
Bath & North East Somerset Council

Improving People's Lives

To: All Members of the Planning Committee

Bath and North East Somerset Councillors: Sue Craig (Chair), Sally Davis (Vice-Chair), Shelley Bromley, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Hal MacFie and Brian Simmons

Co-opted Voting Members:

Chief Executive and other appropriate officers
Press and Public

Dear Member

Planning Committee: Wednesday, 6th April, 2022

Please find attached a **SUPPLEMENTARY AGENDA DESPATCH** of late papers which were not available at the time the agenda was published. Please treat these papers as part of the agenda.

Papers have been included for the following items:

UPDATE REPORT

Yours sincerely

Mike Curtis
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

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BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date: 6th April 2022

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
001 & 002	21/03965/FUL & 21/03966/LBA	Manor House Watery Lane Burnett Keynsham Bath And North East Somerset

The following was included in the update report for the previous Committee (9th March 2022) for this application. The Committee report has not been updated so the paragraph is included again, within this update report, for clarity.

GREEN BELT POLICY:

With regard to the impact of the proposal upon the Green Belt, members are reminded that substantial weight is given to any harm to the Green Belt, as stated under paragraph 148 of the NPPF.

This was explicitly referred to under the 'Principle of Development' section of the report in outlining relevant Green Belt policy but is not reiterated under the section considering the impact on the openness of the Green Belt. This is a matter of clarification for members and does not affect the officer's recommendation.

FURTHER COMMENTS:

Following the drafting of the Committee Report for this meeting, two further representations were received from a neighbour in objection to the application, dated 22 February 2022 and 4 March 2022. Both objections have been published on the online case file and circulated to members of the Planning Committee. The comments made are summarised as follows:

- *Burnett is a primary example of an unspoilt traditional British village. Its priceless value should not be sacrificed for renewable energy.*
- *The benefits of the development are for the owners of Manor House and the development will serve no community benefit.*
- *Burnett already has a solar farm which is hidden behind farm buildings and has no visual impact.*
- *The submitted documents are biased in favour of climate change goals.*

- *The solar panel array and security fencing will be an eyesore, visible for one quarter of a kilometre of the main road.*
- *A fully formed, full height mature hedge should be planted before any metal work is installed above ground.*
- *An instant hedging planting of 2.4m hornbeam is not possible. The growth rates of 400mm per year for a Hornbeam hedge is optimistic and will take decades to exceed the height of the hedge.*
- *The Conservation Officer's comments focus on alterations to Manor House and do not indicate consideration of the setting of listed buildings or the setting of the village.*
- *The majority of comments object to the proposed location of the panels.*
- *The supporting comment from the ward councillor is biased in favour of green agenda aims and the claim that the project is sympathetic to the local environment is questioned.*
- *A request from the Parish Council for an appropriate level of supporting information has been seemingly ignored.*

The comments mostly reiterate objections previously raised and, in considering all points raised, do not affect the recommendation outlined in the Committee Report.

Regarding the request for appropriate supporting information, it should be noted that this Parish Council comment predates the submission of further documentation, including the Heritage Statement, Bat Survey and Assessment, and the letter from GeoEnergy Design Ltd, all dated and received November 2021.

Since the previous Planning Committee meeting on 9th March 2022, an additional neighbour has been received, making the following comments:

1. I stand by the Objection and comments submitted in my on line response to the planning application.
2. It is unusual for so many people in our small village to make comments on a planning application. Those who wrote in to Object represent the majority of the household at that time. Of those who didn't comment on line in the consultation period, one house was empty and only recently have the new residents moved in, one family moved out around the time of the application, and one was abroad from last summer until next month. I know of one household who chose not to put in their objection. So the nett objection was well over half the village. I understand there may have been support from residents in the village, but none had this publicly registered on the application website. Residents of adjacent villages, Church congregation and two people who recently moved from the village are amongst the other objections. The Parish Council were unanimous in their objection The strength of feeling is clearly demonstrated.
3. From what I know of the matter, it is possible that the proposed panels are over capacity for what is required.
4. Finally and most important point, is that I feel there is **scope for investigating other options**, so B&NES should not support this application as it stands. These include the following.

Roof mounted panels that could go in the valley of the house in the form of panels that look like slates and would be almost invisible from the wider

village and Greenbelt. There is an application for these on Corston School which is in a Conservation Area.

PEG system which uses less land space, and is lower to the ground and thus removing the need for high hedges and fencing.

<https://www.jurchen-technology.com/products/pv-substructures/peg/>

ENERGY FIGURES:

In response to the questions raised by Committee Members at the meeting on 9th March, the applicant has provided the following details on the existing CO₂ consumption and energy demand and provision in respect of the proposed development:

There are two major items of "exceptional benefits" that contribute to an immediate (and free to BANES) saving of 27,914 kg of CO₂ p.a. and reduced oil usage of 60 barrels or 11,436 litres p.a:

1. The reduction in oil consumption of 42 barrels or 8,000 p.a. saving 20,160 kg of CO₂ p.a. by using a heat pump.
2. The PVs reduce the amount of electricity that we will draw from the grid by 11,316 kWh p.a saving 18 barrels or 3,436 litres of oil p.a. and a further 7,754 kg of CO₂ p.a

To put that into context:

14 small cars each doing 10,000 miles p.a. produce a total of 27,914 kg of CO₂. An alternative way to save 27,914 kg of CO₂ is from 1,395 trees which would cover 51 football pitches. However, these trees could take 50 years to come to maturity so the CO₂ saving would not be immediate.

