

Democratic Services

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Date: 12 November 2013

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To: All Members of the Development Control Committee

Councillors:- Gerry Curran, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Douglas Nicol, Bryan Organ, Martin Veal, David Veale, Brian Webber, Ian Gilchrist and Manda Rigby and 1 Vacancy

Permanent Substitutes:- Councillors: Rob Appleyard, John Bull, Sarah Bevan, Sally Davis, Jeremy Sparks, Vic Pritchard and Nigel Roberts

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Control Committee: Wednesday, 20th November, 2013

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 20th November, 2013** at **2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 19th November in the Meeting Room, Lewis House, Bath.

The rooms will be available for the 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.

This Agenda and all accompanying reports are printed on recycled paper

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 which is across Orange Grove to the Abbey. The designated exits are sign-posted.

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

**Development Control Committee - Wednesday, 20th November, 2013
at 2.00pm in the Brunswick Room - Guildhall, Bath**

A G E N D A

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 CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number and site in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest or other interest** (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

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: 23RD OCTOBER 2013 (PAGES 9 - 38)

To confirm as a correct record the Minutes of the previous meeting held on Wednesday 23rd October 2013

9. SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 39 - 62)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 63 - 214)

11. GAMMON PLANT HIRE, ROCK HALL LANE, COMBE DOWN, BATH (PAGES 215 - 218)

To consider an application to vary the Section 106 Agreement

12. QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2013 (PAGES 219 - 230)

To note the report

13. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 231 - 236)

To note the report

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

Delegated List Web Link: <http://www.bathnes.gov.uk/services/planning-and-buildingcontrol/view-and-comment-planning-applications/delegated-report>

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 the Constitution or the Code of Conduct for Members and Co-Opted Members adopted by the Council on 19th July 2012 to which full reference should be made as appropriate).

1 Declarations of Interest (Disclosable Pecuniary or Other Interest)

These are to take place when the agenda item relating to declarations of interest is reached. It is best for Officers' 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 a plan or from written or oral submissions or the proposal is particularly contentious. The 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 the 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. **Protocol for Decision-Making**

When making decisions, the Committee must ensure that it has regard only to relevant considerations and disregards those that are not material. The Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure that they are satisfied that the information presented to them is consistent with and takes due regard of them.

6. **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.

7. **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.

8. **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. Shaine Lewis, Principal Solicitor
Tel. No. 01225 39 5279
2. Simon Barnes, Principal Solicitor
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, Senior Democratic Services Officer Tel No. 01225 39 4414

**Planning and Environmental Law Manager, Development Manager,
Democratic Services Manager, Monitoring Officer to the Council
August 2013**

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.

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DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 23rd October, 2013

Present:- Councillor Gerry Curran in the Chair

Councillors Ian Gilchrist, Liz Hardman, Eleanor Jackson, Les Kew, Douglas Nicol, Bryan Organ, Vic Pritchard (In place of Martin Veal), Manda Rigby, Nigel Roberts, David Veale and Brian Webber

Also in attendance: Councillors Cherry Beath, David Bellotti, Ben Stevens and Tim Warren

75 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

76 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not desired

77 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was an apology for absence from Councillor Martin Veal whose substitute was Councillor Vic Pritchard. Councillor Malcolm Lees had sent his apologies but without a substitute being appointed.

78 DECLARATIONS OF INTEREST

Councillor Manda Rigby stated that, with regard to the application at Beechen Cliff School (Item 7, Report 10), she was the Chair of Bath City FC which sometimes hired venues with floodlighting. However, she did not consider that this amounted to an interest. Councillor Les Kew declared a non-pecuniary interest in the same application as his grand-daughter attended the School. However, he did not consider that this prejudiced his ability to consider the application. They would both therefore speak and vote on the application.

79 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business. However, the Chair informed the meeting that the 3 applications at Horseworld, Whitchurch (Items 1-3, Report 10) had been withdrawn from the Agenda and would not be considered at this meeting. He read out a statement which set out the reasons for this action.

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

The Senior Democratic Services Officer informed the meeting that there were members of the public etc wishing to make statements on planning applications in

Reports 9 and 10 and that they would be able to do so when reaching those Items on the Agenda. He advised that the Chair had extended the amount of speaking time on 2 applications in view of the number of people wishing to speak. The Chair informed the speakers that the display or circulation of photographs, photo-montages etc were not allowed.

81 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

The Chair stated that Councillor Brian Webber had given notice of Questions relating to enforcement matters. The Questions and Responses had been circulated.

Councillor Webber thanked the Officers for the replies.

82 MINUTES: 25TH SEPTEMBER 2013

The Minutes of the previous meeting held on Wednesday 25th September 2013 were approved as a correct record and signed by the Chair

83 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Development Manager on an application for planning permission at 16 Southstoke Road, Combe Down, Bath
- Oral statements by members of the public etc on this application, the Speakers List being attached as *Appendix 1* to these Minutes

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

16 Southstoke Road, Combe Down, Bath – First floor extension over existing property resulting in two storey dwelling. Two storey rear extension and 2 single storey side extensions – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

The public speakers made their statements against and in favour of the proposal. The Ward Councillor Cherry Beath made a statement against the application.

A Member enquired as to the significance of the proposal being situated within the World Heritage site as it was not in the Green Belt or the Conservation Area. The Team Leader – Development Management replied that it was a material consideration and, if Members felt that the proposal would adversely affect the wider setting of the World Heritage site, then this could be a reason for refusal. Members discussed the history and arts and crafts character of the existing building. Members also considered the size of the proposed extensions, possible loss of light, the effect on the adjoining residents and the impact of the proposal on the private drive. The Case Officer responded to some queries raised concerning these issues. Some Members felt that it was overdevelopment and would be an unacceptable intrusion on adjoining properties. There would also be a loss of symmetry with the adjoining property.

Councillor Les Kew pointed out that the property was neither listed nor situated in the Conservation Area. He felt that the proposal would not have a great impact on the adjoining residents and therefore moved that the Officer recommendation to grant permission with conditions be approved which was seconded by Councillor Doug Nicol.

Members debated the motion. A Member was concerned about the loss of character and overlooking. Another Member felt that there would not be any adverse impact on the street scene. The Chair summed up the debate.

The motion was then put to the vote. 9 voting in favour and 3 against. Motion carried.

84 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Development Manager on various applications for planning permission etc
- Oral statements by members of the public etc, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos 6 and 7, which report is attached as *Appendix 3* 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 4* to these Minutes.

Items 1-3 Horseworld, Staunton Lane, Whitchurch – (1) Hybrid planning application for enabling residential development of up to 125 dwellings and associated demolition, highways infrastructure and landscaping works. The Outline component comprises 118 dwellings including associated demolition, highways infrastructure and landscaping works; and the Detailed component comprises the redevelopment of 6 curtilage listed dwellings including associated demolition, highways infrastructure and landscaping works adjacent to the Grade II listed Staunton Manor Farmhouse; (2) erection of new visitor centre for the Horseworld Charity including associated highways infrastructure, parking provision and landscaping; and (3) conversion of curtilage listed building including selective demolition, extensions, internal and external works – These applications were withdrawn from the Agenda and were not discussed.

Item 4 Agricultural Haulage Building and Yard, Pinkers Farm, Middle Street, East Harptree – Erection of 8 houses and 4 workshops and provision of a new access road (Resubmission) – The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to Education, Open Space and Recreational Facilities, Transport, Off-Site Drainage, and Affordable Housing; and (B) subject to the prior completion of the above Agreement, authorise the Development Manager to grant permission subject to conditions (or

such conditions as she may determine). He stated that the Policy quoted on page 116 of the Report should refer to Policy HG8.

The public speakers made their statements against and in favour of the proposal. The Ward Councillor Tim Warren made a statement and considered that the application should be deferred for a Site Visit.

It was moved by Councillor Les Kew to defer for a Site Visit to view the site in the context of its surroundings and assess the access road. The motion was seconded by Councillor Liz Hardman.

Members debated the motion. A Member considered that information should be provided at the next meeting as regards the issues of a Grampian condition being imposed in relation to the slurry pit, and also the feasibility of workshops being provided.

The motion was put to the vote and was carried, 11 voting in favour and 0 against with 1 abstention.

(Note: Councillor Doug Nicol left the meeting at this point and did not return)

Item 5 No 56 Stonehouse Lane, Combe Down, Bath – Erection of 3 dwellings with 2 garages and amendments to existing access drive – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

The public speakers made their statements against and in favour of the proposal. The Ward Councillor Cherry Beath made a statement and felt that the application should be refused.

The use of materials was discussed. Councillor Eleanor Jackson moved the Officer recommendation to grant permission with conditions on the basis that the materials and colour of render were covered by condition. It was pointed out by Officers that the recommended Condition 2 would cover this aspect. The motion was seconded by Councillor Les Kew.

Members debated the motion. Some concern was expressed regarding the design, possible overlooking at Plot 3 and the scale of the development.

