

Bath & North East Somerset Council

MEETING:	Development Control Committee	AGENDA ITEM NUMBER	
MEETING DATE:	4th June 2014		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
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 Group Manager, Development Management 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.

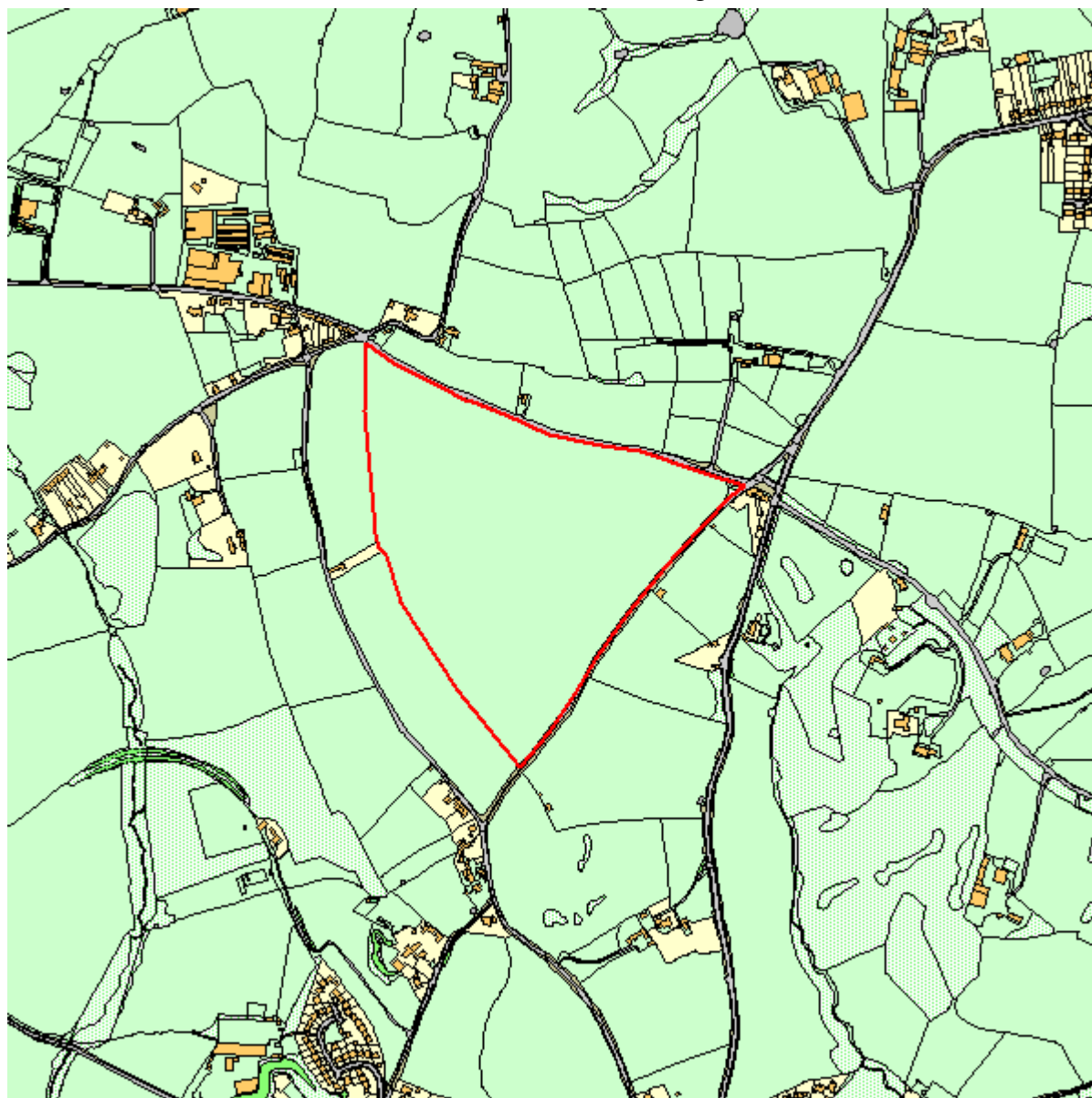
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	14/00591/FUL 4 April 2014	Mr R Mohr Land Between Access Road And Canal, Sham Castle Lane, Bathwick, Bath, Erection of 1no. detached dwelling (revised resubmission).	Bathwick	Alice Barnes	PERMIT
01	14/01510/FUL 23 June 2014	Camborne Energy Investments (10) Ltd Parcel 0074, Flatts Lane, Farmborough, Bath, Construction of a solar park to include associated equipment and works (Resubmission of 13/02527/FUL).	Farmborough	Daniel Stone	PERMIT
02	14/00324/REG03 24 April 2014	Bath And North East Somerset Council Parcel 7540, Lower Bristol Road, Twerton, Bath, Change of use of land as a gypsy site to provide 8no. residential pitches and 5no. transit pitches .	Twerton	Daniel Stone	PERMIT
03	14/01667/REG03 3 June 2014	Bath And North East Somerset Council Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath, Bath And North East Somerset Provision of a new 6 classroom teaching block and associated external works. (Resubmission)	Weston	Chris Griggs-Trevarthen	PERMIT
04	14/00862/OUT 23 May 2014	Boystown Ltd W T Burden Ltd, Bath Road, Farmborough, Bath, BA2 0BD Demolition of existing building and redevelopment of site with up to 14 dwellings with associated means of access, access roads, car parking, boundary treatments and landscaping; conversion (including re-cladding) of retained building to provide office/workshop accommodation (Class B1) with associated car parking.	Farmborough	Alice Barnes	REFUSE

05	14/00544/RES 7 May 2014	Charles Church Severn Valley Parcel 3567, Stitchings Shord Lane, Bishop Sutton, Bristol, Approval of reserved matters with regard to outline application 12/04238/OUT for Erection of 35no. dwellings and associated infrastructure.	Chew Valley South	Daniel Stone	Delegate to PERMIT
06	14/00892/OUT 5 June 2014	Woodstone Construction SW LTD Land Opposite Tunley Farm House, Wood Lane, Priston, Bath, Bath And North East Somerset Outline application for the erection of two live/work buildings and re-alignment of the highway.	Bathavon West	Heather Faulkner	REFUSE
07	14/01397/FUL 21 May 2014	Mr M Veal Victory Gardens, Bannerdown Drive, Batheaston, Bath, Bath And North East Somerset Erection of two storey side extension to existing dwelling, detached garage/workshop and four holiday let units	Bathavon North	Chris Griggs- Trevarthen	PERMIT
08	14/00406/FUL 26 March 2014	Mr Johnny Kidney 61 Lorne Road, Westmoreland, Bath, Bath And North East Somerset, BA2 3BZ Change of use from dwelling (Use Class C3) to HMO (Use Class C4) house of multiple occupation.	Widcombe	Jonathan Fletcher	REFUSE
09	13/04847/FUL 18 March 2014	Mr Richard Curry Court Farm, The Street, Compton Martin, Bristol, Bath And North East Somerset Retention of existing building for use as ancillary accommodation (extension) to Court Farmhouse and retention of access track and alterations to car parking to serve adjacent holiday lets (part retrospective)	Chew Valley South	Rebecca Roberts	PERMIT
10	14/01403/FUL 20 May 2014	Mr Trevor Osborne The Old Rectory, Anchor Lane, Combe Hay, Bath, Bath And North East Somerset Erection of garage with staff accommodation and extension of the curtilage of the Old Rectory. (Resubmission)	Bathavon West	Sasha Coombs	REFUSE
11	12/00107/FUL 7 March 2012	Oval Estates (Bath) Limited Designer Composites, Fosseway, Westfield, Midsomer Norton, Radstock Erection of 4no. four bed detached dwellings, 2no. two bed detached dwellings and 1no. three bedroom detached dwelling following demolition of existing industrial buildings.	Westfield	Rebecca Roberts	PERMIT

**REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON
APPLICATIONS FOR DEVELOPMENT**

Item No: 01
Application No: 14/01510/FUL
Site Location: Parcel 0074 Flatts Lane Farmborough Bath



Ward: Farmborough

Parish: Farmborough

LB Grade: N/A

Ward Members: Councillor S Davis

Application Type: Full Application

Proposal: Construction of a solar park to include associated equipment and works (Resubmission of 13/02527/FUL).

Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines,
Applicant:	Camborne Energy Investments (10) Ltd
Expiry Date:	23rd June 2014
Case Officer:	Daniel Stone

REPORT

REASON FOR REPORTING TO COMMITTEE

At the request of Councillor Sally Davis and with the agreement of the Chair the application is to be considered by Committee due to the controversial nature of the application in the community, giving residents the opportunity to be heard.

SITE CONTEXT

The application site consists of a large, predominantly flat, triangular field approximately 1 km to the east of Clutton, and just to the west of the A39. The field is bounded on all three sides by narrow hedge-lined lanes, Cuckoo Lane to the east, Flatts Lane to the north and Scumbrum Lane to the south-east.

There are small groups of houses at Clutton Hill at the northern-most corner of the site, at the junction of Scumbrun Lane and Cuckoo Lane at the southern end of the site and at the junction of Flatts Lane with the A39 at the eastern corner of the site. Additionally there is an isolated dwelling, known as Smallwood Lane roughly halfway along the length of Cuckoo Lane, which the application site backs onto.

The site lies within the Green Belt and totals 16.7 hectare of grade 3 agricultural land, in arable use. There are no other planning designations, however an underground gas pipeline passes through the site, roughly from its north-east to south-west corner. The land within Kingswell Hall, designated as a registered historic parkland begins approximately 70 metres to the west of the site. The Mendips AONB lies 4 km to the south-west of the site.

The landscape is unusual in that the site consists of a very large open field in a landscape predominantly characterised by small field sizes. Additionally, whilst the surrounding landscape is open and rolling, the application site is almost flat, sloping slightly from west to east, but reading as an elevated plateau. There are long-range views into and across the valley to the west from Cuckoo Lane on the western boundary of the site, but there are almost no views into the site from the west due to the topography and boundary vegetation. Likewise the land drops away to the east, preventing views into the site.

The site itself is visually very well contained, due to the largely continuous, mature hedgerows forming its boundaries, however the site is overlooked by the dwellings on elevated ground to the north-west at Clutton Hill. There are also views into the site from Blackberry Hill and Barrow Hill to the north and the elevated land to the north-east of the site, and the proposed development would be locally prominent from these vantage points and from a number of public footpaths that run across these slopes, including the Three Peaks Walk, a national leisure route.

There are groups of dwellings on all three corners of the site.

PROPOSALS

Consent is sought for the erection of a 6.8 MW solar farm. The development would be expected to export 6,000,000 KWh of renewable electricity to the national grid each year, and the applicants estimate, would power approximately 1,800 houses.

The application is a re-submission following a previous application which was withdrawn in September 2013.

The solar farm would not take up the whole of the field, but would be set back approximately 100 metres from the western boundary on Cuckoo Lane, behind an 8 metre tree belt in order to minimise the effect of the development on the outlook of Smallwood House and the properties at Clutton Hill. At the southern end of the site this tree belt would be planted on a 1.8m high bund, to provide additional screening for the dwellings which overlook the site at this point. For the same reason, the solar cells would be set back approximately 100 metres from the northern corner of the site, allowing space for a substantial triangular tree belt to be planted, measuring 50 metres in depth at its widest point, to provide additional screening for the dwellings to the north of the site.

A permissive path is proposed along the north and eastern boundaries of the site between the existing hedgerows and the security fence. In areas this footpath would be reinforced with additional hedge planting, and residents would have access to the tree belt in the northern corner of the site.

The proposed solar cells would be installed on gantries driven into the ground up to a depth of 1.2 - 1.5 metres. The combined gantries and solar panels would project above ground level by 1.6 metres in total and would be high enough that sheep could graze beneath the panels without interruption. This installation method, using piles, is designed to avoid the need for extensive foundations in order to simplify the decommissioning process.

The solar farm would be contained within a 2.1m high security fences, set within the existing boundary hedges, fitted with security cameras at 70 metre intervals, positioned 2 metres inside the security fencing. The existing hedgerow would be reinforced and gapped up and would be managed to achieve a height of 2.5 - 3 metres.

In order to export electricity to the grid, a control room and substation would also be required, positioned in the eastern corner of the site, close to the vehicular entrance and junction with the A39. The proposed sub-station building would be 4.85 metres in height to the ridgeline.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION

Consultation letters were sent out to all the respondents to the previous application. Additionally a notice was placed in the local press and site notices were displayed at three locations around the road frontage of the site. The application was advertised as a

departure from the local plan. To date 65 letters of objection have been received, and 26 letters of support.

The objections can be summarised as follows:

Green Belt

- The development would undermine the basic principles of the green belt
- This development is in conflict to Green Belt Policy GB.1 - its Objective is to maintain land in agricultural use, maintain openness and prevent urban sprawl.
- This development is also contrary to Policy GB.2 where the materials and design will be visually detrimental when viewed while walking the 3 peaks walk, with glare from the solar panels
- This would set a precedent for further solar farm applications.
- Such applications should be restricted to brown-field development areas, for example placing panels on industrial buildings and rooftops.
- Not enough effort has been made to find suitable alternative sites that are not green belt or near to residential areas. The analysis of alternative sites picked out alternatives that were clearly not suitable.
- Development of this land would result in the site being seen as Brownfield land, and therefore suitable for development as there is no condition on land being returned to green belt at the end of its life span, future applications could continue site use indefinitely.
- Once the land is converted, its unlikely to ever return to agricultural use.

Visual Impact / Outdoor Leisure

- The development would spoil the landscape and harm the character and natural beauty of the countryside and the setting of the village
- The site is overlooked on two sides by higher ground from which the array of panels will be fully visible no matter what planting and screening is undertaken.
- Impact on the many leisure users of Cuckoo Lane Lane (walkers and dog walkers, runners, horse-riders) and the other lanes surrounding the site.
- Impact on the "three Peaks Way", a long-distance footpath.
- The perimeter fencing and CCTV cameras will be visible, creating a semi-industrialised appearance

Residential amenity and outlook

- Impact on the outlook of surrounding properties, many of which have views across the site.
- Solar arrays of this kind are more often sited in locations of low visual impact - for example beside motorways with minimal local housing overlooking them. In the case of the current proposal some 15 properties are immediately adjacent to the site and several others overlook it.
- Our property (The Drift) is 3 storeys high and from the 1st and 2nd floors all windows are at the front, facing directly onto the proposed site. The view is stunning and was the main reason we purchased the house. The hedge screening that is proposed will not conceal the solar panels at all.
- There may only be a relatively small number of houses affected, but the impact on those houses is significant.

- The panels have a propensity to cause high levels of glare, blighting surrounding properties
- Why does this need to be in an area surrounding by dwellings?
- How will residents be compensated?

Ecology

- Impact on ecology - Has the site been surveyed by an ecologist?
- Concerned about the effect of the development on the movement of wildlife across the site, for instance deer and badgers
- There are Skylarks and Lapwings inhabiting the proposed field. The measures offered to protect birds will not be sufficient

Loss of Agricultural Land

- Loss of 50 acres of agricultural land - this large field is ideal for cereal production.
- Sheep will not graze beneath the panels.
- The owners have not advertised the Agricultural field either for sale or rental to the local farming fraternity. (This should be a consideration before the application was submitted)

Traffic / Highway Safety

- The development would harm the character and natural beauty of the countryside

Aviation

- There are concerns raised about the potential impact of glint and glare on aircraft approaching and departing Bristol airport. It is worth also considering the effects on private aircraft operating from Clutton Hill airfield.

Limitations of technology

- Will the energy cost of constructing this installation will ever be repaid, and ask what conventional power generation will need to be kept running as a backup to the proposed solar panels.
- The solar panels will be inefficient.

Government guidance

- This is contrary to government guidance in the solar strategy. Energy Minister Greg Barker MP is quoted as saying "I want to be absolutely clear that we do not support unlimited solar development on prime agricultural land. Such developments with negative impacts on food production, landscape and communities do not form part of our ambitious vision for UK solar. Our policy approach is to encourage deployment of solar PV on buildings and brownfield land, not green-field sites ..."

The guidance goes on "Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them".

Other

- None of the supporters live locally.
- Inadequate consultation by the developers, who held their exhibition in Farmborough, well away from the site.
- The solar farm will not bring local employment
- The additional community gain is window dressing
- Will the solar panels be safe in high winds?
- The road at Crossways will have to be dug up to connect the substation to the national grid.
- All the properties adjacent to or overlooking the site will certainly suffer very significant reductions in their values.
- The development will encourage crime in the area
- Concerned about noise from the proposed substation

The letters of support can be summarised as follows:

- The development will contribute to reducing carbon emissions, will help mitigate climate change and help BANES to meet its renewable energy targets.
- The intergovernmental panel on climate change has a summary for policy makers which warns the dangers to life from climate change and the need for mitigation measures such as increasing renewable energy generation. The ultimate objective of the convention is to achieve stabilisation of greenhouse gases at a level that would prevent dangerous interference in the climate system.
- The development will provide energy for 1,800 homes.
- The solar farm will be community owned, who could then directly benefit from the investment. There would be a significant community fund associated with the project to reinvest in local low carbon projects.
- The environmental benefits of the development should be weighed against the visual impacts
- The development appears to be well-sited and would have limited aesthetic and landscape impacts and appropriate proposals for wildlife habitat.
- The plans for landscape screening are more than adequate. Because of the solar panels low profile the planned installation appears not to have a significant landscape impact.
- The development will only give rise to highway disruption during the short-lived construction period.
- The UK falls well behind the proportion of renewable energy sourced in other European countries.
- The solar farm wouldn't destroy agricultural land - agricultural uses could recommence with the removal of the solar farm. Its fertility would probably be increased after a fallow period.
- The opportunities in BANES are largely limited to solar pv and hydro as planning permission appears difficult for wind turbines. This is a much better alternative to fracking and nuclear energy.
- There is no reason why sheep couldn't graze beneath the solar panels.
- The development will help educate people on environmental issues.
- The field appears not to have been used for agriculture for 10 years.

CLUTTON PARISH COUNCIL

The Council agreed that this application should be opposed as it is a development on greenbelt land and it is detrimental to the amenity of the residents on Clutton Hill and other residents that enjoy using the footpaths close to the site.

FARMBOROUGH PARISH COUNCIL - OBJECT in PRINCIPLE

- This application has created strong opposition from parishioners living in Clutton Hill, who have represented their views to the Parish Council.
- no very special circumstances have been advanced that should permit development in the Green Belt, so that permission should be refused (Policy GB.1).
- We do not consider that the proposals for Community Benefits would substantially assist those directly affected by this application.
- We consider that, in spite of the enhanced landscaping proposals, the time required for these new plantings to become established the solar panels and the associated inverter and electricity sub-station buildings would remain significantly visually detrimental to the Green Belt. (Policy GB.2).
- The openness and rural nature of the site would be heavily compromised. This would neither conserve nor enhance the rural character of the landscape. (Policy NE.1).
- The proposal would require substantial use of existing good agricultural land without there being any sustainable considerations sufficient to override such use. (Policy NE 16).

LANDSCAPE OFFICER - No Objection subject to conditions

The landscape officer's full comments, which run to 5 pages can be viewed on the Council's website, but can be summarised as follows:

This is a large expanse of arrays that will be visible from the local properties and other receptors. However, the current scheme of planting and selected mounding to key areas around the perimeter does address many of these points. The use of differing sizes of trees in various parts of the scheme will add more immediate screening in some parts, whilst the smaller woodland planting will ultimately provide more effective long term screening.

Ultimately (in terms of impact on landscape character) we are trying to establish the significance of the impact caused. In my opinion, the development would have a moderate adverse impact as 'The proposals would noticeably conflict and be at odds with the local landscape. They would leave an adverse impact on a landscape of recognised quality or on vulnerable and important characteristics, features or elements.' Bearing in mind the need to provide renewable energy and bearing in mind the type and degree of impact of any such scheme, in my opinion, I think the impacts of this scheme would be within acceptable limits and the overall benefits would outweigh the harm caused.

Looking specifically at this site, Landscape and Visual Impacts can be divided into three main categories - Physical, Visual and Character.

PHYSICAL

There are no other physical features inside the site that would need to be either protected or removed and no free-standing trees within the site and therefore that there would be little or no physical harm.

VISUAL

This is an undulating landscape with a complex series of ridges and valleys. Elements of a view come into and out of view quite quickly as one moves around this landscape. Receptors are divided into three main categories.

Road users

Because of the generally good hedging around the site, there are few views from the adjacent road(s). Where there are mid-distance views, these also generally include other extensive and eye-catching views southwards to the Mendip Hills. Horse riders do use these minor roads and are higher up than pedestrians or cars, but I think the existing hedges could be allowed to grow taller and this could provide effective screening.

Users of Public Rights of Way (PROW)

Users of PROW's are the most sensitive receptor. There are a number of PROW's immediately north and north-east of the site including the Three Peaks Walk, a national route, but within the actual site. Whilst there are obvious views of the development from the elevated ground to the north, these are generally limited in duration (and only relevant when approaching the site). There are also extensive long range views to the south of the site and these tend to be the focal point. These views also contain the industrial area to the west of the site, as well as other detracting elements.

Local Residents

The most important receptors in this case are local residents. There are four primary groups of property that will be affected by the scheme. The development would give rise to the following impacts on residential amenity / outlook:

- Smallwood House, Cuckoo Lane - Major Adverse impact
- Properties on Clutton Hill to the north-west of the site - Moderate Adverse impact
- Cottages at Cuckoo Lane (Zion Place) - Minor Adverse impact
- Cottages at Crossways, to east of site - Minor Adverse Impact

The landscape officers detailed comments in respect of these residential amenity impacts are worked into the body of the report at key issue C.

Landscape views

In terms of mid-distance views of the site, aside from the views from Blackberry Hill, the most obvious is from an elevated road position is 390m due west on Clutton Hill, some 12m above the site. Users of roads are of lower sensitivity than users of the PROW. From this distance and elevation it is likely that the main impact is a change in colour of the field. It would not be possible to hide these views.

There is a view into the site through the gate in the NE corner, but this is minimal in extent and duration and could readily be mitigated. The submitted scheme now includes a Cotswold stone walling to provide a visual barrier and a more attractive focal point. The AONB is some 4k to the south and the transmitter is 12.7k. Longer distance views in that respect would not be affected.

LANDSCAPE CHARACTER

There is going to be an inevitable change in character as the land-use will change from agriculture to a more intensive use. The site is unusual in that it is generally flat in an otherwise undulating landscape. In that respect, it does not exhibit any of the more important characteristics of the wider character areas. It is also not a pristine rural landscape in that it does already contain more urban type uses - Clutton Hill Industrial Estate for example.

In terms of landscape character, it must be logical to accept that this scheme is not a normal feature and could not be described as either conserving or enhancing the wider landscape character. The impact on character would be moderate adverse in significance as it would 'noticeably conflict and be at odds with the local landscape and would leave an adverse impact on a landscape of recognised quality or on vulnerable and important characteristics, features or elements'.

HIGHWAYS DEVELOPMENT CONTROL - No objections subject to conditions, including a construction management plan.

The main highway consideration in respect of this application is in respect of the construction period and access for large vehicles over a relatively long period.

Traffic generation beyond its construction is so insignificant that it raises no concerns. The Construction Management Plan is an acceptable document and the plans showing the site layout gives all the information previously requested. There are several additional inclusions I require however:

- o Initial and ongoing contact shall be maintained with the Bath and North East Somerset Council Highway Maintenance Team, in respect of traffic management, signing, any temporary diversions and closures required, and in terms of ongoing maintenance of the adjacent highway.
- o Appropriate permissions and licenses will be acquired in respect of traffic management etc.
- o A condition survey of the public highway and its verges, the extent of which will be agreed with the Council, shall be undertaken prior to commencement of the construction period, and any damage identified as resulting from the operations shall subsequently be made good.

FLOOD RISK MANAGEMENT AND DRAINAGE - NO OBJECTIONS

ENVIRONMENT AGENCY - No objection subject to conditions being applied to secure details of surface water drainage. The development permitted by the development shall only be carried out in accordance with the approved Flood Risk Assessment

ECOLOGY - No objection subject to conditions

Comprehensive ecological assessment has been undertaken and subject to securing and implementation of the recommendations of this I have no objection to the proposal. The necessary mitigation and compensation measures can be secured by condition.

Further Ecology comments 13.05.14

I would agree there is strong scope for this to result in a "net gain" for ecology, or otherwise to be described as an ecological enhancement. I am always cautious about asserting an enhancement without any rigour to demonstrate whether or not it would be achieved

Much depends on the quality of conservation management once the scheme is operational, and this to be compared with an in depth record of its existing ecological value (even an arable field could have value, if for example it supported an important population of breeding ground-nesting birds).

The detailed ecological management plan is to be secured by condition. If the applicant wished to demonstrate a "net gain" for ecology and incorporate a strong element of monitoring and review the conservation value of the site once operational, in such a way that would demonstrate whether a net gain is achieved, that would be welcome.

ARCHAEOLOGY - No objection subject to conditions.

CONSERVATION - No objection

In my view whilst the proposed development will have an adverse impact on the currently rural setting of the non-designated heritage assets at Crossways, Clutton Hill and Zion Place this is insufficient to substantiate a reason for refusal. The distance between the site and Kingwell and lack of inter visibility protects the setting of this landscape.

AVON AND SOMERSET CONSTABULARY - No objections subject to conditions.

BRISTOL AIRPORT - following the Glint and Glare assessment provided, Bristol Airport has no objection to this application.

HEALTH AND SAFETY EXECUTIVE - no objection.

RELEVANT PLANNING HISTORY:

Within Site:

13/02527/FUL - Proposed Solar Farm at Parcel 0074, Flatts Lane, Farmborough - withdrawn 20.09.13

Within Area:

14/00424/FUL - Erection of Solar PV Farm and associated works to Parcel 2462 and Parcel 0153, Chelwood Road - Pending Decision

POLICIES/LEGISLATION

POLICIES

Adopted Local Plan:

- o ET.7 Use of agricultural land 49
- o ET.8 Farm diversification
- o ES.1 Renewable energy proposals 84
- o GB.2 Visual amenities of the Green Belt 154
- o NE.1 Landscape character
- o NE.4 - Trees and Woodland Conservation
- o NE.5 Forest of Avon
- o NE.9 - Locally Important Wildlife sites
- o NE.10 - Nationally Protected Species
- o NE.12 Natural features: retention, new provision and management
- o NE.16 Protection of best and most versatile agricultural land
- o BH.2 Listed buildings and their settings
- o T.1 Overarching access policy
- o T.24 General development control and access policy

Core Strategy

- o CP3 Renewable Energy
- o CP5 Flood Risk Management
- o CP6 Environmental Quality
- o CP7 Green Infrastructure
- o CP8 Green Belt

- o National Planning Policy Framework
- o National Planning Practice Guidance
- o National Policy Statement for Renewable Energy Infrastructure
- o Overarching National Policy Statement for Energy Infrastructure
- o DCLG's 'Planning practice guidance for renewable and low carbon energy'
- o UK Solar PV Strategy Part 1: Roadmap to a Brighter Future - October 2013 - DECC UK Solar PV Strategy Part 2 - Delivering a Brighter Future - 2014 - DECC -
- o Speech by Greg Barker - <https://www.gov.uk/government/speeches/gregory-barker-speech-to-the-large-scale-solar-conference>
- o Solar Farms: 10 Commitments - <http://www.solar-trade.org.uk/media/STA%2010%20commitments%20v%2010.pdf>
- o Civil Air Publication (CAP) 793 Safe Operation Practices at unlicensed Aerodromes

OFFICER ASSESSMENT

OFFICER ASSESSMENT:

A. POLICY BACKGROUND TO RENEWABLE ENERGY PROPOSALS

The current drive to increase the use of renewable energy sources is rooted in the recognition that the burning of fossil fuels is a major contributor to the emission of greenhouse gases, the primary cause of global climate change, with electricity generation accounting for about 37% of all UK CO₂ emissions (Climate Change Committee, 2008).

In response to the threat from climate change the following European legislation has been brought in:

- o Renewables Directive - 2001 - this set a target for 10% of total UK electricity consumption to be sourced from renewables by 2010. (In fact the proportion of electricity sourced from renewable sources in 2010 was 7.4%, meaning this target was missed - 2011 Digest of United Kingdom Energy Statistics (DECC, 2011b) (table 7B)
- o March 2007 - The European Union (EU) committed to a binding target of 20% of EU energy consumption to come from renewable sources by 2020. EU leaders also agreed to cut carbon dioxide emissions by 20% from 1990 levels by the year 2020.

In order to achieve its commitments, the Government has promoted renewable energy within its policy framework, the key enacted legislation to date comprising the Climate Change Act 2008, and the Energy Act 2008. The Climate Change Act includes legally binding targets to reduce greenhouse gas emissions by at least 80% by 2050, and by at least 26% by 2020, against a 1990 baseline. The Energy Act introduced the Renewables Obligation, which is a legal obligation on all UK electricity supply companies to source a rising percentage of electricity from renewable sources each year, or face a financial penalty. Through the Renewable Energy Strategy, the UK has committed to sourcing 15% of its total energy (across the sectors of transport, electricity and heat) from renewable sources by 2020.

These drivers have influenced planning policy at a national level. The National Planning Policy Framework (hereafter the NPPF), and the accompanying documents, the "National Policy Statement for Renewable Energy Infrastructure" and the "Overarching National Policy Statement for Energy Infrastructure", are strongly supportive of the need for renewable energy and stress the need to dramatically increase the amount of renewable generation capacity.

The National Planning Policy framework stresses that the planning system should do everything it can to support sustainable economic growth (paragraph 19). In parallel with this is the key role given to planning in helping to secure radical reductions in greenhouse gas, minimizing vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure (Paragraph 93).

The NPPF subsequently stresses that "local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should have a positive strategy to promote renewable energy, design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.." (paragraph 97).

The NPPF stresses that applicants should not be required to demonstrate the overall need for renewable or low carbon energy. Local Planning Authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve applications if its impacts are (or can be made) acceptable (paragraph 98.).

The DCLG document entitled "Planning practice guidance for renewable and low carbon energy - July 2013" sets out further guidance in respect of the considerations Local Planning Authorities should look at in assessing renewable energy proposals, including Solar Farms. The guidance advises (para 26 - 28):

"The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- o encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays
- o that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- o the effect on landscape of glint and glare (see guidance on landscape assessment at paragraphs 39-40) and on neighbouring uses and aircraft safety
- o the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
- o the need for, and impact of, security measures such as lights and fencing
- o great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset
- o the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- o the energy generating potential, which can vary for a number of reasons including, latitude and aspect

The document stresses (para 5.) that the National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.

The guidance also refers to a speech given by the Minister for Energy and Climate Change on 25 April 2013, in which he stressed the need to prioritise the use of brownfield land, former industrial sites and sites with degraded soil for larger deployments over large field-based developments on Greenfield agricultural Land. He stressed that renewable energy schemes should not be accepted at any cost, but that impacts on the local community, on landscape and on consumer bills have to be a real consideration. "Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation, incorporating well thought out visual screening, involving communities in developing projects and bringing them with you. All of these will be vital in creating a sustainable future for large-scale solar PV."

At a local level saved Local Plan policy ES.1 advises that renewable energy proposals will be assessed in terms of the contribution that will be made to the regional target for renewable energy; any wider environmental, social and economic benefits; the extent to which the design and siting of the development minimises any adverse impacts and, where there is harm and conflict with other policies, whether that harm can be removed at the end of the economic life of the development or when it ceases to be used for energy production and any significant conflict with other policies in the plan.

The draft Core Strategy is also strongly supportive of the principle of renewable energy. Draft Core Strategy policy CP3 sets challenging local targets to increase the level of renewable energy generation in the district, including generating 110 MWe of renewable electricity in the district by 2026. The policy advises that renewable energy infrastructure will be assessed under the national policies and against the following:

- a. potential social and economic benefits including local job creation opportunities
- b. contribution to significant community benefits
- c. the need for secure and reliable energy generation capacity
- d. environmental impact (see Policy CP6)."

The assessment of the application is set out to address these criteria and the guidance in the NPPF and the accompanying suite of documents relating to renewable energy proposals, plus considerations of Green Belt impacts.

B. IS THE DEVELOPMENT OF GREENFIELD AGRICULTURAL LAND ACCEPTABLE IN PRINCIPLE?

As discussed above, recent guidance from government has stressed the need to develop solar farms on brownfield and degraded land over greenfield sites. In this case the site is greenfield agricultural land, classed as grade 3 agricultural land, and is not the best agricultural land.

Officers agree that solar farms should be developed on brownfield sites and should be promoted over greenfield land, and the loss of agricultural land is a planning consideration, however BANES is an overwhelming rural authority with relatively little brownfield or industrial land, and the largest settlement in the district, Bath is a World Heritage Site. Additionally, the Council's policy team has clarified that the renewable energy target in policy CP3 already assumes the maximum use of building-mounted solar

panels. Therefore it seems unlikely that the ambitious targets the Authority has set itself can be achieved in this district without field-based renewable energy applications on greenfield agricultural land coming forward.

The Agricultural Land Classification system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. The land in question is classed as Grade 3 agricultural land, either of good or moderate quality, depending on whether it falls in grade 3a or 3b, which is unknown.

The development proposes that the land would still be utilised for sheep grazing around and underneath the panels. At the end of the 20 year period, the field could easily be returned to full arable production, as the development requires relatively unobtrusive construction methods, with only the supports of the panels being pile-driven into the ground. The development is fully reversible and would be unlikely to significantly affect the quality of the land or soil.

Taking this into account, plus the urgent national need for renewable energy development and relative lack of current production in the district, and the continued use of the land for sheep grazing, the proposals are acceptable in these terms.

C. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR LANDSCAPE AND VISUAL IMPACT?

Draft policy CP6 of the Core Strategy states that "the distinctive quality, character and diversity of Bath and North East Somerset's environmental assets will be promoted, protected, conserved or enhanced.. The distinctive character and quality of Bath and North East Somerset's landscapes will be conserved or enhanced.. and networks of valued habitat will be restored or created, by measures which: Improve the quality and/or increase the size of current sites and valued habitat,.. Create new sites and valued habitats and reduce the pressures on wildlife by improving the wider environment."

The applicant has prepared a Landscape and Visual Impact Assessment assessing the landscape impact of the development and has assessed the ecological impact of the development.

The site is bounded on all sides by roads lined with substantial hedgerows. The site is also unusual in that it is a large, substantially flat field in a rolling landscape of small field sizes. There are views into the site from Blackberry Hill and Barrow Hill to the north and north-west of the site and the properties on the lower slopes of these hills, the land drops away steeply to the east from Cuckoo Lane and also drops away to the east of the site.

As a consequence, the proposed development would be likely to be largely screened from immediate views from the surrounding roads and with the exception of Barrow and Blackberry Hills. As discussed in the landscape comments from the footpaths descending and crossing the slopes of these hills, the solar farm would be prominent and would give rise to moderate adverse impacts. There would be a similar, though less prominent view available from the road known as Clutton Hill, and from the public footpaths that descend the hill to the south of it. Neither view could be screened, however of these impacts are localised in nature, being experienced within 500 metres of the site and would be of a

short duration (as one walked along the footpath). The development would be likely to be glimpsed through the gate in the north-east corner of the site, but screening is proposed which would mitigate this impact.

The impact of the proposed development on views from the wider countryside would be low to negligible and officers have identified no other views of the proposed solar farm from the wider landscape that would be significantly affected, and the AONB would be unaffected. In terms of many other comparable commercial-scale renewable energy projects, officers consider the development to give rise to a relatively low level of landscape impact for the amount of energy generated.

As discussed above, however the site is characterised by a scatter of dwellings around the perimeter of the site and as indicated in the objection letters received, the development would undoubtedly have an impact on the outlook of these properties. This is likely to be the most significant determining issue for the application.

Residential Amenity

Impact on Outlook

As discussed in the Landscape Officers comments, the site is skirted by dwellings on all three corners of the application site. Many residents bordering the site have written to object, citing the impact of the development on their outlook and amenity. During the processing of the previous withdrawn application, Officers carried out a detailed site visit to the worst affected properties to assess the impacts. The following is an assessment of the impact of the development on these dwellings, incorporating the detailed comments from our landscape officer and commentary on the measures taken to mitigate the impacts. There are four primary groups of property that will be affected by the scheme:

Smallwood House, to west of site on Cuckoo Lane

Smallwood House is a detached two-storey dwelling located within a large plot backing onto the application site. The property is long and thin and as a consequence, the majority of views are to the north and south, with predominantly oblique views towards the proposed solar farm. Nevertheless this property is the closest to the site and has clear views into the site from upper and lower storey windows. The closest photo-voltaic panel would be 90 metres from the property itself but only approximately 30 metres from the garden belonging to this property, at its closest point.

The application features a significant 20 metre deep planting belt to the rear of this property to be planted on a 1.5 metre high earth mound. A wattle hurdle would be incorporated to provide instant screening whilst the landscaping and tree planting gets established.

The Council's Landscape Officer has advised that from the garden a significant impact would be experienced. Whilst it would be possible to design out a significant proportion of the view from the garden with planting and good design, but other impacts would remain. The submitted scheme now includes hurdle panelling to provide an attractive and immediate screen that will become redundant as planting establishes. The impact on this property would be "major adverse".

Properties on Clutton Hill

There are a number of properties located in the NW corner beside and near the site and these range from a series of cottages, an industrial estate, farm buildings and stables. There are some close range views from these properties, but for the majority these are either peripheral or oblique as properties have been aligned to benefit from the extensive and impressive long distance views to the south. The perimeter hedge provides some local screening and from those properties higher than the site and further away, impacts on these properties would generally be classified as "moderate adverse".

Cottages at Cuckoo Lane (Zion Place) to South-West of site

This is a collection of 4 two-storey cottages overlooking the field within which the solar farm would be located. In the wider landscape Cuckoo Lane is located at the top of an escarpment with dramatic views from the rear (south-west facing) elevation of these properties.

The proposed solar farm would be set back into the field at this point by 84 metres, and would be screened by a substantial tree belt, planted on top of a 1.8 metre mound. Taking into account the width of the road and planting the nearest photo-voltaic panel would be located approximately 120 metres from the closest of these properties. Taking into account the distance and the intervening screen planting, once the vegetation matures, residents of these properties would be unlikely to get a clear view of the proposed solar farm from their properties.

The Council's Landscape officer has commented, "whilst these properties do have some views from upper storey windows these would generally be from bedrooms and are of less sensitivity (i.e. generally only used at night when it is dark and when the curtains are drawn) than from lower floors. The windows on the north side of these properties are small and quite low down. Very importantly, these properties all benefit from extensive and magnificent views to the south and generally living rooms and gardens are oriented to benefit from this aspect."

The outlook from these properties would change from a view over an open field to a view enclosed by tree planting 84 metres away, however this would not be an unacceptable impact, particularly given the quality of the views available from the rear elevations of these properties. The Council's landscape officer has described the level of impact on these properties as "minor adverse".

Cottages at Crossways, to East of site.

This is a collection of 3 two storey cottages which primarily face north, away from the application site. The nearest photo-voltaic panel would be located 67 metres from the western-most cottage, Royal Oak Cottage. This property has no first floor windows looking towards the site. Additional tree and shrub planting (the later which would be on an earth mound) would soften the remaining views from the garden of this property.

The Council's landscape officer assesses the impact of the development to these properties to be as "minor adverse".

Glint and Glare Effects

The applicant has submitted a glint and glare assessment. This primarily concentrates on potential aviation impacts, but does allow conclusions to be drawn as to likely impacts on nearby dwellings.

The document first comments that solar panels are dark in colour and are designed to absorb light and generate electricity rather than reflect it, and therefore would be much less reflective than other sources. The surface of solar cells are additionally roughened to scatter light and reduce reflectivity.

The document advises that as glint and glare effects arise from reflected sunlight and are constrained by the position of the sun in the sky, the extent of effects can be modelled mathematically and not all points of the compass will be equally affected. Residents to the north of (south facing) receptors will only see the underside of solar panels, and thus will never experience glint. Additionally as the sun rises in an arc across the sky, dwellings at ground level are most likely to experience the potential for glint when the sun is low in the sky at the start and end of the day and will thus tend to be located to the east and west of the solar farm.

