core Strategy

DW1 - District Wide Spatial Strategy
RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
CP6 - Environmental Quality

National Planning Policy Framework
Ministerial statement entitled 'Planning for Growth', 23 March 2011

OFFICER ASSESSMENT

KEY ISSUES:

A. IS THE PRINCIPLE OF THE PROPOSED DEVELOPMENT ACCEPTABLE?

Policy ET.4 of the Adopted Local Plan advises that development proposals for small scale purpose built visitor accommodation will be permitted at rural settlements (i.e. defined in Policy SC.1 as R1, R2 or R3 settlements) provided that such development: a) is appropriate in scale and character to its surroundings; and b) in the case of R1 and R2 villages, lies within or adjoining the settlement; or c) in the case of R3 villages, is infilling in line with Policy GB.1.

In this case, Hallatrow is classed as a R.2 settlement, but the site lies outside of the established development boundary, in the open countryside.

Local Plan Policies HG.4 and HG.10 direct residential development towards existing towns and villages defined by development boundaries, with dwellings only being permitted in the countryside if they are essential for agricultural or forestry workers.

Policy DW1 of the Core Strategy (District Wide Spatial Strategy) advises: The overarching strategy for B&NES is to promote sustainable development by focussing new housing, jobs and community facilities in Bath, Keynsham, Midsomer Norton and Radstock particularly ensuring development in rural areas is located at settlements with a good range of local facilities and with good access to public transport. Brownfield sites are to be prioritised for new development in order to limit the need for development on greenfield sites.

Policy RA1 of the Schedule of Proposed Changes to the Submitted Core Strategy advises, proposals at villages outside the Green Belt for employment development of a

scale, character and appearance appropriate to the village and its setting will be acceptable within and adjoining the housing development boundary.

At paragraph 5.38 of the accompanying text, the Core Strategy advises "in the 'Policy RA1' villages small scale employment development may be appropriate and potential site allocations will be considered through the Placemaking Plan. In order to ensure the ongoing economic sustainability of the rural areas as a whole, creation of new and retention of existing small businesses will be encouraged. This can be assisted through the re-use and conversion of redundant or underused agricultural buildings (where they are not needed for agriculture) and such uses will therefore, be considered in the first instance. There may also be opportunities to convert such buildings to tourism uses that will boost the local economy." It is clear from this text that outside of these villages, visitor accommodation will not be supported.

Whilst planning permission was recently granted for the erection of a dwelling at the site, this was only allowed because it was a replacement for the existing bungalow on the site, which is in poor repair. The site lies in the open countryside, and whilst the site is within a small group of houses, it is not in a R1, R2 or R3 village, and therefore the application is be contrary to Local Plan policy ET.4.

Paragraph 28. advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

In this case no details have been submitted to demonstrate that the need for tourist accommodation is not being met by existing facilities within existing settlements, and the Core Strategy and Local Plan policies do not define this as an appropriate location for residential or holiday accommodation development.

IS THE SITE A SUSTAINABLE LOCATION FOR DEVELOPMENT?

The National Planning Policy Framework stresses the need to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling" (paragraph 17) and to "support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport" (paragraph 30).

The site is located just off the A37 approximately 1200 metres from Farrington Gurney and 900 metres from Hallatrow. There are narrow pavements to both settlements, but the A37 in particular experiences very heavy traffic flows and is not a welcoming walking environment, or particularly safe for cyclists.

The site is served by bus stops on the A37 at White Cross which provide bus access to Bath, Bristol, Wells, Clutton, Midsomer Norton and Radstock.

Officers accept that the range of facilities available in Hallatrow and Farrington Gurney (which are both defined as RA1 villages in the emerging Core Strategy) are relatively limited. Both villages have pubs, The Old Station and Carriage in Hallatrow, and the Farrington Inn in Farrington Gurney. Farrington Gurney also had a Little Chef (now closed), that is currently the subject of a planning application for a McDonalds restaurant, and Farrington Gurney also has a Petrol Station. Therefore officers accept that the facilities currently available within the villages are not significantly more extensive than those available outside.

However, it is reasonable that if in the future additional facilities and services are provided to serve these settlements, they will be located within the village boundaries. Development (such as tourist accommodation) located within the villages would help support existing and new services, and thereby help support a more sustainable pattern of growth which facilitates the maximum use of walking, cycling and public transport to access facilities.

Conversely the visitors staying in the proposed development, located in the open countryside not within convenient walking distance, are less likely to support these facilities, and are much more likely to get there by car. As a result, the development would fix into place a dispersed pattern of development that relies on vehicular transport to access facilities. The location of the proposed development thus fails to make the fullest possible use of walking, cycling and public transport.

ARE THE PROPOSED HOLIDAY COTTAGES ACCEPTABLE IN THEIR DESIGN?

The site does not lie in a Conservation Area and has no strong design character of its own, with the area having an undistinguished mix of dwelling types and styles. The proposed holiday cottages would be single storey in height and would be faced in stone with concrete tiled roofs. Whilst their detailed design could be acceptable in some circumstances, there is an in principle objection to the proposed holiday cottages which would constitute the creeping urbanisation of this location in the open countryside, which would be harmful to its character.

ARE THE PROPOSALS ACCEPTABLE IN TERMS OF HEALTH AND SAFETY IMPACTS?

The Health and Safety Executive were consulted in respect of the previous consented application for a replacement dwelling. They advised that there was a gas pipeline lying close to the site and that the pipeline operator be consulted. Officers have undertaken an online search using the Linesearch website, but this has identified no pipeline operators within 75 metres of the application site.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed holiday cottages, being in an open countryside location and poorly related to services would constitute an unsustainable, dispersed pattern of development which would not facilitate the use of sustainable modes of transport and would constitute the creeping urbanisation of this rural location, harmful to the character of the open countryside. As such the development is contrary to Policy ET.4 of the Bath & North East Somerset Local Plan adopted 2007, policy DW1 and RA1 of the draft Bath and North-East Council Core Strategy and the guidance in the National Planning Policy Framework.

PLANS LIST:

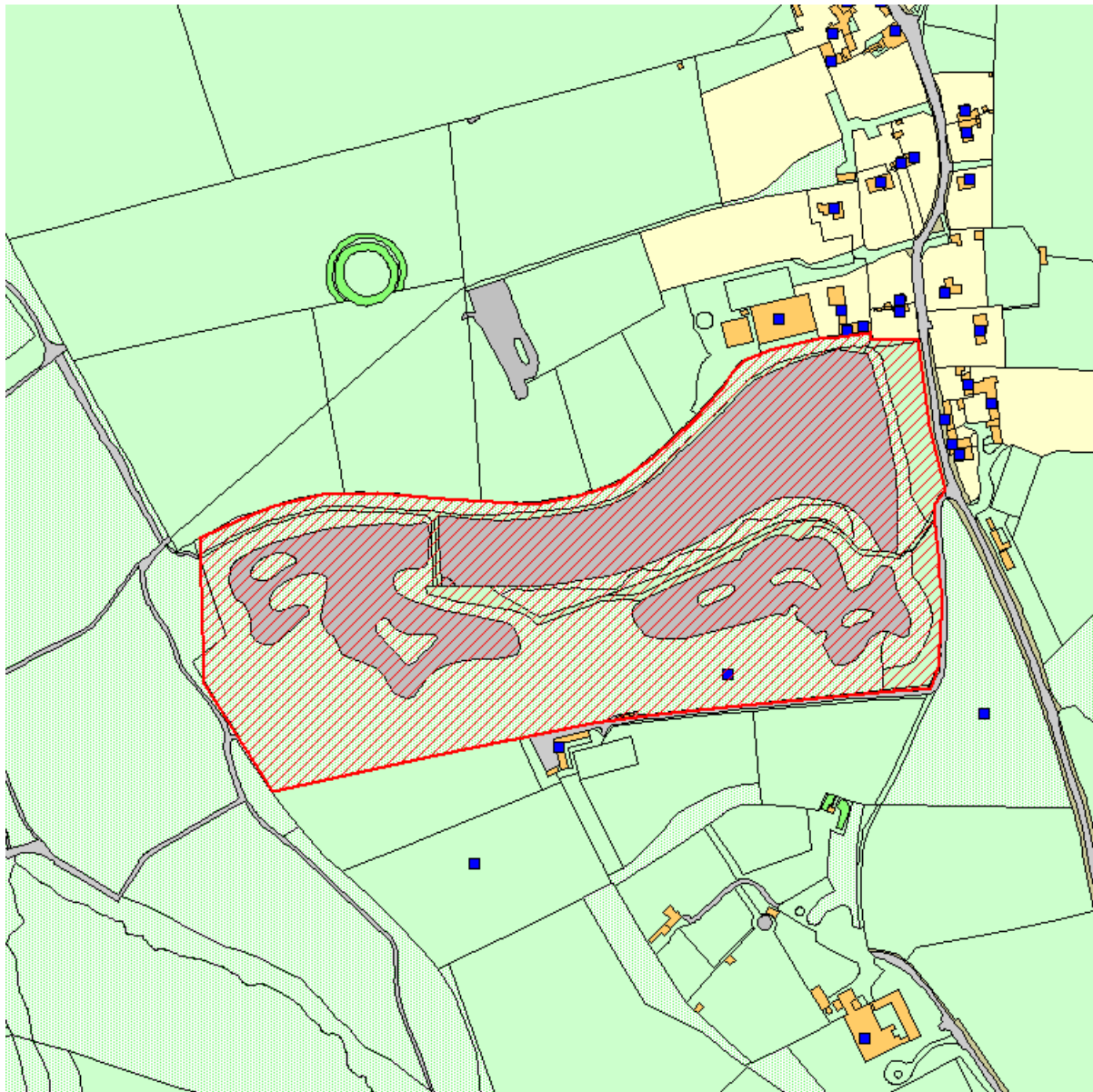
This decision relates to drawing nos:

- 51467/03/101 REV B - combined proposals drawing
- 51467/03/001 - combined existing drawing
- Planning Statement
- Protected Species Survey
- traffic assessment letter

Decision Taking Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The submitted application was considered to be unacceptable in principle for the reasons outlined above and the applicant was advised that the application was to be recommended for refusal but choose not to withdraw the application. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 09
Application No: 13/00483/FUL
Site Location: Parcel 5900 Hunstrete Marksbury Bristol



Ward: Farmborough

Parish: Marksbury

LB Grade: N/A

Ward Members: Councillor S Davis

Application Type: Full Application

Proposal: Erection of educational facility, store and office (Resubmission)

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Listed Building, Public Right of Way, Sites of Nature Conservation Imp (SN), Tree Preservation Order,

Applicant: Bathampton Anglers Association

Expiry Date: 17th May 2013

Case Officer: Rachel Tadman

REPORT

REASON FOR REPORTING TO COMMITTEE:

This application was requested to be referred to Development Control Committee by Councillor Sally Davis if the recommendation was to be to refuse. Furthermore Marksbury Parish Council also support the proposal. The application was therefore referred to the Chair who was of the view that the application should be referred to Committee.

DESCRIPTION:

The application relates to a site containing three fishing lakes that is run by Bathampton Anglers Association for members. The site is within the Green Belt and a Site of Nature Conservation Importance (SN).

The proposal is for the erection of an education facility building, store and office. The largest part of the building would be 22.2m wide and 8.4m deep, it would then have a projection measuring 11.7m wide and 5.8m deep. The building would be 4.9m high at the ridge.

The building would be constructed of timber walls with a timber shingle roof. Internally the building would comprise a classroom, kitchen, 3 x stores, male and female toilets, two offices and a reception area. Externally 5 car parking spaces would be provided along with a turning head.

The proposed building would include toilets, kitchen, classroom, store rooms and two offices, one for the use of the Angling Association and one for the use of the Bailiff's.

RELEVANT HISTORY:

The application is an identical resubmission of application ref: 11/04344/FUL which was refused on 9 February 2012 for the following reason:

The proposed building, by reason of its inappropriate scale, size and proposed use, is not considered to represent an essential small scale outdoor sports facility and would represent inappropriate development which is, by definition, harmful to the Green Belt. In the absence of very special circumstances the proposed development is contrary to Policy GB1 and SR.5 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007 and the guidance contained within the Planning Policy Guidance Note 2: Green Belts.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways Development Officer: No objections subject to a condition.

Arboricultural Officer: No objections subject to conditions:

A number of trees which are protected by TPO 527/1 are implicated in the proposal. The installation of services required for the building could potentially impact on the protected trees in the vicinity. Further information had been provided by the applicant as part of

11/04344/FUL but has not been provided within the current application. The positioning of septic tanks, trenching for water and electricity and the location of telecommunication cables can have a significant impact on tree roots.

Ecologist: An updated ecological assessment has been submitted; no new ecological issues have been identified further to the original application (ref ecological comments re. 11/04344/FUL Mary Wood 09/12/11).

If permission is granted, a condition should be used to secured details of and implementation of appropriate precautionary measures and an ecological watching brief, for the prevention of harm to reptiles, nesting birds and other wildlife that could be affected by clearance of vegetation.

I have no objection to the proposal, subject to conditions.

Environmental Health: No observations

Public Rights of Way: No comments

Marksbury Parish Council: Support for the reason that: We consider that these proposals for an educational facility that will also provide a community facility are a special circumstance for construction in the Green Belt (GB1). The location would not be visually detrimental (GB2). There would be no impact on adjacent properties (D2).

Other representations: A total of 3 letters of support have been received. 1 is from a local resident, 1 is from The Angling Trust and the final letter is from the Director of the Angling Trust.

POLICIES/LEGISLATION

Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007 was adopted October 2007. Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

D2 General Design and public realm considerations
D4 Townscape considerations
SR.5 Sport or recreational facilities
GB.1 Green Belt
GB.2 Visual impact on Green Belt
NE.1 Landscape Character
NE.4 Trees and woodlands
NE9 Locally important sites for protected species
NE12 Natural Features
T24 General development control and access policy
T26 On site servicing and parking

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches' substantive weight to the amended Core Strategy in the determination of planning applications of this type in accordance with the considerations

outlined in paragraph 216 of the National Planning Policy Framework. The following policies are relevant:

CP8 - Green Belt

National Planning Policy Framework (March 2012) can be awarded significant weight in this case.

OFFICER ASSESSMENT

PRINCIPLE OF THE DEVELOPMENT:

The site is within the Green Belt where there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and is unacceptable in principle unless there are very special circumstances to outweigh the harm.

Since the previous application was refused the NPPF has been published which has changed the conditions under which facilities for outdoor sport are acceptable.

Previously Planning Policy Guidance Note 2: Green Belt (PPG2) stated that outdoor sports and recreational facilities could be considered not inappropriate provided they were 'essential and small scale'. The NPPF, in replacing PPG2, now states that new buildings within the Green Belt for 'appropriate' facilities for outdoor sport are not inappropriate. This is a subtle change but amounts to a relaxation of the policy.

The proposed building has been described as being an educational facility, store and office for the use of Bathampton Anglers Association. Fishing is considered to be an 'outdoor sport' and the development would therefore be considered as to whether it is an 'appropriate facility for outdoor sport..' under Para 89 of the NPPF.

Whilst the building does include a number of other facilities the primary reason for the proposal is to provide a facility to allow training and tuition to be carried out adjacent to the waters where angling takes place enabling students to transfer from classroom to water and back to classroom with minimum disruption. It has been stated that training takes place at Hunstrete Lakes, as opposed to other lakes within the control of Bathampton Angling Association, because they are eminently suitable for that purpose. Furthermore it is argued that the facility is required on site due to a lack of suitable village halls within the immediate vicinity with halls at Marksbury, Farmborough and Compton Dando having been dismissed. No reasons have been given as to why the halls are inappropriate other than their distance to the fishing lakes.

It is clear from the supporting information that Bathampton Angling Association not only provides an angling resource, as well as arranging matches etc, for general anglers but are also actively involved in training and coaching angling to a wide variety of other groups in order to highlight the benefits of the sport and also encourage new participants. In particular the Angling Association provides a structured national programme for fishing aimed at involving schools, youth clubs and youngsters with learning disabilities in the B&NES area and have specific links to the Leonard Cheshire Disabled Group providing talks and training to their members. It is stated that between 10 and 25 students would be accommodated at any one time.

The level of use of the classroom would appear to be seasonal and therefore varies with the time of year and school holidays but the information submitted suggests it would be used on a regular basis during the summer months and school holidays and 2/3 times a week during the rest of the year. Whilst a large proportion of the use would be through the provision of training and coaching, a not insignificant element would be to provide undercover facilities on general match days for prize giving etc.

From the information provided it is appreciated that the building would provide a useful facility for the introduction of angling to a wider audience and would, in all likelihood be used on a regular basis during the summer months and school holidays. However the provision of a building within the Green Belt for educational use is not necessarily an appropriate facility for outdoor sport. In this case, it is considered that the facility is not necessary for those participating in the sport of angling, the facility instead comprises an additional resource to educate and promote the sport but the sport itself can still easily be carried on without it. In light of this it is considered that the proposed building, the primary use of which would be for educational use, is not an appropriate facility for outdoor sport. The development is therefore considered to be an inappropriate development within the Green Belt which, by definition, is harmful to the Green Belt.

