

**Democratic Services**

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**Your ref:**

**Our ref:** DT

**Date:** 31 May 2011

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**To: All Members of the Development Control Committee**

**Councillors:** Lisa Brett, Neil Butters, Gerry Curran (Chair), Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, David Martin, Douglas Nicol, Bryan Organ, Martin Veal and Brian Webber

**Permanent Substitutes:-** Councillors: Sharon Ball, John Bull, Nicholas Coombes, Dine Romero and Jeremy Sparks

**For information:** Councillors:

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Development Control Committee: Wednesday, 8th June, 2011**

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 8th June, 2011** at **2.00 pm** in the **Council Chamber - Guildhall, Bath**.

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 7 June in the Meeting Room, Lewis House, Bath.

The rooms will be available for meetings of political groups. Coffee etc. will be provided in the Group Rooms before the meeting.

The agenda is set out overleaf.

Yours sincerely

David Taylor  
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.**

## NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact David Taylor who is available by telephoning Bath 01225 394414 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting David Taylor as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting David Taylor as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**The List of Planning Applications and Enforcement Cases Determined under Delegated Powers are available using the following link:**

<http://www.bathnes.gov.uk/ENVIRONMENTANDPLANNING/PLANNING/PLANNINGAPPLICATIONS/Pages/Delegated%20Report.aspx>

**Development Control Committee - Wednesday, 8th June, 2011**

**at 2.00 pm in the Council Chamber - Guildhall, Bath**

**AGENDA**

1. EMERGENCY EVACUATION PROCEDURE

The Chair will ask the Committee Administrator to draw attention to the emergency evacuation procedure as set out under Note 6

2. ELECTION OF VICE CHAIRMAN (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

Members who have an interest to declare are asked to state:

(a) the Item No and site in which they have an interest; (b) the nature of the interest; and (c) whether the interest is personal or personal and prejudicial.

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Committee Administrator will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, ie 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

To deal with any petitions or questions from Councillors and where appropriate Co-opted Members

8. MINUTES: WEDNESDAY, 18TH MAY 2011 (Pages 9 - 32)

To approve the Minutes of the previous meeting held on Wednesday 18<sup>th</sup> May 2011 as a correct record

9. MAJOR DEVELOPMENTS

The Senior Professional – Major Developments to provide an oral update

10. PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 33 - 64)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 65 - 68)

To note the report

The Committee Administrator for this meeting is David Taylor who can be contacted on 01225-394414

## **Member and Officer Conduct/Roles Protocol\*** **Development Control Committee**

*(\*NB This is a brief supplementary guidance note not intended to replace or otherwise in any way contradict Standing Orders or any provision of the Local Authorities (Model Code of Conduct) Order 2001 adopted by the Council on 21<sup>st</sup> February 2002 to which full reference should be made as appropriate).*

### **1. Declarations of Interest (Personal and Prejudicial)**

- These are to take place when the agenda item relating to declarations of interest is reached. It is best for Officer advice (which can only be informal) to be sought and given prior to or outside the Meeting. In all cases the final decision is that of the individual Member.

### **2. Local Planning Code of Conduct**

- This document as approved by Full Council and previously noted by the Committee, supplements the above. Should any Member wish to state declare that further to the provisions of the Code (although not a personal or prejudicial interest) they will not vote on any particular issue(s) , they should do so after (1) above.

### **3. Site Visits**

- Under the Council's own Local Code, such visits should only take place when the expected benefit is substantial eg where difficult to visualize from the plans, or from written or oral submissions or the proposal is particularly contentious. Reasons for a site visit should be given and recorded. The attached note sets out the procedure.

### **4. Voting & Chair's Casting Vote**

- By law the Chair has a second or "casting" vote. It is recognised and confirmed by Convention within the Authority that Chair's casting vote will not normally be exercised. A positive decision on all agenda items is, however, highly desirable in the planning context although exercise of the Chair's casting vote to achieve this remains at the Chair's discretion .

Chairs and Members of the Committee should be mindful of the fact that the Authority has a statutory duty to determine planning applications. A tied vote leaves a planning decision undecided. This leaves the Authority at risk of appeal against non determination and/or leaving the matter in abeyance with no clearly recorded decision on a matter of public concern/interest.

The consequences of this could include (in an appeal against " non determination" case) the need for a report to be brought back before the Committee for an indication of what decision the Committee would have come to if it had been empowered to determine the application.

## **5. Officer Advice**

- Officers will advise the meeting as a whole (either of their own initiative or when called upon to do so) where appropriate to clarify issues of fact, law or policy. It is accepted practice that all comments will be addressed through the Chair and any subsequent Member queries addressed likewise.

## **6. Decisions Contrary to Policy and Officer Advice**

- There is a power (not a duty) for Officers to refer any such decision to a subsequent meeting of the Committee. This renders a decision of no effect until it is reconsidered by the Committee at a subsequent meeting when it can make such decision as it sees fit.

## **7. Officer Contact/Advice**

- If Members have any conduct or legal queries prior to the Meeting then they can contact the following Legal Officers for guidance/assistance as appropriate (bearing in mind that informal Officer advice is best sought or given prior to or outside the Meeting) namely:-
  1. Maggie Horrill, Planning and Environmental Law Manager  
Tel. No. 01225 39 5174
  2. Simon Barnes, Senior Legal Adviser  
Tel. No. 01225 39 5176

General Member queries relating to the Agenda (including Public Speaking arrangements for example) should continue to be addressed to David Taylor, Committee Administrator Tel No. 01225 39 4414

**Planning and Environmental Law Manager, Planning Services Manager,  
Democratic Services Manager, Solicitor to the Council  
April 2002**

### Site Visit Procedure

- (1) Any Member of the Development Control or local Member(s) may request at a meeting the deferral of any application (reported to Committee) for the purpose of holding a site visit.
- (2) The attendance at the site inspection is confined to Members of the Development Control Committee and the relevant affected local Member(s).
- (3) The purpose of the site visit is to view the proposal and enhance Members' knowledge of the site and its surroundings. Members will be professionally advised by Officers on site but no debate shall take place.
- (4) There are no formal votes or recommendations made.
- (5) There is no allowance for representation from the applicants or third parties on the site.
- (6) The application is reported back for decision at the next meeting of the Development Control Committee.
- (7) In relation to applications of a controversial nature, a site visit could take place before the application comes to Committee, if Officers feel this is necessary.





**BATH AND NORTH EAST SOMERSET**

**MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

Wednesday, 18th May, 2011

**Present:-** Councillor Les Kew in the Chair

Councillors Rob Appleyard (In place of John Bull), Sharon Ball, Cherry Beath, Gerry Curran, Eleanor Jackson, Malcolm Lees, Bryan Organ, Dine Romero (In Place of Nicholas Coombes), Brian Simmons, Martin Veal and Brian Webber

Also in attendance: Councillors Neil Butters and Caroline Roberts

**142 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

**143 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

The Chairman stated that he did not require a Vice Chairman for this meeting

**144 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors John Bull and Nicholas Coombes and their substitutes were Councillors Rob Appleyard and Dine Romero respectively

**145 DECLARATIONS OF INTEREST**

There were no declarations of interest

**146 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There were no items of Urgent Business

**147 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Senior Democratic Services Officer reported that he had received notice by the Bath Preservation Trust to make a statement at this meeting. Also various members of the public etc had given notice to make statements on planning applications (Reports 10 and 11) and on the Former Fullers Earthworks site (Report 12) and that they would be able to do so when reaching those items on the Agenda.

The Chairman invited Caroline Kay, Chief Executive of Bath Preservation Trust, to make her statement regarding the effect of restructuring the Planning Department on performance figures on planning applications etc. The Chairman responded stating that there were extenuating circumstances for the poorer performance for the period September – December last year due to the Planning Office being relocated to Lewis House and some Officers being away on sick leave. He requested a copy of her

statement after which a written response could be provided. The issues would be discussed when considering Report 13 on the Agenda.

#### **148 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There were no items from Councillors

#### **149 MINUTES: 13TH APRIL 2011**

The Minutes of the previous meeting held on 13<sup>th</sup> April 2011 were approved as a correct record and signed by the Chairman

#### **150 MAJOR DEVELOPMENTS**

The Senior Professional – Major Developments updated Members on the current position regarding the K2, Keynsham, development. An appeal against the decision to refuse permission would be the subject of a Public Local Inquiry on Tuesday 7<sup>th</sup> June.

Members asked questions regarding other major developments at Radstock and Herman Miller site, Lower Bristol Road, Bath, to which the Officer responded.

The Officer was congratulated on his input to the Bath Western Riverside development which was now proceeding.

#### **151 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- The report of the Development Manager on a planning application the subject of a Site Visit by Members
- Oral statements by members of the public etc, the Speakers List being attached as *Appendix 1* to these Minutes

**RESOLVED** that, in accordance with their delegated powers, the planning application be determined as set in the Decisions List attached as *Appendix 2* to these Minutes

**Church View, Packhorse Lane, South Stoke – Erection of 2 gable ends to south elevation, replacement of existing windows to the front with French doors opening onto a veranda, demolish existing steps to the front, move existing door on east elevation and erection of cantilevered porch over and provision of larger window to side, erection of 2 dormers to north elevation, provision of first floor window on west elevation, and landscaping (Ref No 10/04317/FUL) –** The Case Officer made a presentation to the Committee on this application and her recommendation to Permit with conditions. The public speakers made their statements both against and in favour of the proposal. The Ward Councillor Neil Butters made a statement in support of the application.

Councillor Bryan Organ stated that he supported the application and moved the recommendation to Permit with conditions including details of finish and construction of the bay windows at first floor level. This was seconded by Councillor Brian Simmons although he expressed some concern about the first floor gable extension. The Chairman considered that there should be hanging tiles to match the roof tiles plus provision of bargeboards. Another Member felt that adequate landscaping should be provided. The Members generally supported the proposal considering that it did not represent a disproportionate increase in the size of the dwelling, it would provide good family accommodation and, as the adjoining bungalows were not exactly the same, this property did not need to conform. It was also felt that the alterations would not significantly affect the appearance of this part of the village.

In view of additional conditions to be added, the mover and seconder agreed to amending the motion to Delegate to Permit subject to appropriate additional conditions. This motion was put to the vote. Voting: 9 in favour and 1 against with 2 abstentions. Motion carried.

## **152 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- The report of the Development Manager on various planning applications
- Oral statements by members of the public etc on Item Nos. 2, 3 and 5, the Speakers List being attached as *Appendix 1* to these Minutes

**RESOLVED** that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 3* to these Minutes

**Item 1 Coach House, Back Lane, Newton St Loe – Restore and convert the existing 2 storey Coach House into a 3 bedroom dwelling with the bedrooms on the ground floor and the living space and kitchen on the 1<sup>st</sup> floor including access to a sunken courtyard to the south of the property, provision of a covered area with space for 1 vehicle and a bat roost on the loft space above (Ref No 11/00614/FUL) –** The Case Officer gave a presentation on this application and his recommendation to Permit with conditions.

Councillor Brian Webber considered that this was an interesting building in a tucked away position on the edge of the village. It would provide an attractive house. The only issue was the access track to the property being classed as a public highway but this appeared to be covered by Condition 3 in the recommendation. He therefore moved the recommendation which was seconded by Councillor Bryan Organ.

Members discussed the proposal, its position within the housing boundary of the village and the access track. On being put to the vote, the motion was approved unanimously.

**Item 2 Little Orchard, Ham Lane, Bishop Sutton – Provision of new vehicular access through land south of the site (Ref No 11/00539/FUL) –** The Case Officer reported on this application and her recommendation to Refuse permission. The applicant's Agent spoke in favour of the proposal.

Councillor Bryan Organ considered this was a satisfactory proposal. It would improve visibility and also serve as an access to grazing land. He moved that the recommendation be overturned and permission be granted. This was seconded by Councillor Martin Veal.

Members discussed the motion and asked questions to which the Officer replied. The motion was generally supported on the basis that there were very special circumstances relating to an improvement in forward visibility and improved highway safety as the existing access to the property on this reasonably busy lane was poor and it would prevent another access being formed to the adjoining agricultural land further down the lane. It was considered that it would not have a detrimental impact on the rural character of the village and therefore whilst this was inappropriate development in the Green Belt, there were very special circumstances to outweigh the recognised harm. The mover and seconder agreed to amend the motion to Delegate to Permit with appropriate conditions including the existing access being closed off and the replacement of the hedgerow. This was put to the vote and carried unanimously.

**Item 3 No 5 Apsley Road, Newbridge, Bath – Installation of side and rear dormers (Retrospective) (Ref No 11/01266/FUL)** – The Case Officer reported on this application and her recommendation to Refuse permission. The applicant and his Agent spoke in favour of the proposal. The Ward Councillor Caroline Roberts made a statement in favour of the application.

Councillor Gerry Curran considered that the size and siting of the dormers would not detract from the appearance of the house and the streetscene; also there were already some similar dormers on nearby houses. He therefore felt that the recommendation should be overturned and moved that the application be Delegated to Permit with appropriate conditions. This was seconded by Councillor Cherry Beath. After a brief discussion, the motion was put to the vote and carried unanimously.