The motion was put to the vote. Voting: 7 in favour and 4 against. Motion carried.

Item 6 No 63 Warminster Road, Bath – Erection of replacement dwelling following demolition of existing dwelling (Revised proposal) – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Update Report recommended an additional condition relating to bats.

The public speakers made their statements against and in favour of the proposal.

On the basis that he considered that the replacement building was of poor design quality, it was moved by Councillor Bryan Organ to refuse permission which was seconded by Councillor Vic Pritchard.

Members debated the motion. The quality of the design was discussed and a few Members were disappointed with the windows in the roof. The bay windows at first floor level were also criticised. However, a number of Members considered that the individual design did not warrant refusal.

On the basis of the debate, Councillor Bryan Organ withdrew his original motion and moved that the application be deferred for negotiations regarding the proposed design and a revised application be resubmitted to the Committee. This was seconded by Councillor Les Kew. The Team Leader – Development Management considered that it was likely that the revised application would be submitted to the meeting in December. The Chair summed up the debate.

The motion was put to the vote and was carried, 6 voting in favour and 5 against.

(Note: After this Item at 4.05pm, the meeting adjourned for 5 minutes for a natural break)

Item 7 Beechen Cliff School, Kipling Avenue, Bear Flat - Variation of Condition 5 of application ref 11/00573/VAR (Variation of Condition 3 of application ref 10/00540/FUL in order to substitute submitted sports lighting report/assessment with a new lighting proposal (Provision of a synthetic pitch to replace existing sports pitch and an additional 5-a-side synthetic sports pitch, both with sports fencing and lighting) – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Update Report recommended an additional condition relating to submission of a comprehensive management plan. The Officer summarised further representations that had been received and informed the meeting of technical issues including measuring light spill and some projections based on calculations.

The public speakers made their statements against and in favour of the proposal. The Ward Councillor Ben Stevens made a statement expressing some concerns about the application which was followed by a statement by Councillor David Bellotti, Ward Member for Lyncombe (the adjoining Ward) commenting positively on various aspects of the proposal.

Councillor Eleanor Jackson opened the debate. She considered that there was a need for these facilities for the school and the wider community. It was important that a Management Plan was included as a condition as recommended in the Update Report. She therefore moved approval of the Officer recommendation to grant permission with conditions. The motion was seconded by Councillor Les Kew who felt that this was an important community facility and should be supported.

Members debated the motion. Councillor Ian Gilchrist (the Ward Member on the Committee) considered that there would be a greater impact on local residents and the application should be refused. A Member referred to monies being provided for improved facilities at Odd Down. Another Member felt that the facilities for young people were good but the light pollution was disappointing. It was suggested that a site visit could be helpful to assess the effect of the lighting at night. Another Member disagreed as floodlighting was already provided and this proposal was just seeking to extend the hours to 9pm. A Member was reassured by the conditions for a 6 month assessment and a Management Plan. There was a full debate with some differences of opinion being expressed regarding the impact of the proposal. The

Team Leader – Development Management gave advice regarding the recommended Condition 5 which related to an assessment of the lighting after 6 months operation.

The motion was put to the vote. Voting: 6 in favour and 4 against with 1 abstention. Motion carried.

Item 8 Forge Cottage, 7 High Street, Wellow – Replacement of a single storey flat roofed extension to Forge Cottage with a two storey extension, elevational alterations and associated works – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

Councillor Vic Pritchard moved the Officer recommendation to grant permission with conditions which was seconded by Councillor Les Kew.

The motion was put to the vote which was carried unanimously.

Item 9 Park House, Station Road, Keynsham – Erection of conservatory – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

Councillor Bryan Organ moved the Officer recommendation to grant permission with conditions which was seconded by Councillor Les Kew.

The motion was put to the vote and was carried unanimously.

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

Councillor Liz Hardman referred to the appeal decision to allow a loft conversion with dormer at 35 Maple Gardens, Bath. She felt that a policy on dormers was required. The Chair stated that he would discuss the matter with Officers.

Councillor Manda Rigby referred to the appeal lodged relating to Gibbs Mews, Walcot Street, Bath, and queried whether appeals could continue to be lodged indefinitely. The Team Leader – Development Management stated that enforcement notices could be served where there had been a refusal and no further negotiation was possible; also, in circumstances where two decisions to refuse permission for the development had been made within the last 2 years, another similar planning application could be refused to be registered by the Council. The Chair requested that Officers e-mail the Ward Members with the appropriate information regarding this site.

The report was noted.

The meeting ended at 5.27 pm

Chair(person)

Date Confirmed and Signed
Prepared by Democratic Services

**SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC WHO MADE A STATEMENT AT THE MEETING OF
THE DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY 23RD OCTOBER
2013**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISIT – REPORT 9		
16 Southstoke Road, Combe Down, Bath (Pages 45-52)	1. John Wright 2. Dr Peter Bennett 3. Caroline Kay, Chief Executive, Bath Preservation Trust	Against – To share 6 minutes
	Tony Phillips, Thurdleigh Planning (Applicants' Agents)	For – Up to 6 minutes
MAIN LIST – REPORT 10		
Pinkers Farm, Middle Street, East Harptree (Item 4, Pages 102-121)	John Fox	Against
	Jim Paul, DB Paul (Applicant's Agents)	For
56 Stonehouse Lane, Combe Down, Bath (item 5, Pages 122-134)	Neil Harvey	Against
	Roger Smith, Ashley Design (Applicant's Agents)	For
63 Warminster Road, Bath (Item 6, Pages 135-140)	Stephen Hayler	Against
	Gary Mock (Applicant)	For
Beechen Cliff School, Kipling Avenue, Bear Flat, Bath (Item 7, Pages 141- 152)	1. Caroline Kay, Bath Preservation Trust 2. Paddy Doyle, Widcombe Association 3. Jamie South 4. Chris Mairs 5. Chris Kinchin-Smith 6. Steve Osgood 7. Robin Kerr, Federation of Bath Residents Associations 8. Simon Calvert-Jones	Against – To share 6 minutes
	1. Alison Priestley, Nash Partnership (Applicants' Agents) 2. DI James Riccio, Avon & Somerset Constabulary 3. Matthew Pike, Bath Arsenal Juniors	For – To share 6 minutes

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

23rd October 2013

SITE VISIT DECISIONS

Item No:	001	
Application No:	13/02097/FUL	
Site Location:	16 Southstoke Road, Combe Down, Bath, Bath And North East Somerset	
Ward: Combe Down	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	First floor extension over existing property resulting in two storey dwelling. Two storey rear extension and two no. single storey side extensions.	
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Mr And Mrs Rose	
Expiry Date:	12th July 2013	
Case Officer:	Tessa Hampden	

DECISION PERMIT

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 garage(s) hereby approved shall be retained for the purpose of parking a motor vehicle(s) associated with the dwelling.

Reason: To retain adequate off-street parking provision.

3 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 development and the character and appearance of this part of the Conservation Area.

4 The proposed windows on the rear elevation illustrated as serving a hallway shall be glazed with obscure glass and permanently retained as such. Details relating to their opening, and how this will be restricted, shall be submitted to and approved in writing in writing by the Local Planning Authority prior to the

commencement of the development hereby approved. The development shall thereafter to be completed in accordance with these approved details and permanently retained as such. No other windows, other than those illustrated on the approved plans, shall be inserted on the rear elevation of the development hereby approved, unless otherwise approved in writing by the Local Planning Authority.

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:

Plans: 001, 002, 003, 004 date stamped 17th May 2013 and 005 REV. A, 006 REV. A, 007 REV. A, 008 REV. A , 009, 010 REV. A date stamped 26th July 2013

Decision Taking Statement

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

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

23rd October 2013

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

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
06	13/03309/FUL	63 Warminster Road Bathampton Bath

In response to the submitted bat survey the Council's ecologist has provided the following consultation response:

A bat survey dated 8th October was submitted; the survey was undertaken using appropriate methodology and within the survey season during suitable weather and temperature conditions. The survey does not identify any bat roosts in the building proposed for demolition, however bat activity at the site was recorded and this included passes by light sensitive species such as lesser horseshoe bat.

The report makes two key recommendations:

1. The proposals should avoid the use of external artificial lighting on the eastern side of the plot due to the potential to illuminate the footpath which runs along the eastern boundary of the site. The footpath was used by several bat species during the emergence survey, including lesser horseshoe, and should be maintained as a dark corridor to enable its continued use by bat species.
2. Two ridge roosting tiles should be incorporated into the roof of the proposed building. These tiles allow access to bats beneath the ridge tile itself but not into the roof void or living space in the house.

These recommendations will avoid harm to bat activity at the site and will provide replacement roost potential; they should be implemented and can be secured by condition.