Furthermore it is considered that if undercover facilities are required for teaching these could be provided within local village halls of which there are a number within a short distance from the site. Whilst this may not be as convenient as an onsite resource it is not a reason to grant planning permission for an otherwise inappropriate facility within the Green Belt.

Notwithstanding the overall inappropriateness of the development it does also provide other facilities that need to be considered. In this regard the building includes toilet facilities which could be considered as appropriate, however there are already purpose built toilets on site, including disabled toilets, for which access is via a keypad. It is proposed that the existing toilets would remain on site so that they are available when the classroom building is shut and it is unclear why the toilets within the classroom building could not be made available when the building is otherwise closed, also through a keypad access, to allow the removal of the existing toilets. In light of this it is considered that the site already has adequate toilet facilities on the site and that additional toilets are not necessary and therefore do not comprise appropriate facilities.

It is also proposed that an office is provided within the building for the use of the Angling Association. It is stated that the office would be in use whenever training and matches are being held on site i.e. regularly during the summer months and 2-3 times a week at all other times. Whilst the convenience of an office on site is appreciated it is considered that it is not necessary for the carrying out of angling and furthermore most fishing lakes do not have offices.

However the proposed Bailiff's office is considered to be appropriate as it would provide a base from which the employed bailiffs can carry out their duties in respect of the surrounding lakes. Although the Bailiffs also cover a number of other fishing sites run by Bathampton Anglers Association, some remote to the site, on the whole it is considered that this element is acceptable.

Furthermore the proposed storage facilities for angling equipment are considered to represent appropriate facilities and would also, in part, replace existing storage facilities on the site. There are currently two storage containers on the site which house maintenance and training equipment and also match equipment for use by the seniors/disabled group. As a result of the proposed development two of the existing containers can be removed from the site which can be controlled by condition. The final container would remain on site.

In light of this the proposed development is not considered to represent an appropriate facility for outdoor sport and recreation as defined within the NPPF. Therefore the proposed development is considered to be inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt and contrary to Policy GB1 of the Local Plan and the guidance contained within NPPF.

The proposal, as a sports and recreation facility, also needs to be considered under Policy SR5 of the Local Plan. The Policy gives certain conditions under which development may be acceptable with the commentary beforehand indicates that the policy should be used in instances where small scale ancillary facilities are required. The Policy itself then goes on to clearly state that 'Development for sport or recreation ... will only be permitted where: i) it cannot be accommodated elsewhere'. (and) new buildings will only be permitted where ... they are of a scale appropriate to the location and recreational use'.

The building having the main part being 22.2m wide and 8.4m deep, and overall 4.9m high at the ridge is not considered to be small scale and, as outlined above, the facility to educate and coach participants could be accommodated elsewhere i.e. local Village Halls. Therefore it is considered that the proposed development is contrary to Policy SR.5.

IMPACT ON THE OPENNESS OF THE GREEN BELT AND SURROUNDING AREA:

The proposed building is located within the Green Belt and would introduce a large building into an otherwise open landscape which would act to significantly detract from the openness of the Green Belt.

IMPACT ON THE VISUAL AMENITY OF THE GREEN BELT AND SURROUNDING LANDSCAPE:

The proposed building would not be particularly visible or obtrusive from public viewpoints, but would be visible from the nearby Hunstrete House and from land surrounding the site. However it would not be overly obtrusive and views of the building could be further softened with a comprehensive landscaping scheme.

IMPACT ON RESIDENTIAL AMENITY:

The proposed building, given its location remote from any neighbouring dwellings, and the proposed use is not considered to have a detrimental impact on any neighbouring residential occupiers.

ECOLOGY AND TREES:

The application has been accompanied by reports assessing the impact of the development on ecology and trees. The Ecologist and Arboricultural Officer have raised no objections to the scheme in relation to these issues subject to appropriate conditions.

IMPACT ON HIGHWAY SAFETY:

The information submitted indicates that the site is already used for the teaching of fishing techniques on a regular basis and it would appear that this does result in an increased level of activity on the site on a weekly basis. It is considered that, although it is likely that the improvement of facilities would result in further increases of use of the site by schools, groups etc to learn about fishing, it is unlikely that the increase would be at a level that would have a detrimental impact on highway safety. In light of this, and all other relevant considerations, the Highways Development Officer has raised no objections to the scheme.

VERY SPECIAL CIRCUMSTANCES:

The proposed development is considered to represent inappropriate development within the Green Belt which is unacceptable unless very special circumstances exist to clearly outweigh the harm to the Green Belt. In this case the supporting information provided is not considered to amount to the very special circumstances required to outweigh the harm to the Green Belt.

CONCLUSION:

The site is within the Green Belt where there is a presumption against inappropriate development unless it meets the strict requirements within the NPPF and Policy GB2 of the Local Plan. Inappropriate development is, by definition, harmful to the Green Belt and is unacceptable in principle unless there are very special circumstances to outweigh the harm.

Since the previous application was refused the NPPF has been published which has changed the conditions under which facilities for outdoor sport are acceptable.

Previously Planning Policy Guidance Note 2: Green Belt (PPG2) stated that outdoor sports and recreational facilities could be considered not inappropriate provided they were 'essential and small scale'. The NPPF, in replacing PPG2, now states that new buildings within the Green Belt for 'appropriate' facilities for outdoor sport are not inappropriate.

The use of the site for fishing is considered to be an 'outdoor sport' and it therefore needs to be considered whether the proposed development is an 'appropriate facility for outdoor sport' under Para 89 of the NPPF.

However the primary purpose of the building is as an educational facility, store and office for the use of Bathampton Anglers Association. It is proposed that the building would provide a facility to train and coach people in the sport of angling and is aimed at involving schools, youth clubs and youngsters with learning disabilities in the B&NES area. In this regard the Angling Association has specific links to the Leonard Cheshire Disabled Group providing talks and training to their members. It is stated that between 10 and 25 students would be accommodated at any one time.

It is accepted that the building would provide a useful educational resource however, in this case, however the facility is not considered necessary for those participating in the sport of angling, as the sport can still be carried on without it, but instead comprises an additional resource to educate and promote the sport. This is not considered to represent an appropriate facility for outdoor sport and is therefore considered to be an inappropriate development within the Green Belt which, by definition, is harmful to the Green Belt. The substantial size of the building also means that it would have a harmful impact on the openness of the Green Belt.

Furthermore the supporting information provided is not considered to justify the very special circumstances required to clearly outweigh the harm to the Green Belt.

The proposal, as a sports and recreation facility, also needs to be considered under Policy SR5 of the Local Plan which seeks to control the development of sports and recreational facilities. In this case, when judged against Policy SR5, the substantial size of the building, with the main part being 22.2m wide and 8.4m deep, and overall 4.9m high at the ridge, is not considered to be small scale. Furthermore the facility to educate and coach participants could be accommodated elsewhere i.e. local Village Halls, Therefore it is considered that the proposed development is contrary to Policy SR.5.

The site of the proposed building is not in close proximity to any residential dwellings and therefore it is considered that there would be no harm to the residential amenity of neighbouring occupiers. The site is in view of Hunstrete House and from the surrounding landscape but would not be overly obtrusive and views of the building could be further softened with a comprehensive landscaping scheme.

Finally it is likely that the facility would result in an increase in activity on the site, particularly in relation to vehicles accessing the site but this is not considered to be of concern and would not be harmful to highway safety.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed building, by reason of its scale, size and proposed use, is not considered to represent an appropriate outdoor sports facility and would represent inappropriate development which is, by definition, harmful to the Green Belt and would harm openness. In the absence of very special circumstances the proposed development is contrary to Policy GB1 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007 and the National Planning Policy Framework.