**Item 4 No 93 Rush Hill, Southdown – Erection of one 2 storey house and one single storey house (Revised proposal) (11/00773/FUL)** – The Case Officer reported on this application and her recommendation to Permit with conditions.

Councillor Sharon Ball moved the recommendation which was seconded by Councillor Bryan Organ. The motion was put to the vote which was carried unanimously.

**Item 5 Little Meadow, Bromley Road, Stanton Drew – Erection of a 2 storey rear extension and first floor extension over existing single storey annexe (Ref No 11/00805/FUL)** – The Case Officer reported on this application and her recommendation to Refuse permission. The applicant spoke in favour of the proposal.

Councillor Malcolm Lees spoke in favour of the application considering that the recommendation should be overturned. He stated that the existing single storey extension and flat roof would be removed improving the appearance. He felt that this was originally a modest property in a large plot and the size, design, scale and siting of the proposal would not be disproportionate to the existing dwelling or harmful to

the openness of the Green Belt. The proposed development would also make the property similar in size to existing properties in the locality. He therefore moved that permission be granted which was seconded by Councillor Martin Veal.

Members debated the motion which was generally supported. The Development Manager gave advice on development in the Green Belt and stated that Officers considered that the proposed extension was disproportionate to the existing house and was harmful to the openness of the Green Belt. The extension represented a 119% overall increase from the original dwelling and a 49% increase in the existing dwelling. She advised the Committee that, notwithstanding the advice in the Council's Supplementary Planning Document "Existing Dwellings in the Green Belt", the Planning Inspectorate were generally dismissing proposals where the proposed increase in volume exceeded 60% over the volume of the original property. She felt that the design did make an improvement to the appearance of the house but this did not amount to a very special circumstance to justify granting permission.

On advice, the mover and seconded amended the motion to Delegate to Permit to enable appropriate conditions to be imposed. The amended motion was put to the vote and carried unanimously.

### **153 REPORT ON FORMER FULLER'S EARTHWORKS**

The Committee considered the joint report of the Development Manager and Planning and Environmental Law Manager which (1) informed the Committee of the Order of the High Court (a copy was appended to the Report) following the claim for Judicial Review against the Council's decision to issue Enforcement Notices for alleged unauthorised development at the Former Fullers Earthworks; and (2) updated the Committee on the West of England Joint Waste Core Strategy (JWCS) so far as it related to the site.

The Development Manager displayed 2 plans which indicated i) the ownership and location plan which was the plan attached to the Enforcement Notices; and ii) the area allocated by the Inspector and adopted by the Council for a residual waste facility under the JWCS. The Development Manager advised that any planning application proposing a residual waste facility would go out for public consultation in the normal way. She drew attention to a typographical error in paragraph 7.4 of the Report which referred to Annex D which should have read Annex E.

The members of the public etc then made their statements on the matter which were noted.

The Development Manager reminded Members of the reasons for serving the Enforcement Notices. She advised the Committee that the High Court had quashed the Notices and that the Council had adopted the JWCS stating that it was the Officers' view that the Council should attempt to resolve the outstanding issues by focussing on the potential for this site to be used as a residential waste facility. If planning permission was granted in due course, the implementation of the permission had the potential to resolve the situation.

She emphasised again the purpose of the Report to Committee and drew attention to further representations received which had lead to a further recommendation being added to allow for consideration of such representations.

Members discussed the issues including the residual waste facility. It was stated that Members shared the concern of residents on the environmental impact of the site but agreed that, if the concerns could be resolved by delivery of the residual waste facility on the land, this should be negotiated and progressed as soon as possible.

It was moved by Councillor Cherry Beath and seconded by Councillor Eleanor Jackson to approve the Officers' recommendations and it was therefore **RESOLVED** that (1) the Committee note the contents of the Report acknowledging the decision of the High Court and the allocation of Fullers Earth in the JWCS and, in light of this, endorse the Officer's proposal to work positively with the owner of the site to achieve the delivery of a residual waste facility on the land as allocated in the JWCS; (2) the owner of Fullers Earth be written to setting out the Council's support for the allocation of the land in the Joint Waste Core Strategy and inviting its assistance in achieving this aim and seeking representations from the owner on any progress on its proposal to fulfil the allocation; and (3) the question of whether or not to take any further enforcement action be deferred for a further report pending consideration of the recent representations.

(Note: (1) This decision was agreed unanimously; and (2) Councillor Dine Romero left the meeting during its consideration.)

#### **154 QUARTERLY PERFORMANCE REPORT OCTOBER - DECEMBER 2010**

The Committee considered the report of the Development Manager which provided performance information across a range of activities within the Development Management function for the period 1<sup>st</sup> October to 31<sup>st</sup> December 2010.

The Development Manager further reported that the performance figures were disappointing and were due to a number of factors – the relocation of the Planning Department to Lewis House, staff sickness, an increased workload and backlog at a time when staff numbers had been reduced. She pointed out, however, that the workload had been taken into account before restructuring. The current situation showed a significant improvement with 80% performance being achieved. She referred to the number of Enforcement Notices being served and pointed out that a high number did not necessarily indicate a good success rate as negotiations could result in planning applications being submitted to resolve unauthorised development.

The Committee discussed the performance figures and the prevailing circumstances during that Quarter. Some Members expressed concern at planning information being provided electronically for the public and Members and the impact of the loss of the Reception facility from Trimbridge House. The Development Manager responded that 3000 applications were received each year which had a huge impact on resources; paper copies of documents, however, could be provided if there was a difficulty in reading electronic copies. Also Council Connect were working with Officers to provide a One Stop Shop under Lewis House in March/April next year which should greatly assist members of the public. A similar service should be available in Keynsham and Midsomer Norton. Regarding a Member's query concerning delays in registering applications, the Development Manager stated that this was a time consuming process and staff had been away on sick leave in that Section. However, a review would be undertaken shortly to make appropriate improvements.

The Chairman expressed his support for Planning Officers and the service they provided. He was pleased that performance figures had now improved.

The Committee noted the report.

**155 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The report was noted

**156 CHAIRMAN'S CLOSING REMARKS**

The Chairman stated that, as a result of Liberal Democrat gains of Council seats in the recent Local Elections, this would probably be his last meeting as Chairman on behalf of the Conservative Group. He therefore thanked the Members for their support in the past and complimented the Development Manager and fellow Officers for their hard work and efforts in providing a high standard of planning service to the public and Committee.

Members of the Liberal Democrat and Labour Groups represented on the Committee echoed these sentiments and expressed their appreciation for the Chairman's skills and commitment in chairing these meetings.

The meeting ended at 4.30 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**





**SPEAKERS LIST  
BATH AND NORTH EAST SOMERSET COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT  
AT DEVELOPMENT CONTROL COMMITTEE AT ITS MEETING  
ON WEDNESDAY 18<sup>th</sup> MAY 2011**

<b>ITEM 6: STATEMENTS BY MEMBERS OF THE PUBLIC ETC</b>	<b>NAME/REPRESENTING</b>	
Effect of restructuring of Planning Department on performance etc	Caroline Kay, Chief Executive, Bath Preservation Trust	Statement

<b>ITEM 10: SITE VISIT REPORT</b>		
<b>SITE</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
Church View, Packhorse Lane, South Stoke (Pages 59 – 66)	Robert Hellard, Vice Chairman, South Stoke Parish Council	Against
	Geoff Davis	Against
	Margaret Van Aken <u>AND</u> Professor James Davenport (on behalf of Midge Ure OBE)	For – To share 3 minutes

<b>ITEM 11: MAIN PLANS LIST REPORT</b>		
<b>SITE</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
Little Orchard, Ham Lane, Bishop Sutton (Item 2, Pages 83 – 86)	John Hooke (Applicant's Agent)	For

5 Apsley Road, Newbridge (Item 3, Pages 87-90)	Simon Chambers (Applicant's Agent) <u>AND</u> Mr Barton (Applicant)	For – To share 3 minutes
Little Meadow, Bromley Road, Stanton Drew (Item 5, Pages 100 – 104)	Simon Waller (Applicant)	FOR

<b>ITEM 12: REPORT ON FORMER FULLERS EARTHWORKS, COMBE HAY</b>		
<b>NAME</b>	<b>REPRESENTING</b>	
Peter Duppa-Miller	Clerk, Combe Hay Parish Council	Statement
Brian Huggett	Chairman, Englishcombe Parish Council	Statement
Robert Hellard	Vice Chairman, South Stoke Parish Council	Statement
Claire Riou	Victims of Fullers Earth and local residents	Statement
Caroline Kay	Chief Executive, Bath Preservation Trust	Statement
Trevor Osborne	Local resident	Statement

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**18th May 2011**

**SITE INSPECTION DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	10/04317/FUL	
<b>Site Location:</b>	Church View, Packhorse Lane, South Stoke, Bath	
<b>Ward:</b> Bathavon South	<b>Parish:</b> South Stoke	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 2no gable ends to south elevation, replacement of existing windows to the front with French doors opening onto a veranda, demolish existing steps to front, move existing door on east elevation and erection of cantilevered porch over and provision of larger window to side, erection of 2no. dormers to north elevation, provision of first floor window on west elevation and landscaping	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary,	
<b>Applicant:</b>	Mr And Mrs Elms	
<b>Expiry Date:</b>	14th December 2010	
<b>Case Officer:</b>	Victoria Griffin	

**DECISION** Authorise the Development Manager to PERMIT with the following 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 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:** The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

Section A-A date received 09/02/11, Location plan date received 07/10/10, Proposed plans & elevations date received 09/02/11, Existing plans & elevations date received 07/10/10

#### REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the streetscene or the amenity of the surrounding residential occupiers. This does not affect the character of the Conservation Area.
2. The proposed development is not inappropriate development within the Green Belt and would not harm the openness or rural character of the area.
3. Due to the siting and scale of the proposal it is not considered to adversely affect the Area of Outstanding Natural Beauty.
4. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

BH6, BH8, D2, D4, GB1, GB2, HG15 and NE2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**18th May 2011**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	11/00614/FUL	
<b>Site Location:</b>	Coach House, Back Lane, Newton St. Loe, Bath	
<b>Ward:</b> Bathavon West	<b>Parish:</b> Newton St. Loe	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Restore and convert the existing two storey Coach House into a 3no. bedroom dwelling with the bedrooms located on the ground floor and the living space and kitchen on the first floor including access to a sunken courtyard to the south of the property, provision of a covered parking area with space for one vehicle and a bat roost in the loft space above	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Forest of Avon, Greenbelt, Housing Development Boundary,	
<b>Applicant:</b>	The Duchy Of Cornwall	
<b>Expiry Date:</b>	12th April 2011	
<b>Case Officer:</b>	Mark Reynolds	

**DECISION** PERMIT with the following 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 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 character and appearance of the Conservation Area.

3 No development shall take place unless and until the public highway has been stopped up on Back Lane, between Smiths Hill and the eastern boundary of the application site

and replacement bridleway rights across the site connecting the remaining length of the public highway, Back Lane, to Smiths Hill have been delivered. Details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

4 No development shall take place, save for works required in complying with this condition, until the access and turning space serving the site from the public highway, Smiths Hill, has been improved to an appropriate standard in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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

5 The development hereby permitted shall not be commenced until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such a plan shall include details of phasing of development, routing of vehicles, storage of materials, parking of contractor vehicles, access for construction plant, maintenance of public rights of way, hours of working and signing of the access/works. Construction works shall thereafter proceed in accordance with the approved details.

Reason: In the interests of amenity and highway safety.

6 The vehicular access shall not be constructed in such a manner as to permit surface water to run off the site onto the public highway.

Reason: In the interests of highway safety.

7 No development shall take place until a Detailed Arboricultural Method Statement with a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The said statement shall incorporate a tree works schedule; position of all services; supervision and monitoring details by an Arboricultural Consultant. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, and movement of people and machinery. Development shall take place strictly in accordance with the approved details. A signed certificate of compliance with the Arboricultural Method Statement shall be provided to the local planning authority on completion of the works.

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

8 No development shall commence until the protective measures included in the approved Arboricultural Method Statement are implemented. These measures shall be retained throughout the duration of the construction works. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

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

9 No development shall commence until full details of a Wildlife Mitigation and Enhancement Scheme and implementation plan have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) details of a Scheme for the replacement bat roost(s) and the provision of new accesses and the proposed timing of all works affecting the bat roost(s)
- (ii) details of a bat roost monitoring scheme, containing proposals for monitoring of the replacement roost, and for reporting of monitoring results to the LPA. Should monitoring show that the replacement bat roost is not being utilised successfully by greater horseshoe bats then new alternative mitigation proposals must be submitted to and agreed with the LPA and implemented thereafter
- (iii) details of the arrangements to stipulate to future occupiers measures that are required to safeguard the effectiveness of the bat roost, to include that the space must not be disturbed; used for storage; lit; or used for any other purpose.
- (iv) details of nest box provision on the Old Coach House and the car port extension; to include numbers, locations and specifications and to include provision for swallows
- (v) details of external lighting, confirming either that there will be no external lighting or demonstrating that lighting will not harm bat flight activity or use of the site, or access to roosts
- (vi) details of all other measures to protect, retain and enhance wildlife interest at the site, including provision of bat boxes or other additional roost provision; reptile hibernacula; pre-works checks for birds and reptiles and detailed method statements for protection of wildlife such as reptiles where applicable.