Electricity consumption and generation

These numbers are all in kWh p.a.:

Current electricity demand from the grid.	15,000
New demand from the pump.	<u>20,901</u>
Total projected demand	35,901
Output of solar panels	<u>(32,217)</u>
Projected demand from the grid	<u>3,684</u>
Reduction in demand from grid	11,316

Item No.	Application No.	Address
SV 003	21/03682/FUL	Church Farm Church Lane Priston Bath Bath And North East Somerset BA2 9EF

The following was included in the update report for the previous Committee (9th March 2022) for this application. The Committee report has not been updated so the paragraph is included again, within this update report, for clarity.

In the Heritage section of the report it refers to section 72 regarding conservation areas. The site is not within the conservation area. The site is however in close proximity to some listed buildings, therefore the follow section should have been referred to:

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

To confirm, here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the nearby grade II listed farmhouse, nor the grade I listed Church of St Luke and Andrew, or their setting and would preserve the significance of the designated Heritage assets.

The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

An additional email has been received from a local resident raising concerns regarding the scheme. These are summarised below and can be found in full on the public website. The concerns largely relate to drainage.

- Objected on a number of grounds, many of which have not been addressed
- Representative of the applicants stated that all objections had been addressed when in fact most have not
- The easternmost edge of the proposed building and the easternmost parking space will be underwater several times a year when the drainage system taking water from miles of fields west of the site overflows.
- The 800mm high wall to the far east of the site is shown as being built over the top of the 225mm surface water drainage pipe inlet. There is no provision for retaining the essential 250mm field drainage pipe that runs under the existing barns and down the grounds of the Milking Parlour

In response to the above, the agent for the application provided an additional email to address the concerns of the local resident and is summarised as follows (again available in full on the website):

- Flood risk assessment and drainage strategy has been submitted and there is no objection from the Flooding and Drainage Team

- An email to the case officer confirms that the Ménage will be restored to a field if the application is approved has been provided
- The Highways Team have no objection to the proposal subject to conditions
- There are digital topographical survey drawings which show ground levels and building heights. All plans are to scale
- As previously stated, the Flood risk assessment conclusion was there is no issue. Saying all that the proposed dwellings lay over the 250mm diameter pipe. This will remain if the foundations allow or can be diverted around the proposed new dwellings.
- The adopted Foul drainage is a long way away. If this cannot be connected into because of levels or financial reasons, then a local treatment plant could be used within neighbouring fields

A further comment has been received from the local resident in response to the agent's email. It is summarised below and is, again, on the public file:

- Email fails to address my concerns
- The work by Barnaby on flood risk and surface water drainage deals only with the theoretical risk of flooding and a simple plan for dealing with surface water arising from the site itself.
- The fact that there is a 250mm diameter concrete flood drain running under the site taking water from the west side of the barn all the way to the public highway near the village hall demonstrates that there is a problem that has to be managed. Any permission must require that this drain is maintained.
- The concern that we have, as well as my neighbours, is that the current planning application indicates a 3.5m wide field access directly over the top of this existing earth mound (bund wall), as indicated on the BBA planning application site plan. This drawing suggests the earth mound (bund wall), which is the primary flood protection for the immediate neighbours, will be removed to create the field access.
- The site plan does indicate the addition of an 800mm high wall, but if this structure is being suggested to replace the existing bund wall, then additional engineering details are required to ensure this structure can withstand existing flood waters and provide required protection of neighbouring sites.
- It is essential that as a condition of any planning permission that existing flood water protection measures, for guiding the water safely away, are maintained or improved.
- This response does not however deal with our request that the access track not be used to access any new equestrian facility that might be erected should permission for the two dwellings be granted.
- What we are asking is that tarmacking the full length of the track, to an appropriate standard, be a condition of any permission granted.
- With regards showing ridge levels / dimensions, all we are seeking is clear dimensions from an identifiable benchmark that can be measured once the existing barns are demolished.
- It does not seem sensible to me to approve this development without clarity on how foul drainage will work, especially as there is no space on the site for a treatment plant, nor is there any obvious connection route to the existing village treatment plant without crossing neighbouring properties.

An additional comment from a local resident was received on 1st April and is summarised as follows:

- Applicant has indicated that the Menage would be restored in permission is granted and as a condition was previously attached to the original application this is the correct course of action
- If the barns are developed does the CLEU for the DIY livery stables cease and any new equestrian use require permission?
- Transport concerns
- Storm Sewer Design and Drainage System may not fully address the issue that the area has with flooding and a full drainage strategy has been requested
- Management of foul water needs to be clarified

Additional comments from Priston Parish Council have also been received. These are available online and are summarised below:

- Do not agree that the whole site is being used as equestrian use and that the area outside that shown on the CLEU is agricultural
- Parish Council suggests that an impartial review of the evidence is carried out
- Site visit by the officer concludes that because there was horse paraphernalia onsite that the whole site was in equestrian use
- The Parish Council maintains that this is incorrect and misleading
- No understanding on the lease that the barns outside of the specified area were ever part of the livery site

Officers have considered the comments which have been received both from third parties, the planning agent and the Parish Council. Officers do not consider that these change the recommendation of officers to the Committee.