The following condition is therefore added to the recommendation:

Condition 5:

The development hereby permitted shall be carried out only in accordance with the recommendations of the approved Bat Survey Report by Jim Mullholland dated 8th October 2013, to include no external artificial lighting on the eastern side of the development site, and incorporation of two ridge roosting tiles to the proposed new building. Any proposals not in accordance with the recommendations of the report or

any amendment to the Bat Survey Report must first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protected species and ecology

Item No.	Application No.	Address
07	12/05126/VAR	Beechen Cliff School Kipling Avenue Bear Flat

Several objections have been made in respect of issues of noise disturbance resulting from the use of the pitches, and the general manner in which the pitches have been operated and managed since their original construction. Whilst it is not possible to control the language and behaviour of persons using the pitches it is noted that limited details have been presented about the wider community use of the site or how the pitches will be managed out of school hours. Furthermore, whilst it is accepted that the pitches can currently be used after 6pm (without the lights) it is likely that if permission is given, there will be an increased demand for use however there do not appear to be any parking or traffic management arrangements in place.

Looking at the history of this development, it is noted that two conditions (conditions 6 and 7) were attached to permission 11/00573/VAR requiring the submission of a management plan in respect of the community use and requiring details of parking. These conditions were originally applied to application 10/00540/FUL (conditions 9 and 10), details were submitted to discharge the conditions under 11/01471/COND) however were insufficient and the Council refused to discharge them. No further applications have been made to address the conditions. Notwithstanding the nature of the conditions (both of which required action prior to the development of the site being brought into use) there is no evidence to show that the school discharged or complied with the required conditions. At present therefore the pitches are in breach of condition.

In issuing the variation decision notice, this is in effect tantamount to issuing a new planning permission and therefore all other applicable conditions attached to the original permission remain in effect. Under planning legislation, the Local Authority can, where deemed necessary, add, remove or modify conditions other than those applied for.

Whilst this application seeks only to vary the hours of operation of the lights, given the history to the site and the lack of compliance with the relevant conditions, in the interest of residential amenity it is considered necessary and proportionate to strengthen the conditions previously granted therefore in the event that Members agree to approve this application it is recommended that the following additional condition is applied:

Condition 6

The flood lights shall not be used until the later time of 21:00 hours (in accordance with condition 3 of application 12/05126/VAR) until a comprehensive management plan detailing the way in which the pitches will be made available to the community has been submitted to, and approved in writing by, the Local Planning Authority. The development thereafter shall be operated strictly in accordance with the approved details. The plan shall include, but not be limited to, details of how the pitches will be booked, used and managed out of normal school hours, the management and

operation of the use of the floodlights (including how the timer switches will operated) and shall include detailed arrangements for on-site parking and access.

Reason. In order to define the out of school hours use, to secure adequate off- street parking provision and in the interest of safeguarding the amenities of adjacent residential properties.

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

23rd October 2013

DECISIONS

Item No:	01	
Application No:	13/02164/OUT	
Site Location:	Horseworld, Staunton Lane, Whitchurch, Bristol	
Ward: Publow And Whitchurch	Parish: Whitchurch	LB Grade: II
Application Type:	Outline Application	
Proposal:	Hybrid planning application for enabling residential development of up to 125 dwellings and associated demolition, highways infrastructure and landscaping works:	
	The outline component comprises up to 118 dwellings including associated demolition, highways infrastructure and landscaping works; and the detailed component comprises the redevelopment of 6 curtilage listed dwellings including associated demolition, highways infrastructure and landscaping works adjacent to the Grade II Listed Staunton Manor Farmhouse	
Constraints:	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Cycle Route, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, Public Right of Way,	
Applicant:	HorseWorld Trust	
Expiry Date:	16th September 2013	
Case Officer:	Daniel Stone	

DECISION Withdrawn from the Agenda

Item No:	02
Application No:	13/02180/FUL
Site Location:	Horseworld, Staunton Lane, Whitchurch, Bristol
Ward: Publow And Whitchurch	Parish: Whitchurch LB Grade: II
Application Type:	Full Application
Proposal:	Erection of new visitor centre for the Horseworld charity including associated highways infrastructure, parking provision and landscaping
Constraints:	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Public Right of Way,
Applicant:	HorseWorld Trust
Expiry Date:	16th September 2013
Case Officer:	Daniel Stone

DECISION Withdrawn from the Agenda

Item No:	03
Application No:	13/02121/LBA
Site Location:	Horseworld, Staunton Lane, Whitchurch, Bristol
Ward: Publow And Whitchurch	Parish: Whitchurch LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Conversion of curtilage listed buildings to residential including selective demolition, extensions, internal and external works
Constraints:	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Cycle Route, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, Public Right of Way,
Applicant:	HorseWorld Trust
Expiry Date:	12th August 2013
Case Officer:	Daniel Stone

DECISION Withdrawn from the Agenda

Item No:	04	
Application No:	13/03415/OUT	
Site Location:	Agricultural Haulage Building And Yard, Pinkers Farm, Middle Street, East Harptree	
Ward:	Parish:	LB Grade:
Mendip	East Harptree	N/A
Application Type:	Outline Application	
Proposal:	Erection of 8no. houses and 4no. workshops and provision of a new access road (resubmission).	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,	
Applicant:	Mr Malcolm Pearce	
Expiry Date:	2nd October 2013	
Case Officer:	Daniel Stone	

DECISION Defer consideration to allow members to visit the site to assess the site, surroundings and road network.

Item No:	05		
Application No:	13/01038/FUL		
Site Location:	56 Stonehouse Lane, Combe Down, Bath, Bath And North East Somerset		
Ward:	Combe Down	Parish:	N/A
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Erection of 3no dwellings with two garages and amendments to existing access drive		
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, Water Source Areas, World Heritage Site,		
Applicant:	Mrs Wendy Parfitt		
Expiry Date:	23rd May 2013		
Case Officer:	Alice Barnes		

DECISION Authorise Development Manager to Permit subject to S106 agreement

A. Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to cover the following;-

1) £18,360.93, for school places

B. Subject to the prior completion of the above agreement, authorise the Development Manager for Planning and Transport Development to PERMIT subject to 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 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - o-human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a

remediation scheme must be prepared in accordance with the requirements of condition 4, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 The garaging hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

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

Reason: In the interests of amenity and highway safety.

10 Before the dwellings hereby approved are first occupied, the works to the junction outlaid on plan 2529-01 with Stonehouse Lane shall have been carried out in accordance with the approved plan.

Reason: In the interests of highway safety.

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

Reason: To ensure the safe operation of the highway.

12 No works shall be commenced until an Arboricultural Method Statement in accordance with BS5837:2012 detailing the proposed 'No-Dig' construction of the proposed access drive has been submitted and approved in writing by the Local Planning Authority.' The development shall thereafter be carried out in accordance with the details so approved.

Reason: To protect tree to be retained on the southern edge of the access track and trees located in neighbouring properties

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:

Site location plan
Site plan 01 C
Site survey 001
Plots 1 and 2 02 B
Plot 3 03 A
Site sections existing and proposed 05 B
Site section BB 06 A

Advise note:

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 extension of the existing 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.

No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

The developer shall 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.

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 buildings.

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

Item No:	06
Application No:	13/03309/FUL
Site Location:	63 Warminster Road, Bathampton, Bath, Bath And North East Somerset
Ward:	Bathavon North
Parish:	Bathampton
LB Grade:	N/A
Application Type:	Full Application
Proposal:	Erection of replacement dwelling following demolition of existing dwelling (Revised proposal).
Constraints:	Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary,
Applicant:	Mr Mock
Expiry Date:	26th September 2013
Case Officer:	Chris Griggs-Trevarthen

DECISION Deferred to negotiate alterations to design of proposal.

Item No:	07
Application No:	12/05126/VAR
Site Location:	Beechen Cliff School, Kipling Avenue, Bear Flat, Bath
Ward: Widcombe	Parish: N/A LB Grade: N/A
Application Type:	Application for Variation of Condition
Proposal:	Variation of condition 5 of application 11/00573/VAR (Variation of condition 3 of application 10/00540/FUL in order to substitute submitted sports lighting report/assessment with a new lighting proposal (Provision of a synthetic pitch to replace existing sports pitch and an additional 5-a-side synthetic sports pitch; both with sports fencing and lighting.))
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Beechen Cliff School
Expiry Date:	17th January 2013
Case Officer:	Richard Stott

DECISION PERMIT

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.

2 The development hereby permitted shall be carried out in accordance with The Institute of Lighting Engineers Guidance note 1 (ILE GN01) and the details set out in the Report on the Changes to the External Sports Pitch Lighting by Jones King dated November 2012.

Reason: To minimise the impact of light from the development on occupiers of nearby properties in the interests of residential amenity.

3 The sports lighting hereby permitted shall not be operated after 21:00 hours Monday to Friday and 18:00 hours on Saturday, Sunday and Bank Holidays.

Reason: In the interests of residential amenity.