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: In order to protect ecology at the site.

10 The area of the adjacent field to the north of the Coach House which is shown within the application site shall only be used for drainage infrastructure and shall not form part of the domestic curtilage of the Coach House once converted.

Reason: In order to safeguard the Green Belt and the countryside from domestic encroachment.

11 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: In order to protect the Green Belt and the character and appearance of the host building and the conservation area.

12 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no solar PV or solar thermal shall be installed on

the dwellinghouse(s) or other building(s) hereby approved unless a further planning permission has been granted by the Local Planning Authority.

Reason: In order to protect the character and appearance of the host building.

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:** This decision relates to the following drawing numbers; 1038-09, 1038-10, 1038-11, 1038-20, 1038-21A, 1038-22A, 1038-23A

#### REASONS FOR GRANTING PERMISSION:

The decision to grant approval has taken account of the Development Plan and any approved Supplementary Planning Documents. The proposed development is in accordance with Policies D.2, D.4, ET.7, ES.5, HG.6, HG.12, GB.1, GB.2, NE.1, NE.4, NE.10, BH.2, BH.6, BH.7, T.24 and T.26 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

The Coach House building is located within the housing development boundary for Newton St Loe where additional housing is in principle acceptable under the terms of policy HG.6. The conversion would be compatible with the character of the area and because it sits in a somewhat isolated position it would not harm the amenities of neighbouring occupiers.

The proposed extension to the building has been reduced in size and is a limited extension. The conversion works would accord with Green Belt policy and would not represent inappropriate development in the Green Belt. The works would not result in a loss of openness. The Coach House is an historic structure and the proposed conversion seeks to retain existing openings and features. The proposals would improve the appearance of the building and would conserve the character and appearance of the conservation area.

There are bats present in the Coach House building however the three derogation tests under the Habitats Regulations can be met in this case so the development can be supported. The proposals would introduce a turning area and the lane would be improved. The parking provision is considered adequate and whilst the access onto Smith's Hill has limited visibility use of the lane would not be significantly intensified over historic usage levels.

#### 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](http://www.planningportal.gov.uk).



<b>Item No:</b>	02
<b>Application No:</b>	11/00539/FUL
<b>Site Location:</b>	Little Orchard, Ham Lane, Bishop Sutton, Bristol
<b>Ward:</b> Chew Valley South	<b>Parish:</b> Stowey Sutton
	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Provision of new vehicular access through land south of site
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal fields, Forest of Avon, Greenbelt, Water Source Areas,
<b>Applicant:</b>	Mr Peter Godsiff
<b>Expiry Date:</b>	13th April 2011
<b>Case Officer:</b>	Tessa Hampden

**DECISION** Authorise the Development Manager to PERMIT with the following conditions:

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

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

2 The access, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

3 Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5m from the carriageway edge.

Reason: In the interests of highway safety.

4 The existing vehicular access shall be closed, its use permanently abandoned and the hedge reinstated concurrently with the provision of the new access hereby approved being first brought into use, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

5 All soft landscape works shall be carried out in accordance with the approved details as illustrated on the block plan date stamped 26th January 2011. The works shall be carried out prior to the development being brought into use or in accordance with a programme agreed in writing with the Local Planning Authority. If the hedge indicated on the approved scheme, within a period of five years from the date of the development being completed, die, is removed or becomes seriously damaged or diseased shall be replaced during the next planting season with planting of a species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure that the rural character of the area is safeguarded.

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

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

**PLANS LIST:** Drawing PG01, PG02 date stamped 26th January 2011.

Reasons for granting approval:

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

A. Bath and North East Somerset Local Plan (including minerals and wastes) adopted October, D2, D4, NE1, GB1, GB2, T24

2. The proposal is considered to be inappropriate development in the Green Belt. However, the development is considered to provide a safer access, with greater visibility than the existing access. Further, the development will allow access for Little Meadow and for the pasture land, meaning only one vehicular access point is required. These are considered to be very special circumstances which outweigh the harm by reason of its inappropriateness.

Informative:

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a Licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

<b>Item No:</b>	03	
<b>Application No:</b>	11/01266/FUL	
<b>Site Location:</b>	5 Apsley Road, Newbridge, Bath, Bath And North East Somerset	
<b>Ward:</b> Newbridge	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Installation of side and rear dormers. (Retrospective)	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,	
<b>Applicant:</b>	Mr S Barton	
<b>Expiry Date:</b>	5th May 2011	
<b>Case Officer:</b>	Suzanne D'Arcy	

**DECISION** Authorise the Development Manager to PERMIT with the following condition:

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

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

**PLANS LIST:** This decision relates to drawings numbered 001, 002, 003, 004 and 005 and related site location plan and Design and Access Statement, received by the Council on 10th March 2011.

**REASONS FOR GRANTING APPROVAL**

1. The dormer windows does not dominate the roofslope and reflects the pattern of the existing street scene, thus not have a detrimental effect on the wider street scene. There is no impact on residential amenity.

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

A.

D.2, D.4 and BH.1 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

<b>Item No:</b>	04	
<b>Application No:</b>	11/00773/FUL	
<b>Site Location:</b>	93 Rush Hill, Southdown, Bath, Bath And North East Somerset	
<b>Ward:</b> Odd Down	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 1no two storey house and 1no single storey house (revised proposals)	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,	
<b>Applicant:</b>	HN Developments Ltd	
<b>Expiry Date:</b>	7th April 2011	
<b>Case Officer:</b>	Victoria Griffin	

**DECISION** PERMIT with the following conditions:

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

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

2 The development hereby permitted shall not be occupied until the access has been widened, and the parking and turning areas have been provided in accordance with the details shown on the submitted drawing No. 288/P/01.

Reason: In the interests of highway safety.

3 A schedule of materials and finishes of the materials to be used in the construction of the external surfaces, including roofs, shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this decision. 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.

4 The dwellings hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for the parking and turning of vehicles, and such areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

5 The ridge height of the main roof to the two-storey dwelling hereby approved shall not exceed that of the existing dwelling identified as No 93 Rush Hill.

Reason: To safeguard the amenities of the adjoining occupiers and appearance of this part of Rush Hill.

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 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, without the prior written permission of 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.

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), there shall be no enlargement or external alteration to any building(s) hereby approved without the prior written permission of the Local Planning Authority.

Reason: In the interests of the appearance of the development and of the amenity and character of the area.

8 The lowest part of the window cill of the upper floor windows on the North elevation of the two-storey dwelling shall be a minimum of 1.7 metres above floor level (measured internally) and shall be retained as such.

Reason: To ensure that nearby residents are not overlooked from the development.

9 Prior to occupation of each dwelling the hard and soft landscape scheme (date received 04/04/11) and fencing details (date received 19/05/11) shall be carried out in accordance with details submitted. 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.

10 Prior to the occupation of any dwelling hereby approved the sewage disposal and surface water drainage shall be carried out in accordance with details received dated 04/04/11. The development thereafter shall be carried out only in accordance with the approved details.

Reason: To ensure that the development can be adequately served by sewerage and drainage infrastructure

11 The construction works shall be carried out in accordance with the submitted construction details (date received 04/04/11) showing that the development can be constructed without causing instability of adjoining land.

Reason: To ensure that the development does not lead to instability of adjoining land.

12 The existing hedgerow that borders the site shall be retained and in the event that the hedgerow dies or is removed for any reason, the hedgerow or part thereof shall be replaced with screening at the equivalent height.

Reason: In the interests of the appearance of the site and to safeguard adjoining residents from further overlooking.

13 Prior to occupation the proposed first floor windows on the west elevation of the two-storey dwelling (as shown on drawing no. 288/P/02) shall be glazed with obscure glass and permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

14 The internal floor levels of the two-storey dwelling shall be constructed in relation to the existing topography and as shown on Drawing No 288/P/03 and shall be retained as such.

Reason: To safeguard the privacy of the residents of adjoining properties.

15 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:** Design & Access Statement, Topographic survey 2924-01DEC10-01, 288/P/01 to 288/P/02 date received 10/02/11, 288/P/03, 288/P/04, 288/P/05 date received 10/02/11, Additional details (including hard and soft landscaping details, foul and surface water drainage details, inter-visibility details, land stability report, details of materials for access, parking and turning areas and details of maintenance of hedgerow) and drawing no.240-101 date received 04/04/11, Landscaping update date received 19/05/11

**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](http://www.planningportal.gov.uk).

The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

Informatives:

1. No materials arising from the demolition of any existing structure(s), the construction of the new dwelling, nor any material from incidental works shall be burnt on the site.
2. The developer should comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.
3. The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new dwellings.

<b>Item No:</b>	05
<b>Application No:</b>	11/00845/FUL
<b>Site Location:</b>	Little Meadow, Bromley Road, Stanton Drew, Bristol
<b>Ward:</b> Clutton	<b>Parish:</b> Stanton Drew <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of a two storey rear extension and first floor extension over existing single storey annexe.
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Housing Development Boundary,
<b>Applicant:</b>	Mr Simon And Paul Waller And Ms Alison Delve
<b>Expiry Date:</b>	12th April 2011
<b>Case Officer:</b>	Tessa Hampden

**DECISION** Authorise the Development Manager to PERMIT with the following 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 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

3 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 windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the first floor of the north elevation at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

4 The proposed first floor windows of the north elevation shall be non-opening and glazed with obscure glass and permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

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:** This decision relates to plans: Drawing 1 and 3, and Site location plan and block plan on drawing 4, date stamped 15th February 2011, Drawing 5, Untitled drawing (front and rear elevations) date stamped 18th April 2011.

Reason for approval:

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

A. Bath and North East Somerset Local Plan (including minerals and wastes) adopted October, D2, D4, NE5, HG15, GB1, GB2

The development is not considered to be inappropriate development in the Green Belt. Given the size of plot, and the size of the neighbouring dwellings, the extension is considered to be a proportionate addition to the dwelling. There is not considered to be any significant harm to the openness of the Green Belt. The development is considered to enhance the appearance of the dwelling. Subject to conditions, the development is not considered to result in any harm to the residential amenity of the neighbouring occupiers.





<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Control Committee</b>
<b>MEETING DATE:</b>	<b>8th June 2011</b>
<b>RESPONSIBLE OFFICER:</b>	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)
<b>TITLE:</b>	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

AGENDA  
ITEM  
NUMBER

**BACKGROUND PAPERS**

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

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

**The following notes are for information only:-**

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

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

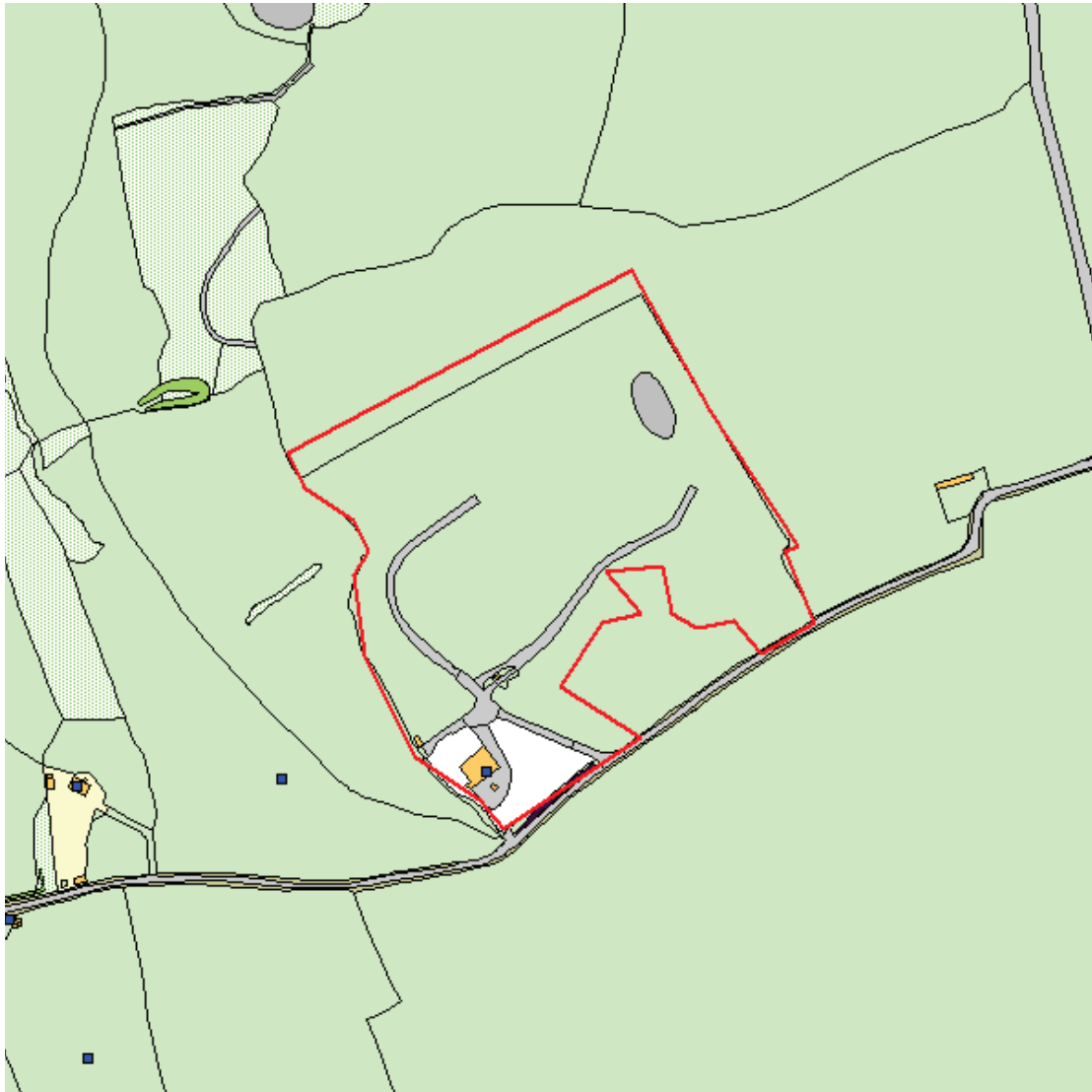
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	10/05199/MINW 7 March 2011	Mr Larry Edmunds Stowey Quarry, Stowey Road, Stowey, Bristol, Bath And North East Somerset Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) and inert wastes.	Chew Valley South	Chris Herbert	Delegate to PERMIT
02	11/00540/FUL 13 April 2011	Ben J Stock Tennis Court Farm, Wells Road, Hallatrow, Bristol, Bath And North East Somerset Erection of a pair of semi-detached dwellings following demolition of an agricultural barn together with the provision of off-street car parking for No's 2-5 (incl) Bloomfield	High Littleton	Rebecca Roberts	REFUSE
03	11/00559/FUL 6 April 2011	Mr & Mrs Wiggins 20 Walden Road, Keynsham, Bristol, Bath And North East Somerset, BS31 1QW Erection of a single storey front extension (resubmission).	Keynsham East	Victoria Griffin	PERMIT