As a result, the applicants have modelled the geographical extent of near-horizontal glint. The majority of surrounding properties are located to the north and south of this limit, with the exception of properties at Zion Place, Crossways and Smallwood House. The assessment comments that static receptors will not normally experience glint for more than 5 minutes in any one day, and the extensive screen planting proposed will to a significant extent mitigate this impact from ground floor rooms. It is possible that impacts will still arise for first floor rooms on clear days, but the extent of the impact would be limited, and would not be a reason for the refusal of the application.

In conclusion, the development would not give rise to significant impacts in terms of glint or glare effects from the solar panels. The development would have a major adverse impact on the outlook from one property, moderate adverse impacts for a group of properties to the north of the site at Clutton Hill and minor adverse impacts on other properties. The proposed solar farm would be close to residential properties but a substantial planting programme is proposed to screen and soften these views, and additionally the solar farm is set back from the western boundary of the field by 80 metres. Consequently the severity of impact on the outlook from these properties would lessen over time as the screening matures.

D. ARE THE PROPOSALS ACCEPTABLE IN HIGHWAY SAFETY TERMS?

As detailed in the highway comments, in operation the development would give rise to a very low level of traffic generation, and therefore the concerns centre around the installation phase, which would take approximately 3 months.

The Council's highway officer raises concerns about visibility at the site access and has suggested that the hedge be cut back to achieve a 43 metre visibility splay. Given that the application proposes to reinforce hedgerows and increase planting to mitigate the visual

impacts of development and impacts on residents this seems counter-productive. The Highways Officer has agreed that this concern can be overcome by means of temporary traffic management measures to ensure the safe movement of traffic in and out of the site during the 3 month installation period, for instance through the installation of temporary traffic lights or the use of a Banksman at the construction entrance. These would be secured through a construction management plan.

E. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR IMPACT ON ECOLOGY?

As reflected in the ecology comments above, the Council recognise the site to be of no particular ecological value, consisting of a field in intensive arable production, although skylarks and Roe Deer are reported to use the field. Whilst the field is surrounded by hedgerows, these are reported to be of relatively low biodiversity value and the arable fields themselves are of very low ecological value.

The application proposes allowing the site to revert to species rich grassland which would be suitable for ground nesting birds such as skylark, and would be managed through sheep grazing and a single hay cut in late summer. Along the western and southern perimeter of the development areas of wildflower meadow are proposed to be introduced. These areas would be maintained as traditional meadow, with areas adjacent to hedgerows and trees to be allowed to be cut less frequently to provide increased ground cover. A number of 'Hibernacula' features would be installed within the access corridor, which would support animals such as reptiles, amphibians, small mammals and invertebrates. Bird and bat boxes would also be installed in this area.

The application records badger activity within the site, and the application proposes the introduction of badger gates in the security fence. Due to the need to exclude people from the site for security reasons, deer are to be excluded from the site, but would be able to use the area between the fenceline and the existing hedgerows. Roe Deer are not identified as being a species of conservation concern.

As discussed elsewhere in the report the application also proposes substantial tree and hedgerow planting, which would be carried out using mixed native species. This is primarily planned to screen the development from adjoining residential development, but would also function as additional habitat and benefit.

Overall, the development would result in minor adverse impacts on ecology during the installation phase. The Council's ecologist has not objected to the application, and in fact comments that there is strong scope for this to result in a "net gain" for ecology

F. IMPACT ON BRISTOL INTERNATIONAL AIRPORT AND CLUTTON AERODROME

The site lies approximately 14 km from Bristol airport and is within the safeguarded area, where the airport must be consulted. The proposed solar farm could potentially affect air traffic heading to and from Bristol International Airport, as a result of glint and glare effects which have the potential to distract pilots.

The developers have submitted a technical report assessing these impacts. The assessment concludes that the airport is located to the north of the zone in which reflections could occur, and therefore aircraft would not be affected during landing and takeoffs, but would have the potential to experience glint effects between 12 and 13 km from touchdown on the approach from the west. It would appear therefore that the effect on the operation of the airport and safe operation of aircraft would be negligible. Bristol airport have confirmed this assessment and have no objection to the application.

Whilst no response was received from Clutton Aerodrome to this application, they did object to the previous withdrawn application, raising concerns that the development would compromise safe flying conditions at the Clutton Hill airstrip, approximately 1 km from the application site. The aerodrome commented that all circuits are to the south of the Air field Bristol Air Traffic, and that in the event of an engine failure downwind the application site was a perfect site to make a safe landing in.

The applicants have submitted a statement from an independent aviation consultant commenting on the objection from Clutton Aerodrome. They comment that the Clutton Hill Aerodrome is unlicensed, is used exclusively for recreational purposes and that pilots use the airfield without the benefit of Air Traffic Control or fire fighting equipment, at their own risk.

Larger, licenced aerodromes are afforded statutory protection through the safeguarding regime to prevent the development of tall buildings and structures which would might compromise flight safety, however as an unlicensed aerodrome, Clutton Hill Airstrip does not have protected air-space volumes and is not subject to statutory safeguarding. They comment that the concept of a designated emergency landing area is non-conventional, and that given that an aircraft suffering an engine failure to the south of Clutton Hill will be within 1 km of the runway, it is likely that most pilots would attempt to make an emergency landing at the airfield itself, given that it is a large area free of obstructions and other hazards.

The applicants also comment that the proposed solar farm would be located to the south of Clutton Hill Airfield, with the panels tilted to the south, and therefore it would not be possible for glint or glare from the panels to be directed towards the runway or approach path.

Taking into account these comments, plus the verbal comments from Bristol Airport, the proposals are considered to be acceptable in terms of aviation impacts.

G. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF CRIME AND SECURITY CONSIDERATIONS?

In response to original concerns from the police, the applicants have confirmed that the CCTV system along the perimeter of the site would be fitted with Infra-red lighting and would be monitored with a manned response should intruders be detected. Subject to a condition securing full technical details of the CCTV system they lift their original objection.

H. ARE VERY SPECIAL CIRCUMSTANCES DEMONSTRATED TO ALLOW THE DEVELOPMENT TO GO IN THE GREEN BELT?

The application site lies within the Green Belt. Core Strategy policy CP8 largely mirrors national policy within the NPPF that identifies the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open and that the most important attributes of Green Belts are their openness and permanence

The draft Core Strategy Policy identifies 6 purposes of including land in the Green Belt in BANES:

- 1 To check the unrestricted sprawl of Bath and Bristol.
- 2 To prevent the merging of Bristol, Keynsham, Saltford and Bath.
- 3 To assist in safeguarding the countryside from encroachment.
- 4 To preserve the setting and special character of Bath.
- 5 To assist in urban regeneration of Bath and Bristol by encouraging the recycling of derelict and other urban land.
- 6 To preserve the individual character, identity and setting of Keynsham and the villages and hamlets within the Green Belt.

The Core Strategy sets out the objectives for the use of land within the Green Belt within B&NES as follows:

- 1 To provide opportunities for access to the open countryside for the urban populations of Bath, Bristol, Keynsham and Norton Radstock.
- 2 To provide opportunities for outdoor sport and outdoor recreation near Bath, Bristol and Keynsham.
- 3 To retain attractive landscapes and enhance landscapes.
- 4 To improve damaged or derelict land.
- 5 To secure nature conservation interests.
- 6 To retain land in agricultural, forestry and related uses.

This wording in respect of the purposes and objectives for the designation and use of land within the green belt substantially reflects the core wording set out in paragraphs 80 and 81 of the NPPF.

The extent to which the use of land fulfills these objectives is however not itself a material factor in the inclusion of land within a Green Belt, or in its continued protection. For example, although Green Belts often contain areas of attractive landscape, the quality of the landscape is not relevant to the inclusion of land within a Green Belt or to its continued protection. The purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over the land use objectives

Policy GB.2 of the Adopted Local Plan advises that Permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction. Local Plan policy GB.2 advises that permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction.

National and local policy establishes a presumption against inappropriate development in the green belt which by definition is anything that is harmful to the green belt. The NPPF

advises (paragraph 91) that "when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development and that in such cases developers will need to demonstrate very special circumstances... Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."

It is clear, therefore, that the development (consisting of the installation of 3-metre high man-made structures over an area of 16.4 hectares) does comprise inappropriate development because it would harm the open character of the land.

When "inappropriate" development is proposed in the Green Belt, it is for the applicant to show why permission should be granted because of very special circumstances.

The NPPF advises (paragraph 88) that substantial weight should be attached to the harm to the Green Belt when considering any planning application. 'Very special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

i. THE CONTRIBUTION THAT WILL BE MADE TO LOCAL AND NATIONAL RENEWABLE ENERGY AND CARBON REDUCTION TARGETS

The proposed development would deliver 6.75 MW of renewable energy, and would meet 6% of BANES target for renewable electricity generation, set out in the Core Strategy. This would result in a 134% increase in installed capacity in the district as a whole from the current level of installed capacity of 5.04 MW (RESTATs website) and would make a significant contribution towards meeting the Council's targets. Taking into account the very low level of renewable energy infrastructure in BANES at present, in absolute terms and against the Core Strategy targets, this benefit is afforded significant weight as a material consideration in the determination of the application.

As discussed in Key Issue B, whilst the Government has recently stressed the need to look at brownfield sites ahead of greenfield sites for renewable energy projects, given the largely rural nature of the district and relative lack of industrial areas, officers doubt that the Council's targets could be delivered without utilising greenfield sites and agricultural land.

ii. RAISING THE QUALITY OF LIFE IN RURAL AREAS, FOR EXAMPLE THROUGH DIVERSIFICATION OF AGRICULTURAL LAND AND GENERATING AN ALTERNATIVE INCOME FOR FARMERS. OTHER SOCIAL AND ECONOMIC BENEFITS INCLUDE LOCAL JOB CREATION OPPORTUNITIES

The development would create an alternative and additional income stream for the landowner farmer, as the Site will continue to be grazed. There would also be local job opportunities associated with the construction and maintenance phases.

Additionally the applicants have signed a contract with Bath and West Community Energy (BWCE) who subject to receiving planning permission and raising sufficient funds, would build out, own and run the solar farm. BWCE is a community owned energy co-operative,

95% owned by local investors, set up to develop, finance and manage community-owned renewable energy projects.

BWCE operates across Bath and the surrounding area and to date has developed 11 solar PV projects on schools and community buildings totalling just over 400kW, a 250kW ground mounted system linked to a business park and are on site with a 1MW ground mounted solar PV system in partnership with Wiltshire Wildlife Trust.

Surplus profits will be channelled to a Community Fund, which issues grants for local community environment projects. BWCE aims to put 2% of the capital expenditure of its installations into the community fund each year.

The development would also provide a permissive path along the north-eastern and south-eastern boundaries of the site between the existing boundary hedge and the solar farm fence leading to a publicly accessible area of open space at the northern corner of the site. The applicants have submitted a Unilateral Undertaking to secure the provision of the permissive path and public open space, which would be useable for the 20 year life-time of the development. This land would be managed with additional hedgerow planting and areas of species rich wildflower grassland, but would be available for use by dog walkers, who currently use the roads around the perimeter of the site. Whilst not all residents might choose to use the paths and area of public open space, nevertheless the offer would be a benefit to the surrounding residents.

iii. THE TEMPORARY NATURE OF A RENEWABLE ENERGY PROJECT AND THE ABILITY TO RESTORE THE LAND TO ITS ORIGINAL CONDITION AT THE END OF THE PROJECT'S LIFE.

The application comments that the proposals are temporary with a proposed permitted lifetime of 20 years. After this period the Site will be restored to its original condition unless the permission is extended or a new permission is granted. The panels will be recycled and it is anticipated the scrap value of the support racking systems is sufficient to pay for the removal of the solar farm. The panels can contain glass, aluminium and semiconductor material which all have a value when recycled.

A temporary 20-year permission is proposed, with a condition to require the reinstatement of the land at the end of this period.

iv. THAT ALTERNATIVE OPTIONS HAVE BEEN INVESTIGATED AND REJECTED FOR VALID REASONS, INCLUDING ALTERNATIVE SITES - ARE THERE ALTERNATIVE SITES OUTSIDE THE GREEN BELT AVAILABLE TO THE DEVELOPER? WHY IS THE CHOSEN SITE MOST APPROPRIATE?

The applicant has submitted a report summarising the constraints that determine solar farm site selection, and considering the potential to develop the solar farm on an alternative site beyond the Green Belt.

In common with operators of other forms of renewable energy, in the site finding process, the developer undertakes a sieve analysis, which essentially is a process to exclude candidate sites in a geographical area if they fail to meet essential criteria, and thereby

move efficiently from looking at large number of sites across a very wide geographical area to a short-list of potential candidate sites which can then be subject to more intensive scrutiny. In this case the operators summarise their essential criteria as follows:

- Capacity on the local electricity distribution network to accept a new supply of energy
- Site within 1.5 km of 33 kv or 66 kv overhead powerline, to achieve an economically viable connection to the electricity network
- Site to have minimum useable area of c.12.5 hectares, in order to achieve a minimum output of 5MWp to qualify for Government support payments under the Renewables Obligation Certificates (ROCs)
- Avoidance of areas protected by environmental, landscape, wildlife conservation or heritage designations (i.e. within AONB, proximity to Scheduled Monuments, Conservation Areas, Listed Buildings, Sites of Special Scientific Interest or National or Local Nature Reserves etc)
- Limited degrees of overlooking from private and public buildings, public rights of way and public highways
- Avoidance of flood risk zones, contaminated land, built-up areas or constraints imposed by land-use designations
- Suitable terrain, i.e. a relatively flat or gently sloping site with no significant over-shading features
- Landowner agreement to participate in the scheme

These criteria seem reasonable and well-based. The applicants have mapped these constraints, and after taking into account these criteria, limited areas of developable land are left in the southern part of the district; consisting broadly of a swathe of land to the south of High Littleton and Timsbury, and other areas of land between Farrington Gurney, Paulton and Midsomer Norton.

The applicants have explored 4 possible candidate sites within this area as an alternative to the proposed site, all of which lay outside of the Green Belt. The applicant has considered and discounted these sites for the following reasons (summarised):

Site 1. South of Wellow Lane, Peasedown St John (13.5ha)

- Impact on the setting of the Scheduled Ancient Monument (site of Roman Settlement) 500 metres to west, and the setting of Bath Road, a Roman Road.
- Site too distant from grid connection and useable site area too small to achieve 5 MWp output.
- Site close to urban area
- Public right of way passing through the site

From a desk study of the site, officers would agree with these detracting points. It looks poorly suited for development as a solar farm, with a prominent and relatively open frontage onto the Bath Road and open views to the south. Additionally it is located within approximately 150 metres of Woodborough House, a Registered Historic Garden.

Site 2: Ruett Lane, Farrington Gurney (19.6ha)

- Useable area reduced by overhead power lines (10 metre easement required each side), root protection zones and overshadowing by trees and hedgerows.
- Proximity to Ston Easton Registered Historic Parkland, 1.3 km to south-west.
- Sloping elevated site with extensive open views to south and west.
- Proximity to the edge of Paulton - impact on residential amenity

Officers agree with this assessment. The site slopes considerably, meaning that solar cells could not be screened and would have a visual impact over a significant area that could not be screened.

Site 3: South of Paulton Lane, Clandown (31.5ha)

- Sloping elevated site with extensive open views to south
- Impact on former Roman Settlement, Scheduled Ancient Monument 670m to east-southeast.
- Nearest 33 km electricity line is 1+ km away, requiring negotiation of wayleaves across 3rd party land.

Officers agree with this assessment, additionally there is a Scheduled Ancient Monument (the remains of a Roman Villa) within the site.

Site 4: West of Waterside Farm, Radstock (13.3ha)

- Landowner not interested
- Site borderline in terms of viability due to limited useable site area (11.98 Ha)
- Capacity in local distribution network unconfirmed.

From a planning perspective, whilst quite an open landscape, the site is relatively flat and a proposed solar farm could be screened effectively by new planting, limiting its visual impact. From a desktop study, there are no immediate indications that this site could not be considered in further detail for a possible Solar Farm, however it is acknowledged that if the landowner is unwilling, the site cannot be progressed.

The applicants have demonstrated that at this time, there are genuinely no alternative available sites outside the Green Belt which could be developed. The statement also demonstrates the genuine constraints within which the developers must operate in bringing forth viable, deliverable sites, in particular the proximity to the 33 kv electricity network for the development to connect to, which in BANES is fairly limited in extent.

Approximately 70% of the district is designated as Green Belt and the Council recognises that ultimately, if its targets for renewable energy generation are to be met, it may be necessary to accept renewable energy generation in such locations, if it cannot be accommodated outside of the Green Belt.

The information submitted allows consideration of the likely consequences were the renewable energy target solely to be achieved on land outside the Green Belt.

Taking into account the technical constraints limiting development, the area outside the Green Belt and AONB that could be developed is limited in size, located around High Littleton, Timsbury, and other areas of land between Farrington Gurney, Paulton and

Midsomer Norton. Assuming that the whole of the Council's 110 MW target were to be met in this area through solar technology (and assuming an electrical yield per hectare equivalent to this application), this would require 26 X 10-Hectare sites to be brought forward in this limited area. Even were this to be feasible, it is likely that it would result in an unacceptable cumulative visual impact and require the development of highly prominent, visually intrusive sites. Therefore, whilst development should be preferentially directed to non-green belt locations, it does seem likely that if the Council's targets are to be achieved, it will be necessary to bring forward sites that lie within the Green Belt.

v. THAT THE IMPACT ON THE OPENNESS AND CHARACTER OF THE GREEN BELT HAS BEEN CONSIDERED AND MITIGATED.

The landscape and visual impacts of the proposed development are addressed at key issue B. Due to its topography, context and location, with a relatively public few views into the site, in landscape terms the application site is considered to be well suited to being developed as a Solar Farm, with relatively little visual impact for a scheme of its size and scale.

The application proposes further measures to limit the landscape impact of the development, setting the development well back from the western boundary with Cuckoo Lane, reinforcing and gapping up hedgerows and creating significant additional tree belts along part of the northern boundary of the site in order to better screen the development.

As a result through the selection of the site, which performs relatively well in terms of its prominence in the landscape, and these additional measures, the developers have considered and sought to mitigate the impact of the development on the openness and character of the Green Belt.

CONCLUSIONS ON GREEN BELT IMPACTS

The following comments can be made about the value and quality of this part of the Green Belt, against the purposes of including land within the Green Belt set out in the Core Strategy

In this case it is considered that this part of the Green Belt is not crucial to preventing the unrestricted growth of Bath and Bristol or preventing these settlements from merging, and neither does it perform a vital role in preserving the setting and special character of Bath. Allowing the development would not frustrate urban regeneration as this form of development requires large, unimpeded, invariably rural sites. The development would result in human infrastructure encroaching into the countryside, however the area around the site is characterised by sporadic groups of dwellings, plus industrial estates, mobile phone masts and wind turbines, which themselves intrude into the openness of the Green Belt, and therefore the level of impact on the openness of the green belt is less than it would be were the site and its surroundings to be entirely undeveloped. The site in its undeveloped condition does enhance the individual character, identity and setting of the groups of dwellings around the site periphery, which have a recognisably rural character.

The proposed development would clearly remove the openness of the application site and would encroach into the Green Belt. The installation of man-made infrastructure (including the panels themselves, equipment cabins and other infrastructure), and the

enclosure of the fields within security fences would change the character of the field, essentially removing its openness, and introducing clutter that would have an urbanising effect. As a result the development would detract from its rural setting, however from vantage points on the roads around the site boundary these effects would be substantially mitigated by the existing and proposed landscape screening. From higher vantage points on the public footpaths on Blackberry Hill, the proposed solar farm would be highly prominent, and would clearly remove the openness of this particular area of land and encroach into the Green Belt, however in the main the application site is well chosen to minimise the visibility of the development in the landscape

The majority of Bath and North East Somerset is designated as Green Belt, and the applicants have demonstrated that there are no alternative deliverable sites outside of the Green Belt.

Taking into account the limited amount of installed renewables in the district, substantial weight is given to the benefits the development would deliver in terms of the generation of renewable energy, and also to the genuine limiting constraints to developing large scale solar energy generation in the district. Weight is also given to the community benefits of the scheme being community owned, returning profits to a community fund and the offered permissive footpath and open space which would benefit residents. It is also likely that over the lifetime of the development, the proposed landscaping would deliver a net benefit in terms of habitat provision, over and above the site in its undeveloped condition.

Officers consider that these are Very Special Circumstances that justify inappropriate development being allowed in the Green Belt and the harm to the Green Belt, the landscape harm resulting from the development and harm to residential amenity and outlook would be clearly outweighed by these benefits. Therefore the application is recommended for approval, subject to the referral of the application to the Secretary of State.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

A. that the application be referred to the Secretary of State to give him the opportunity to consider whether to exercise his call-in powers in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, and

B. Subject to the Secretary of State not calling in the application, authorise the Group Manager, Development Management to PERMIT the application, subject to the following conditions:-

1 This permission shall expire within 20 years from the date when electricity is first exported from the solar farm to the electricity grid (the 'First Export Date'). Written notification of the First Export Date shall be given to the local planning authority no later than 14 days after this event

Reason: A temporary consent is sought and to avoid the permanent loss of agricultural land, to protect the character of the countryside and to protect the Green Belt from unnecessary development.

2 Within 6 months of the point where the Solar Farm permanently ceases to produce electricity, or the expiration of this permission, whichever is the sooner, the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations, fencing, CCTV cameras and other associated equipment shall be removed from the land, and the land restored to agricultural use or to a condition to be agreed in writing by the local planning authority.

Prior to the decommissioning of the site a method statement shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the approach to be taken to remove the array support poles, cable runs and other below ground structures whilst minimising harm to below ground archaeology. The decommissioning of the site shall take place in accordance with the decommissioning method statement.

Reason: To avoid the permanent loss of agricultural land, to protect the character of the countryside and below ground archaeology and to protect the Green Belt from unnecessary development.

3 The development shall not be constructed other than in full accordance with the Construction Management Plan submitted 15th May 2014, reference C669-DOC03 CTMP_Rev C.

Reason: To ensure the safe operation of the highway.

4 Prior to the commencement of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority setting out the ongoing site management and access arrangements during the lifetime of the development. The operational statement shall include, but not be limited to:

- a. Highway safety procedures during routine, 1-day maintenance access visits by light vehicles,
- b. Construction Management plan (including Traffic Management measures, contractor parking, signage and highway safety measures) for exceptional plant installation or replacement visits by Heavy Goods Vehicles or multi-day maintenance works.

Thereafter, the development shall not be operated other than in full accordance with the approved details.

Reason: To ensure that adequate traffic management and safety measures are undertaken during subsequent maintenance works, appropriate to the nature and length of the works, in the interests of the safe operation of the highway.

5 Prior to the first export of electricity to the National Grid an operational statement for the CCTV system shall be submitted to and approved in writing by the Local Planning

Authority. This shall show the location and set out the purpose of each CCTV camera, set out how the CCTV system fits into the overall security strategy, define the quality of imagery produced and state how CCTV imagery is to be monitored. The approved system shall be installed in accordance with the agreed details prior to the first export of electricity to the national grid and thereafter maintained.

Reason: In the interests of minimising crime and anti-social behaviour.

6 The temporary construction compound shown in drawing C.0442-14-F shall be removed within 3 months of the first export of electricity to the National Grid. Thereafter the site shall be laid out in accordance with the Strategic Landscape Proposals, drawing C.0442_17-C.

Reason: To minimise the landscape impact of the development and its impact on the openness of the Green Belt.

7 No development shall take place within the site (including any site clearance or demolition works) until the applicant, or their agents or successors in title, has produced detailed drawings of all ground works, including foundations, roadways, drainage and cable runs (including those of statutory undertakers), which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

Reason: The site is within an area of potential archaeological interest and the Council wish to protect any significant archaeological remains.

8 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 potential archaeological interest and the Council wish to protect and record any significant discoveries.

9 No development shall take place until full details of a Wildlife Protection and Habitat Management Plan, in accordance with the approved ecological report, have been

submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Findings of all update surveys as required for example checks for new badger activity
- (ii) Details of retained habitat and specifications for proposed native species planting and habitat creation
- (iii) Management prescriptions for long term wildlife friendly conservation management of all habitats and ecological features at the site
- (iv) Details of an ecological monitoring and review scheme to ensure appropriate long term management, with details of the proposed monitoring frequency and duration, and format for reporting habitat quality and species data to the Local Records Centre and LPA
- (v) Details of all other wildlife protection and enhancement measures

The plan shall include at a minimum, the ecology features set out on drawing C.0442_05-I and the mitigation features and procedures recommended in the Ecology Appraisal, dated March 2014.

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 prior to the occupation of any part of the development.

Reason: To safeguard protected species and mitigate for the ecological impact of the development by incorporating compensatory habitat provision.

10 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by PFA consulting and the mitigation measures detailed within the FRA.

REASON: To reduce the impact of flooding on the proposed development.

11 No development approved by this permission shall be commenced until a surface water run-off limitation scheme in the form of Swales or infiltration trenches, has been submitted to, and approved in writing by the LPA. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

12 Prior to the commencement of development, full details shall be submitted to and agreed in writing by the Local Planning Authority of the following:

- a - The height, materials and finish of the stone wall at the entrance of the site adjoining crossways
- b - the external finish of the substation and other service buildings
- c - The position of CCTV cameras and infra-red lighting, and support columns.

The development shall be undertaken in full accordance with the agreed details, which shall be installed prior to the first export of electricity from the site.

REASON: In the interests of visual amenity.

13 With the exception of the infra-red security lighting, there shall be no external lighting installed at the site.

Reason: To minimise ecological disturbance and the landscape impact of the development and harm to residential amenity.

14

No development shall be commenced until a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include a planting specification to include numbers, density, size, species and positions of all new trees and shrubs and a programme of implementation. The landscaping shall include as a minimum the screen planting shown on drawings C.0442_17-C, C.0442_14-F, C.0442_16-C (sheets 1 to 3).

Reason: To ensure the provision of an appropriate landscape setting to the development, minimise the impact on the openness of the Green Belt and mitigate the impact of the development on the outlook of nearby residents.

15 The landscaping works shall be carried out in accordance with the approved details prior to the first export of electricity to the national grid 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.

To ensure that the landscape scheme is implemented and maintained.

PLANS LIST:

1 Plans List

This decision relates to drawing nos:

OS Extract C.0442_01-B SITE LOCATION PLAN
C.0442_06-B DEER FENCE
Drawing C.0442_07-A SOLAR PANEL DETAILS
Drawing C.0442_05_1 BLOCK PLAN - INDICATIVE SITE LAYOUT AND
PLANTING PROPOSALS

Drawing C.0442_16-C SHEET 1 OF 3 STRATEGIC LANDSCAPE PROPOSALS
 OPERATIONAL PHASE
 Drawing C.0442_16-C SHEET 2 OF 3 STRATEGIC LANDSCAPE PROPOSALS
 OPERATIONAL PHASE
 Drawing C.0442_16-C SHEET 3 OF 3 STRATEGIC LANDSCAPE PROPOSALS
 OPERATIONAL PHASE
 Drawing C.0442_19-A REVISED INDICATIVE SECTIONS 1 OF 2
 Drawing C.0442_19-A REVISED INDICATIVE SECTIONS 2 OF 2
 Drawing C.0442_14-F STRATEGIC LANDSCAPE PROPOSALS CONSTRUCTION
 PHASE
 Drawing C.0442_17 - C STRATEGIC LANDSCAPE PROPOSALS OPERATIONAL
 PHASE
 Drawing GSC0015-1 PROPOSED ELEVATION BASED ON 33KV WS
 SCHNIEIDER SWITCHGEAR SHEET 1 OF 6
 Drawing GSC0015-2 G AND A SECTIONS BASED ON 33KV WS SCHNIEIDER
 SWITCHGEAR SHEET 2 OF 6
 Drawing GSC0015-3 TYPICAL DETAILS BASED ON 33KV WS SCHNIEIDER
 SWITCHGEAR SHEET 3 OF 6
 Drawing GSC0015-4 STEELWORK SETTING OUT BASED ON 33KV WS
 SCHNIEIDER SWITCHGEAR SHEET 4 OF 6
 Drawing GSC0015-5 EXTERNAL WORKS DRAWING GA AND TYPICAL
 SECTION - SHEET 5 OF 6
 Drawing GSC0015-6 ELECTRICAL AND EARTHING LAYOUTS 6 OF 6
 AGRICULTURAL ASSESSMENT
 CONSTRUCTION METHOD STATEMENT - March 2014 CIR.C0434
 SITE SELECTION WITHIN GREEN BELT - REFERENCE ASM/CIR/C.0442
 CONSTRUCTION TRAFFIC MANAGEMENT PLAN
 DECOMMISSIONING STATEMENT
 ECOLOGICAL APPRAISAL - March 2014
 ENVIRONMENTAL ENHANCEMENT PLAN
 ENVIRONMENTAL REPORTS COMPENDIUM
 FLOOD RISK ASSESSMENT
 GLINT AND GLARE ASSESSMENT
 HERITAGE STATEMENT
 LANDSCAPE AND VISUAL IMPACT ASSESSMENT INCLUDING PHOTOMONTAGES
 INFRA-RED LIGHTING DETAILS - PIR REDWALL_SIP-3020-5_SIP-4010-5_SIP-404/5
 PLANNING STATEMENT
 TRANSFORMER STATION- SOLAR FARM MODEL CTIN PS 1500 KVA
 CONSTRUCTION TRAFFIC MANAGEMENT PLAN - C669-DOC03 CTMP_REV C FULL
 REPORT
 TRANSPORT STATEMENT
 BROCHURE THREE PHASE TRANSFORMERLESS INVERTER DETAILS
 BROCHURE INFRA-RED CAMERA - AIR45/50 HGE RANGE
 TRANSFORMER PHOTOS

2 INFORMATIVES

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all

existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

All access roads and hardstandings should be of permeable construction to ensure there is no impact on surface water drainage.

During construction the following comments apply:

The developer should ensure that the guidance in the Environment Agency: Pollution Prevention Guidelines 6: Working at construction and demolition sites (PPG 6) is followed. See attached.

Where possible, waste washings from any concrete should be discharge into the foul sewer, with the agreement of Wessex Water. If not, the developer should ensure compliance with the Environment Agency Regulatory Position Statement 107: Managing concrete wash waters on construction sites: good practise and temporary discharges to ground and surface waters.

Any waste generated must be disposed of in accordance with Waste (England and Wales) Regulations 2011.

If waste material is brought onto site for construction purposes, the developer should ensure that appropriate permits are held according to Waste (England and Wales) Regulations 2011.

CL: AIRE sites must be identified and declared prior to construction and all protocols followed, if not Environmental Permits will apply.

There is the potential for the proposed installation to act as an "ecological trap" for certain types of insect that are attracted to polarised light. This is an area that has been researched with particular reference to aquatic insects. Therefore it is recommended that ponds are placed strategically around the site.

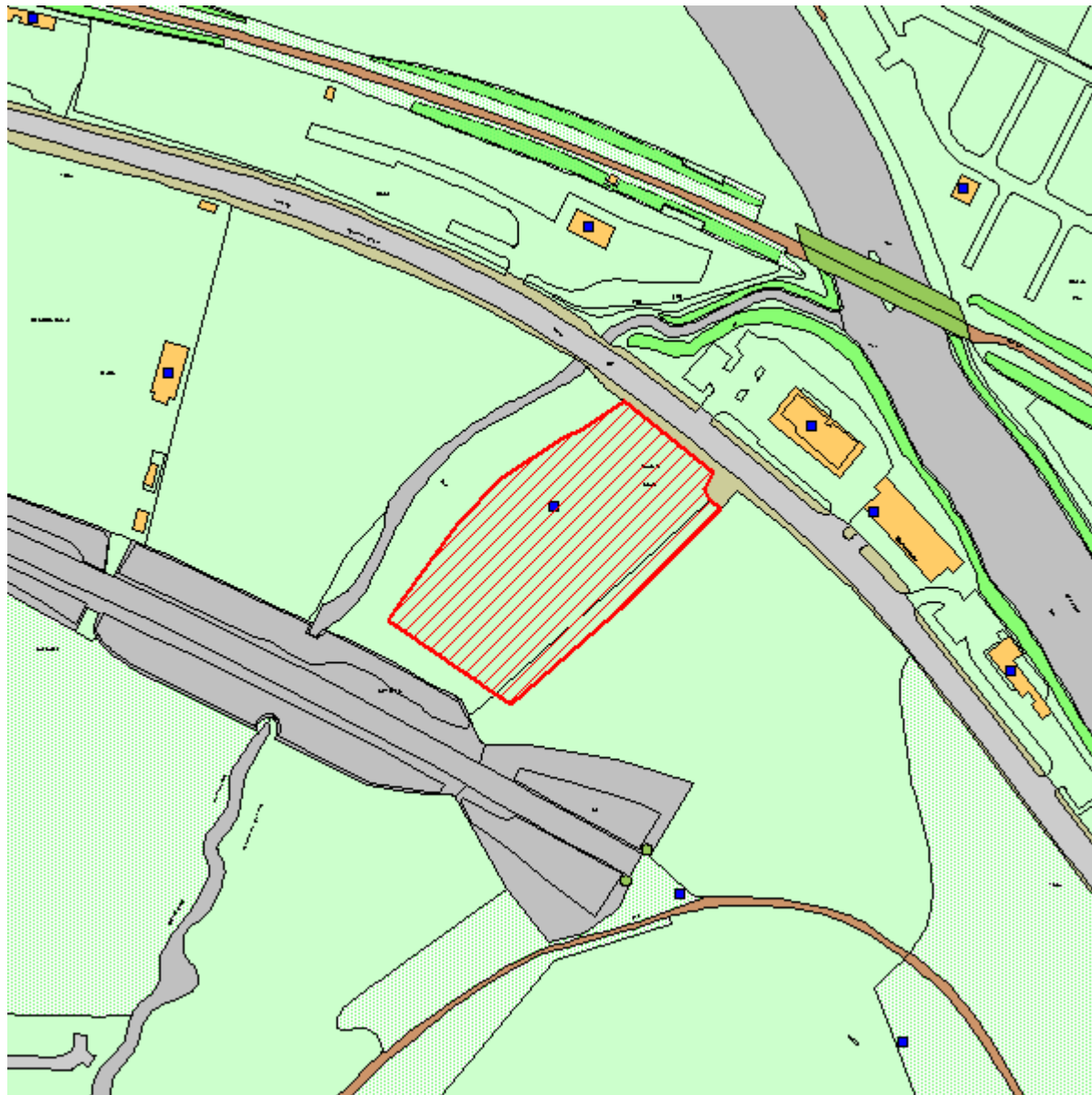
3 The police advise that the CCTV system should be capable of recording clear images that will serve as valid evidence in a court of law and meet the standards as set out in Home Office publication 28/09 CCTV Operational Requirement Manual 2009 as well as the UK Police Requirement for Digital CCTV Systems 09/05.

4 Traffic Management during Construction

- Initial and ongoing contact shall be maintained with the Bath and North East Somerset Council Highway Maintenance Team, in respect of traffic management, signing, any temporary diversions and closures required, and in terms of ongoing maintenance of the adjacent highway.

- Appropriate permissions and licenses will be acquired in respect of traffic management etc.

Item No: 02
Application No: 14/00324/REG03
Site Location: Parcel 7540 Lower Bristol Road Twerton Bath



Ward: Twerton **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor T M Ball Councillor G F Curran
Application Type: Regulation 3 Application
Proposal: Change of use of land as a gypsy site to provide 8no. residential pitches and 5no. transit pitches .
Constraints: Agric Land Class 1,2,3a, Article 4, British Waterways Major and EIA, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Imp (SN), World Heritage Site,
Applicant: Bath And North East Somerset Council
Expiry Date: 24th April 2014

Case Officer: Daniel Stone

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application is of considerable public interest and proposes a Gypsy and Travellers site in a sensitive position within the green belt and World Heritage Site and within a locally designated wildlife site.

DESCRIPTION OF SITE AND APPLICATION:

The application site comprises a field on the western edge of the City, outside the housing development boundary. The site is presently occupied by an unauthorised travellers encampment, but is normally open and undeveloped. The site is sandwiched between the railway line to the south and the A36 Lower Bristol Road to the north. The site lies within the Bath World Heritage Site and the Green Belt. The applicants record that at the last count there were 23 vans parked on the land.

The application site forms part of the Carrs Wood Local Nature Reserve which extends to the east, up the hill and to the south of the railway line. The Newton Brook and its banks, which form the western boundary of the site is also designated as a site of Nature Conservation interest. These are both local non-statutory designations. To the west of the brook is the Bath Cricket Club. On the opposite side of the road are Lawrence House and Minerva House, respectively a block of flats and an office block. A public right of way (BA17/4) leads from the Lower Bristol Road to the Bristol to Bath Railway Path, 130 metres away.

The site itself is relatively flat, lying at the level of the Lower Bristol Road. To the east within the Carrs Wood nature reserve, the land rises steeply and from here there are views down into the site. To the west the land drops further to the Newton Brook, which defines the western boundary of the field. The brook is flanked by existing mature vegetation. The lower land adjoining the brook, but outside the area to be used by caravans falls within Flood Zones 2 and 3. The southern boundary of the field is defined by the railway line which sits on a raised embankment, allowing glimpsed views into the field from passing trains.

The portal to the railway tunnel is a Grade II* Listed building.

Consent is sought for the change of use of land as a gypsy site to provide 8no. static traveller's pitches and 5no. transit pitches. The gypsy site would take up approximately two thirds of the field, with the remainder of the field being landscaped to provide screening of the development and ecological mitigation. The gypsy site would be enclosed within a 3.2 m high acoustic fence, required to reduce noise levels from the railway line and road to a level compatible with human habitation.

A new access would be created off the Lower Bristol Road. The access road would lead into the site to a turning area at the southern end of the site. Individual residential pitches would be arranged either side of the central access road within the acoustic fence.

A high pressure water main currently passes diagonally across the site into the main road, and would need to be diverted in order for the development to go ahead. The development would also include a sewage pumping station which would be housed within a secure compound, which would in turn be located inside the acoustic fence in order to minimise its visual impact.

At present the A36 outside the application site is subject to the national speed limit of 60 mph. The application proposes the creation of a pavement along the site frontage to a pedestrian island and to aid the crossing of the road. Additional traffic islands would be installed to the east and west of the site and the speed limit would be reduced to 40 mph. The width of the Lower Bristol Road is proposed to be narrowed to 7.3 metres in width for approximately 100 metres on the approach to the site from to the east. This would enable the visibility levels to and from the access to be improved, by pushing oncoming vehicles further out into the road. The change in the speed limit would be reinforced through the installation of blinking vehicle activated signs which would be installed on the traffic islands at the eastern and western ends of the site.

The application is submitted on behalf of the Council's Property Services Division and is justified principally on the grounds of lack of provision of gypsy and traveller sites within BANES at present. More details are given at Key Issue I.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

HIGHWAYS - OBJECT and recommend refusal on the following grounds

- The proposed splays are considered to be inadequate to secure the visibility necessary for the safety and convenience of the traffic associated with the proposed development and on the existing highway. The proposal is therefore contrary to Policy T.24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

- The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Policy T.1 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007, 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.

Visibility splays / Highway safety

I refer to the revised Drawing No. TP5330-001 Rev F which shows an amended build-out to the kerb line, together with increased visibility splays and ancillary highway works.

The proposal now seeks to reduce the Lower Bristol Road carriageway width from the site access towards the south east to 7.3m, in order to build out the access junction to achieve a greater level of visibility than currently exists.

The highway works would also include a reduction in the speed limit from the national speed limit to 40mph with consequent central islands, signage and road markings to emphasise the speed limit.

Also proposed is a footway leading from the site access to the north western side, together with a central island to facilitate a pedestrian crossing to aid movement towards public transport and pedestrian link facilities on the northern side of the carriageway and on Newbridge Road.

The suggested highway works have been considered by the Area Traffic Engineer and myself, and are generally acceptable to accommodate the type of traffic using the Lower Bristol Road, together with the intended use of the site access.