2 The proposed building is not considered to be of a scale appropriate to the sport/recreational use and offers a facility that could be accommodated elsewhere which is contrary to Policy SR.5 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007

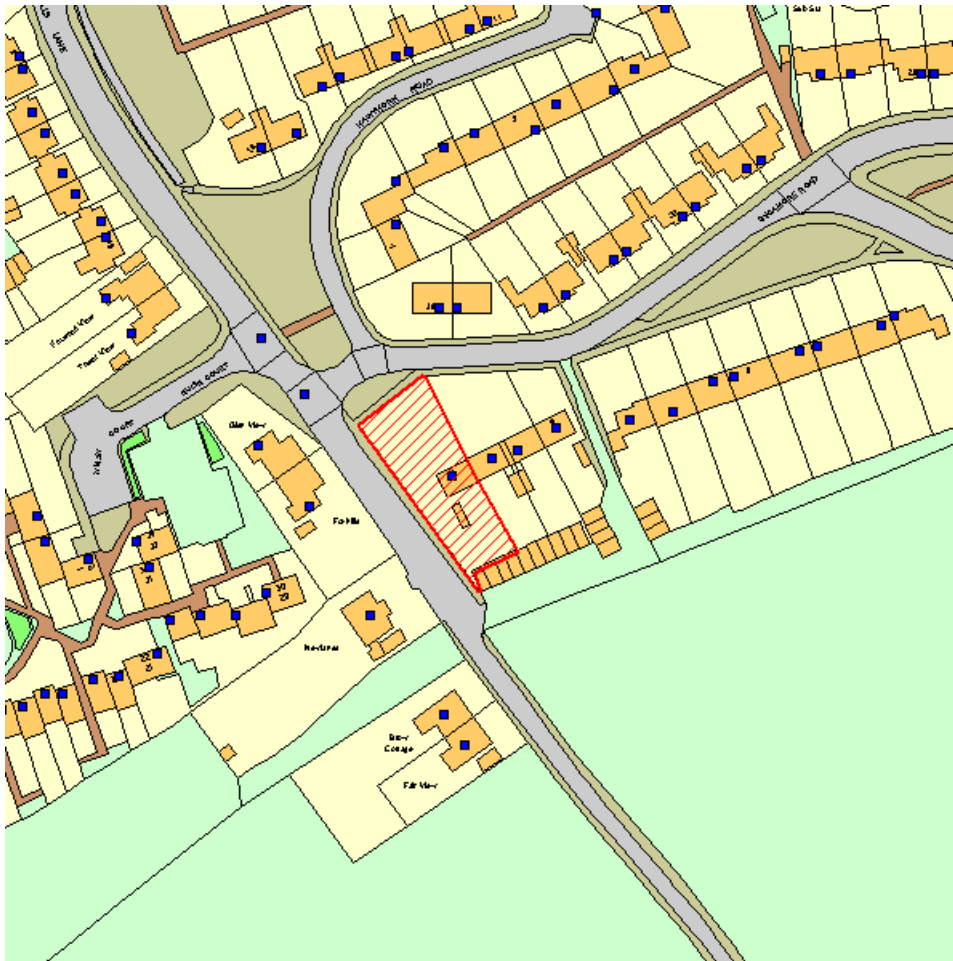
PLANS LIST:

This decision relates to drawing nos 128/3/001, 128/3/002, 128/3/003, 1958:1b,128.003.4, 128.003.5

DECISION MAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Despite the previous refusal of planning permission for a similar development and the Local Planning Authority's active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 10
Application No: 13/01569/FUL
Site Location: 1 Sycamore Road Radstock Bath And North East Somerset BA3 3NJ



Ward: Radstock **Parish:** Radstock **LB Grade:** N/A
Ward Members: Councillor E Jackson Councillor S Allen
Application Type: Full Application
Proposal: Erection of attached, two storey dwelling
Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
Applicant: Mr S Bolton
Expiry Date: 24th June 2013
Case Officer: Tessa Hampden

REPORT

Reason for referring the application to committee

A member of planning services, although not the applicant or directly associated with the application, lives in the application property.

Site description and proposal

1 Sycamore Road is an end of terrace 2 storey dwelling, which is set in a generous plot. The ground rises in a southerly direction towards the application site which is in a prominent corner location at the junction of Sycamore Road and Mells Lane, to the east of Radstock town centre. Sycamore Road is a residential street terminating in a cul-de-sac and characterised by two-storey terraced properties on the south eastern side and semi-detached dwellings on the north western side of the highway. The application site lies within the Housing Development Boundary of Radstock

The application seeks planning permission for the erection of an attached, two storey dwelling. Planning permission has previously been refused for an extension containing two flats, and an attached dwelling. The attached dwelling was also dismissed at appeal.

RELEVANT PLANNING HISTORY:

DC - 08/02954/FUL - RF - 27 October 2008 - Extension to provide two self contained flats

DC - 09/00806/FUL - RF - 5 May 2009 - Erection of attached two-storey house (Revised proposal)

DC - 09/03331/FUL - RF - 13 November 2009 - Erection of attached two-storey dwelling

AP - 09/00103/RF - DISMIS - 5 March 2010 - Erection of attached two-storey dwelling

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - no objection subject to the inclusion of conditions on any planning permission

1 representation has been received which objects to this development. The comments can be summarised as follows:

- inaccurate description in terms of bedroom numbers/trees on site
- misleading drawings, in particular with regards to levels - resulting in car being parked on a slope
- future development - properties to be divided into flats
- highway safety issues for existing road users
- Development contrary to character and existing of surrounding properties
- Sustainability issues
- Previous reasons for refusal have not been overcome

POLICIES/LEGISLATION

Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007:

Policy D.2 - General Design and public realm considerations

Policy D.4 - Townscape considerations

Policy HG.4 - Residential development in the urban areas and R.1 settlements

Policy T.24 - General development control and access policy

Bath & North East Somerset Draft Core Strategy December 2010

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

National Planning Policy Framework - March 2012

The NPPF guidance in respect of the issues which this particular application raises does not conflict with the Local Plan policies set out above.

OFFICER ASSESSMENT

Principle of development

The site is located within the Housing Development Boundary of Radstock, where new residential development can be considered to be broadly acceptable subject to it being compliant with the relevant policies of the Local Plan.

Character and appearance

Sycamore Road is within an established residential area, where properties are generally terraced and semi-detached dwellings. The proposed attached dwelling has been designed to appear as a continuation to the existing terrace. This will result in the loss in a large portion of the open space which currently forms the garden of the existing dwelling. Whilst officers are slightly uncomfortable with the loss of this space, it is recognised that the Inspector dealing with the previous appeal did not consider that this loss of spaciousness was significant. This forms a material consideration in the determination of this planning application. It was noted at the appeal stage that the pieces of open space to the north-west of the site created an attractive sense of spaciousness as one travels south-east along Mells Lane towards the application site. Although the front and side gardens at No 1 add to this sense of spaciousness, their contribution was not considered to be significant. The gardens to No 1 were considered to be readily identifiable as part of a residential curtilage. Further, it was noted that the views across the gardens are terminated by the garage block at their rear. The proposed dwelling would close off views from the north-west to the side garden of No 1 and beyond, however, the extensive front garden would remain. Therefore given the Inspectors previous conclusions, it is not considered that the loss of the garden and the loss of this sense of spaciousness, would result in harm as to warrant a reason for refusal.

The dwellings would both be sat in acceptable sized plots, illustrating that the development does not result the overdevelopment of the site. The parking will be provided to the rear of the site and this fits acceptably onto the site, and will be sat adjacent to the existing garage and parking area.

The previous appeal was dismissed due to the concerns relating to the additional unit unbalancing the appearance of the existing terrace. The dwelling proposed under the previous application was of a much narrower width, and has been redesigned in order to overcome this reason for refusal. The existing terrace currently has a symmetrical

appearance when viewed from the north-west and this symmetry contributes positively to the character and appearance of the area. The houses do however have differing fenestration details. The render to the front elevation of the terrace is painted with various colours, but this further illustrate that there are four houses within the terrace, all of which are about the same width. The symmetry is currently emphasised by a traditional alleyway in the middle of the terrace.

The additional house is not considered to unduly harm the symmetry of this terrace. The proportions of this dwelling are similar to that of the existing dwellings and will ensure that the dwelling appears as an appropriate addition to this terrace. The doors to the existing dwelling will be moved from the side elevation to the front elevation and will sit adjacent to the entrance for the proposed dwelling. This will have a similar appearance to the adjoining two dwellings and will ensure that the proposed terrace does not appear unbalanced, and its existing character is therefore retained.

Due to the constraints of the site, the rear elevation is of a smaller width than the front, resulting in the side elevation being at an angle. However, this is not considered to result in a dwelling with an unsatisfactory appearance, and is considered to be an acceptable approach.

Overall, the proposed dwelling is considered to be of a satisfactory design, scale and siting that will ensure that the character and appearance of the existing terrace is retained and the visual amenities of the wider area are preserved. It is considered that the issues raised by the Planning Inspector who dealt with the previous appeal have been overcome.

Highway safety

The development will provide acceptable parking provisions for the proposed dwelling, which is located to the rear of the site. The erection of the dwelling would not result in any significant harm for the surrounding highway users, and is not considered to restrict the visibility significantly on the surrounding roads.

Overall therefore the proposed development is not considered to result in any undue harm to highway safety.