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

**Item No:** 01  
**Application No:** 10/05199/MINW  
**Site Location:** Stowey Quarry, Stowey Road, Stowey, Bristol



**Ward:** Chew Valley South      **Parish:** Stowey Sutton      **LB Grade:** N/A  
**Ward Members:** Councillor V L Pritchard  
**Application Type:** Minerals and Waste application  
**Proposal:** Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) and inert wastes.  
**Constraints:** Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal fields, Existing Mineral Working, Forest of Avon, Mineral Consultation, Water Source Areas,  
**Applicant:** Mr Larry Edmunds  
**Expiry Date:** 7th March 2011  
**Case Officer:** Chris Herbert

## **REPORT**

Stowey Quarry is located approximately 1.5km south east of Bishop Sutton and 550m from Stowey House Farm on the edge of the escarpment overlooking the Chew Valley. Access to the site is via the A37 at Clutton, onto the Stowey Road and then Nanny Hurn Lane, which also forms the southern boundary to the site. The site is bounded by agricultural land to the north, east and west with the nearest residential property approximately 250m to the west.

The site is a regionally important geological site and is within a groundwater source protection area. Nearby designations include the Mendip Hills AONB and the Chew Valley Special Protection Area.

The proposed development is for the restoration of Stowey Quarry using stable non reactive hazardous waste (SNRHW, which is the term used to describe asbestos) and inert wastes. The proposed development will also involve the processing of the quarry waste stockpiles that are currently on site with a crushing and screening plant in order to recover usable aggregate and for the remaining soils and clay to be used in the restoration of the site. It also provides for the creation of a screening bund along the western boundary of the site, limits vehicle movements to a maximum of 100 (50 in, 50 out) a day and limits the depth of the quarry to 150m AOD as required by the existing planning permissions for the site.

It is proposed to import up to 150,000 tonnes a year of waste over a ten year period. However the maximum void of the quarry is estimated at 430,000m<sup>3</sup> which, based on a conversion factor of 1.5 tonnes to a m<sup>3</sup>, would require approximately 645,000 tonnes of material to infill the quarry. Therefore if the maximum infill rate of 150,000 tonnes a year were to be achieved the restoration would be completed in less than 10 years. Based on a 10 year life the site would receive an average of 65,000 tonnes a year. A conversion factor of 2 tonnes to a m<sup>3</sup> would increase this to approximately 86,000 tonnes a year. It is therefore likely that actual tonnages into the landfill will be well below 100,000 tonnes a year over the proposed 10 year life, although it will also be necessary to import materials to construct the landfill cells themselves.

The landfill would be filled and restored in a phased manner. Ten phases are proposed with the majority of the western part of the landfill being completed early in the process. In order to operate the landfill will also require an Environmental Permit from the Environment Agency which will contain strict guidelines for the handling and disposal of asbestos in accordance with the Control of Asbestos Regulations 2006 and the Hazardous Waste Regulations 2005. Once tipped the waste will be immediately covered with a 250mm layer of inert material and coverage of up to 1m of inert fill will be applied at the end of each working day. A dust and leachate monitoring scheme for the site will also be a requirement of the Environmental Permit.

The application also proposes to demolish the existing industrial building on the site which was used for cutting the quarried stone and replacing it with a much smaller portacabin to provide office and welfare facilities

Access to the site would be via the existing site access and concrete haul road. Wheel washing facilities are proposed.

Hours of operation would be 0700 to 1800 Monday to Friday and 0800 to 1300 on Saturdays with no operations on Sundays and Bank Holidays.

The site would be restored to a nature conservation/agricultural after use with access to a retained geological face in the north east corner of the site. Restoration contours would link into the part of the site previously tipped to a height of approximately 165m AOD and would slope down from 164m AOD to 154m AOD from south to north. Existing boundary vegetation would be retained and new planting is proposed together with a wetland area/pond.

The site is a long established quarry with planning permission first being granted in the 1950s but recently there has only been limited or no activity on the site. Planning permission (07/02328/var) was granted in 2008 to extend mineral extraction until November 2012 but it is understood that no extraction has been undertaken. At the same time a second permission (07/02326/minw) was granted for an inert recycling facility and restoration of the quarry using inert materials by November 2028. Limited operations in respect of creating an area of hardstanding and the formation of a proposed screening bund have been carried out but no recycling has occurred. Both these permissions are subject to the same conditions which require restoration of the site by November 2028, the creation of a bund along the western boundary of the site, a limit of 50 lorries (100 movements) a day, a tonnage limit of 125,000 tpa and no extraction below 150m AOD. These therefore form the permitted baseline for the site.

The principle change from the approved restoration scheme is that this planning application proposes the total infilling of the quarry over a reduced timescale and the use of SNRHW as well as inert waste

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**HIGHWAYS:** No objections subject to conditions.

**ENVIRONMENTAL HEALTH:** No comments

**LANDSCAPE:** Object, further information is required to show the extent of existing vegetation to confirm what will be lost and what will be retained and its relationship to the proposed bund - additional information has been submitted and a revised consultation response is awaited.

The principle of the proposed restoration landform is considered acceptable but a more detailed landscape plan is required, so a detailed Landscape Management Plan should be submitted providing details of the proposed planting, wetland area, geological exposure and restoration afteruse details

**ECOLOGY:** Object, it has not been demonstrated that there are sufficient safeguards in place to protect Chew Valley Lake and more information is required in order to demonstrate that there would be no significant effect on the conservation status of the SPA. Additional information to enable the LPA to undertake a test of likely significant effect should be submitted - additional information has been submitted by the applicant and a revised consultation response is awaited.

The proposed biodiversity mitigation will prevent the overall loss of ecological interest and should be secured by condition prior to the commencement of the development.

NATURAL ENGLAND: Object, the application does not provide sufficient information for Natural England to advise on any likely significant effects on the protected site as insufficient detail is provided regarding the measures which will be taken to protect Chew Valley, in particular the management of leachate from the site. The applicant should therefore provide further information on surface and groundwater protection measures and the Council must undertake its own assessment of likely significant effects prior to giving consent - additional information has been submitted by the applicant on this point and a revised consultation response is awaited.

The biodiversity mitigation recommended in the Environmental Statement should be required by condition requiring an Environmental Management Plan to be produced prior to the development commencing.

ENVIRONMENT AGENCY: No objections subject to conditions. We would expect a hydrogeological risk assessment to be prepared as part of the environmental permitting process

BRISTOL WATER: Object, as we consider the proposals result in a material increase in risk to our water resource at Chew Valley reservoir. We consider proposals to develop a large scale waste facility close to a major water supply, SPA and SSSI inappropriate. The assessments do not consider Chew Valley reservoir. There is no detailed analysis of groundwater gradients or flow paths or how future loading may affect groundwater flow in the future. Unclear on the nature and permeability of the landfill lining material and on how leachate will be handled and groundwater monitored. How will the site be engineered to control surface water and prevent contaminated run off. How will waste be sorted to remove non inert or contaminated material?

CLUTTON PARISH COUNCIL: Object due to the non existent provision of any improvement in the access/egress route through the village. The Stowey Road/A37 junction is already difficult at peak times and with this increase in HGVs there should be a major improvement of either a roundabout or traffic lights. The consequences of this congestion will be lorries seeking alternative routes along unsuitable minor roads. The environmental effects of either in terms of a spillage on surrounding roads or on the local water table and water courses has not been properly assessed.

STOWEY SUTTON PARISH COUNCIL: Objects as this was not included in the West of England Joint Waste Core Strategy. There are concerns for water safety as springs feed into Chew Valley Lake. Also the road infrastructure is considered inadequate for the proposed levels of traffic which would use the site.

HINTON BLEWETT PARISH COUNCIL: Object on the grounds that run off from the site would contaminate the water courses that flow directly into Chew Valley lake and that if permission is granted can the access road with Stowey Hill be modified on highway safety grounds to cope with anticipated increase.

AVON WILDLIFE TRUST: the site is within an Avon Wildlife Trust Living Landscape area of interest and represents an opportunity to re-create a permanent wildflower meadow on

the site. The Trust would be happy to advise further. Recommend that a reptile survey is carried out on site before development commences. Proposed ecological mitigation should be included in a legal agreement and the replacement wetland habitat provided during the operational phases of the landfill. Quarry faces should be surveyed for bats.

AVON RIGS GROUP: have been able to negotiate the retention of part of the existing quarry face which contain the best features and protect this area from future landfilling and securing access for groups wanting to visit the site. At this stage the Avon RIGS group is happy with what has been offered by the quarry owners.

At the time of writing this report 2 letters of representation had been received. The first letter is from the adjoining landowner who is concerned that the proposed restoration levels will be above the original level prior to quarrying which will appear anomalous with this part of the Mendip landscape and also whether the weight of the fill material may aggravate the problem of land slippage on the adjoining land to the north. The applicant has not properly considered alternative sites and there is no need for such a landfill, which undermines the case for supporting the application in its current form. Have been unable to identify the implications for ingestion of asbestos and the implications for livestock on the adjoining fields. Do not object to the principle of landfill but seeks reassurance that the development will not adversely affect his farming activities.

The second letter is from the nearest residential property which highlights a number of concerns/questions and comments they would like addressing as follows: lack of consultation from the applicant, will this lead to a widening of the use of the quarry until it can take putrescible material; is there a demand for this type of facility, reliability of current owner, monitoring of current conditions, depth limit for the quarry, will this replace the 2007 consent, where will topsoil come from, will conditions control the covering of waste and stockpiles, site is visible from the AONB, why are final levels higher than original ground levels, how many portacabins and how high, will a generator be used for power, 2007 permission has not been fully implemented and therefore there has never been the level of traffic proposed on the road a condition report will be vital, concerned about safety on the lane, confirmation that residents will not be at risk from asbestos particles, will landscaping requirements be imposed, is the noise report accurate, will lighting be controlled, would like a temporary bund along the concrete access road, what controls on reversing beepers will there be, a wheelwash must be installed, can the 100 movements cover all types of vehicle, what steps to prevent lorries turning right, how will they prevent the site being over run by rats and rabbits, how will training of operatives be controlled, what is the basis for altering the end date for mineral extraction on the 2007 consent, why have conditions on the previous consents not been enforced, 2007 permission limits tonnage to 125,000 and 150,000 is now proposed, why the increase - applicant refers to average of 65,000 why cannot this be used, figures on capacity need verifying, restoration levels will create an artificial mound how do these differ from those permitted in 1998, will a 6m bund around screening equipment be constructed. If consent is to be granted it should be with a very full set of conditions with suitable incentives to ensure compliance. As the development will cause disruption and inconvenience to locals should they not make a contribution to local amenities?

## **POLICIES/LEGISLATION**

### **WEST OF ENGLAND JOINT WASTE CORE STRATEGY 2011**

Policy 8 on Landfill

BATH AND NORTH EAST SOMERSET LOCAL PLAN, INCLUDING MINERAL AND WASTE POLICIES, 2007 (the Local Plan):

WM1 and WM12 on waste management; ES.5 on Drainage; ES 9, 10 and 12 on pollution, nuisance, health and noise; ES14 on stability; NE1 and NE2 on landscape; NE9 and NE10 on ecology; NE13 on groundwater and NE14 on flooding; M9 and T24 on highways.