4 Prior to the use of the pitches until the later time of 21:00 hours coming into effect, the floodlights shall be adapted to operate independently between the two pitches and automatic timer switches shall be installed on the lights on MUGA pitch 1 to ensure 50% of the lights are switched off after 18:00 hours. Within one month of the adaptations being carried out, confirmation of compliance shall be submitted to the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

5 The lighting levels of MUGA pitch 1 shall not exceed the average lighting levels set out in the Design and Access Statement dated November 2012. Within 6 months of the new

lights coming into use the applicant shall submit an update assessment to the Local Planning Authority to demonstrate that a lower level of lighting and light glare has been achieved.

Reason: In the interest of ecology and in order to minimise light spill into the local woodland

6 The flood lights shall not be used until the later time of 21:00 hours (in accordance with condition 3 of application 12/05126/VAR) until a comprehensive management plan detailing the way in which the pitches will be made available to the community has been submitted to, and approved in writing by, the Local Planning Authority. The development thereafter shall be operated strictly in accordance with the approved details. The plan shall include, but not be limited to, details of how the pitches will be booked, used and managed out of normal school hours, the management and operation of the use of the floodlights (including how the timer switches will operated) and shall include detailed arrangements for on-site parking and access.

Reason. In order to define the out of school hours use, to secure adequate off- street parking provision and in the interest of safeguarding the amenities of adjacent residential properties.

PLANS LIST:

This decision relates to drawing nos E160C7/AL/05 Revision A and PROPOSED PLAN OF PITCHES Revision A date stamped 30 September 2011, E160C7/AL/02 and E160C7/AL/03 date stamped 9 February 2010 and Musco Green Generation Lighting assessment and Verde Recreo Sports Additional Supporting Information date stamped 1 February 2011 submitted with application 11/00573/VAR and to drawing E160C7/AL/01, the DESIGN & ACCESS STATEMENT and the REPORT ON CHANGES TO EXTERNAL SPORTS PITCH LIGHTING date stamped 20th November 2012, the Desk Based Assessment of the Potential Impact to Bats date stamped 19th February 2013, to the Bat Survey Report date stamped 27th September 2013 and to the Addendum Bat Survey Report date stamped 2nd October 2013.

DECISION TAKING STATEMENT

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

Item No:	08		
Application No:	13/03137/FUL		
Site Location:	Forge Cottage, 7 High Street, Wellow, Bath		
Ward:	Bathavon South	Parish:	Wellow
		LB Grade:	II
Application Type:	Full Application		
Proposal:	Replacement of a single storey flat roofed extension to forge cottage with a two storey extension, elevational alterations and associated works		
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary,		
Applicant:	Mr Chris Watt		
Expiry Date:	16th October 2013		
Case Officer:	Rebecca Roberts		

DECISION PERMIT

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 sample panel of all external walling materials including render to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: In the interests of the development and the character and appearance of this part of the Conservation 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 west and east 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 development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST:

This decision relates to drawing no's 2544-S-01, 12654-200-001 and Design and Access Statement date stamped 7th August 2013, drawing no. 2544-18 date stamped 21st August 2013 and drawing no.2544-06 Rev E date stamped 10th October 2013.

DECISION TAKING STATEMENT

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

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

Item No:	09
Application No:	13/03584/FUL
Site Location:	Park House, Station Road, Keynsham, Bristol
Ward: Keynsham North	Parish: Keynsham Town Council LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of conservatory
Constraints:	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Conservation Area, Forest of Avon, Housing Development Boundary, Listed Building,
Applicant:	Mr Gerrish
Expiry Date:	25th October 2013
Case Officer:	Sasha Coombs

DECISION PERMIT

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

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

2 No development shall take place within the site until the applicant, or their agents or successors in title, has given 14 days written notice of the date of commencement of works to the Local Planning Authority. Thereafter the developer shall afford access at all reasonable times to any archaeologist nominated by the Council and shall allow him/her to observe the excavations and record items of interest and finds.

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

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

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

PLANS LIST:

This decision relates to the following plans and documents:

Drawing	19 Aug 2013	FLOOR PLAN - AFTER
Drawing	19 Aug 2013	FLOOR PLAN - BEFORE
Drawing	19 Aug 2013	FRONT ELEVATION - AFTER
Drawing	19 Aug 2013	FRONT ELEVATION - BEFORE
Drawing	19 Aug 2013	REAR ELEVATION - AFTER
Drawing	19 Aug 2013	REAR ELEVATION - BEFORE
Drawing	19 Aug 2013	SIDE ELEVATION - AFTER

Drawing	19 Aug 2013	SIDE ELEVATION - AFTER
Drawing	19 Aug 2013	SIDE ELEVATION - BEFORE
Drawing	19 Aug 2013	SIDE ELEVATION - BEFORE
OS Extract	19 Aug 2013	BLOCK PLAN
OS Extract	19 Aug 2013	SITE LOCATION PLAN
Supporting Information	19 Aug 2013	DESIGN & ACCESS STATEMENT

Decision Taking Statement:

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

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	20th November 2013
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION – SITE VISIT
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

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.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	13/03415/OUT 2 October 2013	Mr Malcolm Pearce Agricultural Haulage Building And Yard, Pinkers Farm, Middle Street, East Harptree, Bristol Erection of 8no. houses and 4no. workshops and provision of a new access road (resubmission).	Mendip	Daniel Stone	Delegate to PERMIT

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Tim Warren requested that if officers were minded to permit the application it should be referred to the DC committee, because the proposed development is outside of the housing development boundary, and therefore a meeting is necessary to satisfy the public interest.

DESCRIPTION OF SITE AND APPLICATION

The application site relates to a parcel of land currently occupied by hardstandings and semi-derelict agricultural buildings, having the appearance of a farmyard. The site is located on the southern edge of the village beyond the Housing Development Boundary. The site is located within the Mendip Hills Area of Outstanding Natural Beauty (AONB) and adjoins the Conservation Area.

The site is located in Flood Zone 1 (with the lowest probability of flooding) but suffers from well-documented flooding problems, arising from inadequate drainage. A drainage ditch from the fields to the south of the village flows into a culvert running along the north-western boundary of the site, then along an open drainage channel on the north-eastern boundary of the site before discharging into the highway drain on the eastern corner of the site. According to residents' comments, problems with this arrangement result in localised flooding affecting the site, the adjoining properties with waters discharging onto Middle Street itself.

The site is bounded to the north and east by houses, and to the south by a working farm. To the west of the site are residential gardens and the site fronts onto the main road through the village which provides access onto The Old Bristol Road (B3134) to the west. Middle Street, which links the site with the village centre, school and bus stop is not served by continuous pavements.

The applicants have described the site as an agricultural haulage yard, however officers have found no records to confirm that this was the authorised use and residents describe it as an agricultural contractors yard.

Outline consent is sought for the erection of 8 houses and 4 workshops and the provision of a new access road. All matters are reserved, and therefore the Council is considering the acceptability in principle of 8 houses and 4 workshops on the application site, rather than the detailed layout or appearance of the site.

The application includes an illustrative plan which shows one way in which the site could be developed. This shows a terrace of houses fronting onto the main road, with three detached properties laid out at the back of the site and 4 proposed work units located along the south-west boundary of the site. A pavement is shown along the site frontage and it is proposed that a 4-metre wide swale (open vegetated ditch) would be provided along the north-western boundary to accommodate surface water flows, which are presently conveyed along the north-eastern boundary the site via a culvert. The application is supported by a Flood Risk Assessment and Ecology report.

RELEVANT PLANNING HISTORY:

12/04534/OUT - Erection of 8 houses and 4 workshops + new access road - Withdrawn

Adjoining land:

10/05257/FUL - Change of use from garage and workshop (Agricultural) to domestic garage and workshop - approved 18.08.11

11/04447/FUL - Erection of domestic garages and workshops to replace existing garage/workshop and prefabricated garage. Approved 11.01.2012

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

Consultation letters were sent out to 40 properties and a notice was placed in the local press. To date 32 objections have been received, raising in summary the following issues:

Principle of Development

- The site falls outside of the development boundary and therefore should not be developed.
- The development would create a significant extension to the village.
- The village is designated as an R2 settlement. The application would be contrary to policy HG4.
- The site is designated for agricultural use and is viable for this use. It is not a brownfield site and should continue to be used for agricultural purposes.
- There is no proven need for additional housing or workshops
- The site has been used for the storage of agricultural feed within the last 2 years. If the application is approved, there will shortly be another application for further farm buildings to serve Pinkers Farm.
- The poor condition of the farmyard, which is mentioned by the applicant, is caused by their neglect of the site. It should not be used as a reason for its re-development.

Sustainability

- East Harptree is now essentially a commuter village and has inadequate infrastructure to accept further development. Public transport is poor, residents need cars for everything.
- The site is in the least sustainable part of the village and would be remote from public transport and facilities. There is a site being promoted by the Parish Council at the lower end of the village that is actively being promoted by the Parish Council for Affordable Housing.
- The village shop relies on volunteers to continue running and carries a restricted stock
- The delay in finalising the Core Strategy and absence of an identified 5-year housing land supply is causing development proposals to come forward that under

the local plan would never be permitted. Surely it cannot be right that a developer could benefit from a window of opportunity when the result will be a totally inappropriate and unsustainable development.