The revised arrangement now shows visibility splays of 2.4m by 92m to the south east, to the nearside carriageway edge, and 2.4m by 102m to the north west, to the centre line of the carriageway.

The visibility standards for a 40mph road, as set out in the Design Manual for Roads and Bridges (DMRB), for the proposed access are 2.4m by 120m, which clearly have not been accommodated on the submitted drawing, and represents one design step below the recommended standard.

Whilst the use of standards should be applied flexibly, and there are cases where a relaxation in standards can be applied, it is my view that a relaxation in the standards for this type of road could only be applied if the speed of traffic were to be universally below the 40mph speed limit. Having regard to the fact that the current speed limit is the national speed limit, and there is no guarantee that speeds could be reduced to a level which is universally less than the proposed 40mph limit once the highway works are complete, I do not feel able to accept the proposed level of visibility as being appropriate for the proposed access.

It is accepted that the site has been occupied by gypsies and travellers for some time, whereby the existing access, with even less visibility, has been used on a regular basis. The use of the site is, however, unauthorised. The current proposal seeks to establish a formal use of the site, and it is my view that the safety of the access should conform to appropriate standards, particularly given the type and volume of traffic that the Lower Bristol Road carries.

The proposed changes to the speed limit and the highway will provide some benefit to the occupiers of the sites on the northern side of the carriageway, particularly in light of some recent changes of use to residential, but this does not override my concerns regarding the proposed level of visibility for the site access.

I therefore feel bound to recommend that this application be refused on highway grounds.

Sustainability

The site is located remote from local facilities and services, and whilst access to public transport is close by, there are no pedestrian facilities from the site to reach the bus stop

on the southern side of the carriageway (to the west of the site), and the corresponding stop on the northern side of the carriageway would require the crossing of the fast and busy Lower Bristol Road. The lack of pedestrian facilities from the site would be likely to deter residents on the site from using public transport and walking/cycling, and therefore residents would be reliant on the private vehicle, which is contrary to sustainability policies.

In order to address some of the issues regarding pedestrian facilities, three central islands are proposed to reduce speeds in conjunction with the change in speed limit, where one island would provide a pedestrian crossing point. A section of 1.8m footway is proposed from the site access to the west to allow for pedestrians to cross at the island.

The Area Traffic Engineer has considered the proposals for the reduction in the speed limit, and the provision of central islands and road markings, and whilst the principle may be acceptable there would need to be speed surveys to establish if a 40mph limit would be appropriate on this section of road.

It is also unclear if the applicants are suggesting that the main pedestrian route would be via the Public Footpath BA17/4 which runs from the northern side of the Lower Bristol Road to Newbridge Road, which, if the case, would require some improvement.

PLANNING POLICY - Gave detailed comments on the application, which can be viewed on the Council's website. Their conclusions were as follows:

The applicants have set out what they consider to be very special circumstances to justify development of this site for Gypsy and Traveller use although they have not explicitly stated how these collectively outweigh harm to the Green Belt, and if so, how this harm might be minimised.

National planning policy states that development of Green Belt land as a Traveller site would constitute inappropriate development and should not be approved, except in very special circumstances. The Council is also required to consider the existing level of provision and need for sites, and the availability of alternative accommodation for applicants when considering a planning application.

It is clear that the Council at this stage is unable to identify a five year supply of specific deliverable sites to meet the accommodation needs identified through the GTAA. Whilst it should be noted that options for addressing this unmet need in locations outside the Green Belt in adjoining authorities have not been fully explored with the adjoining authorities although initial investigation that there are no opportunities to do so, it is also evident that there are no immediately available and suitable non-Green Belt sites for Gypsy and Traveller use within Bath and North East Somerset. This site would therefore meet part of an immediate unmet need.

The development of this site would, however, by definition impact on the openness of this part of the Green Belt although with careful design there is potential for this to be minimised with an acceptable scheme.

Whilst unmet need in itself would not constitute very special circumstances to justify inappropriate development in the Green Belt, this together with following factors plus any other considerations material to this particular planning application not discussed above might, if considered cumulatively, have the potential to outweigh harm to the Green Belt:

- the Council is unable to identify a five year deliverable supply of sites to meet the identified need outside the Green Belt
- the Gypsy and Traveller DPD is unlikely to be adopted before December 2016 and would potentially mean a delay of two years if exceptional circumstances were found to exist to support the allocation of this and any other Green Belt site through the DPD process thus a delay in meeting an immediate need
- development of this site for 8 permanent and 5 transit pitches would assist in contributing to meeting an immediate identified need and if permitted and the permission implemented, in advance of the DPD being adopted in December 2016
- investigations and two 'calls for sites' conclude that there is a lack of suitable and available land outside the Green Belt to meet the identified accommodation needs in the short-term
- collaboration with the neighbouring authorities is at an early stage and it cannot be guaranteed at this stage that any of these authorities are able to meet accommodation needs of Gypsies and Travellers beyond the needs identified for their own areas
- the site is owned by the Council , is available now, offers a suitable location for development now and development can be delivered within five years
- HCA funding of £750,000 has been secured to assist in the delivery of the site conditional on the project being completed by 31 March 2015
- strong local connections can be demonstrated both socially and health-wise, including length of residency on the site for some, attendance at local schools, employment opportunities in the vicinity and dependents on specific medical services provided by the Royal United Hospital and the Royal National Hospital for Rheumatic Diseases

These benefits need to be weighed against the harm caused to the Green Belt in order to conclude whether very special circumstances can be demonstrated

LANDSCAPE - No objection subject to conditions

Provided the services are indicated and are accommodated without compromising the existing and proposed planting areas and that the above conditions are applied I consider that the proposed scheme while resulting in harm to the World Heritage Site would be softened by the planting proposals shown in the landscape strategy. The landscape proposals should include rebuilding the frontage wall where necessary, and should ensure that the proposals tie in to and enhance the rural character of the site to avoid a suburban character to the site as a whole and to the entrance in particular.

The proposals would result in harm to the World Heritage Site resulting from the impact on the character of this important gateway to the World Heritage Site In particular there would be loss of openness of the field and blocking of views to the hillsides seen from the Lower Bristol Road. The revisions with the provision of a 10m tree and shrub belt behind the existing stone wall would however provide an effective screen to soften views of the 3.2m acoustic fence although the entrance into the site would be prominent. The revisions to

the lighting, the reduced width of the internal road and the revised position of the CCTV kiosk are also welcomed.

It appears that a comprehensive service plan has not been submitted. The position of the services needs confirmation to ensure that the existing trees and the landscape proposals do not get compromised by services. The foul sewer indicated within the tree belt and the lack of clarity on the water main diversion are particularly a problem. Likewise the line of electric cables need to be indicated. They could potentially compromise the effectiveness of the mitigation measures and therefore need to be resolved.

ECOLOGY - Object:

Details of proposed lighting and landscaping have been revised, and some of my previous comments have been partially addressed. I am satisfied that the proposed lighting will not result in increased light levels outside the perimeter fence on the northern and western boundaries, nor would changes to light levels at the highway junction pose an obstruction to any likely bat crossing points at the highway, as the most likely location for a crossing point will remain dark. I am therefore confident that even with lux levels above that which would be ecologically preferable, there is no risk from the proposal of a likely significant effect on bats of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC).

The proposal does not however achieve the recommendations of its own submitted ecological assessment, and the hard standing footprint which is dominated by tarmac is unacceptably dominant with very little space for planting, and no communal green space within the site.

The proposal is not the "light touch" nature of development that was envisaged in the ecological advice section of "Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD) Options", which stated:

"GT.8 Lower Bristol Road, Twerton, potential travellers site. This site is located just within the Carrs wood Site of Nature Conservation Importance. It is immediately adjacent to the Newton Brook SNCI to the west, and Carrs wood Local Nature Reserve to the east. The existing use of the site is acknowledged. It is on the least sensitive part of the site, and there is little evidence to date of this use causing harm to the wider interests of the SNCI s or the LNR. However, the current site use is low key with minimal change to site conditions and features. Formalising the site could bring significant change to site conditions and features that would impact more heavily on the SNCI and LNR. So whilst there is no outright ecological objections to consideration of this site, there are significant issues that would need to be addressed. Any development would need to demonstrate no harm to the special interests of the SNCIs and LNR. This would require a 'light touch' to the development of the travellers site facilities, to achieve a very sustainable facility. The provision of wardens office or house wouldn't seem appropriate. Any development would also require adequate measures to safeguard and achieve sensitive management of the SNCI and LNR interests, including maintaining grazing on the adjacent LNR, and protection of Newton Brook SNCI and management of riparian habitat. In addition careful treatment of site boundaries would be required, to protect and enhance the LNR from both a people and wildlife perspective. Any submission should therefore include within the application site boundary the land to be subject to habitat compensation, enhancement and land management."

The submitted ecological report states: "The proposed development if designed and implemented correctly, with appropriate features and mitigation, will have no significant impact on ecology". The ecological report goes on to list a number of necessary mitigation features that would be expected to ensure the ecological acceptability of a proposal here. They include, to "Keep the proposed development as low impact as possible by minimising the construction footprint and urbanisation of the scheme", and to "Avoid the use of urban/street lighting within the development". Neither of these principles are adhered to in this proposal. The submitted design is not in keeping with the need for a 'light touch' development, as described in the DPD document, if a development of this nature is to be located within an ecologically sensitive location and a designated SNCI.

The features that are considered to be ecologically inappropriate here are:

- the introduction of street lighting, and external lighting per unit - the site should be kept dark as it currently is;
- the proportion and nature of hard standing;
- the minimal provision of space for planting on the site and the "hard" nature of the development;
- the lack of any communal green space within the site;
- The inclusion of a hard surfaced street which runs the entire length into the site;
- The significant hard surfaced area for car parking and "turning space" for waste vehicles, at the innermost end of the site;
- A permanent building for each plot;
- the irreversible and intrusive overall nature of the proposal in an ecologically sensitive location

Even with the proposed ecological mitigation and the proposed planting outside of the perimeter fence, the overriding principle of imposing irreversible and significant urban and street infrastructure of this nature within a designated SNCI and immediately adjacent to a Local Nature Reserve is not acceptable.

I object to the proposal if it includes proposals for lighting to be commissioned at 3 lux. If this is revised and the lighting is commissioned at 1 lux or lower, than I withdraw my objection, however I maintain that the principle of a development of this nature in this location is not acceptable. If it were possible for a gypsy and traveller site proposal to be designed with minimal infrastructure, urbanisation and hardstanding footprint, in keeping with that which would be envisaged as a 'light touch' sustainable site, then such a proposal might be considered ecologically acceptable.

NATURAL ENGLAND - confirmed that the application had no likelihood of significantly affecting the Special Area of Conservation. No further assessment was needed on this issue.

NE reinforced the concerns made by the Council's ecologist regarding the very urban nature of the proposed development and the use of street lighting within the development.

PUBLIC RIGHTS OF WAY TEAM - No comment

ENVIRONMENTAL PROTECTION - No objection - the proposed noise barrier and topography will provide adequate sound attenuation to mitigate for the impact of noise from the railway line and road.

FLOOD RISK MANAGEMENT AND DRAINAGE - No objections subject to conditions.

EDUCATION - No objection subject to contributions of £ 75,629.61 being secured to provide early years, primary age places and youth provision.

Pupil projections for the area indicate that by 2017, all places in Primary School year groups Year R, 1, 2, 3 and 4 will be full with no surplus capacity available. There is projected to be sufficient available capacity in the other two primary year groups to accommodate the pupils calculated to be generated by the development. We are therefore seeking a contribution for five year groups of primary age pupils. The total number of primary age pupils generated by the development is calculated to be 4.03 / 7 year groups = 0.575 per year group. 0.575×5 year groups = 2.875 places required.

ENGLISH HERITAGE - No comment.

The application should be determined in accordance with national and local policy advice and on the basis of your specialist conservation advice.

CONSERVATION OFFICER - No objection

The site is to the north west of the grade II* west portal into the Twerton Wood Tunnel. The portal is an impressive castellated structure one of a sequence of Tudor-Gothic structures designed by Brunel on the line between Bristol and Bath.

However inter visibility between the site and the portal is limited due to tree cover (even in winter) and the cutting before the line goes into the tunnel.

There may be an element of harm to the perception of the listed portal for people on the train who will experience the sequence of views which take in both the site and the tunnel. However this does form a substantive reason for refusal.

On balance no objection with the caveat that the site sits between the railway line and the Lower Bristol Road, which are both main entrances into the Bath World Heritage Site and the proposed 3.5 metre high acoustic wall will look unsightly.

WESSEX WATER - Advise that an existing 18 inch trunk water main passes through the site and presents a dangerous hazard to the public if a burst occurs. No development should occur within 6 metres of this water main. If the development is to go ahead it should be diverted.

AVON AND SOMERSET CONSTABULARY - No objections

- Lighting needs to be provided throughout the site so as to ensure there is safe access at night for pedestrians and vehicles and should comply with the appropriate British Standard BS5489-1: 2013(Para 5.23).. The lighting design needs to be

professionally designed to illuminate roads and access whilst minimising light pollution off site and avoiding light shining into the residential caravans.

- Lighting should be provided on each of the amenity buildings to ensure safe access and aid natural surveillance at night

COAL AUTHORITY - No Objections

NETWORK RAIL - no objection, subject to a suitable trespass proof fence being provided, and subject to suitable tree species being planted adjoining Network Rails land / boundary.

PARKS DEPARTMENT - No objections subject to provision made for the enhancement of formal green space and the provision of allotments and natural green space to serve the development.

OTHER REPRESENTATIONS / THIRD PARTIES

Consultation letters were sent out to 59 nearby occupiers. Additionally a site notice was displayed and the application was advertised in the local press. The application has been advertised as a departure from the Development Plan.

6 letters of objection have been received making the following main points:-

Green Belt

- The development is inappropriate development in the Green Belt which should only be permitted in "very special circumstances". Very Special Circumstances are not demonstrated and the site would be highly visible and will harm the appearance of the Green Belt, contrary to Policy GB.1.
- The development is contrary to the National Planning Policy Framework and to the document entitled "Planning Policy for Traveller Sites" (March 2012). This advises (Policy E) that Green Belt boundaries should only be altered in exceptional circumstances, and that if a Planning Authority wishes to make an exceptional limited alteration to the defined Green Belt to meet a specific identified need, it should only do so through the plan-making process and not in response to a planning application. The Council are preparing their Core Strategy and Placemaking Plan allocating sites for development. The appropriate way to release the site for traveller use would be via these plans or via the Gypsy and Traveller site Development Plan Document (currently in preparation)
- The site is inappropriate for development, in the Green Belt adjacent to a nature reserve, within a World Heritage Site on an arterial route into the city

Amenity

- Impact on residential amenity of Lawrence House opposite, being converted to 20 flats and the outlook from Minerva House a large office block opposite the site. Both buildings are multi story and therefore many of the views will be elevated and the proposed landscape mitigation will be ineffective.

Site layout

- The site is over-developed and at too high a density. A more appropriate proposal would include a much reduced density, less hard standing and further landscape mitigation.
- Inadequate planting within the development and excess concrete hard-standings

Enforcement of existing unauthorised use

- The site is currently used as an unauthorised travellers encampment. The council should be undertaking enforcement action over this planning breach.

Ongoing site management

- Measures should be introduced to limit the number of vehicles on site and avoid an accumulation of abandoned vehicles.

Cost of Provision

- The diversion of Wessex Water's 18inch main water supply at significant cost only serves to underline not only the enormous cost of selecting this particular site as a solution

RELEVANT PLANNING HISTORY: None

POLICIES/LEGISLATION

POLICIES / LEGISLATION

BATH & NORTH EAST SOMERSET LOCAL PLAN (including Waste and Minerals)
ADOPTED 2007

The following policies are relevant:-

- GB.1 - Development in the Green Belt
- GB.2 - Visual effect on the Green Belt
- NE.1- Landscape character
- BH.6 - Development within or affecting Conservation Areas
- T.3 - Promotion of walking and use of public transport
- T.24 - General Development Control and access policy
- T.26 - On-site parking and servicing provision
- CF.3 - contributions from new development to community facilities
- ES.4 - Adequacy of water supply
- ES.5 - Foul and surface water drainage
- NE.1 - Landscape character
- NE.4 - Trees & woodland conservation
- NE.9 - Locally important wildlife sites
- NE.10 - Nationally important species and habitats
- NE.11 - Locally important species and habitats
- NE.12 - Natural features: retention, new provision and management
- BH.1 - Impact of development on World Heritage Site of Bath or its setting
- BH.2 - Listed buildings and their settings
- BH.22 - External lighting
- IMP.1 - Planning obligations

- D.2 - General design and public realm considerations
- D.4 - Townscape considerations

Bath and North East Somerset - Draft Core Strategy Publication Version December 2010

- B4 - The World Heritage Site and its Setting
- CP5 - Flood Risk Management
- CP6 - Environmental Quality
- CP7 - Green Infrastructure
- CP8 - Green Belt
- CP11 - Gypsies, Travellers and Travelling Showpeople

- Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD) - Preferred Options 2012.
- Stage 1 Green Belt Review - Arup
- Gypsy and Traveller Development Plan Document (2008)
- Gypsy and Traveller Accommodation Assessment (GTAA) 2007, updated 2012

GOVERNMENT GUIDANCE:

Habitat Directive

- ODPM Circular 06/2005: Biodiversity And Geological Conservation - Statutory Obligations and Their Impact Within The Planning System
- The Conservation (Natural Habitats &c.) Regulations 1994 (the 'Habitats Regulations')
- National Planning Policy Framework (NPPF) - March 2012 National Planning Practice Guidance
- Planning Policy for Traveller Sites (PPfTS) - 2012
- Designing Gypsy and Traveller Sites: Good Practice Guide -
- Written Ministerial Statement by Local Government Minister Brandon Lewis - Planning and travellers - 1 July 2013 -
- Written ministerial statement by Local Government Minister Brandon Lewis - 17 January 2014 - Green Belt

OFFICER ASSESSMENT

OFFICER ASSESSMENT:

A. PRINCIPLE OF DEVELOPMENT

The adopted Local Plan policy HG.16 addresses gypsy and traveller sites, and sets out a number of criteria that should be used to assess proposals for such sites. Each of these criteria, and an assessment of the proposals in their context, is set out below:

i and ii)) the site has good access to local services, facilities and public transport and it has safe and convenient access to the road network;

As considered in greater detail in section B. and I. the site does have good access to public transport and reasonable access to facilities, particularly by comparison with the alternative sites that are being considered through the Gypsy and Travellers Development Plan Document. Access to the strategic road network is excellent.

As also considered in section B, whilst the proposed access onto the Lower Bristol Road fails to meet the required visibility standards, it is nevertheless a significant improvement on the current arrangement. The speed limit would be reduced to 40 mph along this stretch of road and additionally traffic islands would be constructed which would offer a safe crossing point for pedestrians. In addition, by formalising the layout of the site the development would limit the maximum occupation of the site to 13 caravans / camper vans in total, a significantly reduced level of occupation compared to the current pattern of use. Logically therefore the development would be likely to result in a reduction in the trip generation from the site.

The National Planning Policy Framework (NPPF) is explicit that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst the modified junction onto the Lower Bristol Road still doesn't meet the visibility standards, it would be considerably better than at present. Taking into account the other safety improvements to the access it is not considered that the residual impacts of the development are severe and it is considered to be acceptable.

iii) it is capable of being landscaped to ensure that it blends in with its surroundings;

The proposals include significant and extensive landscaping which will ensure that the development does blend in with its surroundings.

iv) adequate services including foul and surface water drainage and waste disposal can be provided;

The proposals necessitate the diversion of a water main that passes through the site, however the development will be served by adequate foul and surface water drainage.

v) there would be no harmful impact on the amenities of local residents by reason of noise or fumes from business activities.

The proposed gypsy site would be contained within an acoustic fence which whilst designed to protect residents of the site from noise from the railway and road, would also contain noise created by residents. Beyond this, the extensive screen planting would also help to contain noise created within the site. It is not considered that the development would harm the amenity of local residents.

B. HIGHWAY SAFETY AND ACCESSIBILITY

The Councils highway officer has objected to the application on the basis that inadequate visibility can be achieved from the access as it's currently laid out. She has suggested that one possible solution to improve visibility from the access would be to locally reduce the carriageway width of Lower Bristol Road to pull the southern kerb-line out into the road which would help to increase the level of visibility from the access. Following this suggestion, amended plans have been received which would allow an improved visibility

splay of 92 metres in an easterly direction, but still fall short of the 120 metre visibility splay sought through the application of the standards contained within the "Design Manual for Roads and Bridges" (DMRB). Therefore the highways officer has maintained their objection.

The applicants view is that the proposals should be assessed against the less onerous standards set out in the publication entitled "Manual for Streets" which from the highway Officer's calculations, would require a visibility splay of 97 metres. The applicants argue that in terms of referencing the visibility splays to DMRB, the splays achieved are 1 step below the levels recommended for traffic speed of 40mph.

In either event however the proposals fail to meet the standards; by a significant margin when measured against the DMRB standards, marginally when measured against the standards in MfS.

Whilst the development would not meet the standards, the road conditions would be significantly safer at present both for residents of the (admittedly unauthorised) encampment and the residents and workers in Lawrence House and Minerva House opposite the site. Additionally, the formalisation of the site into 8 permanent plots and 5 transit pitches would place an upper limit on the number of residents within the site, whereas at present the number of residents within the site is uncontrolled. Whilst the exact number of existing occupiers is unknown, and will vary, assuming that the majority of caravans and other vehicles parked on the site are occupied the development would result in a significant reduction in trip generation from the existing situation.

The existing encampment cannot be considered as a fallback position in that it is unauthorised, however it is a long-standing, tolerated use. Were the Council to wish to take enforcement action, there is no legitimate traveller's site in the district to which residents could be relocated. Taking these considerations into account, the Council's legal team have advised that the existing conditions, and in this case the highway conditions which existing residents have had to contend with for several years, are material considerations in the determination of the application.

Whilst still sub-standard, the proposed pedestrian crossing and other highway works, the reduction in the speed limit and improvements to visibility would clearly make the access significantly safer than it is at present. In addition, the formalisation of the encampment would probably result in a reduction in the level of trip generation from the site compared to the existing situation, and would place an upper limit on the level of occupation.

The National Planning Policy Framework advises that Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up, where safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. The NPPF is explicit that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In this case, as set out below, given the accessibility of the site by bicycle (using the cycle-track) and bus using the park and ride, officers do not consider the site to be an unsustainable location, particularly by comparison with the other sites being considered in

the Gypsy and Traveller Development Plan Document. The proposed access does not meet the relevant visibility standards, however would still be considerably safer than the existing situation, both for residents of the site and residents and workers nearby and compared to the existing situation the development would not result in severe transport impacts.

C. ECOLOGY

The proposal lies adjacent to and partly within the Newton Brook Site of Nature Conservation Interest (SNCI); and within part of Carrs Wood SNCI, most of which is also a designated Local Nature Reserve (LNR); the boundary of LNR excludes the proposal site. Both of these are local, non-statutory designations. The Brook is an important commuting route for bats and may also support otters and water vole.

The existing unauthorised encampment will have had a significant impact on the ecological value of the site. Whilst the proposed formalised encampment would extend further into the site towards the railway line, it extends the full width of the site, up towards the sensitive western boundary of the site where the land begins to drop away. Whilst the grassland is retained within the site at present, there are substantial areas of the site where the ground is bare and compacted, or poached and muddy, depending on the weather. The ecology report comments that these areas have very low ecological value.

The ecological impacts of the development can be sub-divided as follows:

Lighting and Impact on the Bath and Bradford on Avon Special Area of Conservation

The external lights would consist of bulkhead lights fitted to the amenity blocks, and lights on 3 metre high columns along the central access track and in the car park area.

A significant consideration is the effect of the proposed development on the Bath and Bradford-on-Avon Special Area of Conservation (SAC), a protected wildlife site of international importance, designated for its population of Lesser and Greater Horseshoe bats. There are records of both species of bat being found within 1 km of the application site and therefore, in the absence of surveys it must be assumed that these and other bat species are active within the area, and the proposals should be designed to avoid harming them. The bats are likely to forage and commute along the adjacent Newton Brook. To resolve this concern, the lighting scheme has been amended by a reduction in the height of lighting columns to 3 metres (lower than the acoustic fence) and reducing the lighting levels to 3 lux from 5. This ensures that there will be no light spill beyond the fenceline and no increase in light levels along the Newton Brook, and the Council's ecologist has confirmed there will be no impact on the SAC. Natural England have also confirmed that they have no objection on this basis.

Outside of this narrow consideration, the ecologist maintains her objection to the revised light levels within the site in terms of its general ecological impact and seeks a further reduction to 1 Lux, so that the light levels are effectively no brighter than at present. (By illustration the full moon on a clear night would typically illuminate to 0.5 - 1 Lux.)

The applicant has indicated that they would be willing to review the lighting scheme following the completion of the development with a view to lessening light levels if possible, but cannot commit to the light levels sought, as the providers who would manage the site would not be willing to do so under these conditions.

The applicants have however committed to fit all the external lights with timers and motion sensors, so the lights would only be on when someone was present. This would limit the length of time each night that artificial light would disturb wildlife. The applicants have also committed to using LED light fittings to minimise the ultra-violet component of the light, which is the part of the light spectrum most likely to disturb bats. A condition is proposed requiring full details of all light fittings, baffles and luminaires to be approved, to meet the parameters set out in the lighting strategy, and this would include a review 6 months after the installation of the lights to ensure that they accord with the details approved. An informative would be applied recommending the reduction of light levels to 1 Lux, if possible.

Urban Form of development, Landscape Provision within development

The ecology comments criticise the generally urban nature of the proposed development, the domination of the layout by concrete and tarmac with little space for planting and no communal green space.

Whilst officers agree that as far as possible the development should be sympathetic to its location within a nature reserve, the site does have to be capable of being managed effectively, and therefore a balance has to be struck between the competing objectives of minimising ecological harm and the practical management of what will be an intensively used site.

The applicants have explored the use of permeable materials for all the hard surfaces within the site, and whilst the proposed visitor parking spaces would be surfaced in grasscrete, there are good reasons why this is not possible for the remainder of the site. Firstly, the access track and hardstandings are likely to experience heavy use by caravans, camper vans and refuse vehicles and the applicants have raised concerns about the practicality of surfacing these areas in grasscrete or similar permeable materials and the durability of these materials. Secondly, the ground conditions are impermeable, meaning that even were permeable surfacing materials to be used it would not be possible to drain the site using in-situ infiltration. Lastly the land is contaminated, and therefore it is preferable to achieve separation between residents of the site and contaminated soils.

There is also a trade-off to be made between the incorporation of planting within the development (i.e within the acoustic fence) and minimising the overall size of the development within the nature reserve. The latest plans do incorporate the provision of raised planters and grass verges at the back of each plot, plus a verge at the back of the turning area, and the amenity blocks in each plot would be fitted with sedum roofs which would also function as habitat. In responding to these concerns however, the applicants have sought to minimise the land take of the gypsy site, so as to minimise the land within the fence line (which will be dominated by human activities) and maximise the area outside the fenceline (which would be managed for its ecological value). The provision of a communal green space within the site for example, which is not primarily an ecology

issue, would substantially reduce the amount of land beyond the fence-line that is currently proposed for ecological mitigation and tree planting.

Consequently, the amended plans have reduced the depth of the turning and car parking area consistent with its safe operation and rationalised the access track, which now just has a pavement down one side rather than both sides. This has resulted in a 3 metre reduction in the length of the area within the acoustic fence and a 0.5 metre reduction in the width of the site. It is logical that habitat provided outside the acoustic fence, separated from human activity will be of more benefit than habitat provided within the acoustic fence, and therefore officers consider this to be an improvement on the application as originally submitted.

The applicants have also offered up an ecological enhancement scheme. The detail of this has yet to be confirmed but would include:

- o native climbing plants to be grown up the acoustic fence
- o provision of bird and bat boxes and reptile hibernacula within the new areas of habitat outside the acoustic fence
- o the inclusion of micro-habitats for insects within the development.

Officers acknowledge that there still remain concerns in respect of the ecological impact of the development and there is a tension between the designation of the site as a local nature reserve and the intended use, which is inevitably urban in nature, however the applicants have gone as far as they feel they can to address the concerns raised.

The formalisation of the encampment would result in a net loss of improved pasture, which the ecology reports is of very low ecological value, but would reinforce the habitat along the Newton Brook (the most valuable habitat within the site) with native tree planting, and would also improve the separation between the travellers encampment and this habitat from the existing position.

The lighting scheme has been carefully designed to minimise its ecological impact. Efforts have been made to minimise the land-take within the nature reserve and incorporate planting and landscaping within the development itself. On the basis of the revised plans submitted and the conditions discussed, and giving some limited weight to the existing degraded nature of the wildlife reserve at present, the proposals are considered to be acceptable in terms of their ecological impact.

D. NOISE

A noise report was submitted with the application, which monitored existing noise levels within the site and gave recommendations for mitigation measures to achieve acceptable noise conditions for future site residents. In summary, at present the site experiences noise both from the road and the railway line, with average day and night-time noise levels and peak noise levels (for instance from high speed trains passing) significantly exceeding the maximum figures recommended by the World Health Organisation for human habitation. The residents are particularly vulnerable as the caravans are lightweight structures which offer little attenuation against noise.

The report recommends the installation of a 3.2 metre high acoustic surrounding the fence in order to bring noise levels down to compliance with the WHO guidelines. The Council's Environmental Health team agree with this analysis and advise that an acoustic fence of this height is necessary if the site is to be developed for human habitation. An acoustic fence forms part of the submitted proposals and its provision could be secured by condition.

E. IMPACT ON AMENITY OF SURROUNDING OCCUPANTS

Objections have been received that the proposed development would adversely affect the residential amenity and outlook from Lawrence House opposite, which is in the process of being converted into flats and the outlook from Minerva House a large office block opposite the site.

Minerva House is located opposite the wooded slopes of Twerton Wood rather than the application site and would have only oblique views of the application site. The development would have no significant impact on the outlook from this property.

Lawrence House is located roughly opposite the proposed access to the site, but is separated from the site by the busy Lower Bristol Road. From the front elevation of this building the opposite carriageway edge of Lower Bristol Road is approximately 25 metres away. The closest caravan would be located approximately a further 25 metres into the site behind extensive screening. It is correct that due to its height the proposed development would change the outlook from the upper floors of Lawrence House, but taking into account the distance to the site, the intervening road and the proposed landscaping, the proposed development would have no significant impact on the residential amenity of these properties and the relationship between these properties and the proposed development is considered to be acceptable.

F. IMPACT ON WATER MAIN

Wessex Water have raised concerns that an 18 inch high pressure water main runs through the site centre. This would pose a hazard to residents if it burst and therefore needs to be diverted before the development can proceed. The applicants have proposed a diversion route, and Wessex Water are preparing a design and cost estimate for the work, but have yet to agree it.

Clearly this has to be resolved, however Wessex Water have agreed that this can be achieved by means of a "Grampian" condition. This would prevent the development commencing until the Local Planning Authority (in consultation with Wessex Water) have agreed the diversion and until the works were completed. Wessex Water have substantial Permitted Development rights to carry out such works without the need for planning permission, and therefore they would undertake the works without the need for a further planning consent, and invoice the council as developer for the cost outside of the planning system.

G. PLANNING OBLIGATIONS

Education Provision

A request has been made for the educational contributions. The primary school contribution is justified on the basis of a projected lack of surplus primary school places in year groups Year R, 1, 2, 3 and 4 by 2017.

Planning officers question the validity of these contributions in that the site is already occupied and there is already a population on the site who have been there for several years, and children from the site already attend the local schools. In fact, in formalising the site, there is likely to be a reduction in the population of the site. The formalised site would limit numbers to 8 permanent pitches and 5 transit pitches, whereas the applicants report 23 being parked on the site during their last visit. Therefore we doubt whether the development would place additional pressure on school places, and think it likely that in reality pressures would reduce from the current situation.

There is no evidence that this has been taken into account in the request for contributions.

The request for contributions to the primary school also forecasts that by 2017 all places in Primary School year groups Year R, 1, 2, 3 and 4 will be full with no surplus capacity available. The timescales of the application are such that the development will be complete and occupied by summer 2015 and therefore there would be capacity within the school to accept children from the development. As a consequence, this contribution fails the test set out within the Community Infrastructure Levy regulations that contributions should be necessary to make the development acceptable in planning terms.

Parks Provision

The Parks team have sought for provision to be made to enhance formal green space and provide additional allotments and natural green space to serve the development and to compensate for the publicly accessible land within the nature reserve that would be lost.

As the Council is the applicant, it cannot enter into a legal agreement with itself. Both the Parks department and the Planning Department lie within the same directorate within the Council. Therefore the Parks department has signed a memorandum of understanding to make appropriate provision through the internal budgetary process.

H. GREEN BELT CONSIDERATIONS

The application site lies within the Green Belt. Core Strategy policy CP8 largely mirrors national policy within the NPPF that identifies the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open and that the most important attributes of Green Belts are their openness and permanence.

This wording in respect of the purposes and objectives for the designation and use of land within the Green Belt substantially reflects the core wording set out in paragraphs 80 and 81 of the NPPF and therefore this policy can be afforded significant weight in determining the application.

Adopted Local Plan Policy GB.1 advises that permission will not be given, except in very special circumstances, for development other than appropriate uses and other

development and material changes of use of land which maintain the openness of the Green Belt and do not conflict with the purposes of including land in it.

Local Plan policy GB.2 advises that permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction.

Core Strategy policy CP8 largely mirrors national policy within the NPPF which identifies the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open and that the most important attributes of Green Belts are their openness and permanence

Planning Policy for Traveller Sites advises "Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.

National and local policy establishes a presumption against inappropriate development in the Green Belt which by definition is harmful to the openness of the Green Belt. The policy document entitled Planning policy for traveller sites, issued March 2012 makes it clear that both temporary and permanent traveller sites are inappropriate development in the green belt.

Extent Of Harm Caused To The Openness Of The Green Belt

The NPPF identifies 5 purposes of including land in the Green Belt:

1. to check the unrestricted sprawl of large built-up areas;
2. to prevent neighbouring towns merging into one another;
3. to assist in safeguarding the countryside from encroachment;
4. to preserve the setting and special character of historic towns; and
5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The Emerging Core Strategy relates these specifically to the context in BANES and adds a 6th reason as follows:

6. To preserve the individual character, identity and setting of Keynsham and the villages and hamlets within the Green Belt.

In assessing the impact of the development on the openness of the Green Belt it is first necessary to test how the site performs in terms of the 6 purposes of green belt designation set out above. The assessment below is informed by the Stage 1 Green Belt Review carried out by Arup for the Council in 2013, hereafter referred to as The Arup Review. The Arup Review included consideration of the value of the site as part of a much larger parcel of land to the South West of Bath. The conclusions drawn in the Arup report are therefore of relevance in terms of the importance of the site, but are not directly attributable to the application site without further commentary being carried out in respect

of the site itself, which may have differing characteristics to the larger land parcel assessed by Arup.

This assessment then informs the level of harm that would be caused by the development, against each criteria. For brevity and clarity, the assessment of the importance of the site against the purposes of Green Belt Designation is set out below, followed in each case by an assessment of the level of harm:

1. to check the unrestricted sprawl of large built-up areas;
Performance of Site

The Arup Review advises that there is limited existing development within the land parcel (to the south west of Bath) with the exception of the settlements of Newton St Loe and Englishcombe. The Green Belt therefore helps to prevent sprawl into open land and the coalescence of these rural settlements with the city.

Applying further commentary in respect of the application site, the site is located on the edge of the urban area of Bath. Whilst to the north of the Lower Bristol Road there is further development (primarily employment uses) along the Lower Bristol Road, to the south of the road there is no further development to the west of Twerton Wood, with the exception of the adjoining cricket ground, which is an appropriate use in the Green Belt. Thus, whilst the application site is visually quite well contained, and is only a small part of the land parcel considered above by Arup, the Green Belt designation of the site performs an important function in terms of containing further ribbon development along Lower Bristol road.

Harm caused by Development

The development would result in development being located beyond the existing western edge of the city, which to the south of the Lower Bristol Road is well defined by Twerton Wood, and thus might risk encouraging further development to the west of the site, extending further into the Green Belt. However, due to the topography and existing vegetation the site is visually well contained, and the proposed development would be screened by extensive planting which would reinforce this characteristic. This would help incorporate the development within the landscape, lessen its visual impact and by reinforcing the soft edge of the city, would discourage further development beyond the application site. Thus the harm caused by the development in these terms would not be significant.

2. to prevent neighbouring towns merging into one another;

Performance of Site

The Arup review comments that Land in the northern portion of this land cell falls within the important Green Belt gap between Bristol, Keynsham and Bath. Measuring approximately 4.2km, the existing gap between Bath and Keynsham across the northern portion of this land parcel is wider than that between Bristol and Keynsham. However, the location of Saltford between Bath and Keynsham means that retaining the openness of all undeveloped land along the A4 corridor between settlements is important in retaining the integrity of this part of the Green Belt.

The Arup review comments in its conclusion that the Green Belt in this land parcel prevents the merger of the city of Bath with the town of Keynsham and village of Saltford. This is of particular importance as preventing the merger of Bristol, Keynsham, Saltford and Bath was an original intention behind the designation of the Bristol and Bath Green Belt.

The application site forms a small part of the larger land parcel considered by Arup, with an extensive area of Green Belt (measuring 3 km in width between Bath and Saltford) preventing Bristol and the settlements of Saltford and Keynsham from coalescing. From a wider perspective the site also forms part of a larger cell of Green Belt land preventing the merger of Bath and Bristol. Given the limited size of the site, the importance it plays in maintaining the separation of Bristol, Keynsham and Bath is limited; nevertheless the Green Belt designation within the site contributes towards the protection offered by the wider land parcel.

Harm caused by Development

Altogether from the eastern boundary of the Green Belt with the Bath urban area to the western boundary of the green belt with Saltford is a distance of approximately 3 km. The effect of the development going ahead would be to place a 50 metre wide incursion into the Green Belt and marginally reduce the distance between the perceived developed edge of Saltford and the developed edge of Bath. Consequently, taken in isolation, the development would have no significant impact in terms of merging the settlements of Bath and Saltford.

It is true to say however that the development could theoretically give rise to cumulative harm and could, with other proposals in the Green Belt, erode the separate nature of these two settlements and result in them merging. However officers are aware of no other such proposals in the Green Belt between Saltford and Bath that could give rise to such cumulative impacts, and the development, justified and designed for a very specific purpose would not be likely to set a precedent for other development proposals.

3. to assist in safeguarding the countryside from encroachment;

Performance of Site

The Arup review comments that within the land parcel the main land use within the land parcel is agricultural, with associated farm buildings. There are also a number of woodland areas scattered across the land parcel. As there is very limited existing development in the land parcel, the Green Belt strongly serves this purpose and development would result in a detrimental form of encroachment into the countryside.

The undulating topography of the land includes a series of valleys formed by the Newton Brook and tributaries (up to around 100m in relief), which obscures views into and across the land parcel, including the visibility and sense of encroachment of the urban boundary of Bath from the west. The land parcel contains numerous other Sites of Nature Conservation Interest and there is a large Local Nature Reserve Area (LNR) in the north eastern portion of the land parcel immediately adjacent to Twerton

Officers consider that within the application site, the Green Belt designation also performs an important role. To the south of Lower Bristol Road, Twerton Wood, the undeveloped hill above the Lower Bristol Road marks a transition from the urban character of the City to the rural character of the open countryside and Green Belt. To the south of the Lower Bristol road this transition is sudden; to the north, this transition is more gradual with development petering out along the Road, prior to finally ceasing at Newbridge Road.

It is also true to say that the higher land to the south and east of the site and the mature planting along the Newton Brook and Lower Bristol Road obscures views into the site from the wider countryside and the bulk of the Green Belt.

Harm caused by Development

The land around the site has a transitional character, with a mixture of undeveloped woodland and recreational uses to the south of the road and residential and employment uses to the north of the road. Nevertheless the development would be a detrimental encroachment into the countryside, which notwithstanding the current unauthorised use, is lawfully undeveloped.