## **OFFICER ASSESSMENT**

**WASTE MANAGEMENT:** The West of England Joint Waste Core Strategy (JWCS) advises that the SW region is broadly self sufficient in hazardous waste treatment capacity, however there is currently no disposal facility for the stable non reactive hazardous waste stream within the West of England sub region. As the West of England is considered to be a significant generator of this waste stream the provision of such a facility within this area would therefore contribute to a reduction in the waste miles this waste has to travel and would be considered to be the nearest appropriate facility in accordance with waste management policy. Given the lack of disposal facilities within the West of England there is therefore considered to be a need for this type of facility to meet the needs of the sub region. In respect of inert waste the JWCS identifies that inert disposal capacity is all but exhausted within the sub region but that there are a number of quarries that will require such waste to secure their restoration. Stowey is considered to be such a quarry and the currently approved restoration scheme for the site relies on the use of imported inert material.

Policy 8 of the JWCS deals with landfill and requires that waste to be landfilled should not be capable of re-use or recycling which is the case for the proposed waste streams. In addition the quantity of waste should be the minimum required and secures the restoration of former quarries. Having regard to existing levels on the site and that the complete restoration of the quarry is proposed it is considered that the development complies with these requirements. It also requires that new schemes should not prejudice the restoration of existing sites but given the lack of disposal facilities within the West of England this is not considered to be an issue here. The final requirement of policy 8 is that proposals should not be within water source protection areas or within the buffer zones of European sites except where the relevant legislative requirements can be met. Stowey is within such an area but later sections of this report on Ecology and Groundwater demonstrate how the necessary requirements are considered to have been met. The development is therefore considered to comply with policy 8 of the JWCS.

Policy WM1 of the Local Plan requires that proposals have regard to regional self sufficiency, the proximity principle and the precautionary principle as well as having no unacceptable impacts on the environment or local communities. As previously stated there is considered to be a need for such a facility within the sub region and it would reduce the distance this waste currently has to travel. In respect of the precautionary principle the proposed development will have to meet both the requirements of the planning and the environmental permitting system and the information submitted to date and the consultation responses received in my view satisfy the requirements of the



planning system as no unacceptable impacts on the environment or local communities have been demonstrated. The development is therefore considered to comply with policy WM1.

Policy WM12 requires that landfill should only be permitted where it relates to mineral sites in accordance with approved restoration schemes. The currently approved restoration scheme for Stowey does not provide for the complete infilling of the quarry but given the lack of disposal facilities within the West of England it is considered appropriate to seek the complete infilling of the quarry to maximise the use of local voidspace and avoid exporting waste from the sub region. WM12 also requires that such waste should not be capable of re-use or recycling, that there is sufficient material available and the development is temporary, all of which the proposed development is considered to comply with. The development is considered to comply with policy WM12 and will become the approved restoration scheme for the quarry.

**HIGHWAYS:** Policy M9 requires that applications for minerals and waste development will only be permitted where the highway is adequate for the type and volume of traffic proposed or that it can be upgraded without harm to the environment. It also requires that alternatives to road are used unless they are not commercially or environmentally suitable. Policy T24 provides similar tests, requiring a high standard of highway safety for all road users and avoiding the introduction of excessive traffic on unsuitable roads. The existing planning permissions at Stowey currently have a limit of 50 HGVs a day (100 movements) and tonnage limits of 125,000tpa and 2,500tpw a week. The applicant is proposing to retain the 50 HGV a day limit but is proposing 150,000tpa with no weekly limit. Whilst the Highways Authority have no objection subject to conditions it is noted that many of the local concerns raised relate to traffic and the 50 HGVs a day should be regarded as a maximum to be achieved only during busy periods and not become the norm. It is therefore proposed to retain the existing tonnage limits of 125,000tpa and 2,500tpw to ensure that the daily average of vehicle movements will remain below the 50 a day maximum. It will also be a requirement that a road condition survey is carried out before the development commences to ensure that if there is any excessive wear to the highway as a result of this development it can be quickly identified and rectified at the expense of the operator. The site will also be required to install a wheelwash. On the basis of these controls, improvements to the highway network are not considered necessary as the type and volume of traffic will be adequately controlled by condition. In respect of peak hour flows at the A37 junction it is a feature of waste development that it does not generate high peak hour flows and so adds very little to any congestion at these times. Having regard to the location of the site alternative forms of transport to road are not considered commercially viable. The development is therefore considered to comply with policies M9 and T24.

**POLLUTION, NUISANCE, NOISE AND HEALTH:** Policy ES9 deals with pollution and development will not be permitted where it poses an unacceptable risk of pollution. Because this is a waste management development it is important to understand the relationship between the planning system controlled by the Council and the pollution control system administered by the Environment Agency. This is because the development will require both a planning permission from the Council and an environmental permit from the Environment Agency in order to operate. An environmental permit cannot be issued until planning permission is granted and in addition Government policy advises (PPS23) that planning permissions should not seek to duplicate the

controls that can be imposed by the environmental permit and that they should determine planning applications on the basis that the requirements of the environmental permitting system will be properly applied and enforced by the Environment Agency. Given the nature of the proposed waste stream there is also additional legislative requirements on how it should be managed to ensure that people and the environment are adequately protected. The environmental permit will control such matters as the specification of the landfill lining material and the management of leachate and other emissions from the landfill and comprehensive waste handling protocol and monitoring schemes will also be a requirement. It is noted that the Environment Agency has no objection in principle to this development and a permit will not be issued unless and until the Environment Agency are satisfied that there will be no risk of adverse pollution effects on the environment or communities. Based on the information received to date it is therefore considered that the proposed development does not pose an unacceptable risk of pollution and it therefore complies with policy ES9.

Policy ES10 deals with air quality including dust, odour and health. Because of the nature of the waste concerns have been raised over possible health impacts, however, as stated above there are specific regulations covering the management of this waste stream and as landfill is the only option available for this waste the requirements of legislation and the environmental permitting system have been designed to minimise these effects. A comprehensive study of the health impacts of waste management facilities has been carried out by the Government and this concluded that they present a minimal risk to health when compared to the many day to day risks that people face and that there is no evidence of any unacceptable health impacts as a result of waste management facilities. As previously stated landfill is the only disposal option for this waste stream and the monitoring results of similar landfills elsewhere in the country demonstrate they have no adverse impacts on air quality. There is therefore considered to be no evidence to support the view that these facilities have an adverse impact on health of people or animals. In respect of dust a management plan to be controlled by condition has been provided and because of the nature of the waste stream it will not generate any adverse odours. The development is therefore considered to comply with policy ES10.

Policy ES12 deals with noise and vibration and existing conditions already set appropriate noise limits at the nearest property, require that it is monitored on a regular basis and no blasting is permitted. Whilst no comments have been received from the environmental health officer on this scheme, they have previously accepted the proposed conditions as providing an acceptable level of control. The development is therefore considered to comply with policy ES12.

**DRAINAGE:** Policy ES5 deals with surface water drainage and requires that development should not be permitted where there is inadequate surface water infrastructure and it would result in surface water problems off site. Foul drainage is only required for the site offices and leachate management from the landfill will be controlled by the Environment Agency via the Environmental Permitting system. The Environment Agency has also recommended a suitably worded condition to manage surface water drainage and have no objections to the proposed development. It is therefore considered to comply with policy ES5.

**LANDSCAPE:** Policy NE1 requires that proposals conserve or enhance the character and local distinctiveness of the landscape and representations have commented that as the

proposed landform will be above the original ground contours it will not be in keeping with the local area. The landscape officer has no objections in principle to the proposed landform and it will achieve the complete restoration of the site. Previous historic tipping at the site has left levels of 165mAOD and the proposed development goes no higher than this. Instead it seeks to tie in with this level and then slope down to the north. This will result in a landform that is higher than the surrounding land but it is not considered to be out of character. The proposed 6m high bund along the western boundary has previously been approved as part of the existing planning permissions for the site and is considered necessary to screen the operations from the nearest property. It will be removed as part of the final restoration of the site to a nature conservation/agricultural after use and detailed landscaping and restoration conditions are proposed to achieve this. Having regard to the need to restore the quarry and the current levels on the site the proposed contours are considered to create an acceptable landform and are in accordance with the requirements of policy NE1. The outstanding objections of the landscape officer relate to the need for the development to accurately identify what existing vegetation will be retained and what will be lost as a result of the proposed bund. Additional information has been submitted to clarify this point and the final comments of the landscape officer are awaited.

Policy NE2 of the local plan seeks to prevent adverse impacts on the AONB and whilst the proposed development will be visible from the nearby AONB it is not considered to have an adverse impact on it and in the longer term it is considered that the restoration of the site will improve views from the AONB.

STABILITY: Policy ES14 deals with unstable land and requires that development does not adversely affect the stability of the site or adjoining land. Representations from the adjoining landowner have raised the concern of potential impacts on their land from both the existing quarry and the proposed landfill. In respect of the current operations this has previously been investigated and no evidence has been provided to demonstrate that the quarry is adversely affecting adjoining land. In respect of the proposed landfill a stability risk assessment will be required as part of the Environmental Permitting process and having regard to the proposed contours and cross sections it is considered that a long term stable landform is being proposed with no excessively steep slopes. There is no evidence that the proposed landform will adversely affect adjoining land and there are adequate safeguards to prevent this. The development does not therefore conflict with policy ES14.

ECOLOGY: In respect of ecology the site is a regionally important geological site and therefore covered by policy NE9 of the Local Plan. However discussions between the applicant and the local RIGs group have secured the preservation of a section of the quarry face as part of the proposed restoration scheme. The development is therefore considered to comply with policy NE9 and the proposed after use and landscaping will provide additional benefits for ecology in the area.

The site is also within 2km of the Chew Valley reservoir which is a designated European site of nature conservation importance and the Council is required by legislation to consider whether the proposed development is likely to have a significant effect on the nature conservation interest of this designation. Objections from the ecology officer and Natural England have led to the submission of additional information on this point. This information has been considered and is considered to demonstrate that no significant

effects on Chew Valley are likely. Confirmation on this point is awaited and planning permission cannot be granted until the Council's ecology officer has confirmed that no significant effects are likely. A meeting with natural England and the ecology officer to seek this confirmation has been arranged and the outcome will be reported in an update report.

**GROUNDWATER:** Policy NE13 deals with the protection of groundwater and development within source protection areas will need to demonstrate that it will not have an adverse impact. Bristol Water has objected to the proposed development because of the proximity of the site to Chew Valley, which is a public water supply and the lack of information contained within the application. Additional hydrogeological information has been submitted by the applicant which is considered to demonstrate that an adverse impact is unlikely given the nature of the proposed waste stream (it is inert and stable and not readily decomposable so will not generate significant quantities of leachate) and the fact that the site is geologically separated from Chew Valley by in excess of 100m of mudstone sequences. No response has been received from Bristol Water to the additional information but it is noted that the Environment Agency, as the relevant pollution control authority, has consistently had no objections to the proposed development and as part of the environmental permitting system a further hydrogeological risk assessment will be required. Therefore based on the information provided to date it is considered that the proposed development complies with policy NE13.

**FLOODING:** Policy NE14 deals with flooding but the development is not within a flood risk area and is not considered to increase the risk of flooding elsewhere. Therefore subject to a condition to manage surface water run off there is no conflict with policy NE14.

**OTHER MATTERS:** Representations have also made reference to the identity of the proposed operator, the reliability of the current owners and previous non compliance with conditions at the site. However as planning permissions run with the land the identity of who may operate the site is not considered relevant, as who ever operates the site will have to comply with the proposed conditions. The enforcement of conditions will be a matter of judgement if or when a breach may occur and is not an automatic action. The Council will continue to monitor and take what actions it considers necessary at the site. The proposed conditions do however provide a comprehensive means for regulating future activities at the site and additional contribution to local amenity are not considered to be necessary. With regard to concerns expressed about the site subsequently taking a wider range of wastes this would require an entirely new planning application which would be considered on its merits if it were ever submitted but it is not considered relevant to the determination of this application.

## CONCLUSION

The proposed development will meet a need for landfill capacity within the sub region and reduce the need to export waste from the sub region. The information submitted in support of the planning application has been considered and meets the requirements of the relevant planning policies which together with the additional requirements of the environmental permitting system administered by the Environment Agency are considered to provide adequate safeguards to prevent any unacceptable impacts on the environment or local communities. It is therefore considered that subject to the confirmation from the ecology officer that no significant effects are likely on the Chew Valley European site that planning permission be granted.

## **RECOMMENDATION**

Upon receipt of confirmation from the Council's ecology officer that no significant effects are likely on the Chew Valley European site Authorise the Development Manager to PERMIT subject to the following conditions:

## **CONDITIONS**

1 No development shall commence until a highway operational statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:

- Routing arrangements for vehicles entering and leaving the site and details of the proposed penalties for drivers who do not follow the approved route; and
- A road condition survey from the site access to the junction with the A37.