Flooding

- There are major problems with flooding on and around the site, with frequent flooding problems in Middle Street, caused by water coming off the site and above Western Lane / Smithams Hill.
- The existing residents in the vicinity all have sandbags around their properties all the time. Additional development will exacerbate this unless significant mitigation measures are put into place.
- The nearby slurry pit overflows onto the site when it floods.
- The proposed routing of surface water under Middle Street to connect with the culvert outside Proudcross Farm house is of particular concern as this water will be carried underground, leading to concerns as to possible leakages due to the increased volume of water

Highway Safety and Parking

- The roads in East Harptree are very narrow with hardly any pavements and no street-lighting and cars ignore the 30mph limit. The pavements are not wide enough for prams or wheelchairs.
- Object to additional road traffic, which would endanger pedestrians and cyclists.
- Visibility from the site access is questionable - requiring considerable site works to the north
- There's not enough parking within the development, exacerbating parking problems on Proud Cross and the lane, and problems with farm vehicles accessing the adjoining farm.
- Planning consent 10/05257/FUL and certificate of Lawfulness 10/05261/CLEU for the erection of garaging and the use of a garage for domestic purposes, were granted to provide parking to the properties opposite (The New House and Pinkers Cottage). These garages remain unoccupied and have not been allocated to these properties, increasing the undesirable parking on Middle Street.

Design, Layout and Visual Impact

- The proposed development is too intense, are of poor design quality and will detract from the character and appearance of the Conservation Area.
- The hedge should be retained along the eastern boundary
- Object due to the site being in an Area of Outstanding Natural Beauty and adjoining the Conservation Area.
- The area around the site site has had numerous recent developments in recent years, infilling all available gap sites. Further development would ruin its remaining character.
- Would bungalows be more in keeping with the character of the open countryside
- The buildings themselves are poorly designed, with the terrace looming over the road.

- The layout is dominated by the road and is sub-urban in character and will detract from the character of the village and Conservation Area.
- The development would result in the loss of open space which contributes to the character of the village.
- Porch lights for the houses will cause light pollution. To protect the character of the village and wildlife, street lighting should not be allowed.
- The proposed vehicular entrance to the workshops would need to allow for the parking of cars outside the current garages - the current design does not appear to allow sufficient space.

Residential Amenity

- Concerned about the height of the proposed buildings which will impact on the outlook of Hill Cottage opposite.
- Loss of amenity through car headlights shining into the properties opposite the site and increased traffic noise
- The houses will overlook Ingleby, Combe Lane, to the north of the site
- The proposed dwellings would be too close to the slurry pit and well within the recommended 400 metres exclusion zone, which must raise health and safety issues.
- Impact of noise and disruption from construction process

Application Inaccuracies

- The design and access statement states the agricultural use finished some years ago, when it is still used daily by an agricultural contractor
- The site and surroundings are affected by flooding
- The site is not a redundant agricultural haulage yard, but has been in use as an agricultural contractors yard and is in agricultural use. This is important as the site should not be classed as brownfield land, and therefore be subject to less stringent planning controls.
- The site is likely to be contaminated with asbestos, fertilisers and fuel.

Need for the Development / housing needs

- There is no need for open market housing and or small industrial units in the village.
- The village recently rejected proposals for small workshops on another site, since it was speculative and there were no uptake offers.
- The village needs low-cost housing not up-market family housing.

Other

- The buildings on the site have been allowed to deteriorate and are now a haven for wildlife
- Concerned as to whether there will be sufficient sewerage capacity and capacity in the electrical grid and sewerage system.

- The proposed workshops have been included purely to provide a buffer between the housing and the slurry pit. As soon as circumstances allow (e.g. closure of the slurry pit) the workshops could be converted into even more houses.

EAST HARPTREE PARISH COUNCIL - OBJECTS for the following reasons

- 1/ The photograph on the cover of the Flood Risk Assessment, clearly shows the amount of mud that will run through the site when it floods.
 - 2/ close Proximity to livestock buildings and slurry pit
 - 3/ Visibility lines from the access road are inaccurate and cannot be implemented
 - 4/ Transportation and Highways (Drainage) have said that they do not have objections or comments. How can this be the case with the inaccurate and misleading Flood Risk Assessment?
 - 5/ The site is outside the Housing Development Boundary
 - 6/ The site is clearly not Brown Field. It is Agricultural - exempt from rates.
 - 7/ It is an 'agricultural' farm yard, not a haulage yard
 - 8/ Access is far from acceptable given the narrow width of the roads of the village, this will be exasperated by cars parked on the roads.
 - 9/ Corinne Eatwell's (Scientific Officer - Contaminated Land) email is not robust enough. It needs to be more detailed. The land is bound to be contaminated.
 - 10/ Why has there not been an Environmental Report submitted regarding the contamination? We believe that one has been done.
 - 11/ Why has not Bristol Water been consulted on building next to line of works.
- The East Harptree Parish Council suggests a site visit with the case officer so that the Council can physically show the problems in the Flood Risk Assessment. These problems are not easily conveyed on paper.

East Harptree Parish Council find that this application is totally unsustainable and inappropriate developments like this will ruin the character of a RA2 village

HIGHWAYS DEVELOPMENT CONTROL -

The former use of the site is described as an agricultural haulage yard and buildings, but there has been limited use of the site for some time. There are domestic garages on the site, which have been approved as part of application 11/04447/FUL, to serve the nearby dwellings of Pinkers Cottage, Proud Cross Cottage and Top House.

The application has been submitted for outline consent with all matters reserved, although the Design & Access Statement provides quite a bit of detail of the intended means of access and parking areas, and their proposed surface materials.

The proposed access road is located in the same position as the existing farm access, and the submitted plan details improvements to afford adequate pedestrian provision along the site frontage and visibility from the access position.

Middle Street is a rural lane without any separate pedestrian facilities, and no street lighting. The village of East Harptree has limited local services and public transport

facilities, and residents would therefore be reliant on the private car as a main mode of travel. The location of the site is therefore not considered to be sustainable. The site is also located outside of the Defined Housing Development Boundary, and is therefore contrary to Policy HG.4 of the Bath & North East Somerset Local Plan (including minerals and waste policies) October 2007.

Having regard to the above, I would feel bound to recommend that this application be refused on highway grounds for the following reason:-

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

However, the development proposes workshop units, and the consultants consider this will contribute to the sustainability of the village, although the units are not tied to the residential units or residents of the village only, and therefore there is no guarantee they would employ staff from the village, or the development.

Bearing the above in mind, should the Local Planning Authority be minded to grant permission for this development then it is strongly recommended that a highway contribution of £20,000 is first secured, by way of S106 Agreement, in order to improve pedestrian infrastructure within the village/vicinity of the site, connectivity and highway safety by the provision of virtual footways to connect the site to the village centre. In these circumstances, the proposed estate street should be constructed to an adoptable standard in accordance with the specification and requirements of the Council, as Highway Authority.

HIGHWAYS DRAINAGE - no Objections

Following the withdrawal of the previous application, the developers negotiated with highways Drainage on the content of the Flood Risk Assessment and the approach to resolving the localised drainage experienced at the site over the course of 8 months. The Flood Risk Assessment and proposals follow the previous advice given, and therefore no objections are raised on flood risk grounds.

The proposed development as it now stands includes the following land drainage elements;

- o The reduction in impermeable surfaces on the site.
- o The introduction of a swale to channel overland sheet flows entering the site from the west.
- o Improvement to the channel on the NE boundary of the site.
- o A new trash screen and inlet arrangement from the channel into the watercourse.
- o A new piped section of watercourse from the site, across the highway to the existing culverted watercourse.
- o Improved highway drainage connected to the pipework from the site in the highway.

The above measures will improve how the surface runoff is collected and conveyed into the existing downstream catchment and will help to mitigate the surface flows across the site. In my view the drainage elements proposed in the new development will improve the conveyance of surface water through the site as and when it occurs. Any land drainage issues above the site should be reported and looked at separately from the proposed development.

The Parish Council raised further concerns and technical queries in respect of the Flood Risk Assessment, which have been answered by the Council's Highways Drainage Team, who maintain their assessment that the Flood Risk Assessment is acceptable. This correspondence is available on the Council's website.

HOUSING SERVICES - No objection

Attention is drawn to the fact this application proposes only 8 dwellings, just two under the threshold by which an affordable housing contribution would be generated under the current local plan policy HG.8.

Housing Services therefore ask that the accompanying Section 106 is future proofed to protect the Council's interest in the following manner:

A: planning permission should ensure the employment buildings are given a B class use.

B: If at any time the employment buildings are proposed to convert to Housing use (C class) that an affordable housing obligation is levied across the whole site (as if the whole site came forward for housing use) and that the affordable housing contribution is based upon the local planning policy of the time of conversion, and is provided onsite or at the Council's discretion as an offsite contribution in the form of a commuted sum.