The proposed landscaping would over time work to soften and screen the development in views from the Lower Bristol Road and railway line and further isolate it in views from the wider landscape. Consequently the permanent impact of the development would not be significant.

4. to preserve the setting and special character of historic towns; and

The Arup Review comments that the land parcel to the South West of Bath is immediately adjacent to Bath and is part of and therefore of importance in protecting the setting of the World Heritage Site.

The Land Parcel considered by Arup, of which the application site consists of a small part, performs an important role by constraining the growth of the city along the river valley, and maintaining the compact nature of Bath as a World Heritage Site. The undeveloped nature of the valley bottom between Newbridge and the Newton St Loe roundabout also reinforce the setting of both New Bridge (Newton Bridge) itself and Kelston Park, both Listed Buildings from the Georgian period, which have value as aspects of the World Heritage Site. New Bridge in particular forms a historic entrance into the city and the Green Belt designation has allowed the approach to the bridge along the valley bottom to remain undeveloped, reinforcing its setting and the significance of this heritage asset.

The railway line and the Lower Bristol Road also form prominent entrances into the World Heritage site and both are historic routes into the City, the Lower Bristol Road being a known Roman Road. The portal to the tunnel entrance is a Grade II* Listed Building. Consequently the Green Belt designation within the site is of importance in preserving the setting of Bath as a historic town.

Harm caused by Development

In isolation the development would have no significant impact in terms of eroding the compact nature of the city. However the development, and in particular the proposed

acoustic fence would cause limited localised harm to the setting of the Lower Bristol Road and railway line which are historic entrances to the World Heritage Site and to the setting of the listed railway portal.

However, due to the topography of the site and surrounds and the existing vegetation, these impacts would be localised, consisting of fleeting glimpsed views in passing from the road and railway line, of limited duration. In time the extensive screen planting associated with the development would mature and ameliorate this harm to a substantial degree, and consequently the permanent impact of the development in this regard would not be significant and would be reduced compared to the current situation.

5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Arup Review comments that the Green Belt in the land parcel to the South West of Bath serves this purpose strongly as it contains part of and provides the setting for the Bath World Heritage Site.

Within this larger land parcel, the Green Belt designation within the site plays a contributory role in encouraging the reuse and re-development of derelict and disused land within the urban area of Bath by restricting development to within the existing footprint of the city.

Harm caused by Development

A significant part of the Very Special circumstances put forward to justify the proposed development, and accepted (see key issue I), is that there is no alternative suitable, available and deliverable site outside the Green Belt where the proposed gypsy and traveller site can be accommodated. It follows that the development would have no impact in terms of undermining the recycling of derelict or urban land, in that there is no suitable non-green belt land which could be developed in preference to this site.

6. To preserve the individual character, identity and setting of Keynsham and the villages and hamlets within the Green Belt.

The Arup Review comments that, the Green Belt in the land parcel to the South West of Bath protects the individual character, identity and setting of the villages of Newton St Loe and Englishcombe.

The Green Belt designation within the site performs a contributory role in this respect and as well as assisting in the separation of Bath, Saltford and Keynsham, assists in preventing Bath from merging with the settlements of Newton St Loe and Corston. These villages are both washed over by the Green Belt and the eastern edge of Newton St Loe (the closest village) is approximately 1.3 km from the application site.

Harm caused by Development

The proposed development would create a small encroachment into the Green Belt between the urban edge of Bath and the village edge of Newton St Loe (the closest village), however other urban areas of Bath are already closer to the village than the application site and are more directly linked to the village than the application site by

Pennyquick Lane. The intervening topography and vegetation and pattern of road links also result in there being a very weak relationship between the application site and Newton St Loe. Therefore whilst the development would be a small encroachment into the Green Belt, it would have no material impact on the setting or character of Newton St Loe or other villages.

Conclusion on Green Belt Harm

Value of Site in terms of Green Belt purposes

In conclusion, the site is important in terms of the following purposes:

Purpose 1 - checking the unrestricted sprawl of large built-up areas;

Purpose 3 - assisting in safeguarding the countryside from encroachment;

Purpose 4 - preserving the setting and special character of historic towns; and

The site performs a less important but still contributory function in terms of purposes 2, 5 and 6:

Purpose 2 - preventing neighbouring towns merging into one another;

Purpose 5 - assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.

Purpose 6 - preserving the individual character, identity and setting of Keynsham and the villages and hamlets within the Green Belt.

Summary of Green Belt Harms

The development constitutes inappropriate development which by definition would be harmful to the openness of the Green Belt. The development would not cause unrestricted sprawl, but nevertheless would be a small encroachment into the Green Belt and countryside beyond the existing established urban area, and would harm the openness of the Green Belt. It would marginally reduce the distance between the developed edge of Saltford and the developed edge of Bath, but taken in isolation, would have no significant impact in terms of merging the settlements of Bath and Saltford, although cumulative impacts could theoretically arise with other proposals in the Green Belt. The development, and in particular the proposed acoustic fence would cause some harm to the setting of the Lower Bristol Road and railway line as historic entrances to the World Heritage Site and to the setting of the listed railway portal. However, due to the topography of the site and existing vegetation and the fleeting nature of views, the harm would be localised and not significant and would be further ameliorated over time with the maturation of landscaping. As there are no other non-green belt sites where the proposed gypsy and traveller site could be accommodated the development would cause no harm in terms of undermining the recycling of derelict or urban land.

Due to the development pattern, intervening topography and vegetation, the development would have no material impact on the setting or character of Newton St Loe or other villages.

In conclusion the site is relatively valuable in terms of the majority of the purposes of its designation as Green Belt. The development would cause harm to the openness of the

Green Belt as detailed above, however the harm is lessened by the contained context of the site in the wider landscape and the harm would be significantly ameliorated over time through extensive landscaping proposals, which over time would soften and screen the development. Therefore it is not considered that the development would give rise to a harmful but not significant impact on the openness of the Green Belt.

I. VERY SPECIAL CIRCUMSTANCES TO JUSTIFY THE PROPOSED DEVELOPMENT

When the development is "inappropriate" it is for the applicant to show why permission should be granted because of very special circumstances. In view of the presumption against inappropriate development, substantial weight should be attached to the harm to the Green Belt when considering any planning application. The NPPF sets out that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is "clearly outweighed" by other considerations.

Recent Ministerial Announcements relate specifically to the issue of gypsy and traveller sites within the Green Belt. The Ministerial Statement of 1 July 2013 commented as follows:

"... inappropriate development in the green belt should not be approved except in very special circumstances. Having considered recent planning decisions by councils and the Planning Inspectorate, it has become apparent that, in some cases, the green belt is not always being given the sufficient protection that was the explicit policy intent of ministers. The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt.

The applicants have submitted a statement setting out the Very Special Circumstances justifying the proposed development. These can be summarised under the following headings.

a. Unmet Need For Gypsy And Traveller Accommodation

Policy Position

Whilst the Ministerial Statements make it clear that the single issue of unmet need for gypsy and traveller sites is unlikely to constitute the "Very Special Circumstances" justify inappropriate development in the Green Belt, nevertheless the issue of unmet need remains a material consideration, which can comprise part of the Very Special Circumstances.

Just as national planning policy requires Local Planning Authorities to meet the conventional housing needs of their populations, there is also a duty to accommodate the needs of the Gypsy and Traveller community.

The document entitled Planning Policy for Traveller Sites 2012 (PPfTS), requires that Planning Authorities undertake their own assessment of need and (policy B) identify and update a supply of deliverable sites to provide 5 years' worth supply against their assessment of need. This guidance also requires neighbouring Local Planning Authorities to co-operate and consider setting targets on a cross authority basis. the PPfTS (Policy H) requires the Council to consider the existing level of provision and needs for sites, and the availability of alternative accommodation for applicants when considering planning applications.

Demand for Gypsy and Traveller Sites in BANES

The Council has made some progress towards meeting these requirements, and has carried out (and in 2012 updated) an assessment of the need for sites in BANES (Gypsy and Traveller Accommodation Assessment - GTAA - December 2012). This identifies a need for 24 Permanent pitches and 5 Transit Gypsy in BANES in the next 5 years and a further 4 permanent pitches in the following 10 years. These figures are seen as the minimum amount of provision which is necessary to meet the identifiable needs of the population.

Existing Provision of Gypsy and Traveller Sites in BANES

The application comments on "a desperate and immediate need" for additional permanent and transit sites within BANES.

This is borne out by the figures. At present, there are no transit pitches in BANES. Only two permanent pitches have been approved in BANES since 1995, but these pitches are both personal permissions, meaning that should the current occupants move on; these sites could not be used to accommodate other gypsies or travellers, and would not contribute towards meeting the general level of identified need.

As it stands therefore the Council has failed to fulfill its requirement to provide a deliverable 5-year supply of sites to meet the need for gypsy and traveller accommodation, and there remains an outstanding need in the district for 24 permanent pitches and 5 transit pitches, a high level of unmet need for gypsy accommodation.

The application comments on the poor conditions found within the site at present, in terms of the sub-standard access and unsafe conditions for pedestrians, lack of basic facilities, noise nuisance from the train line and road. Additionally, the objection from Wessex Water reveals that the high pressure water main that passes through the site poses a hazard to existing residents of the site. Officers consider that these poor conditions are likely to at least partially stem from the lack of formal provision to meet the need for traveller accommodation in the district, and the lack of an alternative, authorised site where gypsies and travellers can park up.

In this light the poor site conditions, which are likely to exacerbate any underlying health conditions, can be seen as a physical consequence of this failure to meet the identified level of need in the district, and underline the urgent need to address this under-provision. Weight therefore needs to be attached to these areas of harm to the occupants of the site in the decision making process.

Notwithstanding this, the application for a gypsy and travellers site within the Green Belt, begs the question as to whether the development could be accommodated on a site outside of the Green Belt. If an available and deliverable gypsy and traveller site could be developed outside the Green Belt to meet the level of need identified, Very Special Circumstances cannot be demonstrated for the proposed development.

Availability of alternative sites outside the Green Belt to meet the identified need.

Informed by the assessment of need in Gypsy and Traveller Accommodation Assessment (2012), the Council has undertaken an Issues and Options consultation and call for sites in November 2011. Following this, the Council has consulted on its Preferred Options including its detailed assessment of sites put forward.

This will culminate in a Site Allocations Development Plan Document for Gypsies, Travellers and Travelling Showpeople, which will when adopted designate sufficient sites to meet the identified need for gypsy and travellers provision in the district. The DPD is currently at a relatively early stage in its preparation and as there remain significant unresolved objections only limited weight can be given to the emerging Plan in determining planning applications.

However, as the DPD included two calls for sites, it is a reasonable assumption that landowners wishing to develop their land as gypsy and traveller encampments will have promoted their sites through this process. The DPD is therefore a reasonable basis from which to examine the extent and range of sites that are likely to be available, and the alternatives to this site in the Green Belt.

The Council's planning policy team comment that of the 29 sites that came forward through the DPD Preferred Options consultation process (2012) only five are confirmed as available and of those only two sites are located outside of the Green Belt. The deliverability and acceptability of these sites, and their capacity if delivered is relevant to this application and needs further consideration.

- Quarry Garage, Eastcourt Road, Temple Cloud, Bristol - 0.55ha

The Council's planning policy team comment that the site owner has indicated that the site could be suitable for 5 or 6 large live/work pitches. Highways assessment supports the use of 6 pitches as a maximum site capacity although there are issues of development viability which still need investigating.

The applicants comment that the site is part of a former quarry, and was partially in use as vehicle repair and breakers yard, giving rise to the potential for land contamination. Additionally the quarry has the potential for landfill gases associated with areas on infill ground. The development of the site might require contamination remediation, which would have implications in terms of project viability. They also raise concerns about the sustainability of the site, given access to services and facilities and the suitability of the proposed access.

- Land near Mill Lane, Radford - 0.8ha

The Council's planning policy team comment that based on the site constraints, including the impact on the setting of the Somerset Coal Canal, and the rural location largely separated from residential properties, it may be appropriate to restrict any development to a maximum of 2 permanent pitches. However, the initial assessment suggests the site may not be deliverable due to significant access issues.

The applicants raise further doubts about the acceptability of this site and refer to a 2010 refusal of planning permission for 3 private gypsy and traveller pitches. The reasons for refusal related to the impact on the Somerset Coal Canal, an unlisted heritage asset, lack of a safe means of access and landscape impact.

Taking account of the constraints associated with each of the sites, there still appear to be significant issues to be overcome before suitability or deliverability can be confirmed and on that basis neither site can be considered to be immediately suitable, available and deliverable (cf. Planning Policy for Traveller Sites, para 9). However, even if both of these sites were to be developed, providing 8 or 9 pitches in total, it would still not go even halfway to meeting the identified need in the district.

The applicant also comments on the potential for a gypsy site to be accommodated on the three MOD sites on the edge of Bath. All three sites are privately owned and are being brought forward for housing development. Additionally these three sites are an important part of the Council's 5 year housing land supply and therefore cannot provide for this unmet need.

The Council's analysis in the DPD is that there are insufficient sites available outside of the Green Belt to meet the identified local need and therefore the Council is considering the allocation of Green Belt land to meet the need.

Potential of Co-operation with neighbouring LPAs to meet the need

There are currently no formal arrangements in place between BANES and the Neighbouring Authorities in respect of the provision of new gypsy/traveller sites. The Neighbouring Authorities are all at different stages in the provision of sites to meet their own identified needs and any future cross Local Authority co-operation is unlikely to result in meeting with existing urgent unmet needs in BANES in the foreseeable future.

Potential of Development Plan Document to meet the Need / Timescales for delivery

The reasonable question arises as to why this application, for a traveller's site within the green belt, has come forward ahead of the finalisation of the Gypsies and Travellers Development Plan Document.

Notwithstanding the two recent personal permissions there remain no legitimate transit gypsy and traveller plots and no unrestricted, permanent plots within BANES to meet the general level of need identified. There is a substantial and immediate unmet need for Traveller sites in Bath and North East Somerset, and the poor and unsafe conditions within the site at present are a physical symptom of the extent of this need and the urgency with which it must be addressed.

The applicants draw attention to the programme for the DPD preparation in the June 2013 Cabinet report which anticipates the DPD being adopted in the Winter 2014, however this programme has been revised to allow further work to be undertaken which means that the DPD is unlikely to be adopted before December 2016. Were this application to await the adoption of the DPD, this would potentially mean a delay of two years if exceptional circumstances were found to exist to support the removal of this site from the Green Belt, plus the time taken to process the planning application and implement the permission.

The applicants have stressed that this site is owned by the Council is located in a suitable location for development and is available and deliverable now. Additionally the Council has secured Homes and Communities Agency funding of £750,000 to assist in the delivery of the development, but this grant is conditional on the project being completed by 31 March 2015.

Thus whilst the development of this site would not meet all of the identified level of need, it would resolve the unsatisfactory conditions found at the site at present and would contribute somewhat to meeting that need in the near future and certainly in advance of the DPD being adopted in December 2016. The proposed site would also reduce the need for unauthorised sites and remove the defence that there is no legitimate gypsy or traveller site to go to. As a result, if approved the development would be likely to reduce the number of unauthorised encampments in the district, make enforcement more effective and provide the Police with a facility to offer Travellers.

Taking into account the almost total lack of gypsy and traveller provision within BANES at present, the high level of need and the consequences of non-provision, the emergence of unsafe, unauthorised sites such as the current unauthorised site and the availability of funding to provide a safer, formalised site, officers consider that there are reasonable ground to progress the proposals through means of a planning application, rather than awaiting the adoption of the DPD which may be some time away.

b. Social And Health Benefits

The application comments on the social links that the existing residents have with the BANES area, the city of Bath and the area of the site:

- o There are 4 children permanently resident on site who attend local schools at St Michaels Junior School in Newton Road and Twerton Infants School in Poolemead Road, and who subject to planning permission being granted would be offered a pitch on the new site. Both schools are located to the rear of the Lower Bristol site and within a mile of the site.

- o A number of residents have resided at the site for a number of years and consider the site their long term home. These residents are of mixed family make up e.g. families with children, individuals with children who visit regularly, couples and individuals.

- o There are at least 3 individuals on site currently who have children who visit regularly, there is the possibility that these families could be offered a pitch on the new site.

- o At least one resident is studying locally in part time education.

Clearly these residents have links with the area and the development of this site over other alternative sites would offer advantages for these residents in terms of continuity and building up local links in the community. Enabling the children resident at the site to continue attending their existing school would offer benefits in terms of the likely quality of their education and social lives.

The application comments that there are at least 4 individuals on site who appear to be suffering severe ill health, and who subject to confirmation of their medical condition may be eligible for a pitch on the new development. A number of single individuals currently on site appear to suffer from alcohol dependency. A number of residents attend the Royal United Hospital or the Mineral Hospital in Bath.

These health conditions can only be worsened by the existing site conditions. The site offers a deliverable, formalised gypsy encampment that would improve the site conditions in the near future.

The Council's Housing department since confirmed that they have received 4 preliminary applications for the proposed pitches at Lower Bristol Road.

All four applications are from residents currently living on the site, three of the applicants have lived on site long term i.e. for a number of years, two of the applicants have young children in local schools. In addition, two of the applicants are considered vulnerable due to physical illness and two of the applicants work locally.

The Housing department comment that their allocations process prioritises applicants who are Gypsies and Travellers, have a local connection and who are considered vulnerable. e.g. applicants with dependents or ill health, and that it is likely that, subject to confirmation of details that a number of the applicants will meet the criteria.

Officers consider that the social and health benefits offered to existing residents of the site who are re-housed in the formalised site, in particular the benefits of offering school age children continuity in their education, can be given substantial weight as a Very Special Circumstance that supports the proposed development.

c. Sustainability Of Location

The Council's Highway Officer has raised concerns about the lack of pedestrian facilities from the site to reach the bus stop on the southern side of the carriageway (to the west of the site) and that the lack of pedestrian facilities from the site would be likely to deter residents on the site from using public transport and walking/cycling, and therefore residents would be reliant on the private vehicle, which is contrary to sustainability policies.

Officers agree that the site isn't ideal in terms of pedestrian infrastructure and is some distance on foot from local facilities. Anecdotally, there are reports of residents walking through the nature reserve to St Michaels Primary School in Twerton, shops and other facilities, however this route is not paved or lit and the alternative pedestrian route along the Lower Bristol Road would be indirect and unwelcoming, due to the speed and volume of traffic using the Lower Bristol Road.

Additionally, whilst the site is located within 500 metres of bus stops at the junction of Newbridge Road and the A36, which provide a frequent service into the city centre, Bristol and Keynsham, the pavements linking the site with these bus stops are discontinuous and the traffic lights on this junction appear not to include a pedestrian phase.

However whilst these comments are valid and the site is not within walking distance of facilities, in other terms the site is very well served in terms of access to cycling and public transport infrastructure.

The site is 130 metres from the Bristol to Bath cycle path and the canal path, linked via Public Right of Way BA17/4, which starts on the Lower Bristol Road, and could be accessed safely via the proposed pedestrian island and pavement along the site frontage. The cycle path and canal path provide excellent cycle access into the city centre and also towards Bristol.

This public right of way if followed further also provides safe access to the Newbridge Park and Ride 700 metres away, and from here there are regular services every 15 minutes into the city centre, from 6:15 AM to 9:40 PM during the week, and a less regular service on Sundays.

Therefore whilst the site is not within walking distance of facilities, nevertheless it is considered that it would be easily possible to live at the site without needing access to a car.

Additionally, consideration also needs to be given to the comparative sustainability of alternative available sites, located outside the Green Belt. The following comments can be made.

- Quarry Garage, Eastcourt Road, Temple Cloud, Bristol - 0.55ha

This site is in a rural location on the southern edge of Temple Cloud. The site is within 500 metres of a good public transport route in Temple Cloud and there is a primary school approximately 800 metres from the site. However the site is significantly less well served in terms of access to wider service provision than the application site in Bath, and is much less well placed in terms of access to local employment. The Core Strategy

- Land near Mill Lane, Radford - 0.8ha

This site is in a rural location approximately 300 metres to the south of Timsbury. There is a primary school in Timsbury 1.7 km from the site but has few other facilities, and is poorly located in terms of access to jobs.

In conclusion, whilst not perfect, the site performs very well in sustainability terms in comparison to the other non-green belt sites under consideration through the Gypsy's and Travellers Development Plan Document. Both these sites are located in comparatively remote rural locations, further from service provision than the application site. Neither offer the advantages of this site in terms of access to employment and medical facilities.

The application site by contrast would function well for those residents who work in the city, use social or medical facilities within the city or have social links in the city. For the transit plots, the site is located on a main route into the City, well connected to the trunk road network.

The sustainability credentials of the site may also therefore be given some weight in the consideration of whether Very Special Circumstances exist.

d. Current Site Conditions And Environmental Enhancements

The application discusses the existing sub-standard site conditions, both in terms of the unsafe vehicular access and pedestrian crossing, minimal provision of basic facilities, noise nuisance from the railway line and road and unsightly appearance of the site. The unpaved condition of the site is a particular shortcoming, and at the time of the case officers site visit in February, large portions of the site were deep in mud. Officers agree with all of these points, which will detract greatly from the quality of life of the existing residents of the site. The development would also offer the opportunity for significant improvements in all of these areas.

Whilst the existing encampment is unauthorised weight can be to the benefits the development would deliver in addressing these deficiencies. As there is no obvious alternative site in the district where travellers could be re-settled these benefits are Very Special Circumstances supporting the proposals.

As discussed above, the poor conditions on site at least partially result from the lack of a formalised gypsy and traveller site within the district and underline the urgency of finding provision to serve the needs in BANES.

e. Traffic Conditions

The applicants comment that the existing use of the access represents a highway danger as the access suffers from reduced and substandard visibility and additionally, vehicles have to slow to almost walking pace on the A36, which currently is subject to the national speed limit before entering the site, due to site conditions. The proposed scheme would relocate the access to provide improved visibility, would introduce traffic calming measures, improve pedestrian facilities and reduce the speed limit.

The highway works offered would still fail to meet the relevant visibility standards, but would be considerably safer than the existing position. Additionally, with the conversion of Lawrence House to flats (undertaken under permitted development rights) the context of the area has changed. Residents of this development will also be at risk due to the current high traffic speeds passing their site and would benefit from these works, as would workers in Minerva House, and the other nearby employment uses. This is a legitimate benefit arising from the development which weighs in favour of the proposed development.

f. Design Of Site / Amenity Buildings / Management Of The Site

The application refers to the sensitive and sustainable design of the site, including timber clad buildings with sedum roofs and areas of permeable hard standing, and the use of a sustainable urban drainage system, and also to the management arrangements for the site and ongoing management of the landscape and additional habitat provided. These aspects of the development are all welcome, and in part work to lessen the landscape impact of the development, however officers do not consider that they comprise "very Special Circumstances" to justify development in the Green Belt.

CONCLUSIONS

National and Local planning policies advise that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In determining the application it is necessary therefore to first assess the level of harm to the Green Belt, assess the other Sources of harm and finally to conclude whether the Very Special Circumstances put forward clearly outweigh the combined harm.

Harm to Green Belt

The proposed development consists of inappropriate development in the Green Belt. It would harm the openness of the Green Belt and would be a small encroachment into the countryside and the setting of the World Heritage Site, but, due to the nature of the site, visually contained by the topography and existing mature vegetation, would give rise to a less than significant impact in term of purposes of the Green Belt.

Other Sources of Harm

As discussed in the body of the report, the proposals would cause slight harm to the setting of the listed railway portal at the rear of the site and slight harm to the setting of the World Heritage Site and landscape. The proposals would afford sub-standard visibility compared to the highway standards, but would nevertheless offer a significant improvement from the existing position and would not result in a severe residual impact. Whilst the development would include significant ecological mitigation, there remains an objection to the proposed external lighting.

Very Special Circumstances

In reaching a conclusion as to whether the material considerations that weigh in favour of the proposals amount to very special circumstances which clearly outweigh the harm to the green belt and other identified harm to justify inappropriate development in the Green Belt, it is necessary to have regard to the Ministerial Statement issued on 1 July 2013, which states;

'The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt.'

Whilst the Ministerial Statement advises that the single issue of unmet demand is unlikely to constitute the 'very special circumstances' in isolation, the issue nonetheless must be given significant weight in favour of the proposals.

There is an urgent unmet need to bring forward a formalised gypsy and traveller site to meet the identified needs within the district, and the current sub-standard conditions of the existing site are physical evidence of this unmet need. Existing residents of the site live in unsanitary conditions on a contaminated site, served by an unsafe access on a site where noise levels breach World Health Organisation guidelines for human habitation.

Officers are satisfied that there are no other deliverable, alternative sites outside the Green Belt that would be acceptable in planning terms, and that would meet the identified need in the district. The proposal represents an available, funded solution which can be delivered in the near future.

Whilst the Council is in the process of preparing a Development Plan Document that will ultimately allocate a site for Gypsy and Traveller use, this document is not expected to be adopted for another 2 years, which would mean that realistically a formalised site would be unlikely to be made available until mid-way through 2017 at the earliest. Neither is the Council's engagement with adjoining authorities likely to make a meaningful contribution to provision in B&NES in the foreseeable future.

The contribution the site could make to meet this need can be attributed significant weight as an element of the Very Special Circumstances in favour of the application, but in this instance the decision does not turn on the single issue of unmet demand. Rather, the additional issues discussed above that weigh in favour of the proposals, many of which must be given significant weight, have to be considered in the planning balance.

The site is very well served in terms of public transport and cycle access, located close to the Bristol to Bath cycle route, the Newbridge Road Park and Ride and well placed for access to employment and social facilities in Bath city centre. It would be easily possible to live at the site without needing access to a car and, in comparison to alternative rural sites considered in the Gypsy and Travellers DPD with poor service provision, the proposed development is in a sustainable location. This is also considered to weigh heavily in favour of the application and constitutes Very Special Circumstances supporting the application.

The development would offer continuity for residents of the site who work or use social or medical services in the city or who have social links in the city, and by providing a settled base and security of tenure would offer significant social and educational benefits to the children residing at the site, who could continue attending their existing schools without disruption. Officers consider that these benefits, in particular the continuity in school provision, weigh in favour of the proposals and constitute part of the Very Special Circumstances supporting the application.

Whilst the proposed modified access onto the Lower Bristol Road would not fully comply with the relevant visibility standards, it would nevertheless be a significant improvement on the current access to the site, and would be accompanied by a reduction in the speed limit and by a safe pedestrian crossing facility. Also the formalisation of the site would be likely to result in a reduction in the use of the access, compared to the current pattern of use. These works would also benefit the residents of Lawrence House, the workers in Minerva House, and these benefits weigh in favour of the proposed development and constitute part of the Very Special Circumstances supporting the application.

Whilst there are numerous factors in favour of the proposals it does not follow that these are automatically very special because of their number. In addition, many of the factors when considered in isolation are not in themselves very special. They are, in planning terms, relatively ordinary in respect of the sustainability of the site, the educational needs of the children, the living conditions of residents, the safety improvements to the access. However the lack of an alternative legitimate traveller site in the district to which residents

could be re-settled make these circumstances (and the benefits delivered by the development) unusual.

In respect of the identified need and absence of supply of authorised gypsy and traveller sites this is also not very special when considered in isolation, by reason that this situation would apply to any other authorities where there is an under supply of such sites.

Whilst the individual factors in favour of the proposal are, in themselves, considered not to be very special, the High Court Judgment *Basildon District Council vs First Secretary of State* [2004] EWHC 2759 (Admin) establishes that a number of factors ordinary in themselves can combine to amount to Very Special Circumstances and that this is a matter of planning judgment based on the issues pursuant to the particular proposal.

Notwithstanding that the identified harm resulting from the proposal; it is considered that the material considerations set out above that weigh in favour of the proposals are considerable when combined. The weight of these considerations and their nature is such that they are considered to be Very Special and are sufficient to clearly outweigh the identified harm. It has been demonstrated that they are a set of circumstances that apply specifically to the proposal. Given that the material considerations that weigh in favour of the proposals are considered to represent Very Special Circumstances there is no danger of precedent and Members are advised that the granting of a permanent planning permission would not weaken the Council's ability to refuse other developments. By definition, the set of circumstances that apply in this case are considered to be Very Special, with the result that they could not be used as justification for other proposals.

Consideration of a temporary permission

Due consideration has been given to whether the granting of a temporary permission would be appropriate in this case.

The National Planning Policy Guidance, sets out the circumstances where the granting of a temporary permission may be appropriate. Paragraph 109 clarifies that a temporary permission will rarely pass the test of necessity when proposals conform with the provisions of the development plan, or where material considerations indicate otherwise that planning permission should be granted. The assessment of the proposals set out above concludes that Very Special Circumstances are demonstrated that justify an exception being made to Green Belt policy and that these circumstances clearly outweigh the harm to the Green Belt and other sources of harm. It is therefore considered that the granting of a temporary permission would be inappropriate.

The NPPG also requires conditions to be reasonable in all respects. The context of the site are such that substantial investment and infrastructure is required to bring it up to an acceptable condition for permanent use. It would therefore not be reasonable to require such significant investment on the basis of a temporary consent which would require the reinstatement of the land to its current condition after a few years of use.

Human Rights

Without prejudice to the consideration of the application; in the event that Members are minded to refuse a permanent planning permission, the human rights of the applicant and

her family will be engaged under Article 8 of the European Convention on Human Rights. The High Court judgment *AZ v SSCLG and South Gloucestershire Council* [2012] EWHC 3660 (Admin) establishes that a decision undertaken by a state body must accord with the Human Rights Act 1988 and Article 8 of the European Convention on Human Rights. Further, it establishes that this duty on a decision maker, in this case the local planning authority, is engaged immediately when the decision maker becomes aware that a decision they have made or will make, is impacting or will impact upon the rights of a child. Contained within Article 8 are the obligations under the United Nations Convention on the Rights of the Child.

Article 8 provides that;

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 3 of the United Nations Convention on the Rights of the Child provides that;

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

The High Court judgment advises that, in addition to the usual planning balance, a second stage assessment must be undertaken to take account of Article 8 and determine if any interference with human rights is proportionate. As such, Members are advised that this second stage must be undertaken if they are minded to refuse the granting of a permanent permission.

This second stage assessment is set out below:

1. Will the proposed refusal of permission be interference by a public authority with the exercise of the applicant's right to respect for his private or (as the case may be) family home?
2. If so, will such interference have consequences of such gravity as potentially to engage the operation of article 8?
3. If so, is such interference in accordance with the law?
4. If so, is such interference necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others?

5. If so, is such interference proportionate to the legitimate public end sought to be achieved?

Should Members be minded to refuse the application, it is recommended that the application be deferred and brought back to Committee at a later date, in order that a separate recommendation can be made in respect of the second stage test set out below to allow Members to fully debate the human rights issue.

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 be commenced until a landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include a planting specification to include numbers, density, size, species and positions of all new trees and shrubs. The landscaping scheme shall take account of the new alignment of the relocated water main and shall include full details of the reconstruction of the stone wall along the site frontage onto Lower Bristol Road. The stone wall shall be made good or re-constructed in accordance with the agreed details prior to the first occupation of the development.

Reason: To ensure the provision of an appropriate landscape setting to the development, minimise the impact of the development on the setting of the World Heritage Site, listed tunnel portal and openness of the Green Belt.

3 Prior to the commencement of development, full details shall be submitted to and approved in writing of the acoustic fence, comprising its construction, materials, surface finish and noise attenuation performance. The acoustic fence shall be installed in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained and maintained in accordance with the agreed details.

Reason: To ensure that the acoustic fence achieves the required level of noise attenuation for residential occupation.

4 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.

5 The development hereby permitted shall not be commenced until a scheme for the relocation of the Water Main that passes through the site has been submitted to and approved in writing by the Local Planning Authority and until the water main has been relocated in accordance with the approved details.

Reason: In the interests of the health and safety of the residents of the site and to ensure the continuity of water supplies in the public interest.

6 Prior to the installation of the acoustic fence, full details shall be submitted to and approved in writing of its construction, materials, surface finish and noise attenuation performance. The Acoustic fence shall then be implemented in accordance with the agreed details prior to the occupation of the gypsy and traveller site.

Reason: To minimise the impact of the development on the setting of the World Heritage Site and ensure that the acoustic fence achieves the required level of noise attenuation for residential occupation.

7 No development shall take place until calculations are submitted to and approved in writing of the required storage volumes and discharge rates for surface water for both greenfield and post-development. These should be supplied as electronic MicroDrainage files. The development shall be implemented in accordance with the agreed details.

Reason: In the interests of Flood Risk management

8 Prior to the first occupation of the development, the applicant should provide details of how the on-going maintenance of the cellular storage will be managed. The applicant should provide the name of the organisation that will manage and service the cellular storage tanks. The development shall thereafter be managed in accordance with the approved details.

Reason: In the interests of Flood Risk management

9 Prior to the installation of any external lighting, full details shall be submitted to and agreed in writing of the following:

- a) A detailed lighting scheme including finalised lux contours and full details of all external lighting fittings, fixtures and baffles.
- b) Full details of the lighting controls for all external lights, which shall include the use of motion sensors and timer switches, the proposed hours within which lighting shall be operable and the location of motion sensors.

Notwithstanding the lighting strategy drawing 4256 ESK01 dated 9th May 2014 the lighting scheme shall be commissioned to achieve an average light level not exceeding 3 Lux within the acoustic fence. The night-time light levels immediately adjacent to the acoustic fence (north-west and south-west elevations) shall not exceed 0 Lux as a result of the

operation of the lighting system. There shall be no fixed external lights other than those agreed through this condition and shown on drawing 4256 ESK01

The lighting shall be installed in full accordance with the approved details and the approved lighting control mechanisms shall be made operable prior to the first use of the lights and shall thereafter be maintained and used.

Within 4 months of the first operation of the external lighting, a technical review of the floodlights shall be carried out by a competent person to confirm compliance of the installed scheme with the approved lighting details. The review and report shall include an assessment of light levels within the site, the installation of individual lights including baffles and any overspill light beyond the acoustic fence.

Should the review conclude that the lighting scheme is not in compliance with the agreed lighting strategy, the report shall detail the modifications required to the lighting scheme or landscaping scheme to achieve compliance. Where modifications are required to secure compliance, these shall be carried out within 6 months of the first operation of the completed floodlights and the technical review shall be updated to confirm compliance and submitted to and approved in writing by the Local Planning Authority.

Reason: In order to minimise the effect of the lighting on adjoining habitat and the Bath and Bathampton Special Area of Conservation, protected species (including Horseshoe bats) maximise the amenity of future residents and minimise the impact of the development on the landscape, the character of the night sky and the Green Belt setting.

10 No development shall take place until full details of a Wildlife Protection and Habitat Management Plan, has been submitted to and approved in writing by the local planning authority. The plan shall include at a minimum, the habitat features set out on drawing 001 Revision K and the mitigation features and procedures recommended in the Ecology Appraisal, dated 21st August 2013 and shall set out a timetable for implementation. Unless specifically agreed otherwise, the works shall be carried out prior to the occupation of any part of the development. 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.

Reason: To safeguard protected species and mitigate for the ecological impact of the development by incorporating compensatory habitat provision.

11 The development shall not be occupied until a Landscape and Ecology Management Plan covering the whole of the site has been submitted to and approved by the Local Planning Authority. The management plan shall contain objectives for the long-term habitat management of each part of the site, shall set out operations that will be carried out to achieve the objectives, the management specification for each area, the monitoring and review procedures, and the programme for implementation. The management plan shall be implemented, monitored and reviewed in accordance with the programmes included within the approved document.

Reason: To ensure the ecological mitigation and additional habitat shown on drawing 001 Revision K provides effective long-term mitigation for the ecological harm caused by the development.

12 Prior to the commencement of development a Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment of the site. The desk study shall include an assessment of the risks in relation to potential contaminants. The Desk Study shall be submitted to and approved in writing by the Local Planning Authority. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken prior to the first occupation of the site in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

14 In the event that unexpected contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

Reason

In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

15 The access road and turning areas shall be properly bound and compacted (not loose stone or gravel). Prior to the commencement of these works, full details shall be to and approved in writing by the Local Planning Authority of the surfacing materials for these areas. The development shall then be carried out in accordance with the details approved.

Reason: In the interests of highway safety.

16 Prior to the commencement of development, detailed plans of the proposed off-site highway works, generally in accordance with the details shown on Drawing No.TP5330-001 Rev F, shall be submitted to and approved in writing by the Local Planning Authority before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The development hereby permitted shall not be occupied until the approved works have been completed.

Reason: To ensure that the highway works are laid out and constructed in a satisfactory manner.

17 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted Drawing No.TP5330-001 Rev F have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

18 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking and traffic management.

Reason: To ensure the safe operation of the highway.

19 The development hereby permitted shall only be occupied by persons who are gypsies or travellers as defined in "Planning Policy for Travellers Sites" DCLG, March 2012, or any adopted government guidance which supercedes this guidance.

Reason: To protect the openness of the Green Belt.

20 Notwithstanding the provisions Part 12 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 free standing buildings shall be erected other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: To protect the openness of the Green Belt.

21 No development shall take place until an annotated tree protection plan identifying measures to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during erection of the acoustic fence, construction and hard and soft landscaping operations. The plan should also take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery. The development shall then take place in full accordance with the details agreed.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained.

22 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:

1 PLANS LIST

This decision relates to drawing nos

- o AMENDED OFF-SITE HIGHWAY WORKS - drawing TP5330_001_REV F dated 20.05.14
- o AMENDED LIGHTING STRATEGY Drawing 4256 ESK01 - received 9th May 2014
- o AMENDED LANDSCAPE PLAN DRAWING 629_001 rev K - received 9th May 2014
- o REVISED DRAINAGE STRATEGY Drawing 934-D001-B - received 12 May 2014
- o REVISED PLANT SCHEDULES received 13 May 2014
- o REVISED PLANTING PLAN - Drawing 629_002 rev B received 13 May 2014
- o Ground Investigation Report - B&NES/BTS/101 - March 2014
- o BRISTOL ROAD SKETCHES received 03 Apr 2014
- o SPEED SURVEY DATA AND ASSESSMENT - 360420 BATH ATC (3)
- o NOISE ASSESSMENT
- o TRANSPORT STATEMENT
- o ARBORICULTURAL IMPACT ASSESSMENT AND TREE PROTECTION PLAN
- o ECOLOGICAL APPRAISAL
- o Location Plan
- o AMENITY BUILDING DETAILS AND INDICATIVE PLOT LAYOUT - drawing LPC 3225 13.05
- o 210983-SU-01 TOPOGRAPHIC SURVEY
- o Green belt report received 4th April 2014

2 External Lighting

Notwithstanding condition 9 which sets a maximum average light level of 3 Lux within the site, the Council would wish to pursue a lower light level than this if possible and consistent with the practical management of the site. The review following the completion of the lighting should review the potential to reduce lighting levels below 3 Lux if possible.

3 Flood defence Consent

The drainage strategy proposes an outfall into the Newton Brook. This is a Main River and as such Flood Defence Consent will be required from the Environment Agency for the construction of the outfall.

4 Technical Approval Needed for Highway Works

The applicant should be advised that the highway works will require full technical approval, prior to the commencement of any works, and the development will be subject to Road Safety Audits. A fee for the technical approval and supervision of the works will be payable.

5 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 the case officer's report, a positive view of the revised proposals was taken and consent was granted.

Item No: 03
Application No: 14/01667/REG03
Site Location: Weston All Saints Ce Vc Primary School Broadmoor Lane Upper Weston Bath Bath And North East Somerset



Ward: Weston **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor C V Barrett Councillor M J H Lees
Application Type: Regulation 3 Application
Proposal: Provision of a new 6 classroom teaching block and associated external works. (Resubmission)
Constraints: Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Tree Preservation Order, World Heritage Site,
Applicant: Bath And North East Somerset Council
Expiry Date: 3rd June 2014

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Malcolm Lees has requested that the application be determined by the Development Control Committee due to the level of public interest in this application.

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee as it is a school application and there is a lot of local interest.

DESCRIPTION OF SITE AND APPLICATION

Weston All Saints Primary School (WASPS) is a two form entry primary school located in Upper Weston. The school site comprises two large teaching blocks occupying the western half of the grounds, a temporary classroom along the southern boundary and a mixture of playgrounds and playing fields across the rest of the site. The school has two vehicular and pedestrian accesses off Broadmoor Lane and a further two pedestrian accesses off Lansdown Lane.