Upon receiving approval the scheme shall be implemented and maintained for the life of this permission.

Reason: To enable the Local Planning Authority to monitor the condition of the highway and approved routes.

2 The permission hereby granted shall be limited to a period expiring on the 31 July 2027. The site shall be restored in accordance with the approved scheme by the 30 November 2022; and the aftercare period will be completed by the 31 July 2027.

Reason: To ensure the site is restored within a reasonable timescale.

3 The site shall be operated in accordance with the approved scheme, which shall consist of the following:

- Drawing numbers 205/126/02 rev B date stamped 10 December 2010; 205/126/03 rev A date stamped 6 January 2011; 2055/126/04 rev A date stamped 10 December 2010; 2055/126/05 rev A date stamped 10 December 2010; 2055/126/06 date stamped 10 December 2010; 2055/126/07 rev A date stamped 4 March 2011; 2055/126/08 date stamped 10 December 2010; 2055/126/10 date stamped 6 January 2011; 2055/126/11 dated 17 February 2011; and 2055/126/12 dated 4 March 2011.;
- The Planning Design and Access Statement version 1.4 dated 21 March 2011 ref 2055-126-B;
- The Environmental Statement version 1.3 dated 21 March 2011 ref 205-126-A;
- Response to comments received up to 21 March 2011 on Application 10/05199/minw version 1.0 dated 21 March 2011 ref 205-126-G;
- Details required by conditions 1,5, 7, 16,18 and 34.

Reason: To enable the Local Planning Authority to properly control the development and to minimise its impact on the amenities of the area.

4 The site shall be restored in phased manner in accordance with the following timetable:

- The perimeter bund as shown on Drawing 2055/126/11 dated 17 February 2011 shall be completed prior to the construction of Phase 1 of the landfill as shown on Drawing 2055/126/07 Rev A dated 4 March 2011;
- No placement of waste within phase 3 to commence until phase 1 has been restored, no placement of waste in phase 4 until phase 2 has been restored, no placement of waste in phase 5 until phase 3 has been restored, no placement of waste in phase 6 until phase 4 has been restored, no placement of waste in phase 7 until phase 5 has been restored, no placement of waste in phase 8 until phase 6 has been restored, no placement of waste in phase 9 until phase 7 has been restored and no placement of waste in phase 10 until phase 8 has been restored; and
- Final restoration in accordance with Drawing 205/126/05 Rev A date stamped 10 December 2010 to be completed by the 30 November 2022.

Reason: To minimise the impact of the development on the amenities of the area.

5 No development shall commence until an Ecology and Landscape Mitigation and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- The creation of the wetland area;
- The creation of a wildflower meadow upon restoration of the site;
- The retention and management of the area of ruderal vegetation as shown on Drawing 2055/126/05 rev A date stamped 10 December 2010
- The management and public access to the retained geological face (RIGS section) shown on Drawing 2055/126/05 rev A date stamped 10 December 2010
- The protection and management of existing vegetation to be retained;
- The proposed planting of native tree and hedgerow species (including numbers, size, species, spacing and fencing) as shown on Drawing 2055/126/05 rev A dates stamped 10 December 2010 and on the proposed screening bund as shown on Drawing 2055/126/11 dated 17 February 2011; and
- A timetable for the implementation of the above works and for its ongoing management for the life of this permission.

Reason: In the interests of the visual and ecological amenities of the area.

6 There shall be no extraction below 150m AOD.

Reason: To retain control over the size of the void to be landfilled.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending, revoking or re-enacting that order no fixed plant or machinery, buildings, structures, floodlights or spotlights shall be erected, extended, installed or replaced until details of the construction, cladding, colour, plans and elevations have been agreed in writing by the Local Planning Authority.

Reason: To retain control over the approved development in the interests of the amenities of the area.

8 The total amount of inert and stable non reactive hazardous waste, landfill lining material and recycled aggregates and soil imported to and exported from the site, as approved under this permission (10/05199/MINW) and planning permissions 07/02326/MINW and 07/02328/VAR, shall not exceed when combined a maximum of 2,500 tonnes a week and 125,000 tonnes a year and 100 vehicle (excluding cars) movements (50 in and 50 out) a day.

Reason: In the interests of highway safety and to protect the amenities of the area.

9 The operators shall maintain records of the weekly imports and exports of material and vehicle movements as approved under planning permissions 07/02328/VAR, 07/02326/MINW and 10/05199/MINW and shall submit them to the Local Planning Authority on a quarterly basis for the first two years from the date of this permission, after which the frequency will be reviewed. All records shall be kept for at least five years.

Reason: To enable the Local Planning Authority to monitor the imports and exports from the site.

10 Only lias limestone and recycled aggregates shall be removed from the site. All other materials shall be retained for use in the restoration of the site. Stockpiles of recycled aggregate or restoration materials shall not exceed 5 metres in height.

Reason: To ensure that sufficient material to restore the site in accordance with the approved scheme and timescales.

11 No mineral shall be imported to the site for processing or treatment.

Reason: To prevent the need for additional processing plant and machinery which may adversely affect the amenities of the area.

12 No refuse, waste or similar materials originating from outside the site except inert and stable non reactive hazardous waste material shall be stockpiled, or deposited on the site. Stockpiles of inert waste shall not exceed 5 metres in height.

Reason: To enable the Local Planning Authority to adequately control the development and to minimise the risk of pollution to water courses and aquifers.

13 There shall be no de-watering or pumping of the site unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect the hydrology of the surrounding land.

14 No operations shall take place except between the following hours:

0700 to 1800 hours Monday to Friday;  
0800 to 1200 hours Saturdays; and  
No operations on Sundays or Public Holidays.

Reason: To minimise disturbance to the surrounding area.

15 No explosives shall be used on site.

Reason: In the interests of the amenities of the area.

16 No development shall commence until a scheme for the provision of surface water drainage works has been submitted and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved drainage works shall be completed in accordance with the details and timetable approved.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

17 Any above ground oil/chemical storage tanks shall be surrounded by an impervious bund and integral base with a retention capacity of at least 110% of the largest tank within the bunded area. There shall be no working connections outside the bunded area.

Reason: To minimise the risk of pollution to water courses and aquifers.

18 Any external generators used on the site shall be housed within a sound proofed structure, the design and location of which shall be approved in writing by the Local Planning Authority prior to the generator being used.

Reason: To protect the amenities of the area.

19 Noise levels arising from the site shall not exceed a level of 46 dBA LAeq (1 hour) freefield at Hill View House.

Reason: To protect the amenity of local residents.

20 Noise levels arising from the development shall be monitored as follows:

- Upon commencement of the development noise levels shall be monitored once a month for the first six months at Hill View House. Thereafter, if no breaches have been recorded, monitoring shall be undertaken on an annual basis. If breaches have occurred monitoring shall continue on a monthly basis until a period of six months has passed with no breaches.
- If the noise limit in condition 19 is breached operations on site shall cease immediately until measures to comply with the noise limit have been implemented.

Reason: To ensure the development complies with condition 19.

21 All plant, machinery and vehicles used on site shall be fitted with effective silencers and maintained in accordance with the manufacturer's specifications.

Reason: To protect the amenity of local residents.



22 All vehicles used on site shall only be fitted with a broadband/white noise type of reversing warning system.

Reason: To protect the amenity of local residents.

23 Dust emissions from the site shall be controlled in accordance with the dust management plan at Appendix 5 of Document Ref.2055-126-A dated 21st March 2011 for the life of this permission.

Reason: To protect the amenities of the local area.

24 No access to the site shall be used other than that at OS grid reference ST 5985 5863.

Reason: In the interests of highway safety.

25 The concrete site access road shall be maintained in a good state of repair and free from mud, dust and other debris at all times until the completion of the site restoration and aftercare.

Reason: To prevent the deposition of mud or dust on the public highway in the interests of highway safety.

26 No development shall commence until details of the proposed wheel wash and its installation date have been submitted to and approved in writing by the Local Planning Authority. Once installed the approved wheel wash shall be maintained in good working order and be used by all vehicles leaving the site for the life of this permission.

Reason: To prevent mud and dust being deposited on the public highway in the interests of highway safety.

27 All loaded lorries entering and leaving the site shall be adequately sheeted to secure their loads.

Reason: In the interests of highway safety.

28 A sign shall be erected and maintained at the site exit for the life of this permission instructing drivers to turn left out of the site and proceed to the A37 at Clutton.

Reason: In the interests of highway safety.

29 No movement of soils for restoration purposes shall occur other than during the months of April to October, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To maintain the condition of soils used for restoration.

30 Existing top and subsoil stored on the site shall be retained on site and only used for reclamation purposes.

Reason: To ensure that there is adequate soil available for restoration purposes.

31 The final restoration levels, including the final layer of soil, shall conform to the contours shown on Drawing 2055/126/05 rev A date stamped 10 December 2010.

Reason: In the interests of the visual amenities of the area.

32 During the life of the permission all planting shall be examined on an annual basis and any failures shall be replaced in the current or next planting season, whichever is the earliest.

Reason: To ensure the successful establishment and ongoing maintenance of the planting in the interests of the visual amenity of the area.

33 Following the replacement of soils, they shall be examined to determine the fertiliser, lime and management required to bring the soil back into a condition suitable for supporting a wildflower meadow.

Reason: To ensure the site is returned to a condition capable of creating a wildflower meadow.

34 Ecological/agricultural aftercare shall be carried out for a five year period following restoration of the site in accordance with a scheme that shall be submitted to the Local Planning Authority for approval in writing by the 31 July 2012. The matters to be covered in this scheme shall include:

- Notification of the completion of restoration and entry in to the after care period;
- Cropping pattern and grassland management;
- Cultivation practices;
- Remedial treatments;
- Field drainage;
- Arrangements for an annual inspection visit to assess progress and agree any remedial action that may be required; and
- Submission of a detailed annual programme of works four weeks prior to the annual inspection referred to above.

Reason: To ensure the satisfactory aftercare of the site.

35 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:** 205/126/02 rev B date stamped 10 December 2010; 205/126/03 rev A date stamped 6 January 2011; 2055/126/04 rev A date stamped 10 December 2010; 2055/126/05 rev A date stamped 10 December 2010; 2055/126/06 date stamped 10 December 2010; 2055/126/07 rev A date stamped 4 March 2011; 2055/126/08 date stamped 10 December 2010; 2055/126/10 date stamped 6 January 2011; 2055/126/11 dated 17 February 2011; and 2055/126/12 dated 4 March 2011.

**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](http://www.planningportal.gov.uk).

**Reasons for Granting Permission:**

- 1) The decision to grant permission has taken account of the Development Plan and is in accordance with the policies set out in A below.
  
- 2) The development is not considered to have an adverse impact on the ecology, landscape, amenity or character of the area. It is not considered to have any unacceptable stability, groundwater, flood, drainage, pollution, nuisance, noise or health impacts
  
- A) The proposed development accords with policy 8 of the Joint Waste Core Strategy and policies WM1 and WM12 on waste management; ES.5 on Drainage; ES 9, 10 and 12 on pollution, nuisance, health and noise; ES14 on stability; NE1 and NE2 on landscape; NE9 and NE10 on ecology; NE13 on groundwater, NE14 on flooding and policies M9 and T24 on highways of the Bath and North East Somerset Local Plan, including mineral and waste policies, as adopted October 2007.

**Item No:** 02  
**Application No:** 11/00540/FUL  
**Site Location:** Tennis Court Farm, Wells Road, Hallatrow, Bristol



**Ward:** High Littleton      **Parish:** High Littleton      **LB Grade:** N/A  
**Ward Members:** Councillor L J Kew  
**Application Type:** Full Application  
**Proposal:** Erection of a pair of semi-detached dwellings following demolition of an agricultural barn together with the provision of off-street car parking for No's 2-5 (incl) Bloomfield  
**Constraints:** Agric Land Class 1,2,3a, Coal fields, Forest of Avon, Housing Development Boundary,  
**Applicant:** Ben J Stock  
**Expiry Date:** 13th April 2011  
**Case Officer:** Rebecca Roberts

## **REPORT**

**REASON FOR REPORTING APPLICATION TO COMMITTEE:** Formal request by the Chair of the Planning Committee.

**DESCRIPTION OF SITE AND APPLICATION:** The application site is located outside the housing development boundary on the southern fringe of the village settlement of Hallatrow. The site relates to part of an agricultural unit of Tennis Court Farm and an adjoining parcel of land which is considered high grade agricultural land.

The character of the Tennis Court Farm and its outbuildings is one of relative open development with traditional buildings in a loose relationship with one another. All the subsidiary traditional farm buildings are in close proximity to the main farmhouse but visually subservient to it. An essential part of the setting of the locality is the manner in which views can be obtained between the buildings and then also out to surrounding countryside, this spatial relationship is a rural characteristic that is preserved within this part of the village.

The predominant housing type within the village is of detached dwellings set within large plots, a few sets of terraces are situated at either end of the village, semi detached dwellings are not characteristic of the village, however they are not alien to this built environment, therefore in principle the semi detached design is not out of keeping with the village context.