Residential amenity

The proposed dwelling is not considered to result in any significant harm to the residential amenity of the neighbouring occupiers. As an attached dwelling, it is not considered to result in any significant harm to the occupiers of the dwelling that it adjoins. Further it is set a sufficient distance from the surrounding dwellings to ensure that there is no significant loss of light, outlook or privacy to the occupiers of these properties. It is noted that the concern has been raised with regards to noise and disturbance from future occupiers of this property/the existing dwelling, but this an established residential area and it is not considered that this would constitute a reason for refusal. The block plan illustrates that a pathway is to be provided at the rear of the dwellings, and concern has been raised that this would result in security issues for the neighbouring dwellings. However, if adequate screening/enclosures are in place, the provision of this rear access is not considered to compromise the neighbouring occupiers in any regard. The

installation and retention of an enclosure can be controlled through a condition on any permission.

The development would result in satisfactory living conditions for future occupiers of the proposed dwelling and those of the existing dwelling. Although the outdoor amenity space is to be reduced for the existing dwelling, a satisfactory level would remain.

Overall therefore, the proposed dwelling is considered to result in satisfactory living conditions for the future occupiers of the site, and is not considered to result in significant harm to the residential amenity of the existing neighbouring occupiers.

Conclusion/other issues

Concerns have been raised with regards to the existing dwelling being converted into two flats in the future. However, this would require planning permission, and the merits of this would be considered if an application were to be submitted in the future.

Overall, the proposed development is considered to be of an acceptable scale, siting and design that will ensure that the character and appearance of the terrace, and the visual amenity of the area is retained. Further, the development is not considered to result in significant harm to the residential amenity of the neighbouring occupiers or upon highway safety. No other issues have arisen as a result of this planning application and for the reasons as stated above, this application is recommended for approval.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interest of flood risk management

3 Before the dwelling hereby approved is first occupied, a properly bound and compacted parking area (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority. This area shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

4 All external roofing materials to be used shall match those of the adjoining terrace in respect of size, material, colour, texture and profile.

Reason: In the interests of the appearance of the development and the surrounding area.

5 Areas of the external walls shown on the submitted drawings to be rendered shall be rendered [and painted] a colour and texture which has been submitted to and approved in writing by the Local Planning Authority before any work commences.

Reason: In the interests of the appearance of the development and the surrounding area.

6 No development shall commence until details of proposed screening including the block wall as illustrated on drawing 008 has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied or brought into use until the approved screening details have been fully implemented on site and thereafter retained.

Reason: In the interests of safeguarding the privacy and visual amenity of adjoining residents.

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

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

PLANS LIST:

001 date stamped 16th April 2013, 006,007,008 date stamped 15th April 2013, and 002,003,004,005,009 date stamped 18th April 2013

REASONS FOR APPROVAL:

1 The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

2 The proposed development is considered to be of an acceptable scale, siting and design that will ensure that the character and appearance of the terrace, and the visual amenities of the area is retained. Further, the development is not considered to result in significant harm to the residential amenity of the neighbouring occupiers or upon highway safety.

A Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007:

Policy D.2 - General Design and public realm considerations

Policy D.4 - Townscape considerations

Policy HG.4 - Residential development in the urban areas and R.1 settlements

Policy T.24 - General development control and access policy

Bath & North East Somerset Draft Core Strategy December 2010

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

National Planning Policy Framework - March 2012

The NPPF guidance in respect of the issues which this particular application raises does not conflict with the Local Plan policies set out above.

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and permission was granted

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

Item No: 11
Application No: 13/00903/FUL
Site Location: 15 Livingstone Road Oldfield Park Bath BA2 3PQ



Ward: Oldfield **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor David Dixon Councillor W Sandry
Application Type: Full Application
Proposal: Change of use from mixed use comprising retail (A1) to ground floor and residential (C3) above, to solely a C4 use and the erection of a small stone boundary wall to the front
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: Kathan Ltd
Expiry Date: 29th April 2013
Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application is being referred at the request of Councillors Will Sandry and David Dixon for the following reason;

"This business is an important part of the Moorland Road offering we don't want the "building trade footfall" to be displaced elsewhere in the City. There is a clear need for A1 uses in Moorland Road and there is an un-met need for A1 units in the area. Furthermore, the draft supplementary planning documents and supporting information will show that Livingstone Road exceeds the maximum suggested concentration of 25% HMOs (Houses in Multiple Occupation). The Council's emerging policy seeks to curb the proliferation of HMOs in the area."

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee as there are concerns about the loss of the retail unit so close to the shopping centre and both local members have asked for a Committee hearing.

DESCRIPTION OF SITE AND APPLICATION

15 Livingstone Road is the first property in a row of terraces which lies just to the north of the junction with Moorland Road. The two storey property has a single storey extension to the rear and is in a mixed use of A1 and C3. The ground floor is currently occupied by a glazing company and the upper floor comprises a two bedroom flat.

The site lies close to, but is not within, the Moorland Road District Shopping Centre as defined by the local plan proposals map. It also falls within the World Heritage Site.

The proposal is to change the use of the property from a mixed use of retail (A1) and residential (C3) into a 5 bedroom HMO (C4) with associated works to the shop front including the erection of a small stone boundary wall to match the rest of the terrace.

RELEVANT HISTORY:

01/00872/FUL - 15th June 2001- Rear dormer, new roof to rear workshop and alterations - PERMITTED

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

COUNCILLOR WILL SANDRY & COUNCILLOR DAVID DIXON:

- Genuine surprise that the shop is not in the defined shopping area, although it is immediately next to it;
- This business is an important part of the Moorland Road offering. There is a fantastic range of building supplies businesses in and around Moorland Road and I don't want 'building trade footfall' to be displaced to elsewhere in the city;
- Clear need for A1 units in Moorland Road with only 1 of 65 units currently vacant.
- Consideration should be given to the Council's emerging policy in the draft supplementary planning document on HMOs. Livingstone Road exceeds the maximum concentration of 25% HMOs of this policy.

THIRD PARTIES/NEIGHBOURS:

4 Letters of objection have been received. The main points of concern related to:

- The saturation of HMOs in Oldfield Park;
- Lack of parking;
- Loss of retail unit;
- Increase in rubbish/waste.

HIGHWAYS OFFICER:

The proposed development is in an area where demand for on-street parking is high. Furthermore, local residents raise many concerns regarding the problems associated with student HMO's and the resultant difficulties of being able to park. However, this is a highly sustainable location with good access to shops, local amenities and public transport. Further, cycle parking provision is being proposed as part of this development which increases the number of lettable bedrooms from two to five.

It must also be borne in mind that lack of parking has not been successfully supported at appeal with regard to similar developments in this area of Bath, e.g. West Avenue and Brook Road.

In addition, there are parking restrictions on Livingstone Road, double and single yellow lines, which is a bus route, and the removal of the existing retail unit will have the advantage of removing the service and delivery vehicles, associated with that business, during the working day.

Bearing in mind the above, the highway response is one of NO OBJECTION, subject to the suggested condition.

ENVIRONMENTAL HEALTH OFFICER:

The site falls into NEC of PPG24 (revoked). Mitigation will therefore be required and the applicant's noise consultant has proposed an option which will achieve the required criteria.

POLICIES/LEGISLATION

Bath & North East Somerset Local Plan (including minerals and waste policies) 2007

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations:

- D.2 General Design and public realm considerations
- D.4 Townscape considerations
- BH.1 World Heritage Site
- HG.4 Residential development in the urban areas
- HG.12 Residential development involving conversion of non-residential buildings
- S.1 Hierarchy of shopping centres and the need to maintain and enhance them
- S.9 Retention of local needs shops outside the identified centres
- ES.12 Noise and vibration
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision

SUBMISSION CORE STRATEGY, MAY 2011

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. Policies D.2, D.4, HG.12, S.9, ES.12, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

B4 - The World Heritage Site and its Setting
CP6 - Environmental Quality
CP12 - Centres and retailing

SUPPLEMENTARY PLANNING DOCUMENTS

Draft Supplementary Planning Document on HMOs in Bath (October 2012) - October 2012

NATIONAL POLICY

National Planning Policy Framework (NPPF), April 2012

OFFICER ASSESSMENT

LOSS OF RETAIL UNIT

The proposal will result in the loss of the existing A1 unit which occupies the ground floor of the property. Although very near to Moorland Road, the site falls outside of the defined district shopping centre. The proposal must therefore be assessed against Policy S.9 of the local plan which states that the loss of A1 uses will be resisted where they have a realistic potential to perform a continuing key role in meeting the retail needs of the local area.

The primary consideration in this instance is whether the existing shop performs a key role in meeting the retail needs of the local area. In describing key retail services, the supporting text to Policy S.9 gives the example of a well-located village shop or a unit capable of serving a large residential area on the edge of town.

The existing glazing shop does not fit either of these descriptions. It is not considered to play a key role in meeting the retail needs of the local area, which are already suitably met by other shops that fall within the defined Moorland Road district shopping area.