The site falls within the World Heritage Site at the western edge of Bath adjacent to the Cotswolds Area of Outstanding Natural Beauty and Green Belt.

The proposal is to erect a new 6 classroom teaching block and associated external works within the south-east corner of the site, adjacent to Lansdown Lane. The associated external works include a reconfigured car park to accommodate 18 staff car parking spaces, a drop-off and collection area and additional landscaping. The application also includes proposals for short stay parking on Deanhill Lane to act as a 'Park and Stride' facility for the school.

The school is currently a two form entry school with a capacity of 420 places. However, during 2011, 2012 and 2013 the school took in an additional 'bulge' of 30 children per year resulting in the current school capacity reaching 510 places. The additional capacity is currently being provided by the existing temporary classroom, a converted store building and the recently approved log cabin (13/02765/REG03). The proposed school building would provide an additional 6 classrooms which, alongside the recently approved extension to the existing buildings (13/01744/REG03), will enable the school to have a permanent three form entry increasing the capacity to 630 places.

The application is a re-submission of a previously withdrawn application reference 13/04851/REG03.

PLANNING HISTORY

The school has been subject to a number of planning application. The most relevant applications are noted below:

09/04872/REG03

Planning permission granted in July 2010 for the demolition of the old Key Stage 2 building and the erection of a new Key Stage 2 building adjacent to the existing Key Stage 1 building.

11/03177/REG03

Planning permission granted in September 2011 for the provision of a temporary classroom to meet an unexpected growth in reception pupil numbers. Temporary permission granted for 5 years to enable monitoring of trends and the future needs of the school.

13/01744/REG03

Planning permission granted October 2013 for extensions to the Key Stage 1 and Key Stage 2 buildings to provide additional facilities and accommodation for up to 30 pupils. This classroom is required, alongside the current proposals for an additional 6 classrooms, as part of the schools plans to expand to a 3 form entry. Contributions of £10,000 were secured towards traffic management works including a 'Park and Stride' facility.

13/02765/REG03

Planning permission granted in October 2013 for the erection of a log cabin to be used as a classroom for up to 30 pupils to accommodate the additional intake due to higher numbers of pupils in the area. This accommodation is intended to be temporary until the additional accommodation has been provided in the form of the currently proposed development. Thereafter it will be retained for other standard education learning purposes. Contributions of £10,000 were secured towards traffic management works including a raised table and parking restrictions.

02/00826/REG03

A planning application was withdrawn in July 2002. This proposed a new access road with drop-off bays through the school grounds with revisions to the car parking, but was withdrawn following concerns about conflicts with sustainability objectives and the impact upon the open setting of the school.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A number of representations and consultation responses have been received and are summarised below. Full details of responses are available on the Council's website.

HIGHWAYS OFFICER

The Highways Officer has objected to the proposal on the following grounds:

The proposed extension would result in an increase in vehicular, pedestrian and cycle movements on the surrounding highways where congestion associated with the school already causes highway safety hazards and would be further exacerbated by the proposal, to the detriment of the safety of all highway users.

If minded to set aside their objection, the Highways Officer recommends that a contribution of £60,000 is secured towards highways and traffic management measures as mitigation and has recommended a number of conditions.

ARCHAEOLOGY

No objection

ARBORICULTURE

No objection, subject to conditions

SPORT ENGLAND

No objection.

AVON AND SOMERSET POLICE

Comments only:

- Inadequacy of existing chain link fence;
- Lack of natural surveillance;
- Details of fence and gate lacking;
- Recesses and outward opening doors increase risk of attack;
- Canopies can encourage anti-social behaviour;
- Limited surveillance of kitchen door;
- Lighting and access control system should be used;
- Windows and glazing should meet security standards;
- Concerns over use of interview/withdrawal rooms;
- Use of acoustic fencing increases the risk of crime;
- Security of the whole school site is very high standard.

CHARLCOMBE PARISH COUNCIL

- Parish residents using the lane during school drop-off and collection times already experience difficulty and this will only become worse if pupil numbers increase;
- The application proposes regulated parking spaces in Dean Hill and Westbrook Park; both these roads are within Charlcombe Parish. The Parish Council would wish to understand the likely impact on Parish residents before supporting such a proposal;
- It seems somewhat premature to be proposing such a significant expansion of WASPS before the schooling requirements and provision for Ensleigh has been established;
- Any school at Ensleigh might well be able to take some of the additional pupils catered for by the expansion of WASPS.

THIRD PARTIES/NEIGHBOURS

34 Letters of objection has been received including an objection from the Broadmoor Lane Residents Association and a petition with 23 signatures. The main points have been summarised and grouped into categories below:

Highways

- Additional school capacity will significantly increase traffic using Broadmoor Lane and local road network at peak times;
- Existing traffic/parking situation on Broadmoor Lane is dangerous;
- Broadmoor Lane is heavily parked and too narrow for two cars to pass;
- Parts of Broadmoor Lane are without a pavement forcing pedestrians into the busy road;
- Additional traffic will add to congestion, reduce air quality and increased the risk of accidents;
- Adverse effect upon the accessibility of homes on Broadmoor Lane;
- Concern about impact of traffic and parking on Lansdown Lane, Vernslade, Symes Park and Brookfield Park;
- Concern about increased numbers of children crossing busy roads;

- Concerns about flaws in the travel plan;
- Concerns about flaws in travel survey data;
- Proposed 'park-and-stride' does not address the fundamental problems caused by the volume of traffic to the school;
- There is inadequate parking provision and existing parking restrictions are ignored;
- Reports of 'near-miss' events not record in accident data;
- Restricted access for emergency vehicles;
- There is need for a proper crossing point on Broadmoor Lane;
- Universal admission policy will result in parents travelling across the city to attend the school;
- School has failed to address previous highways safety concerns, including failure to comply with travel plan conditions.
- Concern that inconsiderate parents will not respect 5minute rule for the drop-off;
- Concerns over access for emergency vehicles.
- Concern about introduction of 2 lane road to the rear of properties along Lansdown Lane;
- Concern about the introduction of traffic to both sides of properties on the west of Lansdown Lane;
- Drop-off zone does not have enough spaces will mean queues will inevitably form onto Lansdown Lane causing more disruption;
- No firm commitment regarding monitoring and enforcement of the proposed drop-off;
- Concerns about access to residents houses;
- Quality of the transport assessment is poor;
- Proposed drop-off will lead to an increase in traffic, not less.

Education provision

- Cannot the school places be provided elsewhere?
- Other solutions should be found to provide school places;
- LEAs decision to approve the school's expansion should not outweigh any planning objection, most especially the highways safety concerns;
- It is not clear whether the expansion has properly taken into account future housing developments;
- Concern about impacts of expansion on school standards;
- There is a proposed new school in Bath centre;
- Projected number of school places is falling;
- Question the need for additional capacity;
- There is no demographic, educational or economic evidence;
- Overprovision of school places will lead to increased car travel across the city.

Amenity considerations

- Position of proposed building is disadvantageous to properties on Vernslade and Lansdown Lane;
- Building will have a negative impact upon visual amenity of residents opposite the school;
- Proposed building will be overbearing on properties adjacent to the school and the on opposite side of Lansdown Lane;
- Impact of noise upon occupiers of Lansdown Lane;
- Development on the playground will mean increased usage of the other playground adjacent to properties on Vernslade leading to increased noise and disturbance;

- Drop-off lane will have a detrimental impact upon the outlook of properties on Lansdown Lane;
- Noise impact and loss of tranquillity;

Character and appearance

- The openness of the site enhances the local character;
- The idea that Lansdown Lane needs a landmark building is preposterous;
- The scale and massing of the building is completely out of context which is further emphasised by its prominent position;
- The building has a detrimental impact upon the character of the local area;
- The proposed screening and tree planting is inadequate;

Other matters

- Concerns about loss of playground;
- Concerns about the impact upon water drainage and risk of flooding;
- Concern about impact of construction traffic;
- Queries as to why new block is positioned away from the two existing blocks?
- Request that previous objections are taken into account;
- Lack of infrastructure to support increased numbers;
- The orientation and location of the windows provide little solar gain;
- The standard of insulation could be improved;
- Concern about excess water run-off;

5 Letters of support have been received. The main points raised were:

- Expansion of the school is welcomed;
- School needs to be bigger to provide spaces required by Weston residents;
- Without new building it will become increasingly difficult to accommodate the children;
- New building will provide up-to-date facilities for the youngest children;
- Children who can't get a place would have to drive to a school further away;
- The traffic situation runs as smoothly as other schools in the Bath area;
- A sign to encourage a one way system would help traffic flows;
- The parking issues are for 10mins twice a day and every school has the same issue.

2 General comments have been received. The main points raised were:

- Don't object to the school expansion, but the traffic is a problem;
- Additional cars in the morning/afternoon will cause lots of problems;
- The school should accommodate a parking area;
- The Weston Ex-Serviceman's Association car park could be used.

POLICIES/LEGISLATION

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
- CF.2: Provision of new or replacement community facilities
- SR.1A: Protection of playing fields and recreational open space
- ES.5: Foul and surface water drainage

ES.12:	Noise and vibration
NE.4:	Trees and woodland conservation
NE.10:	Nationally important species and habitats
NE.11:	Locally important species and habitats
BH.1:	World Heritage Site
BH.2:	Listed buildings and their setting
BH.6:	Development affecting Conservation Areas
T.1:	Overarching access policy
T.3:	Promotion of walking and use of public transport
T.5:	Cycling strategy: improved facilities
T.6:	Cycling strategy: cycle parking
T.20:	Loss and provision of off-street parking and servicing
T.24:	General development control and access policy
T.25:	Transport assessments and travel plans
T.26:	On-site parking and servicing provision

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 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 above Local Plan policies, with the exception of policy BH.1, are proposed as saved policies within the submission core strategy.

National guidance in the National Planning Policy Framework (NPPF) is also a material consideration. The following sections are of particular relevance:

- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 12: Conserving and enhancing the historic environment

OFFICER ASSESSMENT

The main issues to consider are:

1. Is the principle of development acceptable?
2. What is the impact upon highways safety and sustainability?
3. What is the impact upon the character and appearance of the area?
4. What is the impact upon residential amenity?
5. What is the impact upon trees and woodland?
6. What is the impact upon ecology?
7. What are the benefits towards education provision associated with the proposed development?

PRINCIPLE OF DEVELOPMENT

The proposed school building is a community facility which is located well located in relation to the community it serves.

The principle of development is therefore acceptable in accordance with policy CF.2 of the Local Plan.

The proposed building is situated on one of the existing school playground and therefore results in the loss of recreational open space. However, the proposals include the addition of hard informal play areas around the perimeter of the new building and will enable the removal of the existing temporary classroom along the southern boundary of the school site. This area is currently underutilised as play area due to the positioning of the temporary classroom. It is proposed to return this area into an informal play space following the removal of the temporary classroom which will occur when the temporary consent expires.

The area of informal play space created, which includes the footprint of the temporary classroom and some of the surrounding land, would be roughly equivalent to the area loss as a result of the proposed classroom block. This can be secured through a landscaping condition requiring the submission of details of how this area will be reinstated as play area following the removal of the temporary classroom.

This represents an area of replacement recreational open space of sufficient quantity, quality and community benefit to offset the loss of the open space and meets criteria (iii) policy SR.1A within the Local Plan.

HIGHWAYS SAFETY AND SUSTAINABILITY

Existing pedestrian access to the school is achieved via Broadmoor Lane or via the two pedestrian accesses on the raised pavement of Lansdown Lane. There is currently no vehicular access into the school grounds for parents during drop-off or collection times.

Broadmoor Lane is a relatively narrow road which is often heavily parked resulting in a further narrowing of the carriageway to the extent that it is often difficult for two vehicles to pass. This causes a particular issue during school drop-off and collection times due to the high volume of vehicular traffic and mixing with the high volume of vulnerable pedestrian traffic. Further to the west, Broadmoor Lane does have a pavement and pedestrians accessing the school are required to walk on the carriageway.

Concerns have been raised by the Highways Officer and by local residents about the existing highways safety situation on Broadmoor Lane and it is recognised that there are already significant congestion and hazards associated with the school use. This impact extends beyond Broadmoor Lane and affects a number of other roads in the local highways network including, inter alia, Lansdown Lane, Vernslade, Symes Park and Deanhill Lane.

The proposed school building will enable the school to increase its capacity from the current 510 places to 630 places, an increase of 120 places. This increase in pupil places will inevitably result in an increase in the amount of traffic and parking in Broadmoor Lane and the surrounding streets worsening an already difficult situation.

The application proposes a number of measures to address this including the provision of short stay parking spaces on Deanhill Lane to act as a 'Park and Stride' facility serving the

school. Whilst this would address some of the additional parking need as a result of the increased school capacity, it would do little to address the issues arising from the volume of traffic using Broadmoor Lane during school drop-off and collection times.

The proposals also incorporate a 10 bay drop-off and collection area within the school grounds. This involves widening the access lane on the eastern part of site and rearranging the proposed staff car park to include a turning area.

The proposed drop-off area will enable vehicles to access the school grounds during drop-off and collection times via the school's eastern most entrance on Broadmoor Lane approximately 50m from the junction with Lansdown Lane. The provision of a 10 bay drop-off and collection area will relieve some of the pressure of short term parking on Broadmoor Lane. Furthermore, the western kerbline of the access would be amended to discourage exit movements to the west enabling traffic to enter the school grounds, turn and leave the site via Lansdown Lane. This means that less traffic will be directed westwards along Broadmoor Lane where congestion is worst. This has the dual benefit of improving traffic flows along Broadmoor Lane as well as directing traffic away from parts of the carriageway which do not have pavements.

The proposed drop-off and collection area is therefore considered to have a beneficial impact upon highway safety along Broadmoor Lane.

However, the potential downside of the proposed drop-off and collection area is that its provision may encourage more parents to travel by car when transporting their children to and from the school. This is a recognised downside of the proposed drop-off and collection area and runs counter to the sustainability objectives of the Local Plan policies, including policy T.1 which seeks to reduce the growth of vehicular traffic. This issue formed part of the reason the previous proposals for a drop-off and collection area were withdrawn in 2002 (reference: 02/00826/REG03).

However, policy T.1 also seeks to maximise the safety of all types of movement. It is considered that the current circumstances are now materially different from 2002 as the highways safety situation has deteriorated and the proposal is to enable the school to expand further into a 3 form entry. Given the existing situation on Broadmoor Lane and the potential increase in traffic volumes, it is considered that the highways safety benefits of the proposed drop-off outweigh the harm to the sustainability objectives of T.1.

The application has also been submitted with an updated Travel Plan which suggests a range of soft measures to try and reduce the level of car use by parents and staff accessing the school. The Travel Plan also includes a commitment to provide an additional racking for 20 scooters to supplement its existing cycle and scooter parking. The Travel Plan has been generally welcomed by the Highways Officer and should provide some benefit in terms of reducing car travel.

The majority of the measures in the travel plan fall outside the control of the Local Planning Authority and could not be enforced as conditions of any planning permission. The weight afforded to these measures is therefore limited.

Even after taking into account the proposed drop-off and collection area and the measures in the Travel Plan there is still likely to be a residual impact upon the local highway

network due to the increased volume of traffic associated with the increased school numbers. Contributions of £60,000 have therefore been sought for the following highways works:

1. Traffic Regulation Order and on-site works to extend the proposed Park & Stride facility;
2. Parking restrictions on Vernslade and Broadmoor Lane;
3. A controlled crossing on Broadmoor Lane;
4. Traffic calming measures on Broadmoor Lane (west);
5. Traffic Regulation Orders associated with the Traffic management on Lansdown Lane and parking restrictions;
6. Safe routes to school provision to provide equipment to support a walking bus.

The proposed contributions would fund these additional measures to help mitigate the impact upon the local highways network to the benefit of highways safety. As the Council is the applicant for the application, it cannot enter into a legal agreement with itself. These contribution have therefore been secured through a signed memorandum of understanding between the Early Years, Children and Youth department and the Highways Authority.

This is in addition to the £20,000 contributions already secured through applications 13/02765/REG03 and 13/01744/REG03 to fund a raised table and the proposed 'Park and Stride' facility. The 'Park and Stride' facility has already been fully funded through the two previous applications.

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is considered that, although the proposed school building will result in an increase in traffic using the local highway network, the proposed mitigation, in the form of the drop-off and collection zone, park-and-stride facilities and the £60,000 contributions towards additional highways works, will prevent this impact from being severe.

CHARACTER AND APPEARANCE

The area surrounding the school predominately comprises 20th century residential development. The surrounding residential buildings are primarily constructed of Bath Stone or Reconstituted Bath Stone with tiled roofs.

The proposed teaching block is positioned in the south-east corner of the school grounds adjacent to Lansdown Lane. The surrounding topography means that the proposed building would sit significantly above the level of the road and would be clearly visible within Lansdown Lane.

Although visible, the proposed building would be set back between 6 - 11m from the site's boundary and is single storey with a ridge height of 4.8m. Furthermore, the proposed building retains adequate spacing around it and will be partially screened by the proposed acoustic fence, landscaping and new tree planting along the eastern boundary.

The proposed building will only be partially visible from elevated views from the AONB Kelston Hill ridge and Cotswold Way which allow sweeping views of Weston.

It is therefore considered that the massing and scale of the building is acceptable and that it would not appear unduly prominent within the street scene.

The proposed development does not pick up many of the local context cues from the surrounding buildings. However, due to its siting, single storey scale and its role as a public building there is scope to depart from the local context established by the surrounding built form. It is considered that the proposed design and materials create a well-proportioned and characterful building, of an appropriate scale, which will not harm the character or appearance of the area or the World Heritage Site.

RESIDENTIAL AMENITY

Although elevated by the level of the land, the proposed building is single storey in scale and positioned a reasonable distance from the site's boundaries. The proposed building is therefore considered not to appear overbearing or result in any loss of light or outlook from any adjoining occupiers.

There are likely to be noise and disturbance impacts arising from the use of the playground which lies adjacent to no. 14 Vernslade. However, these impacts must be seen in the context of the existing situation in which the use of the playground already gives rise to some degree of noise and disturbance. The potential increase in the use of this playground is unlikely to give rise to any significant additional increase in the noise and disturbance to no. 14 Vernslade, or any other adjoining occupiers, over and above the existing situation. The potential impact is further mitigated by the provision of new play areas around the perimeter of the proposed building and in the place of the existing temporary classroom which will reduce the need to use the remaining playground.

The introduction of drop-off and collection area would introduce additional car movements to the rear of properties on the west side of Lansdown Lane, nos. 41 - 55. However, these properties are already served by a rear access lane and so the presence of car movements near to their rear boundaries is not unusual. The submitted operational statement states that the proposed drop-off and collection area will only be accessible between 0745 - 0930hrs and 1500 - 1830hrs. However, the use of the drop-off during other times of the day, when seen in the context of the existing rear access lane serving no. 41 - 55 Lansdown Lane, is considered not to have any significant adverse impact upon the amenities of these adjoining occupiers. It is therefore not considered necessary to control the hours of use for the proposed drop-off.

It is therefore considered that the proposals do not have any significant impacts upon the amenities of any adjoining occupiers and accords with policy D.2 of the Local Plan.

TREES AND WOODLAND

The proposals to erect the new teaching block and the associated works involve the removal of a number of existing trees on the site. The drop-off and collection area also results in loss of a small number of additional trees. Whilst attractive and contributing towards the green setting, none of the trees to be removed are of particular merit. The

proposal includes replacement planting and a landscaping condition is considered necessary to compensate for the loss of these trees.

The submitted arboricultural method statement and tree protection plan provides assurances that retain trees on the site will be protected and has been accepted by the Council's Arboricultural Officer.

The proposal is therefore considered to accord with policy NE.4 of the Local Plan.

ECOLOGY

Parts of the school grounds hold significant ecological value. However, the proposed building is located away from this area on the existing tarmac playground. Ecological assessments and surveys are the same as previously submitted, which were to the satisfaction of the Council's Ecologist. It is therefore considered that the proposal has no significant ecological impacts.

EDUCATION PROVISION

Paragraph 72 of the NPPF states that Local Planning Authorities should give great weight to the need to create, expand or alter schools.

A number of concerns have been raised by local residents that the additional school places are not required at WASPS. However, the Primary and Secondary School Organisation Plan 2013 - 2017 identifies a shortfall of 37 school places in the North West Bath planning area in 2015, rising to 38 in 2016.

The proposed school building would enable the school to permanently increase its yearly intake by 30 places, thereby making a significant contribution towards addressing the identified shortfall in school places in North West Bath.

This is considered to be a major benefit of the scheme and is afforded considerable weight in accordance with the NPPF.

SUSTAINABILITY

The application states that the proposal aims to achieve a high quality building informed by the latest thinking on sustainability techniques which is economically astute, environmentally conscious and socially sustainable. The applicant's design and access statement has listed some examples of the sustainable technologies to be used in the scheme including high levels of insulation and airtightness, use of natural ventilation and use of high performance glazing. The building has high levels of natural light and also utilises shading mechanisms to restrict the excessive penetration of sun light and heat in the summer. The sustainability checklist submitted with the application also states that the development will use local materials alongside reclaimed or recycled materials and that it will minimise waste by designing to standard sizes. The proposed development meets a number of the criteria listed on the sustainability checklist which is considered to be a positive aspect of the scheme.

OTHER MATTERS

Concerns have been raised about the potential conflicts arising between construction traffic and vulnerable pedestrians using the site. The application has included details of how the construction operation will be undertaken on the site including details of a contractor's compound to be erected during the build. A construction management plan has also been submitted and can be secured by condition. This will ensure that access for all users during the construction phase would be appropriately managed.

Queries have also been raised about why the proposed building is located separate from the existing Key Stage 1 and Key Stage 2 buildings on the school grounds. The application explains that this is partly an operational school management choice to use the 6 classroom block exclusively for Year 0 and Year 1 pupils whilst accommodating the older children within the existing school blocks.

Concern has also been raised about water drainage and the risk of flooding. The site falls within flood zone 1 which is classified as being at low risk of flooding and no objection has been raised by the Flood Risk and Drainage officer. Details of how surface water drainage will be managed can be secured by condition.

CONCLUSION

The principle of the development is acceptable in accordance with policies CF.2 and SR.1A of the Local Plan.

The proposed building enables the school to expand its capacity resulting in an increase in pupil numbers. This will exacerbate an already challenging highways situation on Broadmoor Lane and surrounding streets. However, the inclusion of a drop-off and collection zone and a 'Park and Stride' facility, alongside the soft measures identified in the Travel Plan, will relieve some of the pressure on the Broadmoor Lane. The additional highways works, funded by the £60,000 contributions, will further mitigate the impacts of the development providing beneficial improvements to pedestrian and vehicular safety on the surrounding highway network.

However, whilst not severe, it is accepted that there will be a residual impact upon the local highway network due to the likely increase in traffic volumes accessing the school during peak times.

The proposal does not harm the character or appearance of the surrounding area or the World Heritage Site and does not harm the amenities of adjoining occupiers. There are no significant ecological impacts and the proposal includes replacement planting to compensate for the trees lost.

The primary benefit of the scheme is to enable the provision of an additional 30 school places per year. This represents a substantial proportion of the identified shortfall in primary school places in North West Bath.

It is considered that the benefits of providing these additional school places outweigh the residual impacts of the increased traffic volumes upon the local highway network and is in general conformity with the policies of the Local Plan and fully in accordance with guidance in the National Planning Policy Framework.

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 or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

3 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.

4 Prior to the commencement of the development, a revised Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management. Thereafter, the development shall only be carried out in accordance with these approved details.

Reason: To ensure the safe operation of the highway.

5 Prior to the occupation of the building hereby approved, the drop-off and collection area, and the associated access alterations, shall be provided in accordance with drawing number 2948_L_011 Revision G. The drop-off and collection area shall thereafter be permanently retained.

Reason: In the interests of highways safety and to relieve the traffic pressure on Broadmoor Lane

6 Prior to the occupation of the building hereby approved, details of the provision for covered and secure cycle and scooter parking/storage shall have been submitted to and approved in writing by the Local Planning Authority. The covered and secure cycle and scooter parking/storage shall be provided in accordance with the approved details prior to the occupation of the building hereby approved.

Reason: In the interests of sustainable development.

7 No development shall commence, except works up to and including the ground floor slab, until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, 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.

8 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 interests of flood risk management.

9 Prior to occupation of the development hereby approved a landscape scheme should be submitted and approved to show the reinstatement of the land currently occupied by the temporary classroom. The approved landscaping scheme shall be completed in accordance with the approved details within 12 months of the occupation of the development hereby approved or in accordance with a timescale submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of equivalent recreational open space to offset the loss resulting from the proposed development in accordance with policy SR.1A of the Bath and North East Somerset Local Plan

10 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:

1 2948_A_150G
2948_A_010C
2948_L_011M
2948_L_012J
2948_L_050P
2948_L_51L
2948_L_100L
2948_L_170D
2948_L_171D

4950 PL-AL(90)001
4950 PL-AL(90)002
30-01-2010 WASPS - TCPFIN 2
G919_L_1000_PL_A
4950 PL-SL01

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 submitted proposals was taken and consent was granted.

2 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.

3 ADVICE NOTE

In the interests of flood alleviation we would encourage the applicant to investigate the use of a Sustainable Urban Drainage Scheme (SuDS) in order to manage surface water drainage. SuDS infiltration schemes include techniques such as infiltration trenches and basins, rain gardens and soakaway techniques. Other surface level SuDS techniques include swales and attenuation ponds.

For more details about SuDS please refer to the guidance from Ciria (<http://www.susdrain.org/resources/ciria-guidance.html>)

If SuDS techniques are pursued, details of the proposed drainage scheme should be submitted to this office.

We have reviewed the British Geological Survey maps for the site area in terms of infiltration potential and the advice is that 'There is a very significant potential for one or more geohazards associated with infiltration. Only install infiltration SuDS if the potential for or the consequences of infiltration are considered not to be significant'. Based on this advice the applicant may want to consider SuDS techniques other than infiltration.

Expiry Date:	23rd May 2014
Case Officer:	Alice Barnes

REPORT

Reasons for reporting the application to the committee

The application is being reported to the committee at the request of Councillor Sally Davis

The application has been referred to Councillor Curran who has agreed that the application should be considered by the committee.

Description of site and application

The application site is located within the Hamlet of Cold Bath to the west of Farmborough village. The site is located outside of the housing development boundary within the Green Belt.

This is an outline application for the erection of 14 dwellings and the retention of the existing office/workshops (use class B1). Only access is being considered at this stage with all other matters reserved.

The application site is located to the west of Farmborough village. It is a largely open site with one building in the centre of the site and a group of buildings on the eastern side of the site. The central building would be removed and the buildings in the east corner would remain in employment use. The site is covered by an extensive area of hardstanding. The site is largely surrounded by leylandi trees and is not easily visible from the road.

The site is accessed from the A39 and this access would be used to access the development. There is an additional access onto Tilley Lane but this would not be used by the housing development. The site is located adjacent to some dwellings and is known as being the hamlet of Cold Bath.

Whilst the site is currently under utilised its permitted use would be as a haulage yard.

RELEVANT HISTORY

608/J - Parking of lorries and stationing of oil tanks, permission 08/10/1984

608/O - Continued use of land for outside storage of motor vehicles, permission 17/05/1988

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Farmborough Parish Council: Objection, No very special circumstances have been put forward to justify development within the Green Belt. The development will harm the openness of the Green Belt. This development is not considered to be infilling. There is flooding at times of high rainfall. The access is unsustainable and the development would cause harm to highway safety. The number of dwellings would result in overdevelopment of the site. There is no provision for affordable housing. Permission has already been granted for new homes in the village.

Highways: Farmborough is supported by limited local services, with no retail opportunities or health provision available, however, the village primary school is within walking distance of the site. Whilst the number of available services in Farmborough itself is limited there are such services in a nearby village and the development is considered to be in a sustainable location.

It is requested that contributions are made towards improved pedestrian provision near the junction with Tilley Lane. A contribution of £20 000 is requested.

No objection is raised to the use of the existing vehicle access and adequate parking levels have been proposed.

Highways drainage: No objection subject to conditions

Housing service: Contributions would be required towards affordable housing. This application is not the only source of local needs housing. The applicant has not justified why this greenbelt development is important to affordable housing delivery in the context of Farmborough and its surrounds.

Environmental Protection: No objection

Contaminated Land: Due to the onsite sources of contamination, the sensitive nature of the development (i.e. residential) and taking account of the findings of the desk study report, the relevant conditions should be applied.

Environment Agency: No objection subject to conditions.

Landscape: No comment

Arboriculture: No objection. The trees on the site are dominated by hedge/ screen planting consisting of three rows of Lawson and Leyland Cypress. The two rows growing almost parallel with Bath Road have been reduced in height. An Ash which is not worthy of retention is growing amongst the nearest row to the road. The Illustrative Layout indicates that the row of Leyland Cypress growing on the bank along the western boundary are to remain. These will block sunlight reaching the nearest houses and could potentially become the subject of a high hedge complaint under the Anti-social Behaviour Act 2003. I suggest that they are removed and replaced with hedging more appropriate to the rural location.

Ecology: No comment

Archaeology: There are no known archaeological sites or monuments in the vicinity that are likely to be affected by the proposed development.

Education: A contribution of £58,254.70 is required towards primary and secondary school places.

Building Control: No comment

HSE: No objection

Waste Management: It is important to minimise reversing of waste collection vehicles wherever possible. Looking at the layout it would appear very difficult to manoeuvre a 26 tonne collection vehicle to service each property. The construction of the site roadways will need to take the weight of the 26 tonne collection vehicle and its turning.

Councillor Sally Davis: Acknowledges the objections to the proposal for a number of reasons but has been asked by the applicant to point out that he feels the proposal complies with Policy GB.2 which refers to developments in very special circumstances which would not effect the openness of the Greenbelt, as this is a Brownfield site exceptional circumstances have already been approved for a commercial development in the Greenbelt, this change of use could be seen as a planning gain on the site.

Representations; 28 representations have been received objecting to the application for the following reasons:

The development is located on a busy road and will cause harm to highway safety.

There is no shop or doctors surgery in Farmborough and a limited bus service meaning residents need to rely on cars resulting in an increase in traffic volumes.

There is limited parking in the surrounding area.

The water table is high and the site is likely to flood

No exceptional circumstances have been provided to justify development in the Green Belt.

There is already permission for 50 houses within the site.

The site is outside the outside development boundary.

This is not an infill development

POLICIES/LEGISLATION

D.2: General design and public realm considerations

D.4: Townscape considerations

GB.1: Control of development within the Green Belt

GB.2: Visual amenities of the Green Belt

HG.4: Residential development in the urban areas and R.1 settlements

ES.12: Noise and vibration

ES.15: Contaminated Land

T.24: General Development Control and Access Policy

T.26: On-site parking and servicing provision

ET.3: Core employment sites.

Ne.1: Landscape character

HG.8: Affordable housing on allocated and large windfall sites

Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

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 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 following policies should be considered:

CP6 - Environmental Quality
CP8 - Green Belt
RA.1 - Development in the villages meeting the listed criteria

National Policy
The National Planning Policy Framework adopted March 2012

OFFICER ASSESSMENT

This is an outline application for the erection of 14 dwellings and the retention of the existing office/workshops (use class B1). Only access is being considered at this stage with all other matters reserved.

Principle of housing development

The application site is located within the Green Belt and outside of the housing development boundary. The current local plan allows for development within housing development boundaries. However these current policies are considered to be out of date.

The existing site includes pavement access to the village and is located within an existing Hamlet. Therefore the proposal would not result in isolated homes within the countryside and is not considered to be in an unsustainable location. Therefore the application cannot be resisted solely on the fact that it would result in housing outside the housing development boundary.

The ministerial statement released in July 2013 states that, the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt. Therefore whilst the application site is considered to be in a sustainable location, this does not justify development within the Green Belt.

Furthermore policy RA.1 of the core strategy allows for development adjoining the housing development boundary but the land should not be located within the Green Belt. Therefore whilst the housing development boundary will come under review within the placemaking plan the application site would not be acceptable due to its location within the Green Belt.

The applicant has made reference to an appeal decision within Farmborough village where 38 dwellings were permitted. This site was not located within the Green Belt, was adjacent to the housing development boundary and was an allocated site safeguarded for development. It does not therefore form a direct comparison to this proposal.

The site is identified in the SHLAA (strategic land availability assessment) under reference Far.4. The SHLAA states that although theoretically the site could host up to 20 houses by virtue of its size, but because of its location in the Green Belt its true redevelopment potential is limited to that which would not affect the openness of the Green Belt. In practice this means very little development on site.

With regards to the loss of the employment land the business use will be retained to within the units to the east of the site. Therefore the application is not considered to be contrary to policy ET.3 of the local plan.

Green Belt

The application site is located within the Green Belt. The existing site has been previously developed and is therefore classed as being brownfield land. In this case paragraph 89 of the NPPF applies.

Paragraph 89 states that the construction of new buildings are regarded as inappropriate development. The policy then goes on to list exception to this. This includes the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary building), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In this case the site is a largely open site. The existing workshops on the eastern side of the site will be retained. The only other built structure within the site is a single building within the centre of the site. Otherwise the site is a largely open site with little existing built form. Therefore the proposed development would result in an increase in the built form within the existing site.

The site is currently permitted as a haulage yard and vehicle/valet workshops. The current permitted use of the site would include the storage of materials and potentially a high number of lorries could be parked on site at any one time. The proposal would include the removal of a substantial area of hardstanding. The applicant argues that therefore the provision of dwellings would not have a greater impact on the openness of the green belt. However the proposed development would greatly increase the amount of permanently built structures located within the site. Whilst the current use of the site includes movable storage, paragraph 89 excludes temporary buildings. Therefore the proposal is considered to have a greater impact on the openness of the Green Belt and does not comply with paragraph 89 of the NPPF.

Impact on Openness

As stated above the proposed development will result in an increase in the amount of built structures located within the site. The site is currently surrounding a leylandi tree belt. This will largely be removed with the existing hedging to the road frontage retained. The existing trees provide screening from the road and surrounding area and their removal will increase visibility of the proposed development.

As stated above the proposed development is considered to have a materially greater impact on the green belt by reason of the increase in built form. Therefore the proposed development is considered to be harmful to the openness of the surrounding green belt.

Consideration of whether very special circumstances exist

As no very special circumstances have been demonstrated it is concluded that significant weight should be given to the provisions of the NPPF and this application has failed to comply with Green Belt policy.

Highways

The applicant has applied for access with all other matters reserved. The site is located close to Farmborough village which is supported by limited local services. However as services are provided within nearby villages the proposed development is not considered to be unsustainable. Furthermore the site is located within walking distance of the village school and there is pedestrian access to the village. The use of the existing vehicle access to provide access to the housing is considered to be acceptable.

There is pedestrian access on the southern side of the A39 but the footway is currently overgrown in places. A financial contribution of £20 000 is required to improve pedestrian provision with the junction with Tilley Lane.

The Transport Statement estimates that the peak hourly generation by the proposed 14 dwellings would be 8 cars, and when considering the retained commercial use the peak hour generation of the entire site would be 15 vehicles. This scale of change would not have a material impact on the operation of the A39 and would not justify improvements to be required as a result of a planning permission. Whilst the proposed parking arrangements will need to be reviewed when reserved matters are considered it is indicated that appropriate levels of parking will be provided.

Contaminated Land

The applicant has submitted a number of contaminated land assessments which have been referred to the contaminated land officer. The reports have concluded that further investigation would be required prior to development and it is likely that on site remediation would be required. The contaminated land officer has not objected to the application but due to the onsite contamination and sensitive nature of the development they have requested that a number of conditions would need to be included to ensure that this is carried out.

Affordable housing

Housing services have expressed concern that the applicant should be making contributions towards affordable housing. Farmborough village has a population of under 3000 and therefore the development should make a provision for affordable housing in line with policy HG.8 of the local plan. Policy HG.8 requires the council to secure provision of 35% affordable housing before determining the application.

The applicant has not provided any further information as to why this development would be important to affordable housing delivery in Farmborough and its surrounds. As no provision has been made for affordable housing the development is considered to be contrary to policy HG.8 of the local plan.

It is understood that the applicant will be providing further information on this and this will be provided in the update report to the committee.

Other matters

No objections have been received from the Ecology officer. The applicant has submitted a bat survey which states that no bats have been found on site and the building to be removed provides negligible roosting potential. No objection has been raised by the Arboricultural officer.

A request has been made by education services for a financial contribution to be made towards school places of £58,254.70. This would provide contributions towards primary and secondary school places as well as youth services provision.

Concern has been raised that the site is prone to flooding. The highways drainage team have not raised an objection to the application provided that provision of made for the drainage of surface water by condition.

CONCLUSION

The application site is located on a brownfield site within the Green Belt. The proposed development would have a significantly greater impact on the openness of the Green Belt and therefore does not comply with national and local policy. The application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development will result in an increase in the amount of built form on the existing brownfield site and therefore the proposed development would result in a greater impact on the openness of the surrounding Green Belt. No very special circumstances have been put forward to justify development within the Green Belt and the development is contrary to paragraph 89 of the National Planning Policy Framework and policies GB.1 and Gb.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

2 Insufficient information has been submitted with regards to the provision of affordable housing within the development. The application is therefore contrary to policy HG.8 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

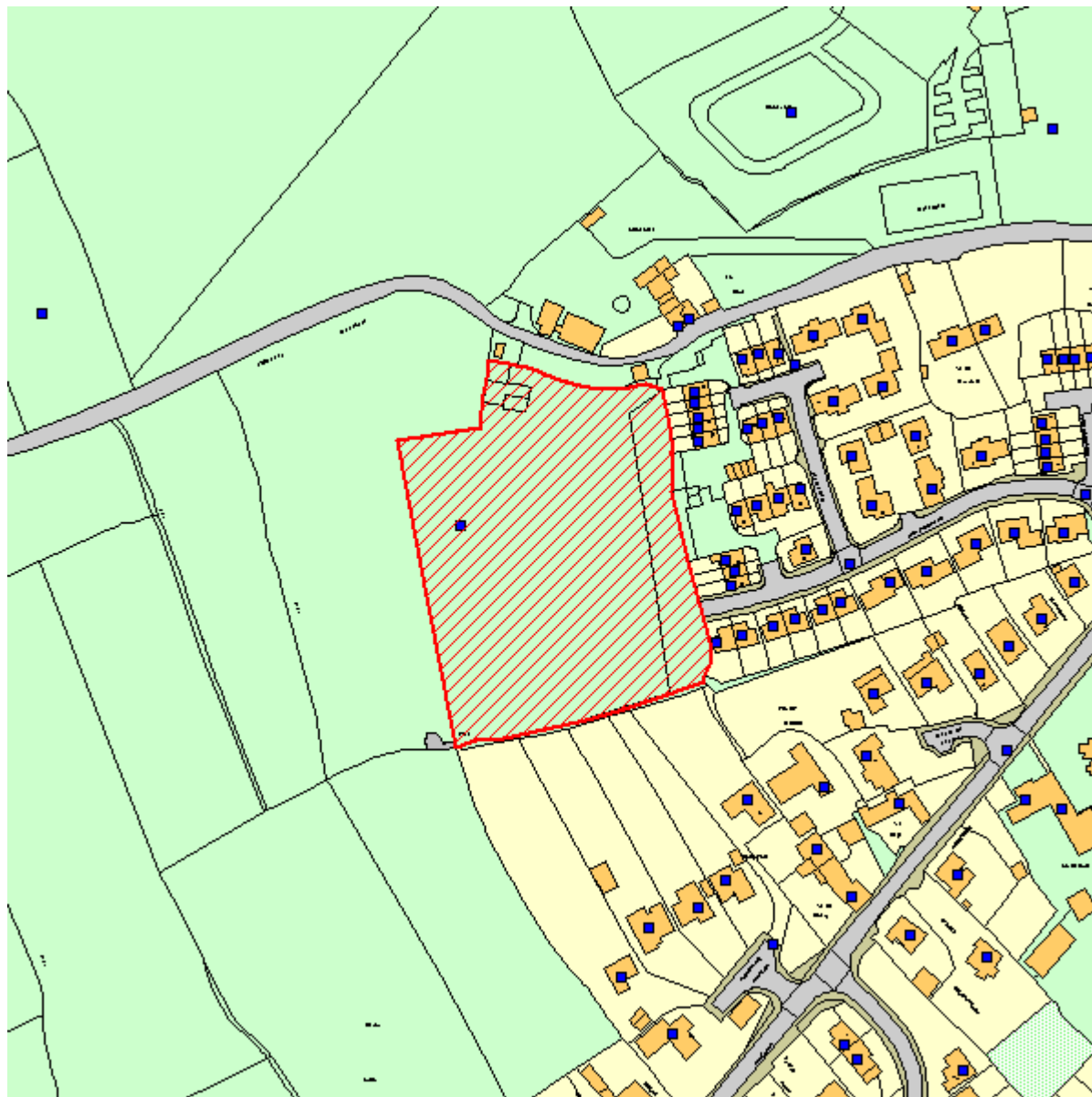
PLANS LIST:

1 Location plan 13-062/01
Access arrangement onto A39 002
Illustrative layout 13-062/CP02
Drainage Strategy 358-002
Topographical Survey A215/7555/1

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy 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. Notwithstanding 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 choose not to withdraw the application.