The application proposes the construction of a pair of semi detached dwellings on the western side of Combe Lane which runs through the farm as an access lane. An existing timber clad elongated barn will be removed to accommodate the proposed development. As the application site is outside of the housing development boundary the applicant has incorporated a parking scheme for the benefit of the residents of Bloomfield Cottages designed to improve highway safety on the A39 via the removal of the existing parking and traffic management system.

No. 1 and 6 Bloomfield Cottages already benefit from off street parking facilities therefore the proposed parking area will provide 8 parking spaces 2 per dwelling for 2-5 and will also provide pedestrian access to individual properties. The parking/turning area to the south west of the cottages will take up an area of approximately 220 square metres and will be a rolled hoggin surface, the access track will run from the existing access into Tennis Court Farm along the rear boundary of no. 6 Bloomfield Cottages. The parking area will be separated from the proposed dwellings by a small landscaped amenity area.

The semi detached dwellings have been designed as large three bed cottages with dormer style features to each of the first floor windows on the front and rear elevations in addition to a lean to porch. Parking for vehicles is proposed to the front of the dwellings which will face south overlooking the open countryside, 2 spaces per dwelling have been provided. Amenity space will be located to the rear facing the access lane and the farm buildings beyond. It is proposed to enclose the site by a natural rubble wall to reflect the traditional boundary treatment which is a characteristic of this locality.

It is proposed to use local traditional stone for the walling and pantiles as the roofing material which are both common materials used locally. The rear elevation which faces the farm yard is proposed to be finished in a white through smooth render. No justification

has been provided as to why render is proposed to this elevation and the continuation of stone is not adopted. The fenestration details are low key and reflective of the proportions of the dwellings.

The application has been supported by a design and access statement.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**HIGHWAY DEVELOPMENT OFFICER:** A degree of highways pre-application advice has been given in respect of this site, and there is no in-principle objection to residential development at this location. Whilst the site lies marginally outside the housing development boundary for Hallatrow, it sits closely within an area subject to recent residential development where no objections on grounds of sustainability have been raised.

Remain unconvinced of the need for off-street parking for no's. 2-5 Bloomfield. There appears to be no justification for this, and there has been correspondence from these residents (through the Area Traffic Engineer) that it is not required, as the on-street parking currently available is adequate and has a traffic-calming benefit (although it is suggested that further work could be done). While there is no specific objection to this parking in highway safety terms, do not understand the need if it is not wanted by the residents, and there seems to be no mechanism by which it will remain available for their use as it is not on their land. If not used, there might be the possibility that it could be used for another reason which may have implications.

**AREA TRAFFIC ENGINEER:** The on-street parking introduced along the front of the cottages, together with the footway, has a highways safety benefit, and this is the reason it was installed. See no justification why it should be removed, in fact the view is that its removal would result in increased traffic speeds to the detriment of highway safety.

**ENVIRONMENTAL HEALTH OFFICER:** This site is in close proximity to existing residential premises and it would be essential to protect residential amenity during demolition and construction. Request informatives relating to code of practice and noise during construction.

### **OTHER REPRESENTATIONS / THIRD PARTIES**

**HIGH LITTLETON PARISH COUNCIL - Object.** Contrary to policy D.2 and HG.10 of local plan as it is outside the housing development boundary.

### **OTHER REPRESENTATIONS - 4x objections**

- concern that the properties proposed are outside the residential development boundary and this would therefore set an uncomfortable precedent for further development.
- would put increased pressure on the local infrastructure and existing transport network
- would impact on the value of the properties
- The car parking on the main road for the Bloomfield properties was provided in conjunction with the pavement, to provide a safe pedestrian link
- If removed it would result a narrow two way road, resulting in increased traffic speeds through the village

- the proposed development has a far larger footprint than that of the agricultural barn that would be demolished. It is also of greater height which would have a negative impact on all of the cottages.
- There has been no stated intention that access to such parking will be: 1. Available to the residents; 2. Without charge; 3. That access to the parking spaces will be provided by the proposed scheme without cost to the Bloomfield Cottages residents; 4. That the access road to the proposed parking spaces will be maintained by the developer 5. That adequate lighting and security measures will be installed to protect the cottages, and their inhabitants, from intruders; 6. That the access road in joining up to the Wells Road will not cause further traffic problems and compromise the security and welfare of residents accessing their vehicles from the Wells Road and pedestrians using the new footpath.

1 objection received from GL Hearn planning consultants on behalf of the residents of Bloomfield Cottages. They summarise that: The proposed development is outside the designated Housing Development Boundary for Hallatrow, and is therefore contrary to Local Plan Policy HG.10, the proposed development represents built development in the open countryside, which will not conserve or enhance the landscape setting of Hallatrow. The development is therefore contrary to Local Plan policy NE.1, the proposal represents inappropriate development in a 'backland' location, which is not in keeping with the general layout of development in Hallatrow, this is contrary to Local Plan policy D.2, the proposed dwellings, access track and parking spaces would have a detrimental impact on the amenities of the Bloomfield Cottages residents, by virtue of increased activity to the front of their properties and the potential overlooking and loss of privacy that could occur. This is contrary to Local Plan policy D.2.

4x comment only, in favour of development.

- would be beneficial to anyone living in close proximity to the proposed development, because at certain times of the day the build-up of traffic due to the present parking situation at the cottages spreads past the Old Station Inn.
- The line marking that currently allows parking on this A road interrupts the flow of traffic in an already congested village

2x support

- would ease the traffic congestion in this area, offering residents the opportunity of safe parking and manoeuvrability in and out of sites opposite the cottages.
- time that we tried to support the development of housing for the younger generations whose families have lived and worked in this area for many years

## **POLICIES/LEGISLATION**

PLANNING ISSUES:

POLICY CONTEXT:

NATIONAL:

Planning Policy Statement 1: Planning for Sustainable Development and Planning Policy Statement 7: Sustainable Development in Rural Areas states:

'New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly

controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all'.

'All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness'.

Paragraph 18 states that: 'Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design, conservation and the provision of public space'.

Paragraph 34 states that: 'Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'.

#### LOCAL:

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

HG10 - Housing outside settlements

NE5 - Forest of Avon

NE16 - Protection of best and most versatile agricultural land

T24 - General development control and access policy

T26 - On site parking and servicing provision

of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

Policy HG 10 states ' Outside the scope of Policies HG.4, 6 and 9 new dwellings will not be permitted unless they are essential for agricultural or forestry workers'.

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:

RA2 - Development in villages outside the green Belt not meeting policy RA1 criteria

RA4 - Rural exceptions Sites

Paragraph 5.30 states 'The rural exceptions policy allows the release of land that would not normally be used for housing for development of 100% affordable housing, on small sites and where there is a demonstrated local need'.

#### **OFFICER ASSESSMENT**

**PRINCIPLE OF PROPOSED USE:** The proposed development is outside of the housing development boundary and therefore new housing outside of this defined area is considered in principle inappropriate unless they are for agricultural or forestry workers. The application has not applied for workers dwellings associated with Tennis Court Farm



neither have the applicant or agent provided justification for housing outside of the settlement boundary and would therefore be contrary to policy HG.10 of the Local Plan.

Policy RA2 of the Submission Core Strategy states that villages outside the Green Belt with a housing development boundary defined and do not meet the criteria of policy RA1 proposals for residential and employment development will be acceptable where: a) they are of a scale, character and appearance appropriate to the village; b) in the case of residential development they lie within the housing development boundary; c) in the case of employment development they lie within or adjoining the housing development boundary. The proposed residential development fails to comply with points a and b of the above policy and is therefore contrary to Policy RA2 of the Submission Core Strategy, however as stated previously this submission can only be given limited weight, the decision will be weighted on the Local Plan policies.

Policy RA4 is not considered relevant to this application as the scheme is not proposing affordable housing and therefore fails to meet the policy criteria.

**OTHER PLANNING POLICY CONSIDERATIONS:** Whilst the proposal involves the demolition of an existing agricultural barn, the new dwellings themselves will be sited further west of this barn, with only a small portion of the dwellings sitting on the area vacated by the barn itself. The proposal will also introduce additional boundary treatments, car parking spaces for the dwellings, and the proposed parking area set aside for Bloomfield Cottages residents, in an area that currently is mainly open field.

The provision of the new dwellings, parking spaces, access track, Bloomfield Cottages parking area and other domestic paraphernalia would result in a significant new built development in an area of open countryside. This will not conserve or enhance the attractive landscape setting of this part of Hallatrow. The addition of cars parked in this area would further detract from the character and appearance of this natural landscape which is a positive attribute of this rural locality and considered contrary to policy NE.1 and D.4 of the Local Plan.

The proposed semi detached design is considered acceptable and the utilisation of local materials is welcomed and responds to the local context of the area, however the proliferation of half dormer window detailing introduces visual clutter which over dominates both the front and rear roofscapes, this jagged appearance creates a top heavy appearance to the detriment of the character and appearance of this part of Hallatrow, contrary to policy D.2 and D.4 of the Local Plan.

The proposed parking area and shared amenity space will encroach into the neighbouring field and result in the loss of high grade 1 agricultural land. Under policy NE.16 of the local plan, development which would result in the loss of the best and most versatile agricultural land will not be permitted, in this case, the land at present due to its proximity to residential dwellings and agricultural operation of the Farm is used for grazing purposes and not arable. The area lost is not considered significant enough to warrant a reason for refusal under policy NE.16.

**RESIDENTIAL AMENITY:** Concern has been raised by the neighbours consultant that the proposed development will be closer to the cottages than the existing barn and will have the potential to cause increased overlooking of their properties and gardens, where no

such overlooking currently exists. The proposed dwellings will be set perpendicular to the Bloomfield Cottages on a similar line to that of the Barn, which minimises the impact of the development in terms of causing an overbearing presence. The pair of cottages will be sited approximately 24 metres from the nearest dwelling (no.6), but will be situated within 5 metres of the boundary curtilage of this dwelling. However the side elevation which overlooks the garage of this dwelling does not contain any window openings. The orientation of the dwellings and separation is considered to be significant enough to protect the amenity currently enjoyed by the residents of Bloomfield Cottages and is not considered to result in any undue harm to the amenity of the users of the rear amenity spaces of Bloomfield Cottages.

**PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:** The residents of Bloomfield Cottages have not agreed to the provision of the parking spaces on the land behind their properties, and indeed do not want them as they already have the benefit of a designated parking area outside their houses on Wells Road, which the Council's highway department wish to see retained.

The parking area has as noted previously been incorporated into the scheme as compensation for developing outside of the housing development boundary in that the removal of the parking on the A37 would improve highway safety and would therefore outweigh any harm caused by developing outside the housing development boundary. However no evidence has been provided to support this statement and the area traffic engineer considers that the current situation is a positive feature which slows traffic within this village setting and thus enhances highway safety. Therefore the proposed would be contrary to policy T.24 of the local plan.

**CONCLUSION:** It is the view of the Local Planning Authority that the erection of a 2no. dwellings and a large car park in this locality would represent inappropriate development outside of the housing development which would neither preserve nor enhance the character and appearance of this rural environment, and introduces a hardstanding that would be encroach into open countryside. The proposed would therefore be contrary to adopted policies D.2, D.4, NE.1, HG.10 and T.24 which reflect current Government advice in particular PPS 1 and PPS 7.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed development by reason of its design does not respond to the local context and will be visually harmful to the appearance of the area, contrary to policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007.

2 The proposed development, by reason of its siting outside of the housing development boundary would represent inappropriate development contrary to policy HG.10 of the Bath and North East Somerset Local Plan (including waste and minerals policies) 2007.

3 The proposed development, by reason of the siting of the proposed car parking area in this location would encroach into open countryside and would be visually detrimental to the

rural character of this locality. This would be contrary to policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including waste and minerals policies) 2007.

**PLANS LIST:** This decision relates to drawing no's BS/02, BS/03, BS/04, BS/05 and the Design and Access Statement date stamped 27th January 2011.

**Item No:** 03  
**Application No:** 11/00559/FUL  
**Site Location:** 20 Walden Road, Keynsham, Bristol, Bath And North East Somerset



**Ward:** Keynsham East      **Parish:** Keynsham Town Council      **LB Grade:** N/A  
**Ward Members:** Councillor Marie Longstaff Councillor Bryan Organ  
**Application Type:** Full Application  
**Proposal:** Erection of a single storey front extension (resubmission).  
**Constraints:** Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary,

<b>Applicant:</b>	Mr & Mrs Wiggins
<b>Expiry Date:</b>	6th April 2011
<b>Case Officer:</b>	Victoria Griffin

## **REPORT**

**REASON FOR REPORTING APPLICATION TO COMMITTEE:** The application has been called to Committee by Councillor Organ following the Town Council and local neighbour objections. After discussions with the Chair of the Committee it was agreed this application should be determined at Committee.

**DESCRIPTION OF APPLICATION AND SITE:** The application relates to the erection of an 'L' shaped single storey front extension on its north-eastern side. The extension would be situated adjacent to the gable end of no.18 Walden Road and would project between 3 - 4.2m in depth incorporating a double hipped roof design. Materials for the roof include low profiled roof tiles to match with brickwork and render for walls.