ENVIRONMENTAL HEALTH - No Objections

Environmental Health commented that there were no recognised minimum stand-off distances between slurry pits and dwellings.

ECOLOGY - No objections subject to conditions

An ecological report has now been submitted. Recommendations are made for:

- o precautionary working practices for the protection of reptiles
- o precautionary measures to avoid disturbance to nesting birds and barn owl if present
- o provision of measures to enhance the site for biodiversity including native planting; mixed species seeding of lawns and gardens; provision of nest boxes and hedgehog boxes.

I do not dispute the findings of the ecological survey but the LPA should require, by condition, additional measures to those recommended in the report, as detailed

below, to compensate for the removal of hedgerows and other vegetation. This is because the ecological assessment does not include consideration of loss of the hedgerow but is based on its retention as shown in the drawing (figure 3 of the ecological assessment).

The proposal involves the removal of the south eastern boundary hedgerow (which is species poor) and other patches of vegetation. These features, although not in themselves of particularly high ecological value, collectively provide the main features of value for wildlife at the site, and are of value in provision of cover and food sources for birds, insects and small mammals, and in provision of "green infrastructure". New planting to provide replacement habitat to equivalent or greater ecological value would be a reasonable and appropriate mitigation measure. This could be achieved by incorporation of wildlife friendly and native planting across the site and within gardens: replacement of the proposed frontage wall with a mixed-species wildlife friendly hedgerow; creation of habitat within the swale through use of mixed species native grass seed mix, and mixed species native shrub planting. As much native and wildlife friendly planting as can be accommodated within this area, along boundary features, and across the site, would be expected.

ARCHAEOLOGY - No objections subject to conditions being applied to require a programme or archaeological work

CONTAMINATED LAND OFFICER - no objection subject to conditions

EDUCATION - No objection subject to the contributions of £34,550.88 being secured as follows:

- o £1,600.80 - Youth Services Provision
- o £32,950.08 - Primary Age pupil places

PARKS - no objection

I note that the application has been submitted in outline form, and so I would recommend that any S106 relating to the site includes formulas to enable the contributions to be calculated at Reserved Matters stage. The formulas will then take account of any changes to the layout submitted as part of the Reserved Matters and ensure that an appropriate level of contributions is made according to the layout of the development.

POLICIES/LEGISLATION

POLICIES

Adopted Local Plan:

- SC.1 Settlement classification
- HG.4 Residential development in the urban areas and R.1 settlements
- D.2 - General design and public realm considerations
- D.4 - Townscape Considerations
- BH.6 - Development affecting Conservation Areas
- BH.8 Improvement work in Conservation Areas
- BH.12 Important archaeological remains
- HG.7 Minimum residential density
- T.1 Overarching access policy

- T.3 Promotion of walking and use of public transport
- T.6 Cycling Strategy: cycle parking
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision
- NE.1 Landscape character
- NE.2 Areas of Outstanding Natural Beauty
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.12 Natural features: retention, new provision and management
- NE.13 - Water Source Protection Area
- IMP.1 Planning obligations

Bath and North East, Somerset, Bristol, North Somerset, South Gloucestershire Joint Replacement Structure Plan (Adopted September 2002)

- Policy 1 - Sustainable Development
- Policy 17 - Landscape Character
- Policy 54 - Car Parking

Emerging Core Strategy

- RA1 - Development in the Villages meeting the listed criteria
- RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
- CP2 - Sustainable Construction
- CP6 Environmental Quality
- CP9 - Affordable Housing
- CP10 - Housing Mix
- CP13 - Infrastructure Provision
- ET.4 Employment development in and adjoining rural settlements
- ET.5 Employment development in the 'countryside'
- Planning Obligations Supplementary Planning Document - Adopted July 2009
- Mendip Hills AONB Management Plan 2009 -2014
- Landscape - Character Assessment - Rural Landscapes of Bath and North East Somerset
- National Planning Policy Framework
- Planning for growth - Ministerial statement - March 2011

OFFICER ASSESSMENT

KEY ISSUES:

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

Policy Context

Local Plan Policies SC.1 and HG.4 define East Harptree as an R2 village, where residential development within the development boundary will be permitted if it is

appropriate to the scale of the settlement in terms of the availability of facilities and employment opportunities and accessibility to public transport.

Policy RA2 of the amended Draft Core Strategy advises that within the development boundary proposals for some limited residential development will be acceptable where they are of a scale, character and appropriate to the scale of the settlement. Proposals for employment development within or adjoining the development boundary will be accepted where they are of a scale, character and appearance appropriate to the village.

The site is located outside the adopted development boundary which wraps around the site to the north and east. Ordinarily therefore, the proposals would be recommended for refusal as being contrary to the above policies.

As has been widely publicized however, at present the Council is unable to demonstrate a 5-year housing land supply, the Adopted Local Plan is out-of-date and the Core Strategy has yet to be adopted.

As a consequence, the Council accepts that a presumption in favour of Sustainable Development applies to housing proposals, with limited weight being given to the Councils strategic housing policies and the adopted development boundaries. The National Planning Policy Framework advises that in such cases, permission should be granted unless any adverse impacts of doing so would "significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework (NPPF)."

Officers therefore conclude that the fact that the site falls outside the housing development boundary is not sufficient to justify the refusal of the application, and unless there are specific, demonstrable impacts which substantially outweigh the benefits of the additional housing delivered, in principle the application could not be resisted on planning policy grounds.

In addition whilst the site is located outside the development boundary, the scale of the development is considered to be appropriate to the scale of the settlement, and could assist in promoting the self-sufficiency of the village, in terms of providing more demand for local facilities. In urban design terms too, the site is well related to the developed 'footprint' of the village, and could be an organic extension of the village.

Officers agree that as the buildings on the site were associated with an agricultural use, the site does not comprise previously developed land in the terms defined in the NPPF, however this does not alter the conclusions set out above.

B. WOULD THE APPLICATION SITE REPRESENT A SUSTAINABLE LOCATION FOR THE DEVELOPMENT PROPOSED?

The Council's highways Development Control Team originally objected to the application on the basis that the site is outside the development boundary and poorly served in terms of pedestrian infrastructure, with incomplete pavements and inadequate street lighting, and that the location is unsustainable for residential development. Some objectors have made similar comments.

Officers agree that the site does not benefit from continuous pavements linking it with the village centre, and the pavements that are present are too narrow to accommodate wheelchairs or buggies, forcing people to walk in the road. In addition the village does not have street lighting. Concerns have also been raised about the public transport provision serving the village, and it is correct that whilst it is served by public transport, a primary school and a shop, it would not be difficult to meet all household needs without having access to a private car. Consequently the proposed development does raise concerns in terms of the sustainability of this location for development.

However, it is considered that the majority of these criticisms could be laid at East Harptree as a whole, yet under adopted and emerging policies, the principle of residential development of an appropriate scale is accepted within the Development Boundary. The question therefore is whether the development is unsustainable by virtue of its location outside the Adopted Development Boundary.

A recent appeal ruling on a similar site in Farmborough, where the Council refused a residential development on sustainability grounds considered just this point (application reference 11/02432/OUT relates).

The Inspector commented that the Council considered Farmborough to be an unsustainable location by definition in that development that is likely to increase the number of journeys made by private vehicle. The scale of the development proposed is therefore not material to this 'in principle' position but there is a recognition that, for other planning reasons, the HDB has been defined with a presumption in favour of residential development within it.

The inspector found this 'in principle' position difficult to reconcile with the Council's overall housing strategy (in saved LP policy SC.1), which classified Farmborough as a R.1 village, where development of an appropriate scale within the housing development boundary would be accepted.

The inspector commented that the supporting text (to policy SC.1) clearly referred to the concept of settlement clusters where a range of services may be shared and specifically identifies Farmborough as a village that contributes to the provision of services for village clusters. The Local Plan therefore assumes a certain amount of travel between places to access the full range of services. The inspector found that the proposed development did not conflict with Local Plan policy SC.1 and resolved that the appeal should be allowed.

This reasoning is directly applicable to the situation in East Harptree. The background text to policy SC.1 does discuss villages sharing facilities, and therefore acknowledges that such settlements will not be entirely self-sufficient.

The NPPF further reinforces this approach, stating (paragraph 55):

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example,

where there are groups of smaller settlements, development in one village may support services in a village nearby.

In this case, it is considered that it would not be possible to justify refusing the application as an unsustainable form of development solely because of its location just outside of the development boundary, when the majority of these criticisms could be equally leveled at sites within the Development Boundary. However, it is reasonable to consider whether the development can make reasonable provision to improve the pedestrian infrastructure between the application site and the village centre.

C. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF HIGHWAY SAFETY?

The application is in outline with means of access as a reserved matter, and therefore means of access would be considered in detail in subsequent reserved matters applications, however as detailed in the transport comments, the details that have been submitted are considered to be acceptable in terms of transport and highway safety considerations.