Furthermore, the shop lies off the main shopping street and forms the end property in a residential terrace. The property marks a transition from the shopping centre into the residential streets in the surrounding area. Its loss is not considered to harm the vitality or viability of the Moorland Road district shopping centre.

PRINCIPLE OF HMO USE

The site falls within the built up area of Bath where new residential accommodation is acceptable in accordance with policy HG.4 of the local plan. The proposal would not result in the loss of any existing residential accommodation, but would result in the existing 2 bedroom flat being enlarged into a 5 bedroom HMO.

The property lies off the main shopping street and forms the end property in a residential terrace. It marks a transition point from the shopping centre into the residential streets of the surrounding area. The character of the proposed HMO use is similar to the existing use of the first floor flat, albeit more intensive, and is considered to be compatible with the character of the adjoining residential terrace and the surrounding area where a large proportion of the houses have been converted to HMOs.

The activity of the occupiers and other effects of the proposed use would not significantly exceed what might be expected from occupation of a house by a large family. The intensification of the residential use of the property from 2 bedrooms to 5 bedrooms is therefore considered not to be detrimental to the amenities of adjoining residents.

The proposed conversion provides a good residential environment for the proposed occupiers with good sized living areas and adequate provision of facilities.

The Council's draft SPD on HMOs identifies Livingstone Road as falling within an area in which HMO properties represent more than 25% of households. Under the emerging policy this would trigger a requirement to adopt the 'stage 2' test to ascertain whether 25% of households within 100m radius of the application property are in use as HMOs. If this threshold is met then the application would not be permitted under the emerging policy.

However, although the draft SPD on HMOs has been through public consultation (Oct - Nov 2012), it is not a formally adopted document and therefore can only be afforded limited weight. It would therefore be inappropriate to strictly apply the tests set out in the SPD.

As discussed above, the site falls within a residential area with a mix of existing accommodation at a reasonably high density. Furthermore, the site lies near to a busy district shopping centre and the character of activity in the area is relatively intensive. The proposed HMO will not be out of keeping with this character and is considered to comply with policy HG.12 of the local plan.

CHARACTER AND APPEARANCE

A dwarf wall is proposed to be erected at the front of the property to match the wall in front of the rest of the terrace. Additional windows will be inserted into the south-west elevation at the rear of the building.

These changes are relatively minor and are considered to be in keeping with the rest of the existing terrace and the surrounding area.

The removal of the existing signage on the site, including the large wall mounted sign on the south-west elevation, will provide a benefit to the visual amenity of the area.

HIGHWAYS AND PARKING

The proposed change of use does not have any off-street parking and a number of concerns have been raised regarding the demand for on-street parking in the area which is very high.

The comments of the Highways Officer are highly relevant in regard to this issue. The site is located in a very sustainable location with good access to a range of shops, local amenities and public transport. The nearest bus stop is directly in front of the application property on Livingstone Road. Furthermore, space for cycle parking provision is proposed as part of the application.

It is also important to note the appeal decisions at nearby Brook Road and West Avenue where the lack of parking was not supported as a reason for refusal.

There are a number of service and delivery vehicles associated with the existing glazing shop and these have been seen to park on Livingstone Road impeding traffic and buses along this route. Whilst it is recognised that these occurrences may be infrequent, the removal of these vehicles will be beneficial to traffic flows and highways safety.

CONCLUSION

The existing retail unit lies outside of the defined district shopping centre and does not provide a key retail service to the local area in the context of the nearby shopping provision of Moorland Road.

The proposed use as a 5 bedroom HMO is in keeping with the character and amenities of the area and it is considered that the activity of the occupiers would not significantly exceed what might be expected from occupation of a house by a large family.

The removal of the existing signage on the property will be beneficial to the visual amenity of the area.

Although no parking is proposed, the site is in a very sustainable location and removal service/delivery vehicles associated with the retail unit will benefit traffic flows and highways safety. The lack of parking has not been supported at appeal in similar locations.

In conclusion, it is considered that the proposal complies with Policies D.2, D.4, BH.1, HG.4, HG.12, S.1, S.9, ES.12, T.24 and T.26 of the Bath and North East Somerset Local Plan (2007).

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 The development hereby permitted shall not be occupied until a new residents welcome pack has been submitted to and agreed in writing by the Local Planning Authority and,

thereafter, supplied to all new residents/tenants. Such a welcome pack should include full information of walking and cycling routes, location of local facilities and bus travel information (routes and timetables).

Reason: In the interests of sustainability and local amenity.

3 Prior to the occupation of the development hereby approved, all advertisements on the building shall be removed.

Reason: In the interests of visual amenity.

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

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

PLANS LIST:

Drawing No. 001, Drawing No.002, Drawing No.003, Drawing No.004, Drawing No.005, Drawing No.006

REASON FOR APPROVAL:

The existing retail unit lies outside of the defined district shopping centre and does not provide a key retail service to the local area. The proposed use as a 5 bedroom HMO is in keeping with the character and amenities of the area and the removal of the existing signage will benefit the visual amenity of the area. Furthermore, the proposal is not detrimental to highways safety and therefore accords with D.2, D.4, BH.1, HG.4, HG.12, S.1, S.9, ES.12, T.24 and T.26 of the Bath and North East Somerset Local Plan (2007) and guidance in the National Planning Policy Framework (2010).

ADVICE NOTES:

1. Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

2. It is strongly recommended that, as part of any advertising of the property and tenancy agreement, the shortage of parking and the desirability for tenants not to have cars with them, should be emphasised.

Decision Taking Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

Item No: 12
Application No: 13/01380/FUL
Site Location: 39 Grove Wood Road Haydon Radstock Bath And North East Somerset BA3 3QY



Ward: Radstock **Parish:** Radstock **LB Grade:** N/A
Ward Members: Councillor E Jackson Councillor S Allen
Application Type: Full Application
Proposal: Erection of a PVCu conservatory to the rear of the property
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
Applicant: Mr De Beer
Expiry Date: 29th May 2013
Case Officer: Tessa Hampden

REPORT

Reason for referring the application to committee

The applicant is a member of staff within Planning Services.

Site description and proposal

The application relates to a semi detached property located within Grove Wood Road, which is a residential cul de sac located in Haydon, Radstock. The application seeks planning permission for a conservatory to the rear of the property.

RELEVANT PLANNING HISTORY:

There is no planning history directly relevant to this planning application.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No representations have been received.

POLICIES/LEGISLATION

Bath and North East Somerset Council -including minerals and waste October 2007

D.2: General design and public realm considerations

D.4: Townscape considerations

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

National Planning Policy Framework (March 2012) - The NPPF was published on 27 March 2012 and has been considered in relation to this application. The NPPF guidance in respect of the issues which this particular application raises is in accordance with the Local Plan policies set out above.

OFFICER ASSESSMENT

Character and appearance

The proposed conservatory is of a standard design which fits appropriately onto the host building. Although the projection is relatively large, the extension will appear as a subservient addition to the main dwelling and fits comfortably adjacent to the existing single storey rear projection. The rear of this dwelling is relatively well screened from the wider area and therefore, the development would have a limited impact upon the main street scene. Further, the property benefits from a large rear garden, and as such the extension is not considered to result in the overdevelopment of the plot.

Overall therefore, the proposed development is considered to be of an acceptable design, scale and siting, which will ensure that the character and appearance of the property and the visual amenity of the area is preserved.

Residential amenity

The extension will sit adjacent to the neighbouring boundary, but given the east elevation which abuts this boundary will be constructed from solid white panels, the development will not result in a loss of privacy for the neighbouring occupiers. Further, given the siting of the conservatory against the existing projection, and the appropriate scale of the

development, it will not result in any significant loss of light or have an overbearing impact upon these occupiers.

Overall, the proposed development is not considered to result in any significant harm to the residential amenity of the neighbouring occupiers.

Other issues

It should be noted that under the revised permitted development rights (30th May 2013), this development, would be permitted development. The Local Planning Authority would however need to follow the associated neighbour consultation scheme as laid out within the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. This would only allow the Local Planning Authority to consider the impact of the proposed development on the amenity of adjoining occupiers, in the event that an objection was received.

However, the application was submitted prior to this date, and falls to be considered in relation to the policies outlined above, which include the assessment of the impact of the proposals on amenity.

Overall, the development is not considered to have a detrimental impact upon the character and appearance of this dwelling or upon the residential amenity of the neighbouring occupiers. No other issues have arisen as a result of this planning application and for the reasons as stated above, this application is recommended for approval.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 The side panels on the east elevation of the development hereby approved shall be constructed from solid white panels, as illustrated on plan ref 'proposed elevations' and permanently retained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of the neighbouring occupiers.