Item No: 05
Application No: 14/00544/RES
Site Location: Parcel 3567 Stitchings Shord Lane Bishop Sutton Bristol



Ward: Chew Valley South **Parish:** Stowey Sutton **LB Grade:** N/A
Ward Members: Councillor V L Pritchard
Application Type: PI Permission (Approval Reserved Matters)
Proposal: Approval of reserved matters with regard to outline application 12/04238/OUT for Erection of 35no. dwellings and associated infrastructure.
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Referral Area, Forest of Avon, Greenfield site, Water Source Areas,
Applicant: Charles Church Severn Valley
Expiry Date: 7th May 2014
Case Officer: Daniel Stone

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Vic Pritchard has requested that the application should be considered by Committee, as the reserved matters application submitted does not reflect the spirit of the Outline consent.

DESCRIPTION OF THE SITE AND APPLICATION

The application site consists of an agricultural field located on the western edge of Bishop Sutton, between the built up area and Chew Valley Lake which is approximately 450 metres to the west of the site. To the west and south the site is bounded by agricultural fields and gardens, to the east by a relatively recent residential estate (the Cappards Road development) and to the north by Stitchings Shord Lane, a narrow rural lane.

The site is located outside the Housing Development Boundary, which passes along the western boundary of the Cappards Lane Development. In terms of other designations, the site falls within the Chew Valley Water Source Protection Area, and within Flood Zone 1. The site is located outside of the Green Belt and Mendips Area of Outstanding Natural Beauty, the boundaries of which run along Stitching Shord Lane to the north of the site.

Outline consent was granted for the erection of 35 dwellings on the site in 2013. This application seeks approval for the reserved matters: which consist of the Appearance, Layout, Landscaping and Scale of development.

RELEVANT PLANNING HISTORY:

12/04238/OUT - Erection of 35no. dwellings and associated infrastructure. - Parcel 3567, Stitchings Shord Lane - approved 04.02.14

13/04975/OUT - Outline planning application for a residential development of up to 32 dwellings and associated infrastructure. - Parcel 3567, Stitchings Shord Lane (This is the remaining part of the field to the west, up to the existing boundary hedge.) - Refused 14.03.14 - Appeal Pending

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

REPRESENTATIONS:

To date 21 letters of objection have been received and 3 letters making general comments on the application. The responses can be summarised as follows:

- Object in principle - the houses are not needed / wanted. The site is located outside the housing development boundary; the development is unacceptable in terms of highway safety and the area suffers from flooding. The school is at capacity already.

- Plots 1 - 6 will be shaded by trees to south of site, threatening the long-term survival of the trees.
- Risk of flooding from drainage ditch to south of plots 1- 6 - Has space been allowed for dredging / maintenance of the ditch? Under the Land Drainage Act 1991 the developer as riparian owner must ... leave a development-free edge on the banks next to a watercourse. This allows for easy access in case any maintenance or inspection is required.
- The plans show the eastern boundaries of the rear gardens of plots 1, 28, 29, 30, 31, 32, 33 and 35 (ie those adjoining the tree zone) as concrete post and wire fences only. This will look cheap and would be insecure. 70% of burglaries occur from the rear of properties.
- Object to proposed colour scheme.
- The proposed three storey dwellings are inappropriate
- The houses are not in keeping with the village.
- There is insufficient visitor parking.

STOWEY SUTTON PARISH COUNCIL - Objects

We are encouraged by the removal of all three storey buildings and the changes from predominately four and five bedroom properties to two and three bedroom homes, which more closely matches the demand identified in the survey recently completed by our parish neighbourhood plan team.

Unfortunately the revised application fails to address many of the items identified in our objection to the earlier design proposal, in particular the style and density of this development, which is only in keeping with the earlier phases of this estate. None of the design features identified in the Character Assessment completed in November 2013 have been taken into account. The level of building permitted, without reference to the existing character, materials, style or density is fundamentally changing our rural community, and if this proposal is permitted without significant amendment to its proposed modern urban style our existing traditional rural landscape will be changed forever.

The proposed rendered finish for all properties does not match either the previous phases of this development or the wider village character. The proposed plain rendered finish is a reduction of the earlier phases design to its most plain and basic level.

The reserved matters application shows large blocks of adjacent properties finished in the same self-coloured render, with only token properties in an alternative colour. This does not match the character of the earlier phases of the development, which have a far more random mix of colours for adjacent properties. A condition should be made to address this design issue, increasing the variety and mix of colours.

The design is for very simple geometric designs of an urban style, with little variation between properties and no individual characteristics leading to a very bland streetscape which is out of character with the rest of the village, as identified in the Parish Character Assessment, completed in November 2013 as part of the B&NES Placemaking Plan process, where the predominantly larger plot size with individual homes and widespread tree planting in gardens and in common areas throughout the village of Bishop Sutton was

identified. A condition should be made to require the planting of mature trees throughout the development to maintain the village character.

The applicants design drawings show long rows of houses with level fronts and identical roof heights, which fails to match the earlier phases of this development, where there is variation, with some properties stepped further back than their neighbours with some variation in roof height helping to give a more organic development appearance.

The earlier phases of this development made much of the use of sustainable natural wood being used for the windows in the homes; the current application fails to match this style, instead preferring uPVC frames.

No space has been allowed for maintenance access for dredging of the existing ditch on the southern border, adjacent to plots one to six. This is not an isolated ditch, but part of a network. We are concerned that this will cause the ditch to deteriorate over time causing waterlogging and flooding both to the adjacent plots and other areas close to other parts of the network. It is important that a condition be imposed that ensures this ditch is maintained and not simply filled in during construction as happened in the earlier phase of the Cappards development. The design plans indicate that plots 1, 28, 29, 30, 31, 32, 33 & 35 will have a concrete post and wire fence along the eastern boundary. We have not been able to identify any other residential use of this type of fence within Bishop Sutton. This boundary is shared with the "tree zone" and public footpath, creating a security risk for the householders. A condition should be made to ensure that an adequate fence, in keeping with the rest of the development is provided.

The "tree zone" and hedge along the eastern boundary are shown on the plans as very mature, with good, dense foliage providing good screening and forming a wildlife corridor. This does not match the actual planting on this boundary, so a condition should be made requiring the developer to plant sufficiently mature trees and mixed hedging to match the illustration, not the inadequate 18" to 24" whips previously planted.

At the initial application stage Avon & Somerset Constabulary objected to the proposal due to layout, which they felt provided many features that made it a potential high risk burglary target, requesting that the developer work with the police "Safer By Design" team to amend the layout to avoid these pitfalls. There is no indication that this process has been followed as the design plans indicate that plots 1, 28, 29, 30, 31, 32, 33 & 35 still fall into this category, due to the ease of rear access, a condition should be made that the design is revised to meet the Safer By Design Standard.

Due to the lack of built in storage in the designs it seems likely that, as has occurred in earlier phases of this development, garages will be used for storage, leading to additional on street parking.

The design appears to show inadequate parking, with several properties having remote garages and parking spaces, inevitably leading to on street parking outside their homes.

No visitor parking is shown on this entire development phase, inevitably leading to further on street parking.

Cappards Road leading from the earlier phases of the development is already narrow, suffering from significant on street parking, which will be exacerbated by the traffic generated by these additional 35 new homes. A condition should be made requiring visitor

parking areas, unless Cappards Road can be made wider to safely accommodate the increased traffic when there is on street parking.

A condition should be made to ensure that neither the developer nor subsequent house owners remove any of the boundary hedges at the perimeter of the development, as has happened in earlier phases of this development, with random fencing styles and potentially additional access points onto the adjacent roads.

We are concerned that Bishop Sutton Primary School is at capacity and places are not available for the additional pupils that this development will generate.

HIGHWAYS DEVELOPMENT CONTROL - No objections, subject to conditions being applied

I am in receipt of revised plans (planning notice dated 30th April 2014) and the letter from Noble Consultancy dated 25th April 2014. I can confirm that the revised layout addresses all the outstanding highway concerns raised.

STRATEGIC HOUSING SERVICES - No objections

The revised market housing mix meets NPPF requirements and delivers a housing mix that better reflects the local housing needs of the Bishop Sutton community. The revised sketch plan proposes an acceptable affordable housing mix.

The location of the affordable housing is considered SPD compliant.

The car parking attributed to the affordable housing appears sufficient however the applicant should ensure the Lifetime Homes (LTH) and Wheelchair user (WC) dwellings have parking to the required standards.

It remains unclear as to whether the affordable dwellings plots no 20- to 24 are served by an adopted road or a private road.

ARBORICULTURE - No objection subject to conditions

I note that a revised layout drawing (1141/ 100 C) was provided since previous arboricultural comments were made. This drawing retains the garage set back into the rear garden of plot 4, however, the southern row of dwellings have been moved to the north by approximately 2m which is more acceptable. Whilst I remain concerned over the future potential conflicts between the tree owners and future occupants I do not consider that this is sufficient to raise an outright objection to the scheme.

ECOLOGY - No objections

Condition 9 of outline planning consent 12/04238/OUT requires a Wildlife Management and Enhancement Scheme. This has not yet been submitted. This must be submitted and approved prior to any works commencing. Some of the detail required for this will need to be compatible with the planting proposals that are currently submitted.

URBAN DESIGN OFFICER - not acceptable in the current form.

Layout

It is noted that the revised layout has improved the relationship of units 9, 10 and 11 to the public frontages.

There remains an issue of maintaining the important hedgerow boundary along the western rural edge of the scheme, most of which is in private gardens. Whilst there is an aspiration for a further phase of development, this must be considered as a long term rural edge. There should be a maintenance strip between it and the rear boundaries of the properties, with a separate and on-going maintenance regime in place.

Elevations and Materials

It is noted that the previously unacceptable three storey units are removed.

None of the units are unacceptable in principle, continuing the appearance of adjoining development.

However, the external works drawing indicates a range of render colours including salmon pink and mint green. Whilst these are not offensive in their own right, it is important that the chosen ambient façade colours reference those identified in a contextual analysis.

I do not think the pink and salmon are commonly used in Bishop Sutton. This point is of particular importance along the rural boundary edge.

I would recommend a simpler pallet focussed on the whites and creams. Detailing should deliver the interest in the buildings. It may be appropriate to include a very limited element of coloured render on individual focal buildings or garage blocks.

Render colours on the street scenes do not appear to accord with the external works plan.

Enclosure Walls and Fences

Previous comments referred to the importance of low stone walls on principle front garden edges, in particular units 1 - 6, to provide some continuity with neighbouring development. It is noted that hedges persist as the proposed enclosure, which is considered acceptable by the landscape architect.

LANDSCAPE OFFICER - No Objection

I have looked at the revised / resubmitted information and confirm that it is now acceptable.

ARCHAEOLOGY - No Objection

Archaeological conditions were imposed in respect of the previous outline consent.

FLOOD RISK AND DRAINAGE TEAM - No objection

Condition 13 (surface water management) from the original Outline permission 12/04238/OUT requires a detailed drainage scheme to be designed. This needs to be discharged before development work can commence. To note that this is a significant amount of work and it would be advisable to begin this as soon as possible.

ENVIRONMENT AGENCY - No objections

Our interests have been covered at the outline stage, with the inclusion of the surface water drainage condition. However, the developer must follow the agreed Flood Risk Assessment and seek to implement the Sustainable Urban Drainage Scheme on site.

AVON AND SOMERSET CONSTABULARY - No objection

I have inspected the revised plans submitted concerning the application above. As a result of information supplied by the applicant and in particular Coloured Planning layout Rev C, and Landscape Layout Rev B I can see that the applicant has made suitable alterations to the plan and I would now find the plans acceptable.

POLICIES/LEGISLATION

POLICIES

Bath and North East Somerset Local Plan Including Minerals and Waste Adopted 2007

- D.2 - General design and public realm considerations
- D.4 - Townscape Considerations
- BH.12 Important archaeological remains
- HG.7 Minimum residential density
- T.1 Overarching access policy
- T.3 Promotion of walking and use of public transport
- T.6 Cycling Strategy: cycle parking
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision
- NE.1 Landscape character
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.12 Natural features: retention, new provision and management
- NE.13 - Water Source Protection Area

Bath and North East Somerset Draft Core Strategy

- RA1 - Development in the Villages meeting the listed criteria
- RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
- CP2 - Sustainable Construction
- CP6 Environmental Quality
- CP9 - Affordable Housing
- CP10 - Housing Mix
- CP13 - Infrastructure Provision
- ET.4 Employment development in and adjoining rural settlements

ET.5 Employment development in the 'countryside'

- Planning Obligations Supplementary Planning Document - Adopted July 2009
- Mendip Hills AONB Management Plan 2009 -2014
- Landscape - Character Assessment - Rural Landscapes of Bath and North East Somerset
- National Planning Policy Framework
- National Planning Policy Guidance

OFFICER ASSESSMENT

Officer Assessment:

KEY ISSUES:

Outline consent 12/04238/OUT has been granted for 35 dwellings on the land. This application considered the acceptability of the proposals in principle, and the sustainability of the development and imposed conditions that remain in force and need to be discharge before the development can go ahead. The consent also included a legal agreement that secured contributions towards educational provision, parks, and the improvement of public transport.

Consequently the issues that remain to be considered through this application relate to the detailed design and layout of the buildings, the mix of dwellings against affordable housing requirements, the proposed landscaping and parking provision.

HIGHWAY SAFETY AND PARKING

As detailed in the highways comments, the proposals are considered to be acceptable in terms of highway safety and offer adequate parking.

HOUSING MIX AGAINST AFFORDABLE HOUSING REQUIREMENTS.

The proposals provide affordable housing at a rate of 35% in accordance with the terms of the legal agreement on outline consent 12/04238/OUT.

As originally submitted, the proposed layout was dominated by large houses, with over half the dwellings comprising 4 and 5-bedroom houses. The application has been substantially amended and the layout now proposed offers the following mix:

- 1 and 2 bed properties - 49%
- 3-bed properties - 31%
- 4-bed properties - 20%

9 affordable dwellings would be built to lifetime homes standard and 1 property would be wheelchair accessible.

This meets the approval of the Council's housing team, who confirm that this would meet the local housing needs.

DESIGN AND APPEARANCE

In the main the proposals will continue the design approach begun in the adjoining Cappards Road development. The proposed dwellings lack the projecting bay windows which are characteristic of this development, but are none the less considered to be acceptable in terms of the form of the various house types and overall appearance. The three storey town houses proposed when the application was initially submitted have been omitted from the amended plans and the development would now be entirely two-storey in height.

The Parish Council object to the relative uniformity in the use of coloured render, which lacks the variety of the adjoining Cappards Road development. By contrast the Council's Urban Design Officer raises concerns about the use of salmon pink and mint green, which are not commonly used in Bishop Sutton.

Officers agree with both points. The development when complete will be seen as an extension to the adjoining completed Cappards Road estate and therefore it would seem appropriate to adopt the same colour scheme, which features a mix of cream and buff render with occasional uses of pastel pink and burnt sienna. The developers have agreed to submit a revised colour scheme to match the adjoining development, and if this is achieved, it will overcome this concern.

Objections have been raised to the use of uPVC, whereas timber windows were used in the adjoining completed Cappards Road development. Officers do not consider that it would be possible to insist on timber windows, or justify the refusal of the application on this basis.

Where the adjoining completed development is really successful is how it defines public and private space. Rear gardens adjoining main roads are defined by robust 1.8 metre stone walls, and even the front gardens are defined by low 300 - 400 mm high stone walls. The use of such good materials gives the development as a whole a feeling of unity and quality. These boundaries also give the scheme as a whole an attractive feeling of containment, reinforce the planting scheme and has resulted in a very clear definition between public and private space and it is notable that in the main the gardens in this development appear to have been taken on enthusiastically by residents and are well tended.

Here the proposed development does fall down. Where stone boundary walls are proposed, reconstituted stone is proposed and in general the development would not define public and private space as successfully, with front gardens being more open, and more likely to have a suburban appearance. In the denser parts of the development (plots 28 - 33 inclusive in particular) the definition of public and private space is very poor, with residents appearing to have no obvious defensible space between the front elevations of their properties and the street.

The developers have agreed to consider the use of natural stone for boundary walls and to submit a revised landscaping scheme with a better definition of public and private space, similar in character to that of the adjoining development. Officers will update the committee as to the changes offered and whether they overcome officers concerns. The developers have already committed to enclose the rear boundary of the plots on the

eastern side of the site, (backing onto the tree zone) with a stone boundary wall, topped with a trellis, with a total height of 1.8 metres.

SECURITY CONCERNS

The police originally objected to the development, advising that various aspects of the layout were unsafe / insecure from their perspective. The plans have been revised so as to address their concerns and the police have now confirmed that their objection has been overcome. Particular areas that have been revised are as follows:

- Rear boundary of eastern plots to be 1.5 metre stone wall topped with trellis (shown on original plans as 1.2 metre post and wire fence. A condition is proposed to secure the construction of the wall prior to the occupation of the development.
- Amendments to parking spaces so as to be overlooked by additional habitable room windows.
- Revisions to widen footpath link at northern end of site and improve overlooking from adjoining plots.

Officers consider that the scheme is now acceptable in terms of crime and security concerns.

TREE IMPACTS AND LANDSCAPING

The Council's Tree Officer originally raised concerns about the proximity of plots 1 to 6 to the tree belt to the south of the site. Amended plans have been received increasing the distance between the rear elevation of these plots and the rear boundary by an additional 2 metres. The Council's tree officer advises that this revised relationship is now acceptable. A full detailed landscaping scheme has been submitted including structural tree planting along the main roads and around the public open space and meets the approval of the Council's Landscaping officer. Tree species would include birch, hawthorn, flowering crab apple, flowering cherry, flowering pear.

As application 13/04975/OUT, for a further 32 dwellings in the remaining part of the field to the west, was refused and the western boundary of the proposed development may become the defined edge to the settlement, a new hedgerow is proposed to form the western, rear boundary of the western-most dwellings. The applications confirm that future purchasers will be informed of the need to maintain this boundary and it will be conveyed to them as part of their plot transfer with a note to advise them that it must be retained.

The proposals are acceptable in terms of their impact upon retained trees and the landscaping proposals.

MAINTENANCE COMMITMENTS

Residents have raised concerns about the maintenance of the drainage ditch which defines the southern boundary of the site. The applicants have confirmed that the management of the ditch would be taken on by a management company, who would also take on the ongoing management of the tree zone, which forms the eastern boundary of the site.

SUSTAINABLE DESIGN AND CONSTRUCTION

The government has indicated in the Housing Standards Review that they intend to rationalise the different policies Council's apply in terms of requiring minimum sustainability standards for the construction of new dwellings. Accordingly the Core Strategy Inspector has raised concerns about the Council's draft policy CP2 and intends to remove the requirement for residential development to achieve minimum Code Levels under the Code for Sustainable Homes regime. As a result this policy can now only be given limited weight.

The applicants have however submitted a sustainability report. The proposed dwellings would be constructed using Passive Design principles, where the aim is to minimise the energy inputs into the home in terms of heating, cooling and ventilation by maximising energy insulation and air tightness of construction. Consequently the dwellings would significantly exceed Building Regulation requirements and would achieve a 40% reduction in baseline energy demand. The developers advise that the buildings are oriented east-west as far possible to maximise solar gains and the design aims to maximise internal daylight levels.

Various water efficient fixtures and fittings in homes and the use of rainwater harvesting will reduce potable water consumption. A Sustainable Urban Drainage system is proposed which would maintain surface water runoff rates to greenfield levels. Initiatives to reduce waste at the construction and operational stages of the development will be implemented.

Given the changed policy context, no objection is raised in respect of the sustainability of this proposed development.

CONCLUSIONS

Officers consider that the development would largely continue the appearance and urban form of the completed Cappards Road development, of which this scheme would be a continuation. When the application was first submitted, significant objections were raised, in terms of crime and security issues, the mix of housing proposed (dominated by large dwellings which would not meet local needs), the road layout and the incorporation of 3 storey dwellings.

During the application process however significant amendments have been submitted which overcome the majority of these objections, and consequently there are now no technical objections to the scheme, however changes are still needed to the render colour scheme and landscaping to make the application acceptable. Consequently officers recommend that the application is delegated to officers to approve subject to the receipt of these changes.

RECOMMENDATION

Authorise the Divisional Director, Development to PERMIT subject to condition(s)

CONDITIONS

A. Subject to the receipt of satisfactorily revised drawings showing:

a: render colour scheme for the development

b: revised landscaping scheme to include a natural stone boundary wall treatment for the development

B. authorise the Group Manager to PERMIT subject to the following conditions and other appropriate conditions to reflect the revised drawings.

1

No development 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 the approved document 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 storage, handling 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 trees to be retained on and adjacent to the site are not adversely affected by the development proposals.

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.

PLANS LIST:

1

2 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. Officers have sought to negotiate and resolve issues through the planning process. For the reasons given, and expanded upon in the case officer's report, a positive view of the revised proposals was taken and consent was granted.

3 Impact on Public Right of Way

The development proposal affects the line of a public right of way and wherever possible the integrity of the way should be retained. In circumstances where there is no alternative other than to stop up or divert the way to enable the development to be carried out, early negotiations with the Authority to secure an order is advised. The route should be safeguarded throughout the whole of the order making process, which can be lengthy and the outcome of this is not guaranteed.

4 Drainage and Riparian water rights

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected. Applicants or developers should be made aware of their responsibilities to ensure that the operations do not interfere with riparian owners common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licenses, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

Item No: 06
Application No: 14/00892/OUT
Site Location: Land Opposite Tunley Farm House Wood Lane Priston Bath Bath And North East Somerset



Ward: Bathavon West **Parish:** Camerton **LB Grade:** N/A
Ward Members: Councillor David John Veale
Application Type: Outline Application
Proposal: Outline application for the erection of two live/work buildings and re-alignment of the highway.
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
Applicant: Woodstone Construction SW LTD
Expiry Date: 5th June 2014
Case Officer: Heather Faulkner

REPORT

Reasons for reporting the application to committee

The application is being reported to the committee as Camerton Parish Council, Dunkerton Parish Council and Priston Parish Council all offer support for the application. The reasons given are as follows:

Camerton Parish Council

The application complies with the NPPF and the local plan. An exception to Green Belt policy can be made as the site is previously developed land and wouldn't have a greater impact on the openness of the Green Belt. The developer has offered the parish council a S106 agreement for the proposed Tunley to Overdale footpath. The benefits of the improvements to the highway outweigh the disadvantage.

Dunkerton Parish Council supports the application due to the improvements to the junction and believes the site is an exception to policy.

Priston Parish Council supports the changes to the junction but do not comment on the proposed buildings.

The application has been referred to Councillor Curran who has agreed that the application should be considered by the committee as the Parish Councils are in support and the site is difficult in respect of access and Planning Policy.

Site Description

The application relates to a site on the north side of Tunley Hill on the junction with The Woodlands (also known as Wood Lane). The site is to the west of the main part of Tunley village with a cluster of houses and other buildings. The site has previously been in use for the storage of plant, skips and materials and the transfer of waste, however, this use was not lawful and subject to enforcement action. There is a building to the north side of the site which has become lawful over the passage of time.

The site is within the Bristol/Bath Green Belt as well as being well outside of the Housing Development Boundary for Tunley. The site is also adjacent to Tunley Farmhouse which is a Grade II Listed Building.

Application Proposals

The application is for outline consent only with all matters except access reserved. The proposals seek to reconfigure the junction of The Woodlands with Tunley Hill to improve visibility. The junction would be relocated to the north taking in part of the corner of the site and some of the existing highway land.

The application is also for two live/work buildings to be constructed on the site. As the application is outline only the design and layout of the proposals are only indicative at this

stage. The indicative drawings submitted with the application show two detached buildings which would have the appearance of dwellings and include attached double garages. The indicative floor plans show each building having an area of office space on the ground floor as well as living accommodation and three bedrooms at the first floor level.

Relevant History:

There is a significant amount of planning history associated with this site particularly in relation to Enforcement action at the site. The most relevant and most recent planning history is as follows:

A Certificate of Lawfulness 12/03767/CLUE sought to confirmation that the following where immune from enforcement action "Use of land and building as a builders yard (Sui Generis) (Certificate of Lawfulness for an Existing Use)." This was refused on 23rd October 2012.

An Enforcement Notice (12/00735/UNFAUTH) was then issued with the following reasons given:

- a) It appears that a breach of planning control occurred within the last 10 years
- b) The use represents inappropriate development, is visually intrusive, and fails to maintain the openness of the Green Belt and character and local distinctiveness of the landscape contrary to Policies GB.1, GB.2 and NE.1 of the Bath and North East Somerset Local Plan
- c) The nature of associated vehicle movements on a sub-standard highway network is detrimental to the interests of highway safety, contrary to Policy T.24 of the Bath and North East Somerset Local Plan
- d) Disturbance resulting from activity generated by the use causes significant harm to the amenities of neighbouring residential properties contrary to Policy D.2 the Bath and North East Somerset Local Plan
- e) No very special circumstances exist sufficient to outweigh the harm caused by inappropriateness, and other harm.

An appeal (ref. APP/F0114/C/13/2194924) was made against this notice and this appeal was dismissed on 24th September 2013. The requirements of the notice were to cease the use of the Land for the storage of plant, skips and materials and for the transfer of waste. This notice has been complied with.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Representations From Parishes:

Camerton Parish Council - Support. The changes are exceptions that can be made for the partial or complete redevelopment of brownfield land and the development will not have a greater impact on openness. The applicant also offered the Parish Council a Section 106 agreement to contribute to the proposed Tunley to Overdale footpath which means that the benefits of the application far outweigh any disadvantage thereby it is deemed to be sustainable development. The development is also sustainable because it is not car dependent for access to local facilities and services. The site is on a bus route and as they are live/work units they will not lead to any increase in commuter traffic. The

improvements to the highway also mean that the application complies with policy T.24 of the local plan saved to the draft core strategy. Recommend that if consent is granted the proposed improvement works to the highway must be undertaken. A contribution to the Tunley Overdale footpath scheme under a Section 106 agreement must be mandatory. The rear entrance of Tunley Farm to be blocked off or left turn only.

Case officer note - there has been no mention of a S106 agreement from the applicant as part of this application and the request for one would not pass the tests of reasonableness and the footpath would not relate specifically enough to the proposed development. The application cannot control that the entrance to Tunley Farm be blocked off as this is outside the application site and the scope of the application.

Dunkerton Parish Council - Support the changes to the junction and note that the proposals comply with paragraph 89 of the NPPF in respect of limited infilling of brownfield site.

Priston Parish Council - Support the changes to the junction but do not comment on the buildings.

Representations from the Public:

Representations have been received from six individuals and the comments made are summarised as follows:

- The rear entrance to Tunley Farm is a right of way for residents of Cheddar House, Dairy Cottage and Tunley Farm House and was supposed to have been blocked off at the farm end some time ago.
- Some vehicles coming from Priston use the cut through the farm to access Tunley Hill.
- Concerns regarding how the building would conform to the surrounding buildings.
- Concerns regarding the purpose of the workshops.
- Concerns with whether heavy vehicles would use the land
- Concerns in respect of noise.
- No need to alter the road layout
- Conditions should be in place to control working hours.
- It is not suitable and it a very bad junction.

Support including:

- New dwellings on a brownfield site
- Adaption of Priston Lane is an improvement
- Dwellings would enhance community feel to this end of the village
- Dwellings would provide additional security for the dwelling on the south side of the road
- The development would stop any other probably less desirable use of the land.
- No objection to houses but concerns about work/business being carried out on site.

Consultation Comments:

Flood Risk Management and Drainage - no objection subject to condition in respect of surface water drainage.

Archaeology - no objection subject to watching brief condition.

Arboriculture - concerns raised initially however further information supplied and now no objection subject to condition in respect of tree protection.

Ecology - no objection subject to condition in respect of details of a Wildlife Protection and Enhancement scheme being submitted.

Highways - no objection to the principle of changes to the junction but objection due to concerns in respect of details provided. Objects to the development on the basis of it being unsustainable.

Contaminated Land - no objection subject to conditions.

POLICIES/LEGISLATION

Bath and North East Somerset Local Plan (including minerals and wastes) adopted October 2007

SC.1 - Settlement Classification

D.2 - General Design and Public Realm Consideration

D.4 - Townscape Consideration

ET.4 - Employment development in and adjoining rural settlements

ES.9 - Pollution and nuisance

ES.10 - Air quality

ES.12 - Noise and vibration

ES.15 - Contaminated land

HG.6 - Residential Development in the R.3 Settlement

HG.10 - Housing Outside Settlements (agricultural and other essential dwellings)

GB.1 - Control of Development in the Green Belt

GB.2 - Visual Amenities of the Green Belt

NE.1 - Landscape Character

NE.4 - Trees and woodland conservation

NE.9 - Locally Important wildlife sites

NE.11 - Locally important species and habitats

NE.12 - Natural features: retention, new provision and management

T.1 - Overarching Access Policy

T.24 - General Development Control and Access Policy

T.25 - Transport assessment and travel plans

T.26 - On-site parking and servicing provision

Bath & North East Somerset Draft Core Strategy December 2010

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 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 following policies should be considered:

CP6 - Environmental Quality
CP8 - Green Belt

National Planning Policy Framework - March 2012

OFFICER ASSESSMENT

Presumption in Favour of Sustainable Development

The NPPF states that there should be a presumption in favour of sustainable development and that where a plan is out of date development should be approved unless policies within the Framework indicates that development should be restricted and footnote 9 highlights the Green Belt as such a restriction. As the site is within the Green Belt the land is restricted and development is not considered to be appropriate (as discussed below) and therefore the presumption in favour of sustainable development does not apply in this instance.

Principle of the Development:

The Proposed Use

The application proposes to construct what it describes as two live/work units. There is limited guidance in planning policy in respect of live/work units and there is no established definition. In general live/work units are units of living accommodation, which are specifically designed to accommodate work facilities for those residing therein. The application is outline and only limited details have been provided in respect of the live/work unit element of the scheme. The indicative plans submitted with the application show two large buildings which would appear externally as dwellings. The indicative floor plans show three bedroom dwellings each with a ground floor office. The drawings indicate that the office space would have a separate entrance and access to a downstairs toilet. The 'live' unit of the proposals take up a significantly higher proportion of the building than the 'work' element and it is difficult to see how what is proposed is very much different to a large house with a ground floor office or study. There are also concerns that it would be difficult to control the 'work' element of the scheme once the properties were sold. Whilst such an arrangement may be beneficial for someone who works from home it is difficult to argue that the site is an employment use per se. If the units are proposed so that the business would employ more than one person there are questions about how sustainable this would be given the more remote location and that employment uses are better focused in sustainable locations.

In the planning statement the applicant has considered the policies relating to employment use and whilst the employment element seems somewhat limited and can perhaps only be given little weight both housing and employment policy will be considered below.

Green Belt Development

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 GB1 of the Local Plan. Inappropriate development is, by definition, harmful to the Green Belt unless there are very special circumstances to justify otherwise.

The planning history associated with this site has already demonstrated that there are concerns and objections to the development of the site as it is within the Green Belt.

The NPPF is clear that planning authorities should regard the construction of new buildings as inappropriate in Green Belt. Paragraph 89 lists the exceptions to this. Replacement buildings are allowed provided that the building is not materially larger than the one it replaces. There is an existing building on the site however the proposed buildings are for a different use and purpose and therefore not strictly a replacement. In any event the two buildings as proposed are significantly larger than this building. Although the application is solely outline two buildings providing living and working accommodation could not be provided in a building similar to the size of the existing building on the site.

Another exception relates to limited infilling in villages. The applicant argues that this site is suitable for development as it represents infilling in the village. There is no definition within the NPPF of what constitutes infilling. The application site is outside of the Housing Development Boundary for Tunley. The site is on an open corner with a road running around two sides of the site. Other than the existing building on the site the rest of the area to the north and east is open fields. As the site is not surrounded by other development and is not within the village itself (when considering the Housing Development Boundary) it is not considered that the site would be considered as infilling and therefore does not benefit from this policy. Policies GB.1 and HG.6 also refer to infilling. HG.6 states residential development will be permitted in R.3 villages (which Tunley is) provided it is within the Housing Development Boundary which this site is not so it is contrary to this policy.

HG.10 relates to developments outside of settlements and states that new dwellings outside the scope of HG4, 6 and 9 will not be permitted unless they are essential for agricultural or forestry workers. No information has been provided to state that the dwellings are for essential works and therefore the application is contrary to this policy.

The applicant also refers to ET.4 which refers to the development of office, industry or storage uses (Use B1, B2 and B8). As the proposed uses are suggested as being mixed residential and work it is difficult to argue that this policy strictly applies. In any event the policy states that the development can only be infilling in accordance with GB.1 and as referred to above the proposals are not considered to be infilling.

The NPPF does allow for limited infilling or complete redevelopment of a previously developed site which would not have a materially greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Whilst the site is not currently free from development the use of the majority of the site is not lawful as referred to in the history and whilst the building on site has become lawful the development of the rest of the site would affect the openness of the Green Belt. The requirements of the NPPF are echoed in policy GB.1 of the Local Plan and the proposals would be contrary to this policy. A recent appeal decision (application reference

13/02281/FUL appeal ref. APP/F0114/A/13/2205361) supports this conclusion. The site at The Barn on Chew Road just outside Chew Magna had a long running enforcement history and action being taken to the point where a lawful building remained on the site but the use of the site was not lawful. The application was for the removal of a building and the construction of two building containing 8 workshops. In this case the Inspector considered the following:

"The starting point for the appeal is that the only lawful use of the site for commercial purposes is inside the barn. Therefore the proposed cessation of the yard for storage cannot be considered as a benefit, as the use of the yard is unlawful"

"The site is in the Green Belt. Paragraph 89 of the Framework states that all new buildings are inappropriate development unless they fulfil one or more of the listed criteria. The only relevant one is the redevelopment of a brownfield site, where the proposal would not have a greater impact on the openness of the Green Belt than the existing use. Despite the removal of the barn, the introduction of two rows each of 4 units, with a considerably larger footprint than the barn and their associated car parking would have a greater impact on the openness of the Green Belt. The proposal is thus inappropriate development."

The case here is very similar and this appeal decision supports the conclusions reached in this instance.

Impact on Openess

As referred to above there are concerns that the development would have a detrimental impact on the openess of the Green Belt given the increase in built form of the site. Apart from the existing small building on the site the site is essentially open and surrounded by open fields. The introduction of two buildings would have an adverse effect on views across the site and the two storey nature of the buildings shown on the plans would significantly worsen this impact.

Very Special Circumstances

Paragraph 87 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to say that when considering any planning application local authorities should ensure that substantial weight is given to harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has referred to two very special circumstances in their planning statement which they argue gives weight to their case.

The first consideration is the hazardous nature of the junction of Priston Lane and Tunley Hill. The application proposes to realign this junction to make it safer. The Highways Team have commented that the realignment of the junction would result in a significant increase in junction visibility. Whilst this is seen as a benefit to the scheme it is not considered that this would constitute 'very special circumstances'. The junction has existed in its current

form for many years and whilst it may benefit from improvement it is not so dangerous that the Highways Department have sought to improve it. Also no evidence has been submitted to demonstrate that the development of this site in the way proposed is the only way of the road layout to be altered. For example whether there are other less harmful ways of developing the site. No financial information has been presented to demonstrate the need for a development of this scale. Even if this were the case it would be difficult to argue that the road improvement were so important that it outweighed the harm to the Green Belt.

The second reason put forward is the diminished setting of Tunley Farmhouse as a result of the loss of the buildings that once formed its setting. This is not considered to be a very special circumstance. The current setting of Tunley Farmhouse has been the case for many years. The setting of the farmhouse is harmed more by the buildings falling into disrepair to the west and the industrial use to the rear than by the proximity of the road to the side elevation. Whilst some additional space around the farmhouse may improve its setting this would only have very limited weight. The development of this site which would have no clear relationship with the farmhouse or with the long ago demolished cottages on the site would have little if any benefit to the setting of the farmhouse. This is not therefore considered as a very special circumstance.

Visual Impact:

The state of the site following the recent uses on it have not left it in a particularly good condition. The building on the site is not a particularly attractive feature however its construction is not dissimilar to other agricultural buildings in the countryside. With the exception of the building on the site the site and the surrounding fields give the site a very open feel. There is a reasonably thick boundary treatment running down the south side of the site so that the existing building is not visible when driving down Tunley Hill. When driving along past the site on Tunley Hill in either direction the site appears part of the countryside. If the site were to be developed this would be lost and built form would be introduced into an existing open space. The impact of buildings on the site would be more visible due to the fact that the site is higher than the adjacent road. The indicative plans in particular show what would appear as two large dwellings each with double garages. These would be highly dominant within the site and would not be characteristic of other properties in the area. The scale of the properties would be more similar to Tunley farmhouse than other dwellings in the area and they would compete with the Listed Building. As the application is outline with all matters except access reserved it is not possible to fully comment on the indicative proposals.

There would be some benefit in the removal of the existing building on the site however on balance the development of this site for two buildings is considered to have a harmful impact on rural character.

Overall the proposed development is considered to be harmful to the character and quality of the area and would be contrary to policies D.2, D.4 and NE.1 of the adopted Bath and North East Somerset Local Plan.

Impact on Listed Building:

The development site is adjacent to Tunley Farmhouse which is Grade II Listed. The alterations to the road layout would move the road away from the side elevation of the property. There have been no details provided of how this land would be left and it is difficult to argue how beneficial this small piece of land would be to the setting of the farmhouse particularly if it is left either over grown or left as hard standing. The area adjacent to the farmhouse is also outside of the 'red edge' of the application and therefore there is no means to control how this land is treated. The relocation of the road would have a neutral impact on the farmhouse.

The buildings as they are shown on the indicative plans would result in plot one in particular being sited very close to the farmhouse at the closest point it would be less than 7 metres corner to corner across the road. This would impact on the setting of the listed building particularly given the size of the proposed building. However, given the size of the site it would appear that it may be possible to develop the site (not withstanding all other matters) in a different way which would not harm the setting of the Listed Building and therefore a reason for refusal on this basis is not recommended.

Residential Amenity:

The closest property to the development site is Tunley Farmhouse . The relocation of the road away from the farmhouse would have a beneficial impact on this property.

The indicative plans show the closest house particularly close to the farmhouse and there are windows in the side elevation of the farmhouse which may be impacted either by overlooking or loss of outlook/light. However, again if outline consent were agreed the site could be developed in a different way where these issues could be removed and therefore there is no reason to substantiate a reason for refusal on this basis.

In terms of the noises aspect of the development is this something that would need to be controlled due to the proximity of the properties to Tunley Farm and also to each other. If approved the development would need to be restricted so that the use could only be B1.

Highways:

Access is considered as one of the outline issues and there are several issues to consider: the impact of the new road layout and the sustainability of the development.

The realignment of the Wood Lane junction has been the subject of pre-application enquiries with the Highways Team, in order to find a solution to the severely restricted visibility to the west at the Wood Lane/Tunley Hill junction.