Notwithstanding these considerations, given the poor pedestrian infrastructure within the village, it would be reasonable to request contributions of £20,000 as suggested in the highway safety comments, in order to fund measures to pedestrian safety and traffic management measures in East Harptree.

In similar circumstances elsewhere in the district the Authority has introduced "Virtual" pavements on roads with insufficient space for pavements, which are painted sections within the carriageway where pedestrians can walk. Clearly this is not as good as providing a dedicated pavement, but such provision can assist in slowing traffic speeds and improving safety conditions for pedestrians.

Officers note the concerns that have been raised in respect of parking provision for the proposed development. This is a matter that would be considered at reserved matters stage, but the proposals appear to be in compliance with the Council's adopted maximum standards, offering at least two spaces per dwelling.

D. ARE THE PROPOSED WORKSHOPS ACCEPTABLE IN POLICY TERMS?

Local Plan policy ET.4 gives support for office, industry or storage uses will be permitted within or adjoining settlement such as East Harptree (R2 settlements) provided that such development is appropriate in scale and character to its surroundings. The proposed workshops would be appropriate in scale to the settlement and could be designed to be sympathetic to its rural character.

It is correct that there is no guarantee that they would be occupied by residents of the development or indeed the village. However in terms of increasing the self-sufficiency and sustainability of the village, the provision of employment units (and potentially employment opportunities) within walking distance of village residents can only be seen as a positive step.

Given the proximity to nearby dwellings, it would not be appropriate to use the workshops for general industrial uses, or at least such uses would require detailed information, mitigation measures that has not been provided within this application, and detailed consideration by the Local Planning Authority. Given the character of the roads that lead to the site, it may also not be appropriate for the buildings to be put to storage and distribution uses, as could happen under permitted development rights if an open B1 use were allowed. Therefore, were consent to be granted, it should be subject to a condition restricting the permitted uses to within Use Class B1 (c).

E. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF FLOODING ISSUES?

Whilst the site is high land and falls within Flood Zone 1, the site is well documented as being prone to flooding. As addressed in the comments from the Highways Drainage team, the Flood Risk Assessment submitted has been developed in co-ordination with the Councils drainage team and has followed their advice.

The Flood Risk Assessment offers the following improvements within the site

- o A reduction in impermeable surfaces on the site, therefore encouraging on-site infiltration, and reducing surface runoff flows
- o The introduction of a swale to channel overland water flows entering the site from the west.
- o Improvement to the channel on the NE boundary of the site.
- o A new trash screen and inlet arrangement from the channel into the watercourse.

The development also offers to implement the following off-site improvements:

- o A new piped section of watercourse from the site, across the highway to the existing culverted watercourse.
- o Improved highway drainage connected to the pipework from the site in the highway.

In principle these measures, in particular the proposed swale (which is not vulnerable to being blocked in the way the culvert is) and reduction in impermeable surfaces within the site offer the potential to lessen some of the localised flooding problems that have been experienced around the site and guide and direct the path of overland water flows when they do occur. Based on the comments from our Highways Drainage team, there is certainly no evidence that the proposed development would worsen existing flooding problems.

The detailed design of the site and its drainage system, for instance the design and capacity of the swale, the ground levels within the site and therefore the path of overland surface water flows, the finished floor levels of the dwellings will all be important to ensure that the solution proposed is effective in addressing the problems on the site. This level of detail is not present in the outline application put forward, however the flood risk assessment application offers a high level of confidence to demonstrate that the site is capable of being drained effectively, that the dwellings will be safe and that flood risks will not be exacerbated elsewhere.

Planning conditions and clauses within the Section 106 agreement can ensure that the required details are included in any subsequent reserved matters application and to ensure that the proposed off-site drainage works are carried out at the right time.

F. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THE GENERAL SCALE AND APPROACH TO DEVELOPMENT?

The application is in outline and therefore the layout, appearance, landscaping and detailed access design are all reserved for later consideration, however the illustrative layout plan suggests that this number of dwellings could be accommodated on the site in a satisfactory manner, with adequate external space standards and relationships between properties.

Fronting houses onto the main road as is suggested in the illustrative plan would be sympathetic to the character and form of other nearby dwellings in the village, and the inclusion of a pavement is welcome in addressing highway safety concerns. Objectors have commented that the proposed pavement would give the development a suburban character. Officers do not consider this to necessarily be the case, provided a sensitive design approach and appropriate materials are used, for instance stone pavement edges rather than concrete.

The illustrative plan suggests that the front boundary would be formed by a stone wall. It would be much more appropriate to the context to instead define this boundary by means of a low hedge or vegetated bank, and as referred to in the ecology comments, this is needed to form part of the ecological mitigation for proposed development. Given the prevalent materials found in the Conservation Area, officers also consider that facing the dwellings in natural stone, or stone and render would be more appropriate than stone and brick. The internal access road at 7 metres in width appears too wide for the number of vehicles using it, and could be revised so as provide better landscaping and garden layouts and a less suburban character. Officers also consider that subject to detailed drainage considerations it would be preferable (from an ecological perspective, and in terms of its appearance) to naturalise the concrete water channel passing along the northern boundary of the site. However, these are all matters that can be taken up through a subsequent reserved matters applications.

Notwithstanding these detailed concerns, in its current condition, the existing farm yard does detract from the setting of the Conservation Area, whatever the causes of its dereliction. From the illustrative plans the proposed development has the clear potential to enhance and improve the setting of the Conservation Area.

G. SHOULD THE PROPOSED DEVELOPMENT PROVIDE AFFORDABLE HOUSING?

Policy CP9 of the Core Strategy requires that affordable housing is to be provided at a rate of 35% on schemes of over 10 dwellings or on sites of 0.5 ha or more, with higher or lower percentages sought taking into account viability considerations and market values.

The application being considered seeks consent for only 8 dwellings and the residential part of the proposed layout would comprise less than 0.5 hectares in area, and therefore on the face of it, affordable housing would not need to be provided. Officers are concerned that were the workshops to be subsequently converted to dwellings, it could result in more than 10 dwellings being developed on the site without providing affordable housing, and that there may be the intention, or potential to circumvent the Council's Affordable Housing policies. Officers are considering potential additional clauses to be included within the Section 106 agreement to secure the Council's position in this regard.

H. D. ARE THE PROPOSALS CONSIDERED TO BE ACCEPTABLE IN TERMS OF THEIR IMPACT ON THE AMENITY OF EXISTING AND FUTURE RESIDENTIAL OCCUPIERS?

As the application seeks consent only for the principle of the proposed development, these issues are matters for detailed consideration at reserved matter stage, however the illustrative layout suggests that the development would not give rise to insurmountable problems in terms of overshadowing, overlooking or noise nuisance.

Objections have been raised regarding the proximity of the proposed dwellings to a slurry pit, located in the adjacent farm to the south-west of the site. Environmental Health have commented that there are no technical standards for minimum separation distances between slurry pits and dwellings and planning officers are aware of no minimum distances. The 400 metre "exclusion zone" referred to in the objections is simply that where a slurry pit is proposed within 400 metres of a dwelling, full planning permission is required. It would not be possible to apply a Grampian condition to a potential consent requiring the slurry pit to be closed or cease operation, as it is not within the ownership of the applicant.

The proposed workshops would be a buffer between the dwellings and the slurry pit, and overall, officers consider that this would be an issue for would-be purchasers to consider in decided whether to buy one of the dwellings. The site is in a clearly rural context with adjoining agricultural uses and there are already dwellings a similar distance from the slurry pit as those proposed.

Clearly at present there is the potential for flooding to wash slurry across the site and this clearly needs to be dealt with if the site is to be developed. The Flood Risk Assessment submitted with this outline application demonstrates that there is the potential to address and overcome these problems. The reserved matters application will fully detail the design of the site, include the finished floor levels of the dwellings and (through the proposed site levels) guide the overland flow of water through the site in the event of a severe storm. These measures to address flood risk issues, will also address this eventuality.

CONCLUSION

Subject to the recommended planning conditions and the signing of a legal agreement to secure the required transport, education, and parks contributions, the

off-site drainage works and to secure the Council's position in respect of Affordable Housing, officers consider that the proposals are acceptable. Officers have identified no areas of harm that would significantly and demonstrably outweigh the benefits of the development, in terms of housing provision, and therefore the proposed application is put forward for approval.

RECOMMENDATION

Authorise the Development Manager of Planning and Transport Development to PERMIT subject to condition(s)

CONDITIONS

0 A. Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure:

1. Education

Contributions £34,550.88 to fund the need for primary school places and Youth Services provision places arising from the development. The agreed contributions shall be provided prior to the commencement of development.

2. Open Space and Recreational Facilities

Contributions towards the provision of public open space, the exact sum to be calculated according to the detailed layout of the site, incorporation of communal open space within the development and housing mix put forward at reserved matters stage.