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

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

PLANS LIST:

Block plan, site location plan, existing elevations, proposed elevations date stamped 3rd April 2013

REASONS FOR GRANTING APPROVAL:

1. The proposed development will preserve the character and appearance of the property and the visual amenities of the wider area. The development is not considered to cause any undue harm to the amenity of neighbouring occupiers. No other significant issues have arisen as a result of this planning application.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A) Bath and North East Somerset Local Plan (2007)
D.2 General Design and Public Realm Consideration
D.4 Townscape Consideration

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

National Planning Policy Framework 2012

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and permission was granted

INFORMATIVES

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk.

Item No: 13
Application No: 13/00357/FUL
Site Location: 25 Pulteney Gardens Widcombe Bath Bath And North East Somerset
BA2 4HG



Ward: Widcombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor I A Gilchrist Councillor Ben Stevens

Application Type: Full Application

Proposal: Change of use from B&B (C1) to holiday let (C3) (Retrospective).

Constraints: Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,

Applicant: Mrs Catherine McCabe And Mr Richard McCabe

Expiry Date: 25th April 2013

REPORT

REASONS FOR REFERRING TO COMMITTEE

Cllr. Ian Gilchrist objected to this proposal and requested that the Development Control Committee consider this application, should officers be minded to approve. He objected on the following grounds:

1. While it has been in use (unauthorised) as a holiday let, the occupants have caused repeated disturbance to the immediate neighbours at no 26 in the form of rowdy late-night behaviour. To retrospectively allow this change of use would only encourage the continuation of such disturbance.

2. The road itself is already congested with on-street parking from the several existing B&B establishments, and to legitimise the expansion of no 25 from a 2 bedroom B&B to a larger holiday let will only add further to the parking congestion. I notice that a similar application at no 15 in 2011 was refused on these grounds.

The application was then referred to the Chairman who decided that the application will need to be presented to the Committee due to 'concerns from residents re. change of use and the impact this might have on their amenity'.

DESCRIPTION OF SITE AND APPLICATION

25 Pulteney Gardens is a two-storey mid-terraced 4-bedroom house located close to the City Centre within Bath Conservation Area and World Heritage Site. The permission to change the use of a house to a B&B was granted in 2004.

The application relates to a change of use from Class Use C1 (Hotels) to Class Use C3 (Dwellinghouses).

It is understood that the use of the house as a self-catering holiday let has commenced. The signs outside the property advertise it as such, and the property is widely advertised online as Amberley House Self-catering Holiday Let. The description of the holiday let states: 'Four bedroom house with parking permits provided for up to 3 cars Resident Only parking zone 02". It also states: 'The property can be let for 2 persons up to a max of 8 persons. Each bedroom has a lockable door, so if the property is let to under 8 persons, we lock the bedrooms not in use. The property is a terraced house, so guests need to be considerate of the levels of noise created.' (From advertisement on Tripadvisor.co.uk)

RELEVANT HISTORY:

DC - 04/01556/AR - CON - 12 August 2004 - Projecting non-illuminated sign.

DC - 04/01560/FUL - PERMIT - 12 August 2004 - Change of use from dwelling to Bed & Breakfast (C1 use class).

This application was approved by the Committee in July 2004. The permission contained conditions to restrict the number of bedrooms for use as guest accommodation to two

only; it also removed permitted development rights within the Use Class C1 (Hotels) to restrict the use specifically for guest house with the proprietor living on the premises.

With regards to No 15 Pulteney Gardens, the Councillor is referring to application 11/05284/FUL which was for change of use from residential home to a six-bedroom boutique bed & breakfast hotel. That application was refused due to loss of a substantial residential unit, and because of insufficient information to determine the impact from flood risk.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Building Control - did not comment.

Highways Development Control - wished to make no comment on the above planning application.

Environmental Health - no comments or observations

Local member - objected to this proposal (see comments above)

Third Party Representations - three letters of objections were received in connection with this application. The main points of objections referred to on-going noise nuisance from the property, as well as increased pressure on on-street parking and traffic.

Two further letters of general comments were received by the Planning Department after the end of the consultation period on this application. One requested to see council records on the internal alterations (forwarded to Building Control) and the other complained about noise on 26-28 April 2013.

POLICIES/LEGISLATION

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE

POLICIES ADOPTED OCTOBER 2007

D.2 - General Design and Public Realm Consideration

D.4 - Townscape Consideration

HG.4 - Residential development in the urban areas and R.1 settlements

BH.1 - Bath World Heritage Site and its setting

BH.6 - Conservation Areas

T.24 - General development control and access policy

T.26 - Parking provision

NE.14: Flood risk

BATH AND NORTH EAST SOMERSET SUBMISSION CORE STRATEGY (MAY 2011)
consideration has been given to the Strategy, however only limited weight can be attached to this document until it is formally adopted.

National Planning Policy Framework - March 2012

The NPPF guidance in respect of the issues which this particular application raises does not conflict with the Local Plan policies set out above.

OFFICER ASSESSMENT

The primary issues to consider when determining this application relate to the principle of the change of use back to C3, whether, in this particular case, there is a material difference in a holiday let as opposed to dwellinghouse use, highway safety and residential amenity. Other material considerations include the impact on the conservation area and the flood risk associated with the site.

PRINCIPLE OF CHANGE OF USE CLASS C1 (HOTELS) TO C3 (DWELLINGHOUSE)

The application essentially relates to a change of use from Class Use C1 (Hotels) to Class Use C3 (Dwellinghouses). The Use Classes Order 1987 (as amended) ("UCO") puts the more common uses of land into various broad categories. Use Class C has the following sub-categories: C1 (Hotels), C2 (Residential Institutions), C2A (Secure Residential Institution), C3 (Dwellinghouses) and C4 (Houses in Multiple Occupation).

Guest houses and B&Bs fall within Use Class C1, which also includes other premises which provide a room as temporary accommodation on a commercial, fee-paying basis, where meals can be provided but where residential care is not provided.

Self-catering holiday let accommodation are not part of this class. Class Use C3 however would cover any residential unit that is used for self-catering holiday purposes.

A proposal to change the use of serviced accommodation falling within Use Class C1 (Hotels) to form self-catering units within Class Use C3 (Dwellinghouses) is almost certain to be considered a material change of use, and in planning terms should be assessed as a conversion into a residential use.

The street contains a relatively high proportion of guesthouses and B&Bs. There is no specific local plan policy that would offer protection to existing B&B accommodation, and the local policy also supports housing provision within the City's urban envelope. Therefore there are no principle objections to the loss of Bed and Breakfast premises.

DWELLING VS HOLIDAY LET

Since the self-catering accommodation falls within the same use class as dwellinghouses, this application must therefore focus on suitability of the building for a C3 (residential use).

The principal question in this application, however, appears to be whether there is a material difference between the use of the property within the scope of Class Use C3 (i.e. dwellinghouse vs holiday let).

The question whether a dwelling let out for short-term holiday or leisure use is still a single private dwellinghouse within Use Class C3 of the 'Use Classes Order' has been the subject of extensive case law.

Whilst, on occasions, it has been demonstrated (for example, the judgment in Moore v. Secretary of State for Communities and Local Government delivered on 18 September 2012) that it cannot be assumed that there never would be a material change within C3 category, such occurrences presented unconventional characteristics (i.e. a manor house let out as a holiday let, or property specifically permitted as a holiday let because otherwise it would conflict with policies). In most cases though, it has been ruled that a

dwelling would remain a dwelling (within Use Class C3) whether it is occupied as a principal residence, as a second home or is let as a self-catering holiday home.

In relation to this particular case, it is not unreasonable to assume that a holiday let which ordinarily affords the facilities required for day-to-day existence and is comparable in its size to the neighbouring properties, in terms of its use, would display similar characteristics to the latter.

The application property could sleep up to 6 to 8 people, and is therefore likely to be occupied by family or groups of friends who, during their stay, constitute a single household, will in all probability still fall within Use Class C3, and so there will be no material change of use to the property being used as a family home.

NOISE

The property is a terraced house with a relatively small walled garden adjoining residential gardens on both sides. The main body of objections related to the on-going noise nuisance caused by the guests of this particular property. Whilst such concerns are understandable, from a planning point of view, it could be argued that the same issues could occur if the property was to be occupied or let on a longer-term basis. It is acknowledged that people on holiday may be more likely to stay up late and to come and go in the evenings. On the other hand, there may still be a range of residential and similar uses of a dwelling house that would still cause the same problems, for example neighbours behaving unreasonably or variations in the sensitivity of neighbours to different types of noise (sounds that are enjoyable to some people may annoy others). The proposed residential use would be compatible with the character of the area. There are no changes to the building which would have an adverse impact on the privacy of the adjacent occupiers.