The principle of the alterations to the junction have been considered by the Area Traffic Engineer and it has been agreed that the carriageway width of Tunley Hill could be reduced to 5.5m to allow for the junction to be pulled out into Tunley Hill which, together with the realignment of the southern end of Wood Lane, would result in a significant increase in junction visibility, to the benefit of all users of the junction.

The proposed changes to the highway layout would also provide a footway, between the proposed site access and the existing footway on Tunley Hill, which would serve as access to the bus stop.

Whilst the principle of the new road alignment is considered acceptable, there are some points of detail on the submitted drawings that would need to be amended to provide an acceptable highway layout. The applicant has suggested that this could be dealt with by condition, however this is not considered to be appropriate as they specifically relate to the site access. The details relate to drawings relating to the tie of the new road with the existing highway and works required where the development encroaches onto an existing highway. As these matters are unresolved the application cannot be supported.

Sustainability

The site is located outside of the defined Housing Development Boundary, and as such would generally be considered to be in an unsustainable location. There are no local facilities in Tunley or Priston, as the nearest settlements, and therefore residents of the units would be likely to be reliant on the private car as a main mode of travel to access many facilities, even though there is a bus stop adjoining the site.

The application proposes two live/work units and even if this use were accepted and it could be controlled this would not be the end of the matter. Whilst one or more of the prospective occupiers within each dwelling may have the property as a place of work it is likely that all other activities would take place away from home and require the use of a car. The properties have been designed as three bedroom homes and could be occupied by families. The closest school would need to be accessed by car again which reinforces the unsustainable location of the properties.

Ecology

An ecological and protected species survey and assessment has been completed. No further surveys are recommended and there are no significant ecological constraints at the site, although a range of measures are required to ensure harm is avoided to wildlife such as nesting birds and reptiles, and retained habitat is protected. The building on site was inspected for potential use by bats and is assessed as supporting negligible roost potential.

There is no objection from the Council's Ecologist to the proposal subject to a condition to secure implementation of the recommendations of the ecological report.

Trees

The Arboricultural Officer originally raised concerns with the application due to the lack of arboricultural report. Following the submission of the report there is no objection to the application or the removal of an Ash Tree on the site. The proposal indicates that T1 and T2 will be retained. The Arboricultural officer is concerned that although the application is outline the

Applicant should consider the future growth and species specific attributes of the retained Sycamores in finalising the location and position of Plot 2.

Tree protection details are proposed as conditions.

Land Contamination

Due to the sensitive nature of the development (i.e. 2 No. residential live/work units) and the potentially contaminative historical use of the site as a storage yard/builders yard (which may have included storage of fuels and oils which may have incurred leaks and spills from vehicles and agricultural machinery, storage of chemicals such as pesticides and herbicides and the storage of tyres and scrap metal) if permission were recommended conditions in respect of contamination could be added.

Archaeology

The development site lies about 120m to the east of Tunley Hillfort (MBN1140), which is a Scheduled Ancient Monument. Whilst the monument itself would be shielded from the new development by the existing farm buildings, there are antiquarian records of two possible Neolithic Long Barrows (MBN2231 and MBN2245) in the fields to the north of the site. It is therefore recommended that a watching brief condition is attached to any planning consent.

Conclusions

The proposals are considered to be inappropriate development in the Green Belt which would harm the openness of the Green Belt. The development is also considered to have an unacceptable visual impact and be harmful to rural character. The proposals would introduce dwellings into a remote location and would represent unsustainable development.

Whilst the principle of relocating the highways has been agreed there are unresolved concerns in respect of the details of this and therefore the application cannot be supported.

The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed buildings and land use would constitute an inappropriate form of development within the Green Belt which would conflict with the purpose of safeguarding the open countryside from encroachment and would be detrimental to the openness of the Green Belt and the character of the area. No very special circumstances have been demonstrated which would serve to clearly outweigh the harm to the Green Belt and other areas of identified harm and therefore the proposal is contrary to policies GB.1, GB.2 and NE.1 of the Bath & North East Somerset Local Plan including minerals and waste policies

- adopted October 2007, Policy CP.8 of the Bath & North East Somerset Draft Core Strategy May 2011 and paragraph 89 within the National Planning Policy Framework 2012.

2 The proposed development would encroach unacceptably into the open countryside and cause significant and demonstrable harm to the rural character of the area. The adverse impacts of allowing this development, outside of any defined housing development boundary, would significantly and demonstrably outweigh the benefits. The proposal is therefore considered to be contrary to the aims of paragraph 14 of the NPPF and Policies ET.4, HG4, HG10, D2, D4, GB.2 and NE.1 of the Bath and North East Local Plan (2007) and policy CP6 of the Bath & North East Somerset Draft Core Strategy May 2011.

3 The proposed layout for the realignment of the highway does not achieve an acceptable Tie-in between the existing and new sections of road to facilitate the safe use of the highway. The proposal is therefore contrary to Policy T.24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

4 The proposed development would form an encroachment onto the highway verge on Tunley Hill, which would constitute an unacceptable obstruction to the use of the highway, and would be contrary to highway safety contrary to Policy T.24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

5 The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Policy T.1 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007, 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.

PLANS LIST:

1

This decision relates to the following documents:

Received 25th February 2014

13109_L_001_D

13109_L_003_D

13109_L_004_D

13109_L_005_B

13109_L_006_B

13109_L_007_B

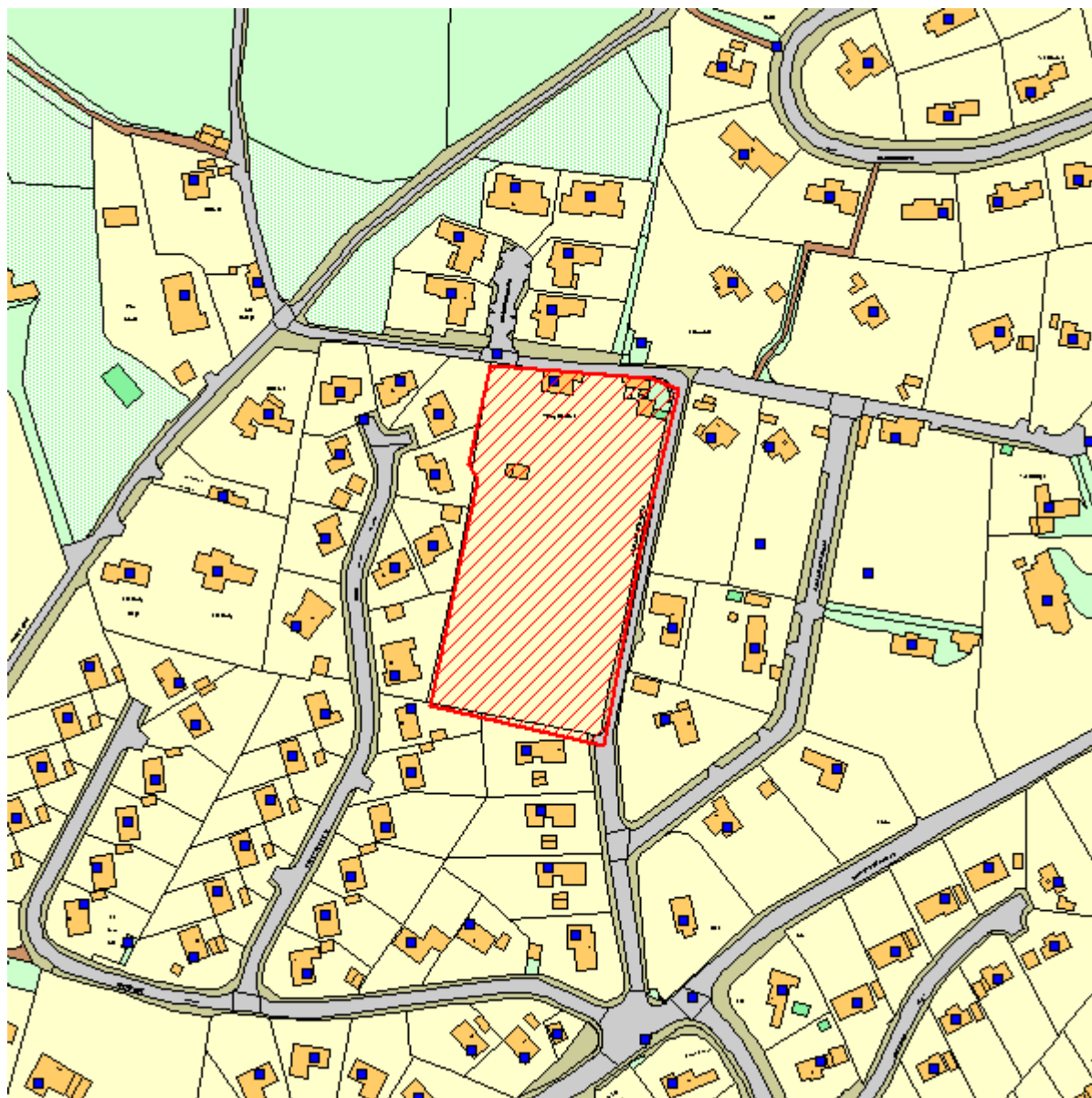
17300_200_C

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 proposal was considered unacceptable for the reasons given and the agent was advised that the

application was to be recommended for refusal. Discussions took place to allow the applicant to make amendments to the access elements of the scheme.

Item No: 07
Application No: 14/01397/FUL
Site Location: Victory Gardens Bannerdown Drive Batheaston Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Batheaston **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Geoff Ward
Application Type: Full Application
Proposal: Erection of two storey side extension to existing dwelling, detached garage/workshop and four holiday let units
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, Housing Development Boundary, MOD Safeguarded Areas, Tree Preservation Order,
Applicant: Mr M Veal
Expiry Date: 21st May 2014

Case Officer: Chris Griggs-Trevarthen
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REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The applicant is a Councillor of Bath and North East Somerset Council.

DESCRIPTION

Victory Gardens is a two storey detached dwelling positioned on the northern side of a large sloping site in Batheaston. Bannerdown Drive runs along the eastern and northern boundaries of the site and is bounded by a rubble stone wall.

The site is within the Batheaston Housing Development Boundary, but falls outside of the Bath World Heritage Site.

The proposal is to erect a two storey extension to the side for Victory Gardens and the erection of detached garage and 4 holiday lets within the north-east corner of the site.

The North West boundary of the site has previously been amended under application 02/00155/FUL to allow a better visibility around the corner of this part of Bannerdown Drive. Application 02/00155/FUL also included the demolition of outbuildings at Victory Gardens and construction of a garage/workshop with a 2bedroom flat above. This part of the permission has not been implemented, but remains extant.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS

No objection, subject to conditions.

ARCHAEOLOGY

No objection, subject to condition.

ARBORICULTURE

No objection, subject to conditions.

PARKS AND OPEN SPACES

No objection, subject to contribution towards formal green space provision of £10,396.80

ECOLOGY

Ecology comments are awaited.

BATHEASTON PARISH COUNCIL

Support -

1. Satisfies policies D2, D4 and HG4
2. Recommend that 4 x Rentable homes be considered. Much needed in this Village

THIRD PARTIES/NEIGHBOURS

3 Letters of objection have been received. The main points raised were:

- Inappropriate scale of development;
- Doubling of the previous footprint and ignoring the size of the existing property;
- Proposed height is excessive;
- Alleged inaccuracies in the drawings;

- Loss of light to 10 Bannerdown Close;
- Hazardous access and lack of pedestrian walkways;
- Bannerdown Drive is too narrow for cars to pass;
- Concerns about construction traffic;

POLICIES/LEGISLATION

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
HG.4:	Residential development in the urban areas and R.1 settlements
NE.4:	Trees and woodland
NE.10:	Nationally important species and habitats
NE.11:	Locally important species and habitats
T.1:	Overarching access policy
T.24:	General access and development control policy

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 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.4, NE.4, NE.10, NE.11, T.1 and T.24 of the local plan are proposed as saved policies within the submission core strategy.

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are also material considerations. The following sections are of particular relevance:

Section 7: Requiring good design

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development;
- Character and appearance;
- Residential amenity;
- Parking and highways safety;
- Archaeology;
- Trees and woodland;
- Parks and open spaces.

PRINCIPLE OF DEVELOPMENT

The site falls within the Housing Development Boundary of Batheaston where the principle of new residential development is acceptable in accordance with policy HG.4. The 4 proposed holiday lets proposed fall within the ambit of this policy and are therefore acceptable in principle.

CHARACTER AND APPEARANCE

The proposed extension is positioned on the east side of the existing two storey stone built dwelling. The front half of the proposed extension has contemporary design, utilising a significant amount of glazing and oak frames with a flat roof. This contrasts sharply with the traditional appearance of the existing cottage which is constructed from rubble stone.

The rear half of the proposed extension, adopts a more traditional vernacular approach utilising rubble stone with a tiled mono-pitch roof. This juxtaposition does result in slightly disjointed appearance for the proposed side elevation. However, due to the height of the stone boundary along Bannerdown Drive, the side elevation of the proposed extension will not be prominent in public views.

The width of the proposed extension is almost 100% of the width of the existing cottage. It results in a massing of built form which is quite challenging to the primacy of the existing cottage. It was requested that the width of the proposed extension be reduced, but this was declined by the applicant. The proposal must therefore be determined as submitted.

Although particularly wide, the proposed extension is set back from the front elevation and has a flat roof which sits level with the eaves of the existing house. This makes the proposed extension appear less bulky and prominent.

Although the width of this contemporary extension appears to compete with and, to a degree, overwhelm the character of the existing building, it is not particularly visible in immediate public views due to the topography of the land and the relatively high stone boundary surrounding the site. It may be visible in longer views across the valley, but over these distances the impact of the extension will be more muted.

The proposed garage and holiday lets are situated in the north-east corner of the site where there were previously a number of outbuildings which have now been removed. The proposed buildings are two storey wrapping around the north-east corner of the site utilising the existing stone boundary as an exterior wall, before rising to two and half storey near the site entrance. The holiday let accommodation turns in on a proposed courtyard within the site. An undercroft garage is proposed within the two and a half storey building in front of a parking area for the holidays let.

The pattern and grain of development in the surrounding area is primarily characterised by large detached dwellings arranged around cul-de-sacs. Victory Gardens is unusual in that it retains a substantial, undeveloped garden which is considerably bigger than any of the surrounding properties. The proposed holiday lets would represent a much tighter form of development that is found in the surrounding area, but are considered appropriate when seen as subservient holiday accommodation sharing the substantial site of Victory Gardens.

The use of rubble stone to match the existing stone of the boundary walls is considered appropriate and can be secured by condition. The scale of development is considered in keeping with that of the surrounding area.

The demolition and reconstruction of part of the boundary wall to provide appropriate visibility splays will need to be completed in materials to match the existing wall. This can be secured by condition.

The proposals include new landscaping to provide some segregation of the proposed holiday lets from the main house. This includes an unspecified hedge providing an informal boundary to the courtyard and parking area and some tree planting. Whilst the proposed approach is acceptable, further details are required to ensure a satisfactory landscaping arrangement is achieved. This can be secured by condition.

In light of above, it is considered that the proposals do not harm the character and appearance of the existing building or the surrounding area.

RESIDENTIAL AMENITY

The existing dwelling at Victory Cottage is a significant distance from any adjoining properties. The nearest is no. 6 Damson Orchard to the north which is situated further up the hillside. The proposed extension is no higher than the existing dwelling and is largely situated behind the existing stone boundary of the site. Given its scale and separation, the proposed extension will not have any detrimental impact upon the amenities of no. 6 Damson Orchard.

The proposed holiday let accommodation is situated along the north-eastern boundary. The nearest neighbouring property is no. 10 Bannerdown Close, directly to the east. The proposed holiday let accommodation would be approximately 10m from the corner of no. 10 Bannerdown Close which also has its rear garden and patio adjacent to this boundary.

The largest holiday let building is two storey high with accommodation in the roof. Given the distance from 10 Bannerdown Close it is considered that the proposed building will not give rise to any significant loss of daylight received by the property or its garden. Whilst there may be some loss of direct sunlight, this will be to a limited extent and will only occur during the later hours of the day.

Although slightly higher than the previously approved garage/workshop with a 2 bedroom flat above (02/00155/FUL), the proposed building is not excessively high and will not appear overbearing or oppressive from the 10 Bannerdown Close.

The holiday let accommodation includes a number of east facing rooflights. However, these are positioned over 1.8m above the finished floor level so that they do not afford any opportunities for overlooking. There are also windows proposed at first floor level above the false doors shown on the east elevation. These are indicated as being obscurely glazed to prevent overlooking. This can be secured by condition.

To the north-east lies no. 6 Bannerdown Close. This neighbouring property is approximately 30m away from the proposed holiday let accommodation. However, a number of rooflights on the north elevation of the proposed holiday let accommodation are less than 1.8m above the finished floor level and would afford opportunities to overlook part of the garden of no. 6 Bannerdown Close. It is therefore considered appropriate to

require these windows to be obscurely glazed to prevent any significant overlooking from occurring.

Subject to the proposed conditions, it is considered that the proposal will not harm the amenities of any adjoining occupiers.

The holiday let accommodation is tightly arranged around an internal courtyard which leaves little space for individual amenity areas. Whilst this arrangement is appropriate for holiday let accommodation where there is lower standard of outdoor amenity space required, it would be inappropriate for standard residential accommodation. It is therefore considered necessary to restrict the use of these properties to holiday let accommodation only.

Subject to the above condition, the proposal provides sufficient light, outlook and privacy for the proposed holiday lets, such that the potential occupiers will enjoy a decent standard of amenity.

HIGHWAYS SAFETY AND PARKING

The proposal includes a parking area containing 5 off-street parking spaces and a double garage. This is considered acceptable to serve the 4no proposed holiday lets and the existing dwelling. The proposed parking layout is acceptable and provides sufficient room for manoeuvring to allow cars to enter and leave in a forward gear.

Following negotiations, the plans have been revise to show acceptable visibility splays of 2m by 23m, which are applicable for the nature of Bannerdown Drive, being lightly trafficked with low speed. Through the realignment of the boundary wall there would be intervisibility between a vehicle emerging from the site access and vehicles approaching from the south, such that there would be no risk of conflict of movement over the narrowed section of the carriageway.

The Highways Officer has stated that the arrangement is not ideal, but that current guidance does refer to the acceptability of reduced carriageway widths in lightly trafficked streets. It is considered that the proposal for holiday let accommodation would not generate the increase in traffic otherwise associated with residential units. It is therefore considered that the proposal will not adversely affect highways safety.

ARCHAEOLOGY

The proposed development lies in close proximity to a Roman stone coffin burial discovered in Bannerdown, which may indicate the existence of further burials or occupation in the area. An archaeological watching brief condition is therefore considered necessary.

TREES AND WOODLAND

The most significant of the trees affected by the proposal are the two mature Norway Spruce growing near to the existing building. The growth of one is already in contact with the house and the intention appears to be to remove this tree and retain the second.

The retention of the second Norway Spruce is not considered to be based on arboricultural advice and it is unlikely that this can be realistically retained since the agent has not sought or submitted an arboricultural impact assessment.

The submissions do not indicate the identity of the second tree shown for retention. Other trees of note within the site but which should not be affected by the proposal include a third Norway Spruce and Monterey Cypress growing to the west of the existing house. A Cherry, two Cotoneaster, one small Spruce and two Cupressus will also be lost but are not considered visually significant.

There is no objection to the loss of these trees from the Arboricultural Officer. However, it is considered that the replanting of two replacements within the court yard is not considered sufficient in number to offset this loss. The proposed use of Oak and Beech is inappropriate within the proposed court yard in view of their anticipated canopy size at maturity and how root growth is likely to disrupt the proposed brick or stone setts. It is therefore considered appropriate to require a landscaping scheme by condition so that appropriate planting can be secured.

PARKS AND OPEN SPACES

The Council's adopted Planning Obligations SPD makes clear at paragraph 2.4.3 that uses other than residential development can trigger the need for planning obligations in respect of green space and allotment facilities. In this regard, it is considered that the occupiers of the proposed holiday lets would create demand for formal green space facilities and place pressure on existing facilities in much the same way as a residential development. Arguably, the occupiers of holiday lets would place greater pressure on existing facilities, as the occupiers of the holiday lets would have more leisure time at their disposal than the occupier of a residential dwelling and would be more likely to utilise formal green space facilities. As such, it is considered reasonable to calculate the demand arising from the development in the same way as a proposal for a residential development.

It is accepted that the development would not place pressure on existing allotment facilities due to the short time that occupiers would be likely to be renting the proposed accommodation.

It should be noted that the current position in respect of natural green space has not been assessed, by reason of the site's relatively rural location and resultant ease of access to this type of provision.

All four proposed holiday lets are two bedroom units. This quantum of development would result in a net occupancy of 8 persons who would create demand for formal green space equal to 120m².

The Council's data shows that there is a deficit within the Batheaston Parish in respect of formal green space of 2.13ha. Either on-site or off-site new provision is therefore required to meet the demand generated by the development, or financial contributions in order that the Council can provide and maintain such provision. The proposals do not propose any on-site or off-site provision, with the result that the financial contributions are required.

It is therefore considered that a financial contribution of £10,396.80 is required towards formal green space provision and will need to be secured through a S106 agreement. The applicant has agreed in principle to the payment of the required contribution.

CONCLUSION

The proposed extension preserves the character and appearance of the existing building and the surrounding area and does not harm the amenities of adjoining occupiers.

Equally, the proposed holiday let accommodation is considered not to harm the character or appearance of the area and, subject to conditions, is considered not to harm the amenities of adjoining occupiers. Furthermore, the proposal provides sufficient parking provision and does not prejudice highways safety.

The proposals are therefore considered to accord with policies D.2, D.4, HG.4, NE.4, T.1 and T.24 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

A. Authorise the Development Manager to permit the application subject to the applicant entering into a legal agreement to secure:

Formal Open Space

Contributions of £10,396.80 to fund the provision of formal open space off-site to serve the population. The amount of the contribution has been calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development.

B. Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to the following conditions (or such conditions as he may determine):

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 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.

3 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management and any need for cranes for construction.

Reason: To ensure the safe operation of the highway.

4 No development shall commence, except site clearance and preparation works, until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. Thereafter the development shall be completed in accordance with the approved details.

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

5 No development shall commence, except site clearance and preparation works, until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, 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.

6 No part of the development hereby approved shall be occupied until until a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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

7 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.

8 Before the holiday let accommodation hereby permitted is first occupied the visibility splays shown on drawing no. 483-01D and 483-09 shall be provided and the stone boundary wall rebuilt along the line shown. Thereafter the visibility splays shall be kept clear of obstruction to visibility at and above a height of 600mm above the nearside carriageway level.

Reason: In the interests of highway safety and the character and appearance of the area.

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

Reason: In the interests of amenity and highway safety.

10 The development hereby approved as for holiday lets shall be used for holiday let accommodation only and for no other purpose (including Class C of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The building form is unsuitable to accommodate a permanent residential use by reason of its size, tight form and lack of adequate amenity areas.

11 The development hereby approved for holiday lets shall not be occupied other than for purposes of holiday accommodation and shall not be let to the same person(s) for more than 56 days in any calendar year, or such other period as may be first approved in writing by the Local Planning Authority, in accordance with written records of letting and occupier's home address details to be available for inspection by the Local Planning Authority if required.

Reason: The building form is unsuitable to accommodate a permanent residential use by reason of its size, tight form and lack of adequate amenity areas.

12 The rooflights in the north elevation of units 1 and 2 and the east facing glazing on the upper ground floor of unit 3 of the holiday let accommodation hereby approved shall be obscurely glazed and shall be retained as such thereafter.

Reason: To prevent overlooking and to protect the amenities of adjoining occupiers.

13 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:

1 483-001
483-002
483-003
483-004
483-005
483-01D
483-02B
483-03B
483-04C
483-05C
483-06C
483-07A
483-08A
483-09

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 submitted proposals was taken and consent was granted.

2 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.

3 This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

Item No: 08
Application No: 14/00406/FUL
Site Location: 61 Lorne Road Westmoreland Bath Bath And North East Somerset
 BA2 3BZ



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 dwelling (Use Class C3) to HMO (Use Class C4) house of multiple occupation.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,	
Applicant:	Mr Johnny Kidney	
Expiry Date:	26th March 2014	
Case Officer:	Jonathan Fletcher	

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

A request has been received from Councillor Ben Stevens for the application to be referred to the Development Control Committee and the Chairman has agreed to this request. The Committee deferred the application at its meeting on 09 April 2014 to investigate whether changes should be made to the Houses in Multiple Occupation in Bath Supplementary Planning Document (SPD) - Adopted June 2013 prior to the application being determined and to allow the case officer to gather additional information in relation to the number of existing houses in multiple occupation (HMOs) on Lorne Road.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a mid-terrace property located within the Bath World Heritage. The application seeks planning permission for the change of use of the building from a dwelling falling within Use Class C3 to a HMO within Use Class C4. The existing layout of the property provides three bedrooms to the first floor with a fourth bedroom on the attic floor. The internal layout of the building would be altered through the addition of partition wall on the ground floor to provide an additional bedroom in place of the sitting room. The proposed HMO use would therefore accommodate 5 tenants within the building.

NB: Although this change of use would ordinarily constitute permitted development under the Town and Country Planning (General Permitted Development) Order 1995 - as amended, planning permission is required in this case as a result of an Article 4 Direction which removes permitted development rights for this change of use within the City of Bath.

RELEVANT HISTORY:

None

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development Officer: No objection would be raised to this application providing that secure cycle storage is provided at the site.

Local Councillor: Cllr Stevens has requested that the application is referred to the Development Control Committee as there is a high percentage of HMOs in the area, the building has previously been used as a HMO and the applicants are struggling to sell the property as a result of the Article 4 Direction.

Third Party Representations: Two letters have been received in objection to the application which raise concern in relation to the impact on the mix of housing and the validity of the justification put forward in support of the application.

POLICIES/LEGISLATION

Bath & North East Somerset Local Plan including minerals and waste policies - Adopted October 2007

D.2 - General Design and public realm considerations

D.4 - Townscape considerations
BH.1 - World Heritage Site
T.24 - General development control and access policy
T.26 - On-site parking provision
HG.12 - Residential development involving re-use of buildings for multiple occupation

Bath & North East Somerset Draft Core Strategy November 2013

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 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.

Houses in Multiple Occupation in Bath Supplementary Planning Document (SPD) - Adopted June 2013

National Planning Policy Framework (NPPF) - 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 formulation of the Council's supplementary guidance relating to HMOs, principle of the change of use, the character and appearance of the area, residential amenity and highway safety.

SUPPLEMENTARY PLANNING GUIDANCE

Following the deferral of the application in April, the Cabinet Member for Homes and Planning, Councillor Tim Ball has been approached to discuss whether changes could be made to the guidance set out in the SPD which was adopted in June 2013. Councillor Tim Ball has stated that he does not consider that any changes should be made to this guidance.

CHANGE OF USE:

The proposal involves the loss of an existing four bedroom dwellinghouse and its replacement with a five bedroom HMO. The guidance within the SPD confirms the two tests which relate to applications for a change of use of a dwelling to a small HMO. The first test identifies whether the site falls within an area with an existing concentration of HMOs. In this case, the property is located within a census output area in which HMO properties represent at least 25% of households. The proposal for an HMO must therefore be subject to the stage 2 test set out in the SPD, which assesses whether more than 25% of households within a 100m radius of the application site are in HMO use. This stage 2 test has been undertaken and it is confirmed that 50% of properties within 100m of application site are currently in use as HMOs. The proposal therefore fails the stage 2 test set out in the SPD and as a result it is considered that the proposal would result in an overconcentration of HMOs within this area to the detriment of the mixture of size, type and affordability of accommodation.

The application was deferred at the Committee meeting in April to allow further information to be provided in relation to the existing level of HMOs on Lorne Road. The Council's Housing Services have confirmed that 49 of the 78 properties on Lorne Road are known to them as HMOs. This data is taken in part from applications for additional licences for HMOs which have been required since 01 January 2014. For reasons of data protection, it is not possible to identify which individual properties are registered as HMOs as the processing of applications for additional licences has not been completed at this stage. Part of the justification which has been presented by the applicant in support of this application is that Lorne Road has become too concentrated with HMOs for it to be feasible to achieve an acceptable mix by preventing further changes of use. The information provided by the Council's Housing Services, taking into account that two properties are commercial units and one property has been subdivided into two flats, confirms that 62% of properties are HMOs and 35% are single households.

As noted above, no changes are envisaged to the guidance set out in the SPD and consequently the assessment should continue to be made on the basis of a 100m radius from the application site. This additional information however provides some context in relation to the justification being put forward in support of the application. It is clear that single households remain a substantial part of the housing mix on Lorne Road. Furthermore, a representation has been received from an occupier of one of these single households since the application was heard at the Committee meeting in April expressing concern that Lorne Road is being described as a 'student ghetto' without being substantiated. The Council's data indicates that 27 properties are currently occupied as single households on Lorne Road and the implications are that, if a consistent approach is to be taken, all of these properties could be converted to HMOs if planning permission is granted in this instance.

Paragraph 50 of the NPPF relates to the delivery of high quality homes to, amongst other things, support inclusive and mixed communities. This guidance advises that local planning authorities should '...plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)'. The current application would further exacerbate an existing imbalance in the housing stock within the Westmoreland area. The Local Planning Authority has planned to address this imbalance through the adoption of an Article 4 Direction and an associated SPD.

The proposal is therefore contrary to paragraph 50 of the NPPF, policy HG.12 of the Local Plan and the guidance set out within the SPD.

CHARACTER AND APPEARANCE:

No physical alterations would be required to the exterior of the building and so it is considered that the proposals will not adversely affect character and appearance of the building or the surrounding area.

RESIDENTIAL AMENITY:

The proposed use would be implemented through the conversion of the sitting room to provide a fifth bedroom. The internal layout would create a sufficient standard of accommodation for future occupiers of the property with a shared living area and kitchen being retained. The proposal is therefore considered to provide an acceptable level of residential amenity for future occupiers.

The proposal is also considered to preserve the residential amenity of adjacent occupiers. There have been no objections received from local residents in respect of this application. The occupation of the property by five tenants would be consistent with the mixture of residential uses in the area. Local residents would be able to report instances of disturbance if they arise once the HMO use is implemented and these investigated by the Environmental Health Team.

HIGHWAY SAFETY AND PARKING:

The Council's Highway Development Officer has no objection to the proposal subject to secure cycle storage provision being provided. It is noted that the property falls within a sustainable location with good access to local facilities and public transport. Moreover, surveys undertaken by the Department for Communities and Local Government indicate that rental properties have up to 0.5 fewer cars than owner-occupied properties. It is unlikely therefore that car ownership would be increased as a result of this change of use.

OTHER MATTERS:

It is noted that the applicant has stated that he cannot realise a higher value for his property if this property is not allowed to be converted to an HMO, and Councillors may be concerned that this is as a result of the restrictions imposed by the Article 4 Direction. The following excerpt from the National Planning Policy Guidance should be considered in relation to this issue:

'The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.'

In this instance, officers have concluded that the market value of the property cannot be considered as a material consideration in support of the application. Whilst it is accepted that the market value may not be as high if planning permission is refused, it would not be in the public interest to grant planning permission on this basis. The overriding material consideration in respect of this application is the maintenance of a satisfactory mix of housing in the area to meet the needs of the local community. This is reflected in the representation which has been received from a local resident who has expressed interest in purchasing the property which is the subject of this application. The representation sets out concern that allowing more HMOs in Oldfield Park will further inflate property values thereby excluding those wishing to occupy properties as single households.

CONCLUSION:

In light of the point raised above, the proposal is considered to have an unacceptable impact on the mixture of housing in the area and is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal would result in an overconcentration of Houses in Multiple Occupation within this area, to the detriment of the mixture of size, type and affordability of accommodation available in the locality. The proposal is therefore contrary to paragraph 50 of the National Planning Policy Framework 2012, policy HG.12 of the Bath & North East Somerset Local Plan including minerals and waste policies - Adopted October 2007 and the guidance set out in the Houses in Multiple Occupation in Bath Supplementary Planning Document (SPD) - Adopted June 2013.

PLANS LIST:

1 This decision relates to the existing ground and first floor plan, proposed ground and first floor plan and site location plan all received 28th January 2014.

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 applicant was informed of the reasons why the proposal was unacceptable and offered the opportunity to withdraw the application. For the reasons given, and expanded upon in the committee report, the submitted proposals were unacceptable and permission was refused.

Item No:	09
Application No:	13/04847/FUL
Site Location:	Court Farm The Street Compton Martin Bristol Bath And North East Somerset



Ward: Chew Valley South **Parish:** Compton Martin **LB Grade:** N/A

Ward Members: Councillor V L Pritchard

Application Type: Full Application

Proposal: Retention of existing building for use as ancillary accommodation (extension) to Court Farmhouse and retention of access track and alterations to car parking to serve adjacent holiday lets (part retrospective)

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Housing Development Boundary, Water Source Areas,

Applicant:	Mr Richard Curry
Expiry Date:	18th March 2014
Case Officer:	Rebecca Roberts

REPORT

REASON FOR REPORTING TO COMMITTEE:

The officers recommendation is contrary to the Parish Councils comments and the Chair of the Development Control Committee has agreed for the application to be considered by the committee.

DESCRIPTION OF SITE AND APPLICATION

This application relates to Court Farm which is located to the north of the A368 Main Street, towards the western fringe of Compton Martin. The application relates to an area immediately adjacent to the existing farm house, which is adjacent to the farm entrance and is set within the housing development boundary, an Area of Outstanding Natural Beauty and within the designated Conservation Area.

Court Farm has ceased the dairy function of the enterprise and since this time has had permission for holiday lets close to the Farmhouse and a cafe/farm shop was permitted which relates to this application. The farm yard has been tarmaced over for use as a car park. A small agricultural function still exists which is demonstrated by the retention of two barns to the rear of the site. The applicant grows crops for bio fuel as part of the remaining agricultural use of the site.

The site has an extensive history and the building which forms part of the application has been an ongoing enforcement case which this application seeks to regularise in part.

The application proposes the retention of the existing building for use as ancillary accommodation (extension) to Court Farmhouse and the retention of the access track and alterations to car parking to serve adjacent holiday lets (part retrospective)

The current building was granted planning permission under application 06/01428/FUL for use as a Farmshop/cafe however this use was never implemented. Furthermore the building was not built in accordance with the approved plans and therefore is considered as unauthorised development. The previous Fish and Chip Shop use has now ceased and the building is vacant.

The building was designed to appear subservient to the Farmhouse and has a domestic character, the oak frame and glazed gable feature add interest to the building. The existing roller door between the application building and Farmhouse and the flues all form parts of the building which are functional for their purpose but are negative additions to the building and detract from the residential character of the Farmhouse.

RELEVANT HISTORY:

05/03099/OUT - RF - 22 September 2006 - Replacement farmhouse and farm office

05/03532/FUL - RF - 30 December 2005 - Reconstruction of porch and alterations to access

05/03550/FUL - PERMIT - 9 December 2005 - New calf house (Resubmission)

05/03551/FUL - PERMIT - 9 December 2005 - Provision of machinery and straw store

06/00197/FUL - RF - 7 March 2006 - Reconstruction of porch and alterations to access (Resubmission)

06/01428/FUL - PERMIT - 25 September 2006 - Erection of building to provide farm shop and tea room and alterations to access

06/03814/VAR - PERMIT - 29 December 2006 - Variation of condition no.3 (hours of use) and condition no.5 (no outdoor catering) of planning permission 06/01428/FUL dated 25 September 2006

08/00228/FUL - PERMIT - 20 March 2008 - Erection of single dwelling house with annexe, office and integral garaging

08/04554/FUL - PERMIT - 11 February 2009 - Erection of pair of semi-detached dwellings for use as holiday lets on land at Court Farm Cottage

13/00819/VAR - RF - 7 May 2013 - Variation of condition 3 of application 06/01428/FUL to extend the hours of use of the shop (Erection of building to provide farm shop and tea room and alterations to access)

13/02291/VAR - RF - 26 July 2013 - Variation of condition 3 of application 06/01428/FUL to extend the hours of use of the Farm shop and Tea Room (Resubmission) (Erection of building to provide farm shop and tea room and alterations to access)

13/02829/REM - RF - 28 August 2013 - Removal of condition 6 attached to planning permission 06/01428/FUL (Erection of building to provide farm shop and tea room and alterations to access)

13/02873/FUL - PERMIT - 17 September 2013 - Erection of Clock Tower (Retrospective)

13/03605/VAR - RF - 16th October 2013 - Variation of condition 6 attached to planning permission 06/01428/FUL (Erection of building to provide farm shop and tea room and alterations to access)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

COMPTON MARTIN PARISH COUNCIL - this building has no planning permission, the original purpose of cafe/farmshop application was part of farm diversification. The applicant is no longer farming therefore is this building required_ If LPA do approve there is no reason why the fish and chip cooking ranges, ventilation and chimneys should not be removed. Built structure is out of keeping with the Conservation Area and lacks the design quality required for a residential building. A planting scheme and removal of the tarmac is required.

ENVIRONMENTAL HEALTH - No objection. Cannot request the removal of the cooking equipment.

HIGHWAYS OFFICER - No objection. The resultant proposed use of the building and car park area would generate less traffic movements than had previously been approved.

OTHER REPRESENTATIONS - 2x comments and 3x objections summarised as:

- Most representations stated that they were relieved to no longer have to suffer the fatty smells that effected them previously on a daily basis
- concerned if residential is granted that the fish and chip shop cooking equipment will be used at a later date
- without the removal of the industrial deep fat fryers and extraction chimney, the problem will persist
- Such a large parking area is not necessary to furnish a farmhouse and two holiday lets. Even a potential future Bed & Breakfast business would not necessitate parking on this scale
- 2006 application permitted on the basis that it allowed diversification of an existing business and that closure of accesses would secure removal of HGVs and other farm buildings from that part of the site. In the event, neither of these outcomes has been delivered by the applicant
- the unauthorized development now in place bears little resemblance to that described in the 2006 planning application
- it is unclear why an amended vehicular access is sought at all for the holiday lets when it already has an approved access

POLICIES/LEGISLATION

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:

D2 - General Design and public realm considerations

D4 - Townscape considerations

ES10 - Air quality

ES12 - Noise and vibration

NE2 - Areas of Outstanding Natural Beauty

BH6 Conservation Areas and their settings

T24 - General development control and access policy

T.26 - On-site parking and servicing provision

of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

D.2, D.4 , NE.2, BH.6, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

The application site is located within the settlement boundary of the village whereby the principle of new housing in this locality would be considered acceptable in principle. There

have been previous applications approved within this site for housing, holiday lets and a farm shop/cafe. The building which forms part of this application was granted permission in 2006, however the building was not built in accordance with the approved plans. However a building and car park albeit at a lower height were considered to be acceptable in this location and deemed not to cause harm to the character and appearance of the Conservation Area, therefore a judgement has to be made as to whether the increased height (700mm) of the existing building and the larger utility extension cause significant harm to warrant a refusal_

Farm diversification has already taken place and this could have occurred naturally without the need for consent in that the applicant could have switched from Dairy Farming to Bio Fuel Farming without any planning permission required, the applicant could and still can sub divide the land and sell it off to other Agricultural enterprises or private owners without consent from the LPA, but the Farm could also be sold and any new owner could set about to re-establish the agricultural function and grow this business. The retention of the building for residential use would not result in the diversification of the agricultural enterprise.

Approval was granted for the tarmacing of the Farm yard in the 06/01428/FUL application but the number of spaces provided is greater than the layout approved. Therefore retaining some of this space is in principle considered acceptable.

The applicant has expressed his intention to keep the existing kitchen equipment due to the expense of installing it, although he has been advised it cannot be used for any other purposes than as a kitchen for the residential use of Court Farm and not for Bed and Breakfast use or Cafe use and that if he wishes to provide Breakfast or lunch for the holiday lets a change of use application will be required. Environmental Health have confirmed that they cannot request that the flue and kitchen be removed and nor can the LPA insist that the kitchen is removed. The kitchen equipment as relatively new equipment could be sold on, it must be acknowledged that B and Bs operate on a traditional residential scale kitchen.