The property is a semi-detached dwelling located in a predominantly residential area. On the western side of the street the properties have a degree of uniformity with a staggered building pattern, front dormers and large roofscapes that are typical of this post war housing design. The houses are arranged with a small set back from the road with garden and driveway areas. Each pair of houses has a stepped building line situated side by side that provides a small recess from each pair when viewed looking north. On the opposite side of the road the street is characterised by rows of terraces and garages in blocks.

The site falls within the housing development boundary.

## **PLANNING HISTORY:**

16445 - Single storey front extension - Refused 26/05/93 - Size, design and mass would be detrimental to the appearance of the building and the visual amenity of the existing street scene.

16445A - Single storey front extension - Permission 26/07/93

10/04176/FUL - Refused - 30 November 2010 - Erection of a single storey front extension.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**HIGHWAYS:** I confirm that Highway Development Control wishes to make no comment on the above planning application.

**KEYNSHAM TOWN COUNCIL:** Object on the grounds that this proposal would:

- a) Be out of keeping with the street scene
- b) Not follow the building line
- c) Affect neighbouring properties
- d) Be the only extension of this type within the street
- e) Have a roof construction of a material that the Town Council does not think is appropriate

- f) Be a much larger extension than the previously approved 1998 application for a flat roofed extension.

The Town Council has noted the contents of the Planning Officers email letter of 14th May 2010. However, they recommended that the planning office should be of mind that considering the number of objections from neighbours that this application should go to committee.

REPRESENTATIONS: 18 no. letters of objection received raising the following points (summarised):

- out of character and appearance with the surrounding street scene.
- the extension exceeds the established building line
- the proposed roof of the new extension is out of keeping with the existing house and surrounding properties
- out of harmony with the visual appearance of the row of houses
- concern it will set a precedent
- unsympathetic materials
- will destroy the appearance of the street scene
- the new amended roof plan would also have an overbearing impact on our property.
- Walden Road benefits from open drives and spaces. This extension would look bulky and detached from the existing building which is not in keeping with the rest of the street
- loss of value - Officer note: this is not a material planning consideration
- loss of visibility looking down the street

LOCAL MEMBER: Councillor Organ has requested that this proposal is referred to Committee for consideration.

### **POLICIES/LEGISLATION**

The following policies are material considerations:

D.2: General design and public realm considerations

D.4: Townscape considerations

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

Consideration has been given to the emerging Bath & North East Somerset - Draft Core Strategy - Publication Version December 2010, however this can only be given limited weight.

### **OFFICER ASSESSMENT**

THE PRINCIPLE OF DEVELOPMENT: The site is within the urban area of Keynsham where residential development is broadly acceptable in principle provided it accords with other policy requirements.

IMPACT ON HOST BUILDING & STREET SCENE: The property obtained planning permission for a front extension in 1993 which incorporated a flat roof design. Advice

sought from this department in 2010 stated that the policy and street context has not changed since 1993 and that the principle of a front extension would not be unacceptable. However it was considered that a pitched roof design would integrate the extension with the host building better. A subsequent application was made under ref. 10/04176/FUL which was refused due to the impact of the proposed roofscape on the street scene and loss of amenity to no.18 Walden Road. The proposed roof design is not a feature of this dwelling style and would form a different but not harmful design element. The extension would retain the integral garage with garage door opening and is proposed in materials to match the existing. The revised proposal has sought to address the grounds for refusal under ref. 10/04176/FUL and now includes a simpler roof profile.

Whilst it would project further than other front extensions within the street scene, where there is an element of uniformity on this side of the street, the extension would be viewed looking north against the gable end of no.18 with a low profile roof projection. From the opposite end of the street the extension would not be visible. In addition a set back from the neighbouring property would be retained to maintain a degree of openness to the front garden areas.

It is acknowledged that the provision of an extension to the principal elevation of a property can often be resisted due to the alteration of the character and appearance of the building and its wider setting. In this respect the staggered street pattern and projecting frontages of the existing street context suggest that this proposal would not be harmful to the regular frontage design prevalent in Walden Road. Furthermore the host building does not exert any design qualities which render a different design unacceptable.

On balance of all the issues raised and noting the planning history of the site it is not considered the proposed design, size and siting would be harmful in this context to warrant a refusal on this basis.

**IMPACT ON RESIDENTIAL AMENITY:** The previous grounds for refusal referred to the impact of the position of a larger roof on habitable rooms in the neighbouring property facing onto no.20. The revised roof design has eliminated this element from the proposal and would not reduce the visual amenities of the neighbour's property. In respect of the impact on the adjoining semi-detached property, the extension would be positioned approximately 3m away from the nearest window. Whilst the extension would adapt their outlook, the extension would be positioned alongside the gable wall of the neighbouring property which already provides a degree of screening and enclosure to the side. Due to the siting, scale and design it is not considered that the extension would cause significant loss of amenity to warrant a refusal on this basis.

**PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:** No objection has been raised by the highways officer in respect of the extension of the garage, furthermore sufficient parking can be accommodated to the front of the dwelling.

**CONCLUSION:** On balance of the issues raised your officers consider that the scale and position of the extension is acceptable. In this context the proposal is not considered to cause significant harm to the character and appearance of the host building or the street scene to warrant a refusal. For the reasons stated above the application is recommended for approval.

## **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

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

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

2 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

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

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

**PLANS LIST:** The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

Location plan, L[00]10A, L[00]01 - L[00]05, Design & Access Statement 09/02/11  
North & South Elevations, Roof Plan and East elevations date received 23/03/11

## **REASONS FOR GRANTING APPROVAL**

1. The proposed development would not have an adverse impact upon the streetscene or the host building
2. By reason of the scale, position and siting of the extension it would not cause significant harm to the amenity of the surrounding residential occupiers.
3. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Control Committee</b>
<b>MEETING DATE:</b>	<b>8<sup>th</sup> June 2011</b>
<b>RESPONSIBLE OFFICER:</b>	Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281)
<b>TITLE:</b>	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>
<b>WARD:</b>	ALL
<b>BACKGROUND PAPERS:</b>	None
<b>AN OPEN PUBLIC ITEM</b>	

**APPEALS LODGED**

**App. Ref:** 10/05204/FUL  
**Location:** 25 Bailbrook Lane Lower Swainswick Bath BA1 7AN  
**Proposal:** Erection of new dwelling on parking area to rear of 25 Bailbrook Lane and associated car parking and landscaping  
**Decision:** Non-determination  
**Decision Date:** 14 April 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 14 April 2011

**App. Ref:** 10/03722/FUL  
**Location:** Land At Rear Of Thornbank Place Thornbank Gardens Westmoreland Bath  
**Proposal:** Erection of single 3 bedroom dwelling (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 28 February 2011  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 26 April 2011

**App. Ref:** 10/05276/FUL  
**Location:** Martin McColls 33 Bathwick Street Bathwick Bath BA2 6NZ  
**Proposal:** Installation of ATM  
**Decision:** REFUSE  
**Decision Date:** 24 March 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 26 April 2011

**App. Ref:** 10/03812/FUL  
**Location:** Braysdown Bungalow Woodborough Hill Peasedown St. John Bath  
**Proposal:** Erection of detached two storey building for office and storage use  
**Decision:** REFUSE  
**Decision Date:** 17 November 2010  
**Decision Level:** Chair Referral  
**Appeal Lodged:** 27 April 2011

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**App. Ref:** 11/00531/AR  
**Location:** Pizza Express 8 Southgate Place Bath BA1 1AP  
**Proposal:** Display of 1no non-illuminated projecting sign (Retrospective) (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 28 March 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 9 May 2011

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**App. Ref:** 11/00364/FUL  
**Location:** Plot Between Dymboro Villa And 17 Providence Place Midsomer Norton BA3 2LD  
**Proposal:** Erection of a detached one bedroom coach house style live/work unit.  
**Decision:** REFUSE  
**Decision Date:** 11 April 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 13 May 2011

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## APPEAL DECISIONS

**App. Ref:** 10/00843/LBA & 10/00846/FUL  
**Location:** 277 Kelston Road, Newbridge, Bath, BA1 9AB  
**Proposal:** Erection of new dwelling and provision of vehicular access  
**Decision:** REFUSE  
**Decision Date:** 21<sup>st</sup> May 2010  
**Decision Level:** Delegated  
**Appeal Decision:** **DISMISSED**

### Summary:

The appellant applied for the erection of a new dwelling and provision of vehicular access (10/00843/LBA & 10/00846/FUL) and it was refused as the proposed dwelling would represent inappropriate development in the Green Belt and the siting of the proposed dwelling would be prominent in the landscape, which would be harmful to the openness of the Green Belt. The proposed dwelling would also detract from the siting of the listed building and be harmful to this part of the World Heritage Site and the site is partly within an SNCI and the development would detract from the value of this.

The Inspector noted that the dwelling would be the largest structure in the dwelling and would be visible from across the valley. As the dwelling has been designed to provide views across the

valley, it would be unlikely that future occupiers would allow dense vegetation that would screen the dwelling to obstruct the views.

The terracing to the east and the immediate front of the house form the only part of the garden and landscape setting, and the proposed house and its curtilage would reduce the setting of the house further. This would result in the main dwelling no longer being seen as an isolated object in the landscape and the original design intention would be seriously undermined. The development would also degrade the contribution the property makes to the AONB and the World Heritage Site.

She noted that as openness in Green Belt terms means freedom from development. As well as the visual impact on Green Belt for the reasons given above, the proposed house would considerably increase the amount of built form on the site, which would erode the openness of the Green Belt.

The Inspector took the view that the dwelling represented inappropriate development in the Green Belt and that no Very Special Circumstances existed to outweigh the harm caused by this development. The appellant contended that the proposal represented an enabling development to pay for the stabilisation works required to the garden pavilion and walls. The Inspector took the view that, the harm caused to the Green Belt would be permanent, whilst the financial situation may only be short term until the appellants financial situation improves or the property is sold at a price that reflects the work required.

She concluded that conditions could be imposed on the permission that would protect and supplement the planting in the SNCI. However, as this amounted to a lack of harm and does not outweigh the harm caused.

The appeal was dismissed.

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**App. Ref:** 10/02112/FUL  
**Location:** 11 Partis Way, Lower Weston, Bath, BA1 3QG  
**Proposal:** Erection of a detached dwelling  
**Decision:** REFUSE  
**Decision Date:** 7<sup>th</sup> September 2010  
**Decision Level:** Committee  
**Appeal Decision:** **DISMISSED**

**Summary:**

The appellant applied for the erection of a detached dwelling (10/02112/FUL) and it was refused because it would represent overdevelopment of the site, which would be detrimental to the character of Partis Way, it would significantly harm neighbouring amenity and have an adverse impact on highway safety.

The Inspector noted that the revisions to PPS3 meant that the site no longer falls within that category of land to which development priority is attached and this alters the weight to be given to the factors considered. He considered that the dwelling would represent a new and incongruous element in the street scene, which would disrupt the rhythm of the street frontage,

He noted that the introduction of the dwelling would close the existing gap between 10 and 11 Partis Way but this would not fundamentally alter the relationship between the rear elevations of Partis Way and Penn Lea Road, and that this distance would be well within what could normally be considered as acceptable. He considered that the proposed dwelling would not have a sufficient material harm to breach the requirements of Local Plan Policy D.2.

The Inspector noted that there was a good deal of on street parking in Partis Way, which may increase the risk to highway safety. He was not convinced that the construction of a single dwelling with dedicated off-street parking would sufficiently exacerbate the problems to result in a significant adverse impact on highway safety.

The appeal was dismissed.

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**App. Ref:** 09/02416/FUL  
**Location:** Oxleaze, Nempnett Thrubwell  
**Proposal:** Replacement dormer bungalow  
**Decision:** Approved subject to conditions  
**Decision Date:** 6 December 2010  
**Decision Level:** Committee  
**Appeal Decision:** **Allowed**

**Summary:**

The application was for a replacement bungalow, which was approved by Committee subject to a number of conditions including two dealing with contaminated land, as requested by the Council's Contaminated Land team. The appeal was against the imposition of those two conditions.

The Inspector noted that a quarry had existed adjacent to the site and that the Council were right to be concerned about possible contamination arising from the infilling of the quarry. However, the appellants submitted additional evidence with the appeal showing that the quarry was backfilled in September 1984 with soil, clay sub-soil and bedrock. The Inspector felt that in the circumstances it was very unlikely that any contaminated or otherwise harmful material was deposited in the former quarry. On the basis of this additional material, he considered that the two conditions were unnecessary and allowed the appeal, granting planning permission without them.

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**FORTHCOMING APPEAL HEARING**

**Enf. Ref:** 09/00435/UNDEV  
**Location:** Parcel 4471 Butham Chew Magna BS40 8SA  
**Breach:** Unauthorised change of use of land for the stationing of a mobile home without planning permission  
**Enforcement Notice Issued:** 3 February 2011  
**Appeal Lodged:** 9 March 2011  
**Date of Hearing:** 28 June 2011  
**Venue:** Fry Club, Somerdale, Keynsham