PARKING

Highways wished to make no comments on this application, but the LPA has received letters with concerns over the increased pressure on parking caused by this development. According to the information provided to the guests, the property benefits from parking permits provided for up to 3 cars Resident Only Parking Zone 02. Furthermore, the house is located within walking distance of the City centre, as well as local/national transport links. With regards to the subject of change of use from a B&B, it is considered that the demand for parking spaces would have been similar, if not more intense (i.e. 2 parking spaces for the guest rooms, plus live-in landlords).

OTHER CONSIDERATIONS

The road lies within the extensive Bath Conservation Area. Pulteney Gardens is a short street characterised by a mixture of holiday and residential properties, with a number of advertising signs displayed. The signs outside No25 have been approved under adverts consent and there is no material change to the appearance of the property within the street scene. Thus the character of the conservation area has been preserved.

The property is located within Flood Risk Zone 2. The guidance within the NPPF confirms that a sequential test does not need to be applied to applications which seek permission for a change of use. There are no changes proposed to the floor levels within the building.

CONCLUSION

It is considered that the proposal satisfies the above Policy tests and should be approached in the same manner as conversion back into residential use. Account should be taken, amongst other things, of the mixed character of uses within the street. In summary, the proposed change of use is acceptable both in respect of the loss of the existing B&B accommodation, and in the provision of the proposed residential use. It is therefore recommended that planning permission be granted.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

PLANS LIST:

Location Plan and Floor Plans received 23 January 2013

The principle of the change of use is acceptable. The design of the proposal would preserve the character and appearance of the conservation area and the World Heritage Site. Sufficient information has been provided to address the flood risk of the site. The proposed change of use in itself is not considered to be harmful to the residential amenity of adjacent occupiers. The proposal has sufficient parking and is close to public transport, thus not being harmful to highways safety. Therefore the proposal is consistent with the requirements of Policies D.2, D.4, HG.4, BH.1, BH.6, T.24, T.26 and NE.14 of the Bath and North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

Decision Taking Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

Item No: 14
Application No: 13/01157/FUL
Site Location: 6 Fairfield View Ragland Lane Fairfield Park Bath Bath And North East Somerset



Ward: Lambridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor B Chalker Councillor Dave Laming
Application Type: Full Application
Proposal: Provision of a loft conversion to include 1no. rear dormer and front rooflights.
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: Mr Cole
Expiry Date: 13th May 2013
Case Officer: Sasha Coombs

REPORT
REASONS FOR REFERRAL TO COMMITTEE

Councillor Dave Laming requested for this application to be presented to the full Development Control Committee, if the officers are minded to refuse this application, commenting:

"With reference to the above application, if you are of a mind to refuse then I would request this application be presented to the full Development Control Committee for their consideration, thus affording both Mr Cole and me, his ward councillor, to make representations."

The application was then referred to the Chairman with recommendation to refuse. The Chairman decided that the application will need to be presented to the Committee because:

"There has been a dormer built on a property nearby which was granted at Committee. It would be good for the Committee to look at this application in the light of that decision and the outcome".

DETAILS OF LOCATION AND PROPOSAL:

The application relates to a mid-terraced two-storey property located on the southern side of Ragland Lane within the area of Fairfield Park covered by the World Heritage Site designation. The land here slopes down eastwards and the rear of the terrace could be clearly appreciated both from Kingsdown Lane and Marshfield Way.

The rear roof slopes of the terrace remain largely unaltered, with exception of the large flat-roofed dormer at No 11 Fairfield View (planning application 12/02210/FUL allowed by a committee decision).

The proposal seeks to erect a flat-roofed rear dormer which would occupy the entire roof plane and measure approx. 3.75m in width, 2.2m in height, and 3.9m in depth. The materials proposed for the dormer are: 'Brosley' tiles to cheeks to match the main house roof, bituminous roofing felt with solar reflective finish and UPVC windows to match existing.

RELATED PLANNING HISTORY:

No 7 Fairfield View

06/04117/FUL - Provision of dormer window to rear. Refused 18.01.2007

07/00280/FUL - Provision of dormer window to rear (Resubmission). Refused 26.03.2007

No 11 Fairfield View

12/02210/FUL - Provision of a loft conversion to include the installation of 1no. rear flat dormer and front rooflights. Recommendation for refusal overturned by Development Control Committee 29.08.2012

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Building Control - did not comment

Local member - requested for application to be presented to the Committee (see the full comment above)

Third Party Letters - one letter of objections received

BATH PRESERVATION TRUST - OBJECT Bath Preservation Trust considers that the proposed, overly large, flat roof dormer window is not in the interest of good design and fails to reinforce or improve the local distinctiveness of World Heritage Site. By virtue of its siting, size, scale and design this development would result in an incongruous addition to the host building and would be harmful to the appearance of the roofscape of the wider terrace as the strong horizontal emphasis and box form present a visually intrusive feature in the Bath townscape. We feel that Velux windows to the front and to the rear would be a more sympathetic arrangement. The Trust previously objected to the dormer window of 11 Fairfield View on the grounds that a precedent would be set, and indeed that development is cited in this application as the precedent for the terrace, therefore, we object on principle and on the basis of poor design to the proposed dormer window as the development is contrary to Section 7, 'Requiring Good Design' of the NPPF and policies D.2 and D.4 of the Bath & North East Somerset Local Plan and should be refused.

POLICIES/LEGISLATION

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE

POLICIES ADOPTED OCTOBER 2007

D.2 - General Design and Public Realm Consideration

D.4 - Townscape Consideration

BH.1 - World Heritage Site

BATH AND NORTH EAST SOMERSET SUBMISSION CORE STRATEGY (MAY 2011)

The examination into the Council's Core Strategy is currently suspended, and therefore this document is only given a limited weight for development management purposes, however its policies B4 and CP6 dealing with historic environment of the area correspond with the national policy approach on these matters:

B4 - World Heritage Site

CP6 - Environmental Quality

OFFICER ASSESSMENT

The main issues in this case are the effect of the proposed development a) on the living conditions of adjoining occupiers, with particular reference to the potential overlooking issues and b) on the character and appearance of the host building, the terrace and the street scene.

RESIDENTIAL AMENITY

With regard to the neighbours' residential amenity, at the rear the dormer would protrude from the existing roof slope and would see the addition of a window on a roof level facing into the back gardens in the terrace, as well as the houses on the east side of Marshfield Way. This has a potential to create a greater level of overlooking between the properties. However, considering the distances, the changes in levels and the fact that there is already a degree of mutual overlooking between the sites, on balance it is deemed that a new opening to this elevated level would not necessarily result in a significant adverse effect on the neighbours' amenity through loss of privacy.

WORLD HERITAGE SITE

Due consideration has been given to the impact of the proposals on the Bath World Heritage Site, however given that the area is not significant in terms of its contribution to the World Heritage Site there would be no resultant harm caused in this regard.

LOCALISED VISUAL IMPACT

Taking into account the scale and design of the proposed roof alteration, it is judged that this development would materially alter the external appearance of the dwelling. It would largely subsume the original roofscape of the property, drastically altering the appearance of the house from the rear. The proposed dormer would occupy the entire roof plane of the dwelling, appearing overly-bulky and discordant in relation to the adjoined properties within the terrace, and in relation to the host property.

Its visual incongruity would be further exacerbated due to the fact that the terrace is clearly visible within the locality characterised by orderly rows of C19 terraces which create an orderly grid of linear roof pitches following the built form. This character is being gradually eroded by unsympathetic roof extensions.

Indeed, it is noted that there are a number of large dormer windows in the vicinity of the site, including the one at No11. Some are particularly prominent and are out of character with the immediate surrounds. The existence of these dormers in no way justifies the granting of planning permission in this instance, rather it serves to graphically illustrate the harm that can be caused by developments of this type.

CONCLUSION:

Local Plan Policy D.4 makes it clear that any development should complement the host building, respond to the local context in terms of appearance and reinforce or compliment attractive qualities of local distinctiveness, and as such, the proposal is deemed to conflict with the requirement of this policy, and therefore is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 Given the unsympathetic and bulky design of the proposed dormer and its visibility within the street scene, it is considered that the proposed roof alteration would appear visually incongruous in relation to the existing building and would have a detrimental impact on the appearance of the terrace within the street scene. As such, the proposed scheme would be contrary to the Policy D.4 of Bath & North East Somerset Local Plan (including Minerals and Waste Policies) adopted October 2007.

PLANS LIST:

This decision relates to the following plans and documents:

Design and Access Statement and Drawing No 01 received 18 March 2013