CHARACTER AND APPEARANCE:

The building which extends from the rear elevation of the Farmhouse is different from that approved as the utility projection to the rear is deeper and the building ridge line is higher than that approved (700mm difference), the oak frame porch area is enclosed by glass rather than open and the fenestration details are an alternative design, furthermore the car parking spaces have been orientated differently to that approved and the access arrangements between the main road and the holiday let are also different.

The design of the building is similar to that approved and has been set down from the main ridge of the farmhouse to appear subservient, the building uses materials which are sympathetic to the local area and the host dwelling.

The building as an extension of the farmhouse would create a large dwelling, however this is not uncharacteristic of rural areas, the site can accommodate the building without encroaching on the neighbouring boundaries and preserves an element of spaciousness to the rear of the site, an area which was previously developed with agricultural barns. The extension building is not readily visible from the local area but comes into focus on the approach to the Farm from the west side of the The Street. It is the existing flues on the

building which detract from the residential character of the Farmhouse and unbalance the relationship between the building and the surrounding built environment. It is proposed to enclose the existing flue which extends above the ridge line so as to appear as a traditional chimney, the height will be reduced to appear proportionate to the building. The other flue which is set down on the lower roofscape will not be encased as it is not visible from outside the site.

The existing car park has consent under the 06/01428/FUL, however the layout results in a greater number of spaces. An access has been created in the north west corner of the car park to provide an alternative access to the holiday let accommodation. The applicant proposes to retain the car park and to provide additional spaces for the holiday lets on the northern side of the car park. The applicant also expresses a need to retain the car park for use by agricultural workers during harvesting of crops for the creation of bio fuel. However the number of spaces far outnumbers the number of agricultural workers. The site has lost part of its residential character as a result of tarmacing the site, the farmhouse does not benefit from amenity space and this is an intrinsic character of residential sites in this locality, therefore a condition will be attached requiring a landscape scheme for the car park. A balanced scheme which provides some amenity whilst retaining half the car spaces can be achieved and would enhance the site and allow for the creation of a formal residential curtilage. The access and parking for the holiday lets is considered acceptable, the loss of the commercial use of the building would significantly reduce the use of the existing access and is not considered to result in conflicts with other users of the site and will not affect the character and appearance of the local streetscene or this part of the Conservation Area.

Overall the design, scale and siting of the building as an extension of the property is considered on balance acceptable, the subservient character allows the extension to merge with the existing farmhouse to form one structure and the retention of the building will not erode the overall harmony of the streetscene and will preserve the character and appearance of the Conservation Area.

RESIDENTIAL AMENITY:

Previous applications for the use of the building for A3/A5 use as a Fish and Chip Restaurant raised significant concerns regarding amenity and the disturbance caused by odour issues and potential for noise disturbance from the ventilation equipment. The Environmental Health Officer confirmed however during the last application that odour issues did not form a statutory nuisance.

The proposed retention of the building for residential purposes will not result in issues of noise or odour due to the less intensive use of the building and equipment. Due to the existing siting of the building and existing boundary treatment and window openings in neighbouring properties the proposed retention of the building is not considered to cause harm to the amenity of neighbouring occupiers in terms of overlooking, loss of privacy, overbearing impact or increased sense of enclosure.

The use of the car park and access to the holiday cottages will not result in an over intensification of the use of the site and is not considered to have the potential to cause a nuisance to the amenity of neighbouring residential occupiers.

CONCLUSION:

Overall on balance the retention of the existing building as a residential extension/annexe of Court Farmhouse is considered acceptable and will have a neutral impact on the local streetscene and preserve the character and appearance of the Conservation Area. The access and additional parking for the holiday lets and agricultural workers are considered acceptable and do not result in an over intensification of the use of the site.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 The residential development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling; Court Farmhouse, The Street, Compton Martin and shall not be occupied as an independent dwelling unit or used for Bed and Breakfast. The principle means of access to the ancillary accommodation via the internal doorway from the existing storage room (proposed snooker room) on the ground floor of the main dwelling into the kitchen shall remain available for use in perpetuity.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

2 Within 6 months of the date of this permission a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of the subdivision of the site, all new walls, fences and other boundary treatment and 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: In the interests of the appearance of the development and the character and appearance of this part of the Conservation Area.

3 Within 12 months of the date of this permission all hard and/or soft landscape works shall have been carried out in accordance with the approved details. The works shall be carried out in accordance with the programme agreed in condition 2. 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.

4 Within 3 months of the date of this permission details of enclosing the vertical flu on the south elevation shall be submitted to and approved in writing by the Local Planning Authority and within 6 months of the date of this permission the flu shall be enclosed in accordance with the details approved

Reason: In the interests of the appearance of the development and the character and appearance of this part of the Conservation Area.

5 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:

1 This decision relates to drawing no's PL3260/2A, PL3260/3, PL3260/4, PL3260/5, PL3260/6 date stamped 15th January 2014 and PL3260/1A date stamped 20th January 2014.

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 Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

2 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:	10
Application No:	14/01403/FUL
Site Location:	The Old Rectory Anchor Lane Combe Hay Bath Bath And North East Somerset

Ward: Bathavon West **Parish:** Combe Hay **LB Grade:** II

Application Type: Full Application

Constraints: Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,

Expiry Date: 20th May 2014

Case Officer: Sasha Coombs

REPORT

REASONS FOR REFERRING TO COMMITTEE

Councillor David Veal commented: "As this is a re-submission with the details limited to the Design Access Statement I would request that you seek approval from the Chairman of DCC to bring it to the Committee".

The application was then referred to the Chairman who decided that the application will need to be presented to the Committee for the following reasons:

"This is an interesting application with some complex issues relating to Green Belt/AONB and a significant listed house and gardens".

DESCRIPTION OF SITE AND APPLICATION

The application relates to a plot of land to the north of Anchor Lane in Combe Hay Conservation Area. The site currently forms part of an open sloping grassed field to the north of the village, bounded by the curtilages of the Grade II listed mid C18 Rectory to the west and a single storey Meribah to the south. It lies within the Green Belt and AONB, outside the defined housing development boundary of the village.

The proposal seeks to extend the domestic curtilage of The Old Rectory to include this land and to erect a garage with staff accommodation above. The access to the site would be provided from the driveway of The Old Rectory. The building would be set on split level some 8m back from the boundary wall with Meribah, measuring approximately 16.4m in width, 7.5m in depth and up to 7.5m high at the ridge. It would be constructed in rubble stone with dressed stone copings under double roman tiles roof, and contain three parking bays on the lower ground floor and a one-bedroom self-contained flat above.

This application is a resubmission of a scheme that was withdrawn by the applicant in November 2013 (planning ref. 13/05028/FUL). The resubmitted proposal plans are identical, however the supporting Design and Access Statement has been changed to reflect previous comments by the LPA.

RELEVANT PLANNING HISTORY

(The Old Rectory)

DC - 05/00431/LBA - CON - 23 March 2005 - Conversion of double garage to study

DC - 03/03194/FUL - PERMIT - 9 March 2004 - Single-storey extension

AP - 03/00079/LBRF - ALLOW - 24 February 2004 - Single-storey extension (Resubmission)

DC - 98/02841/FUL - PER - 5 November 1998 - Replacement of existing conservatory, extension of drawing room, creation of housekeepers accommodation, insertion of new window openings

DC - 98/02842/LBA - PER - 5 November 1998 - Replacement of existing conservatory, extension of drawing room, creation of housekeepers accommodation, insertion of new window openings.

(The application site)

DC - 13/05028/FUL - WD - 12 February 2014 - Erection of a garage with affordable staff accommodation attached to and extending the curtilage of the Old Rectory.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Planning Policy - Object. The proposal is contrary to the National Planning Policy Framework and the emerging B&NES Core Strategy as the development is a development on Green Belt land outside of the current housing development boundary. Currently there are no plans to conduct a review of Combe Hay Housing Development Boundary.

Highways - no objections, subject to the additional accommodation being used solely for the purposes of staff accommodation for the main house.

Highways Drainage Team - no objections or comments

Environmental Health - no objections or comments

Conservation Officer - Object. The development will not lead to the preservation or enhancement of the CA and indeed it is regarded that it would cause harm to what is a highly sensitive location both in terms of the historic and natural environment.

Bath Preservation Trust - Object. The Trust objects in principle to land use of the Green Belt and AONB for inappropriate development especially in the absence of 'very special circumstances' relevant to planning policy. We do not consider that this proposal for a garage and staff accommodation in the Green Belt is made with exceptional or meritable circumstances and there is no obvious public benefit to outweigh the harm of the proposals. We note also that the land lies outside the Parish Development boundary.

Parish Council - at the time of writing, no formal comments received.

Third Party Comments - 35 pro forma and individual letters of support received. The proposal is of appropriate design and is essential for maintenance of The Old Rectory. It enhances the view from Watercress Cottage

(Full comments available on file)

POLICIES/LEGISLATION

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES - ADOPTED OCTOBER 2007

D.2: General design and public realm considerations

D.4: Townscape considerations

SC.1: Settlement Classification
GB.1: Control of development in the Green Belt
GB.2: Visual amenities of the Green Belt
HG.9: Affordable housing on rural exceptions sites
HG.10: Housing outside settlements (agricultural and other essential dwellings)
HG.11: Extending existing residential curtilages
T.1: Overarching access policy
T.24: General development control and access policy
T.26: On-site parking and servicing provision
NE.1: Landscape character
NE.2: Areas of Outstanding Natural Beauty
BH.2: Listed buildings and their settings
BH.6: Development within/affecting conservation areas
BH.15: Visually important open spaces

BATH AND NORTH EAST SOMERSET SUBMISSION CORE STRATEGY: 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 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 following policies should be considered:

CP6 - Environmental Quality
CP8 - Green Belt

NATIONAL PLANNING POLICY FRAMEWORK - MARCH 2012:

Section 9: Protecting Green Belt Land
Section 12: Conserving and Enhancing the Historic Environment

NATIONAL PLANNING PRACTICE GUIDANCE - MARCH 2014

COMBE HAY CONSERVATION AREA APPRAISAL (DRAFT MAY 2011) has not yet been formally adopted by the Council, but it serves as a very useful and relevant policy guidance document when assessing changes and new development within the CA.

OFFICER ASSESSMENT

The key planning considerations in this application are:

- The principle of change of use of land within the Green Belt;
- The principle of new building within the Green Belt and outside the defined Housing Development Boundary of Combe Hay;
- Impact on AONB and Green Belt openness;
- Impact on the heritage assets and conservation area;
- Residential Amenity and Highways Safety;
- Any very special circumstances that exist to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm.

PRINCIPLE OF DEVELOPMENT

The key issue in the consideration of this proposal relates to the principle of development. The proposal represents both a change of use of land and a new building in the Green Belt.

Both these aspects of the proposal are considered as inappropriate development within Green Belt (NPPF paragraphs 89 and 90 and local policies GB.1 and HG.10, 11).

1. Change of Use

The proposal entails change of use of agricultural land to domestic curtilage within the Green Belt. Section 9 of the NPPF, which replaced the former Planning Policy Guidance on Green Belts, has omitted the reference to 'material changes of use' as being 'not inappropriate' form of development.

At the present time, Para 90 of the NPPF contains an exhaustive list of certain other forms of development which are not inappropriate in the Green Belt, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including the land in the Green Belt. This list does not include any reference to material changes of use, which implies that any proposal for a change of use should be considered 'inappropriate' by default. This has also been confirmed in recent court cases such as *Fordent Holdings Ltd v Secretary of State for Communities and Local Government*.

In addition, saved Local Plan policy HG.11 (Extending existing residential curtilages) provides specific control over the enlargement of residential curtilages. It states that such enlargement must be resisted if they detract from rural character and lead to 'suburbanisation' of the countryside. It also specifically refers to the potential conflict of such proposals with the purposes of Green Belt national designation.

One of the key purposes of the Green Belt policies is to assist in safeguarding the countryside from encroachment, and the proposed change of use into a domestic curtilage will represent such encroachment. Considerations of appropriateness, preservation of openness and conflict with green belt purposes are not exclusively dependent on the size of the building alone but include their purposes too. If the land was able to obtain permission to become a residential curtilage, apart from the proposed garage/flat, this would in addition lead to the formation of all subsequent attributes, such as the proposed vehicular access, hardstanding, and other domestic paraphernalia.

2. New Building

Para 89 of the NPPF states that "a local planning authority should regard the construction of new buildings as inappropriate in Green Belt". One of the exceptions to this is:

- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.

Local Policies GB.1 and GB.2 reflect national guidance controlling development and maintaining openness of the Green Belt.

The proposal to create a new garage/dwelling on the site does not fall in to the categories of 'infilling' or 'affordable housing' as described in Local Plan and/or NPPF, neither does it represent any other exceptions.

The proposal site sits outside the defined housing boundary of the village; this is a corner of an open field behind the road-facing dwelling. The proposal is not justified by a rural housing needs survey, and the resulting housing is not proposed to be owned or managed in line with Homes & Communities Agency regulations.

Another exception refers to:

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Case law has determined that whether an outbuilding to a domestic building can also be considered as an extension is a matter of fact and degree in every case. Given the siting of the development site, outside the existing and historic curtilage, as well as the distance from and functional relationship with the Rectory, it is not considered that the proposal can be regarded as an extension to the existing building.

It is therefore concluded that the proposals would represent a departure from the Development Plan; it would not accord with the guidelines set out under either Paragraph 89 of the NPPF or Policy GB1 of the Local Plan and that it would be inappropriate development within Green Belt.

Paragraph 87 of the NPPF advises that inappropriate development is by definition harmful to the Green Belt and in accordance with that guidance, substantial weight should be attached to this harm.

It should also be considered whether there is any other harm from the proposal.

OPENNESS OF GREEN BELT

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. One of the five purposes of Green Belt designation, set out at Paragraph 80 of the NPPF, is to assist in safeguarding the countryside from encroachment.

The site falls outside the boundary of the village, which is clearly defined by Anchor Lane and the historic curtilages of the few buildings to the north. A new building here would represent a form of scattered piecemeal development outside the village envelope to the detriment of its setting and rural amenity of the area. Despite the proposed use of natural and traditional materials, this inevitably would stand out as a conspicuous new man-made imposition on a plot that had not been in use previously, surrounded by largely undeveloped or open land.

As a result of its proposed siting, taken together with its bulk and massing, it is considered that the proposal would harm the openness of the Green Belt and the character and

appearance of this rural area, and would conflict with Policy GB2 of the Local Plan which seeks to prevent development which would be harmful to the Green Belt, as well as guidance in the NPPF. This adds significant weight to the harm already concluded by reason of inappropriateness.

AONB

Apart from the Green Belt designation, the land falls within the AONB. The application site occupies a prominent and elevated position within a very valuable and highly protected landscape. Sloping green fields form an important part of the village's setting within the countryside. The landscape of the setting characteristically consists of the green undeveloped farmland, open green spaces, and trees and woodland which surround the sloping fields. The proposal would clearly erode the currently open character of the hill slope and would increase visual intrusion, even though it would be set behind another building.

HISTORIC ENVIRONMENT

The entire village of Combe Hay, including the field in question, is designated as a conservation area (CA) by the Council in recognition of its exceptional special qualities and character. The application site also sits in immediate proximity to a number of designated and undesignated heritage assets.

Notwithstanding some modern development mostly located within the middle of the village, which for the most part has had a detrimental impact, the historic form of the ancient settlement has survived and has been retained and identified as an important element of its special character. Some modern development on the periphery serves to illustrate the harm of new development.

One of another key characteristics is that Combe Hay Conservation Area is well contained within its high quality landscape setting and a river valley surrounded by steep hills which afford clear and important external views into the CA.

The location of the proposed new development is clearly visible from both within the CA and from outside. The new garage/house would be in clear view coming along the lanes from the south and the west. Conservation Officer specifically referred to the elevated view from the north at the top of the Old Bath Road, which is identified as an important view in the CA appraisal. As a heritage asset in its own right the designed landscape has a setting that is vulnerable to being harmed by development in this location.

The Grade II listed Old Rectory has been identified as one of three landmark buildings and furthermore its designed landscape has been identified as an important green space and is regarded as significant and important to the setting of both the protected building and the CA.

The rising platform of the new residential curtilage in relation to the lane, the substantial building rising behind and to the side of Meribah and the gable end of The Rectory, and the degree to which it would fill the currently open area would all combine to foster an air of visual congestion, significantly reducing the present sense of openness and permeability that gives the periphery of the settlement its character. Moreover, this sense

of visual congestion would be compounded by the presence of the hard surfaces discernible in perspectives from the lane and the fields to the north.

It is therefore concluded that the development will cause harm to what is a highly sensitive location both in terms of the historic and natural environment. This would result in accumulative erosion and harm of the CA's character.

Whilst it is acknowledged that the applicant is proposing the use of local natural materials, which is regarded as positive, this does not overcome the concern that the proposed development would fail to preserve or enhance the character and appearance of the conservation area and would be harmful to the setting of heritage assets within it.

To conclude, the proposed development is regarded as causing harm to the setting of designated heritage assets and is contrary to Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework, the accompanying Historic Environment Planning Practice Guide, Local Policies BH.2, BH.6 and BH.15, and counter to the aim of heritage protection.

RESIDENTIAL AMENITY AND HIGHWAYS SAFETY

There are no objections to the proposal in terms of its impacts on residential amenity or highways safety.

Meribah would be set on a lower ground in relation to the new building and its rear would be fully overlooked, however the rear elevation only has one obscure glazed bathroom window. There also would be a small gain of amenity space to the side of the house (currently part of the field).

Combe Hay is located remote from local services and public transport, and therefore as a new independent residential unit the proposal would be contrary to sustainability policies. Highways expressed no objections, providing the building remains in ancillary use to The Old Rectory. The applicant has agreed to a planning condition to ensure the building is retained as such.

There would also be a small reduction in some daily trips associated with work trips to and from the site by the housekeeper, however this could be offset by the trips that other members of family might make travelling to work elsewhere.

VERY SPECIAL CIRCUMSTANCES

The proposed development is located outside housing development boundary and within Green Belt where the change of use and new buildings are generally considered inappropriate development. Furthermore, it is likely to have a greater impact on the openness of the Green Belt in relation to existing, and to detrimentally affect the surrounding AONB landscape setting of village and its heritage assets.

Para.87 of the NPPF explains that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Para.88 adds that "when considering any planning application, local planning authorities

should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

Very special circumstances by definition are rare and should be not easily duplicated at other sites.

The applicant argues that the proposal does not represent inappropriate development within Green Belt, but nevertheless puts forward the following special circumstances within the supporting Design and Access Statement:

- Provision of accommodation for staff and garage space necessary for the maintenance of the property and its future sustainability. It is reasonable to expect such facilities for this property.

The supporting statement also justifies the proposal on the grounds of visual improvement and refers to a planning case for garage/staff accommodation at Eastwood Manor in East Harptree (ref. 08/04178/FUL).

It is not considered that the applicant has demonstrated very special circumstances to outweigh the harm to the Green Belt and other harm.

- The proposal would be harmful to the setting of historic assets of the village and the openness of the Green Belt, contributing to the deterioration of its verdant open character. It would represent a form of scattered development outside the village envelope to the detriment of its setting and rural amenity of the area.

- With regards to the provision of housing for the housekeeper, it has been noted that planning permission 98/02841/FUL, inter alia, included a 'housekeepers flat within basement area of the house to replace an existing housekeeper's accommodation on the second floor'.

- The house also used to have an integrated double garage to the lower ground floor, and it was converted by the current owner to a study under listed building consent 05/00431/LBA.

- The Eastwood Manor application related to a new building within the existing residential curtilage of The Manor, which also is outside Green Belt land, therefore there could not be a direct comparison between these two applications.

The justification emphasises that a building of this size and status would have historically had a range of ancillary buildings in order to function and service the main house, and since these buildings are now in a separate ownership, an additional building would be warranted. The former ancillary buildings of The Old Rectory are still in existence contributing to its setting. Whilst it has been noted that the current arrangements are not satisfactory to the owner of The Old Rectory, it is noted that the building has been operated within its current curtilage for a number of years. On the other hand, the harm caused by the loss of an open green space and the new building within the Green Belt and the Conservation Area would remain long after these personal circumstances ceased to be a material consideration, therefore this argument should be given little weight when reaching a decision on planning application. Additionally, if permission was granted on the basis of such circumstances, it would set an unfortunate precedent that would significantly compromise the Council's ability to resist similar developments in the rest of the village.

CONCLUSION

Given the above, it is considered that the proposal would constitute inappropriate development within Green Belt, which would be harmful by definition and would fail to preserve the openness of the Green Belt and would undermine the purposes of including the land within it. The proposed development of the site would be harmful in the context of the AONB and the setting of Combe Hay Conservation Area. The totality of harm to the Green Belt by reason of inappropriateness, and any other harm, is not considered to be clearly outweighed by other considerations. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

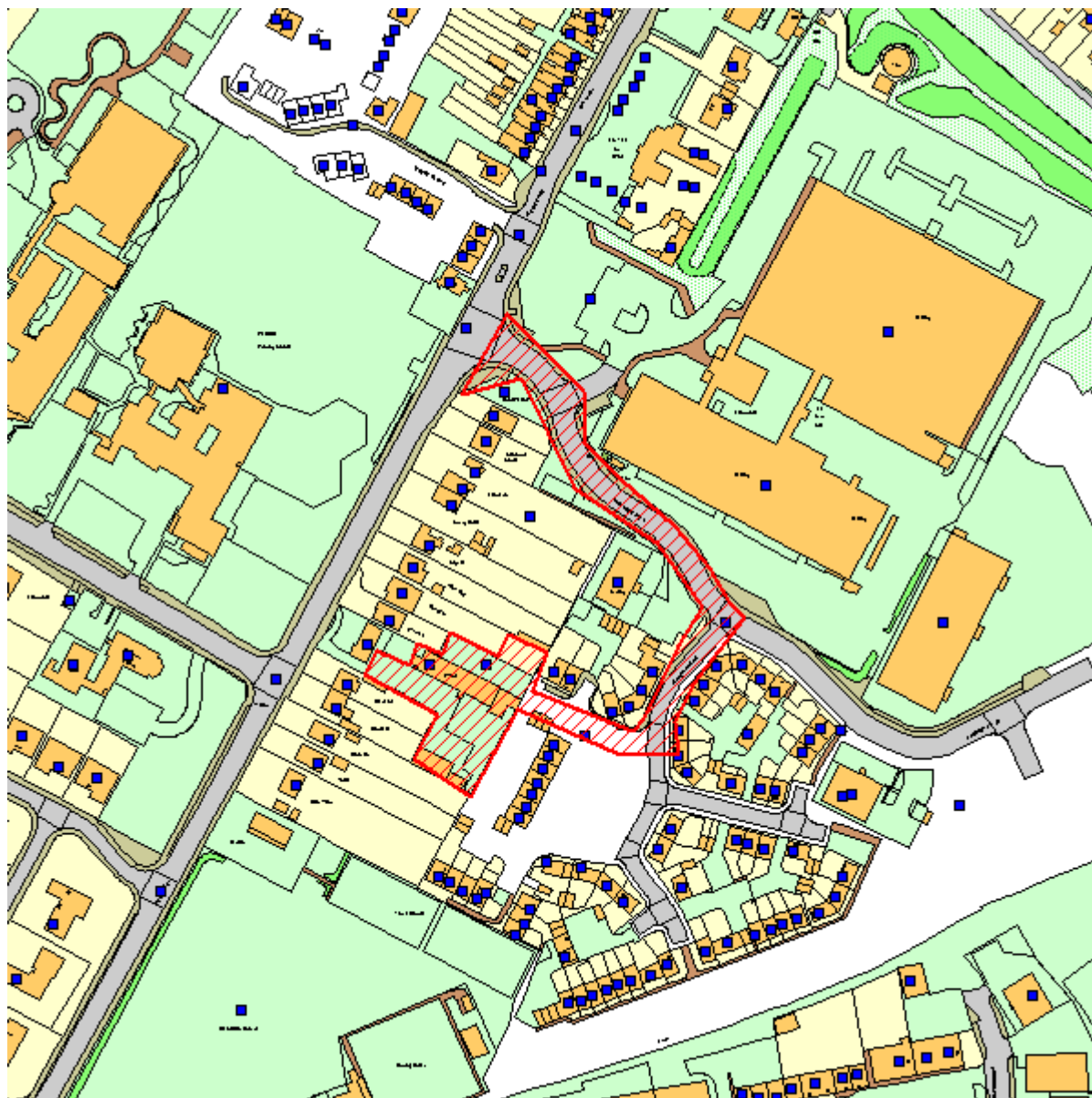
REASON(S) FOR REFUSAL

1 The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition. No very special circumstances have been demonstrated to clearly outweigh the harm. The proposal is therefore contrary to the guidance set out in the National Planning Policy Framework (March 2012) and Policy GB.1 of the Bath and North East Somerset Local Plan, including minerals and waste policies adopted October 2007.

2 The proposed development would have a significant impact on the openness of the Green Belt and would conflict with the purposes of including the land within Green Belt by encroachment which is detrimental to the open rural character of the surrounding area. The proposal is therefore contrary to the guidance set out in the National Planning Policy Framework (March 2012) and Policies GB.1 and GB.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies adopted October 2007.

3 The proposed scheme by reason of its siting and design and loss of an important open space would detrimentally affect the setting of the protected building, the surrounding Combe Hay Conservation Area and the setting of the village within the AONB. Therefore the proposal is contrary to the requirements of National Planning Policy Framework (March 2012), as well as Policies BH.2, BH.6, BH.15, and NE.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

Item No: 11
Application No: 12/00107/FUL
Site Location: Designer Composites Fosseway Westfield Midsomer Norton
 Radstock



Ward: Westfield	Parish: Westfield	LB Grade: N/A
Ward Members:	Councillor R Appleyard	Councillor Robin Moss
Application Type:	Full Application	
Proposal:	Erection of 4no. four bed detached dwellings, 2no. two bed detached dwellings and 1no. three bedroom detached dwelling following demolition of existing industrial buildings.	
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, General Development Site, Housing Development Boundary, Tree Preservation Order,	
Applicant:	Oval Estates (Bath) Limited	

Expiry Date:	7th March 2012
Case Officer:	Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Recommendation contrary to Parish Council comments and level of objections. Chair referred to committee.

Applicant has challenged the strategic highways contribution and members have referred the application back to committee.

DESCRIPTION OF SITE AND APPLICATION:

The application site is located within the Housing Development Boundary to the south east of Midsomer Norton within the Westfield area and relates to an industrial site located to the rear of a row of dwellings on the Wells Road, which back onto the St Peters Factory housing development site known as Cobblers Way.

The site comprises of multiple single to one and half storey buildings with pitched roofs. An accountancy firm occupies the front building situated between the dwellings of Owendale and Rosedale and forms part of the street scene in this locality. Access is provided off Wells Road to the rear of the site, where parking is available. The buildings are located on the north-east and south-east sides of the site separated from the adjoining gardens by a small parcel of land which appears to have been used for storage, but has been left unmaintained and become overgrown.

The site is within the Housing Development Boundary of Radstock. Under policy HG.4 there is a favourable presumption towards development.

The application proposes the demolition of the existing industrial units and the erection of 7 detached dwellings which will comprise of 4 styles of dwellings;

- 3 proposed of Type E. This is a 4 bed, two storey half hipped roof design with a two storey hipped gable projection to the facade, the dwellings will be accessed from the side elevation to create a more active elevation. The finish will be a mix of re-constituted lias stone and render with double roman tiles to the roof.
- 1 Type F is proposed. This is a larger version of type E and will be finished in re-constituted lias stone with double roman tile roof.
- 1 Type D is proposed. This is an 'L' shaped 3 bed cottage style dwelling which has a reduced eaves height with the second floor rooms situated within the roofspace and will be finished in re-constituted lias stone and double roman roof tiles with an open car port to the side.
- 2 Type P are proposed. These are hipped roof 2 bed bungalows with integral garages which will be finished in re-constituted lias stone and double roman tiles.

It is proposed to create a new access off Upper Court in the new Cobblers Way development. The Wells Road access will remain for the use of the accounts firm fronting Wells Road. The proposed access is within the ownership of the applicant. Upper Court is currently a dead end cul-de-sac which provides access and turning for the dwellings and associated garages. The existing fence will be partially removed and the road/pavement extended into the site providing access and turning space.

The application has been supported by the submission of a design and access statement.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

WESTFIELD PARISH COUNCIL: Object on the grounds that the access and egress to the development would be severely hampered by the volume of new homes.

HIGHWAYS: No objection subject to conditions. A suitable condition is required to prevent the erection of doors within the driveway/car port for unit 1. All remaining driveways are considered to be of sufficient length for the adequate parking of vehicles. Regarding the proposed estate for street serving the development, this is an extension of an existing cul-de-sac. However, carriageway construction extends beyond the line of the edges of carriageway and so it is necessary to include verges/footways for adoption adjacent to all edges of the adoptable carriageway.

No contributions to be requested. All local projects/schemes have been fully funded. A future requirement is a pedestrian of the Wells Road but further north of the application site close to the shops. However there is no justification to request a contribution as there is a crossing immediately outside the site.

Public transport colleagues have confirmed that there are already raised kerbs and GBBN poles and flags in this locality and there is no space to accommodate a bus shelter.

HIGHWAYS DRAINAGE: The applicant's proposal is located outside of the flood zones. Indicated that surface water will be disposed of via soakaways. We support this approach. Infiltration testing to BRE Digest 365 standards should be carried out. If infiltration rates are found to be too low for a feasible soakaway design, an alternative drainage methodology should be proposed and approved before use.

CHILDRENS SERVICES: Should this development go ahead, we estimate that the children generated by the development will create the following need and we would be seeking a Developer Contribution of £9,923.72.

OTHER REPRESENTATIONS: 6 x objections, 1 x general comment

- concerned over the safety of our children and their friends, who at present can enjoy a certain amount of freedom along the cul-de-sac - the addition of the houses with the amount of cars they will bring to the area will mean that we can no longer have peace of mind of the quiet street we have become used to.
- Will transform our gardens into dungeons, having 2 storey buildings either side
- May be argued that the current industrial building is unsightly, but I would rather my bedroom window looked out onto that than another house's wall
- Other companies have built new houses in the area which have remained unsold and empty for over a year so there is obviously no demand for this type of housing here
- Increased traffic
- Damage will be caused to new roads by extra traffic and construction vehicles
- Intrude on my right to privacy in my new home & garden
- Drawings show new trees in neighbouring gardens to screen the development however no permission has been given for applicant to plant in my garden.
- Existing turning for block of garages will be compromised and will result in reversing into a trafficked highway.
- Over development of the site

- Why can't the existing Wells Road access be used?

POLICIES/LEGISLATION

The planning issue in this application are whether the proposal results in the overdevelopment of the site to the detriment of the character and appearance of this locality, and whether there will be harm to highway safety and particular residential amenity.

RELEVANT PLANNING HISTORY:

11/03349/FUL - Withdrawn - 21 December 2011 - Erection of 6no. four bed detached dwellings and 1no. three bedroom dwelling following demolition of existing industrial buildings.

POLICY CONTEXT:

BATH LOCAL PLAN:

SC.1 - Settlement Classification

HG.4 - Residential Development in the urban areas and R.1 settlements

CF.3 - Contributions from new development to community facilities

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

NE1 - Landscape character

T24 - General development control and access policy

T26 - On site parking and servicing provision

SUBMISSION CORE STRATEGY

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

SV1 - Somer Vally Spatial Startegy (replaces policy HG.4)

D.2, D.4, CF.3, NE.1, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

NATIONAL PLANNING POLICY FRAMEWORK

National Planning Policy Framework (March 2012) should be awarded significant weight, however this proposes little change to the polices of the Local Plan that are relevant to this application.

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be attributed significant weight.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE: This application site is situated within the urban area and on previously developed land (Brownfield site). In policy terms there is a favourable presumption towards suitable development of such land but the following issues must also be considered. It is considered that the site shown offers sufficient space to accommodate 7 dwellings.

CHARACTER AND APPEARANCE:

The requirements relating to design are that development should respond to its local context and, respect and compliment their host dwelling. It is proposed that the dwellings be constructed of a re-constituted lias stone used in other dwelling developments locally and a clay double roman tile to match those in the local area. The design of the cul-de-sac will replicate the domestic architectural style of the neighbouring properties, and the wider area, thereby responding to the local context.

The dwellings have been designed so as to provide clearly legible frontages and entrances offering a high degree of natural surveillance ('secured by design' approach). This link between the built environments contributes positively to the public realm.

Due to the linear layout and siting of the buildings along Wells Road, views between structures are constantly available which enhances the sense of spaciousness within this urban environment; the proposed development would encroach towards the boundaries, but has been designed so as to leave a gap between the structures in order to preserve this physical attribute which is a positive feature within the built environment of this locality. Furthermore the dwellings which back onto the business premises on Wells Road have been designed as bungalows to preserve the open character visible at this point within the street scene.

RESIDENTIAL AMENITY: The proposed internal and external arrangement demonstrates acceptable standards of residential amenity for future occupiers.

There is the potential for harm to the amenity of neighbouring occupiers by the increased development of this site above that currently experienced in terms of increased sense of enclosure and overbearing impact to the amenity spaces of the existing dwellings.

Concern has been raised that the proposed units in particular type E within proximity of Upper Court will result in the gardens being adversely affected. The garden areas of Upper Court which run perpendicular to the site are approximately 16 metres in length and are enclosed by close boarded fencing and screened from the development site by shrubs, hedging and mature trees, which were preserved during the development of Cobblers Way and result in overshadowing of the gardens, which are of a north-western orientation. The blank side elevation close to the rear boundary of Upper Court has the potential to cause an overbearing presence to the users of the rear amenity spaces of the houses behind. However due to the existing boundary treatment the effect will be lessened to an extent where it is not considered unacceptable.

Dwelling type E will be located approximately 30 metres from the rear elevation of Glendare on Wells Road. The garden of Glendare appears to be split into three areas, a patio area close to the dwelling which surrounds the conservatory, the middle lawn area which is enclosed by shrubs and a hard standing area to the rear which has a shed/greenhouse positioned within this area and some young trees which creates a buffer zone from the existing industrial site. The outlook of Glendare will be altered. At present the site is semi open, whilst the proposal will result in a two storey dwelling situated at the end of the garden. Concerns were raised that the proposed would result in overlooking and loss of privacy, however the two small windows on the side elevation relate to bathroom windows and will thus be obscurely glazed, reducing the potential for overlooking. However the introduction of a two storey structure on the boundary of the garden and the addition of a bungalow to the north of the garden (although of a single

storey, part of the hipped roof will be visible above the fence line) will have the potential to be overbearing and result in an increased sense of enclosure. The new dwellings will result in some overshadowing of the rear end of the garden of Glendare and appear overbearing from part of the garden. However, due to the length of the garden and the distance from the house itself, the harm caused is not considered to be significant enough to warrant a reason for refusal. The bungalow to the north of the site is of a hipped roof design and will slope away from the boundary of Glendare. Although the roof will be partially visible, it will preserve the open nature of the site and is not considered, when combined with Type E to result in an unacceptably increased sense of enclosure.

The two bungalows to the rear of the existing single storey office on Wells Road will preserve the open nature of the break between the dwellings on Wells Road.

The dwelling extensions of Rosedale and Owendale have not been illustrated in the block plans. Rosedale has had a small rear extension and Owendale has been significantly extended to the rear and side in addition to a conservatory which has increased the depth of the dwelling. The existing one and half storey industrial buildings are located to the rear of the office building (on Wells Road) and run along the side boundary of Rosedale. These will be replaced by a bungalow and will be set back away from the rear line of the dwellings on Wells Road, creating a more open outlook to the south. The far end of what would have originally been Rosedale's plot forms part of the existing industrial site and has become overgrown. It is proposed to be cleared and a type F dwelling erected. This dwelling will be approximately 22.8 metres from the rear elevation of Rosedale. The existing boundary line/fence will remain as existing and will be bordered by the garden of House type F. The main amenity space of Rosedale appears to be the area closest to the dwelling and the rear end is made up of shrubs and a garden shed. The rear windows on house Type F have the potential to cause some overlooking of the garden of Rosedale and vice versa, however due to the current open nature of the site and large gardens, overlooking of neighbouring gardens is a common characteristic. Due to the separation of the proposed and existing dwellings the level of overlooking of the habitable rooms is not considered significant and will not result in unacceptable loss of privacy to the detriment of the occupiers of Rosedale.

Part of the rear section of garden of Owendale has been included within the site and it is proposed to erect a Type D dwelling within this space. This low eaves two storey dwelling will be approximately 34 metres from the rear elevation of Owendale and does not propose any dormer windows, which would have the potential to overlook the site. Although part of the existing garden of Owendale will be developed, Owendale will still have a large rear amenity space. Due to the siting of the proposal and the open nature of the neighbouring sites, the proposal is not considered to cause loss of privacy or result in overlooking or cause an overbearing presence which would cause unacceptable detriment to the occupiers and users of the amenity space of Owendale and Witts End.

Some harm will be caused to the living conditions of neighbouring occupiers of the development site. On balance however, due to the siting, orientation, spacing and existing boundary treatments, the level of harm caused in terms of overbearing impact, overlooking and overshadowing is not considered significant enough to warrant a reason for refusal.

HIGHWAYS:

The proposed development proposes to access the site from Upper Court within the Cobblers Way development. A highway runs to the border of the site as it provides access to garages of Upper Court. A new access will be created by removing the existing fencing and scrub and it is proposed to extend the existing highway into the site and create a hammerhead turning area for vehicles with access onto private driveways of each dwelling. An extension of the pavement is also proposed to provide safe movement for pedestrians.

Concern has been raised by local residents regarding highway safety and the potential for conflict with children using the local area. However, the highways officer has assessed the scheme and considers there to be no potential harm to the users of the local highway. Pavements have been provided for safe passage of pedestrians through the urban area.

The highway officer has raised no concerns with regards to the potential for conflict with the existing users of Upper Court and the proposed site and is considered to provide an adequate level of parking in accordance with the Council's guidelines. Furthermore, the proposed site is located within a sustainable location within walking distance of local facilities and schools and local bus stops to provide further access into the local Town Centres of Radstock and Midsomer Norton.

The proposed level of development triggers the contributions Supplementary Planning Document however the original contribution requested has been withdrawn as it does not comply with the CIL regulations.

During the S106 process the applicant challenged the strategic contribution request as it did not meet the tests set out in the CIL Regulations. The CIL regulations are clear in that a contribution from a development must be used for local projects/schemes and not for strategic development purposes elsewhere in the Local Authorities area. The original contribution requested was for strategic contributions to highways schemes in Bath such as the Rapid Transport System. The highways team including the public transport team have confirmed that no contributions would be sought as all existing local projects have been fully funded. There is the need for a pedestrian crossing on Wells Road, however its location is further north, away from the site. A contribution towards this however cannot be justified as there is an existing crossing outside of the application site, therefore the proposed crossing to the north of Wells Road would not benefit the development.

The Public Transport team have confirmed that raised kerbs, poles and flags are all in place for the local bus stops therefore no further street furniture/equipment is required. No request for a shelter has been made as there is no space within the existing pavement to accommodate it.

CONCLUSION

In light of the above it is recommended that this application is approved subject to the inclusion of conditions and subject to the agent's agreement to enter into a S106 agreement in relation to financial contributions towards Education.

RECOMMENDATION:

A. Authorise the Planning and Environmental Law Manager to prepare an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure ; - a contribution of £9,923.72 for education.

B. Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the following 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, 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 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.

4 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.

5 No site works or clearance shall be commenced until protective fences which conform to British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions which have previously been approved in writing by the Local Planning Authority. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

6 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 extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

7 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 garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

8 The garage(s) hereby approved shall be retained for the purpose of parking a motor vehicle(s) associated with the dwelling.

Reason: To retain adequate off-street parking provision.

9 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 no's ORD-002, ORD-008, ORD-009, ORD-001 and the design and access statement date stamped 21st December 2011. Drawing no. ORD-006 date stamped 11th January 2012 and ORD-002 Rev D, RD00007A, RD00007A, RD00008A and RD00012A date stamped 28th May 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 Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

2 This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

3 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.

4 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