3. Transport

Contributions of £20,000 for the introduction of a Traffic Regulation Order to provide a virtual footways to connect the site to the village centre and thereby improve pedestrian infrastructure within the vicinity of the site, connectivity and highway safety.

4. Off-site Drainage works

Replacement off-site drainage works beneath Middle Street (downstream of the site) linking the amended on-site drains to the downstream stone culvert. Off-site drainage works to consist of a 500 mm pipe and gully connections to site outfall, receiving chamber and connections to the downstream stone culvert

5. AFFORDABLE HOUSING

The Owner to covenant with the Council not to permit the change of use of more than one Workshop Building from a workshop within use class B1 to a dwelling-house under use class C3 unless an Affordable Housing Scheme for the provision of 35% affordable housing units as part of the Development on the Land has been submitted to and approved in writing by the Council or a financial payment in lieu of such provision of 35% affordable housing has been agreed in writing by the Council

B. Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to the following conditions (or such conditions as she may determine):

1 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Approval of the details of the (a) layout, (b) scale, (c) appearance, (d) means of access and (e) landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

3 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

4 No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

5 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which

has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

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

6 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of postexcavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

7 Full details of on-site drainage shall be submitted with any subsequent reserved matters application, including but not restricted to the following:

- o Full details of the construction and cross sections of the proposed swale, the existing on-site water channel and the culverted watercourse in the highway (Middle Street).
- o A before and after CCTV condition survey of the existing culvert on the site.
- o Finished site levels.
- o The proposed 1-in-100 year storm-flow overland flow routes through the site (rear of plots 1-5).
- o Details of pre and post-development discharge rates (the proposed surface water system should seek the betterment of existing surface water discharge rates).
- o Drawings showing the size, type and location of drainage features (Swale attenuation) with their connection and discharge points.
- o Electronic modelling (calculations) of the performance of the system up to the 1 in 100 year (+30% for climate change) return period event.

The above details shall be agreed in writing by the Local Planning Authority prior to the commencement of development and the agreed works shall be completed prior to first occupation of the workshops or dwellings.

Reason: In the interests of Flood Risk Management.

8

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) details of planting and habitat creation to be incorporated into the planting scheme, front boundary treatment and swale area, to demonstrate equivalent or greater ecological value to vegetation being removed by the proposal

(ii) details of further measures to enhance the site for biodiversity, to include provision of bird / bat / hedgehog boxes; provision of barn owl roosting box; provision of species rich grassland and incorporation of wildlife features within gardens and boundary vegetation; provision of new hedgerow planting where applicable; all specifications and details including numbers and locations are to be incorporated into landscape scheme and planting plans

(iii) details of all other necessary measures that shall be implemented to protect wildlife including reptiles and nesting birds

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: To ensure that the development does not result in a diminution in the ecological value and biodiversity of the site.

9 A Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment of the site. The Desk Study shall be submitted to and approved in writing by the Local Planning Authority. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority and a remediation validation report submitted for the approval of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the workshops hereby approved shall be used only for purposes within Use Class B1 a (office) or B1 b (research and development) and for no other purpose in Class B of the schedule to that Order.

Reason: In the interests of the amenity of nearby residential occupiers and in the interests of highway safety. Other such uses require further detailed consideration by the Local Planning Authority in terms of their amenity and traffic impacts.

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

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

PLANS LIST:

1 Drawing 5062W-04 REV. A - SITE AS EXISTING
DESIGN & ACCESS STATEMENT
ECOLOGICAL SURVEY
FLOOD RISK ASSESSMENT

2 This permission does not convey or imply any civil or legal consents required to undertake the works. Further consents may be needed to carry out the off-site drainage works and to close the road in order to implement these works.

3 This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

4 The applicant is advised to ensure that there is provision within the site for the disposal of surface water in accordance with the requirements of the Flood and Water Management Act 2010.

Condition Information: The applicant has indicated that surface water will be disposed of via soakaways. The applicant should carry out infiltration testing to BRE Digest 365 standards to ensure that a feasible soakaway design is possible. The test results should be submitted in support of the discharge of the above condition along with the soakaway design. If infiltration rates are found to be too low to support a feasible soakaway design, an alternative strategy for the disposal of surface water incorporating SuDS principles should be submitted.

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	20th November 2013
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

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.

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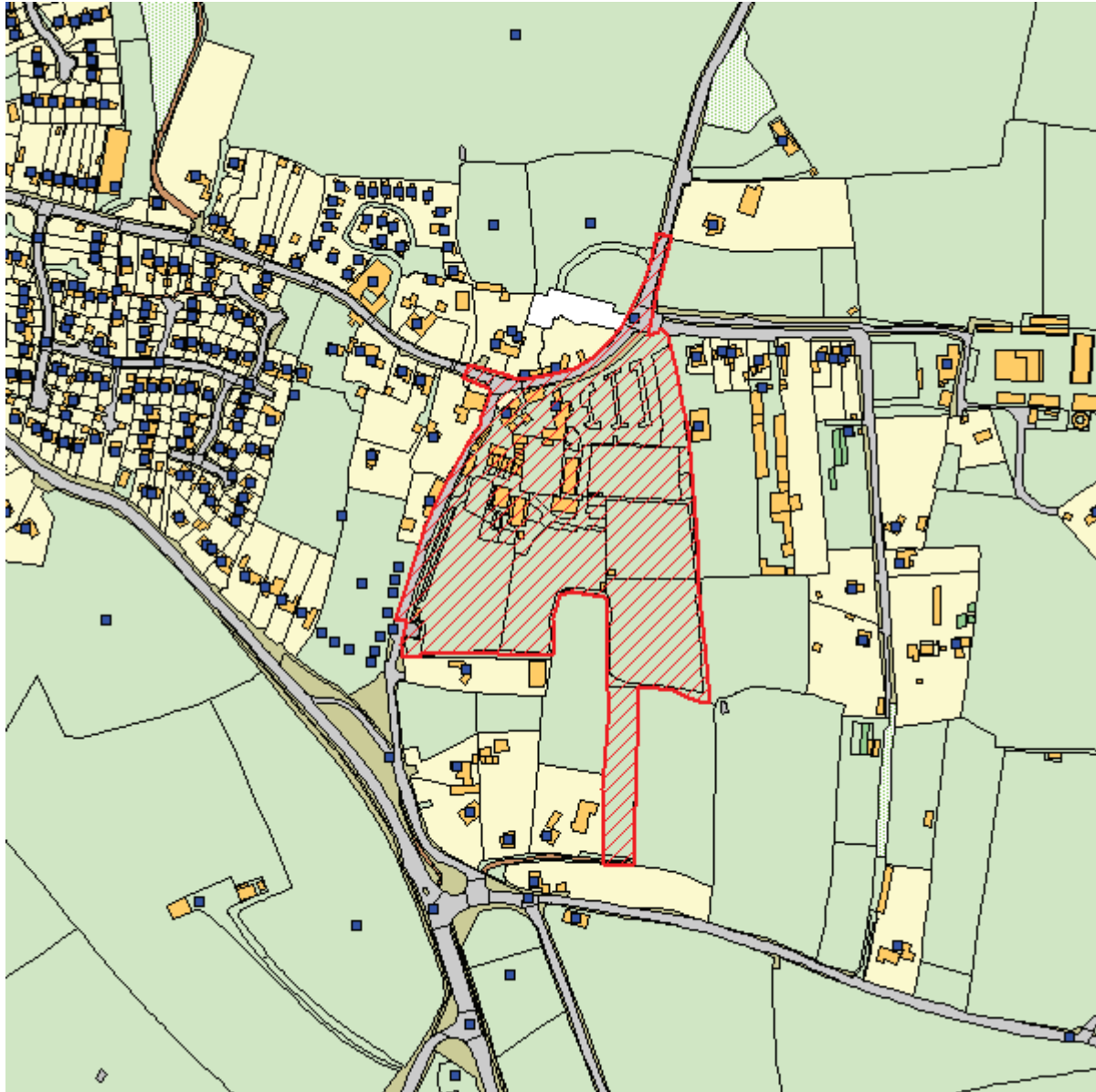
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	13/02164/OUT 16 September 2013	HorseWorld Trust Horseworld, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset Hybrid planning application for enabling residential development of up to 125 dwellings and associated demolition, highways infrastructure and landscaping works: The outline component comprises up to 118 dwellings including associated demolition, highways infrastructure and landscaping works; and the detailed component comprises the redevelopment of 6 curtilage listed dwellings including associated demolition, highways infrastructure and landscaping works adjacent to the Grade II Listed Staunton Manor Farmhouse	Publow And Whitchurch	Daniel Stone	PERMIT
02	13/02180/FUL 16 September 2013	HorseWorld Trust Horseworld, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset Erection of new visitor centre for the Horseworld charity including associated highways infrastructure, parking provision and landscaping	Publow And Whitchurch	Daniel Stone	PERMIT
03	13/02121/LBA 12 August 2013	HorseWorld Trust Horseworld, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset Conversion of curtilage listed buildings to residential including selective demolition, extensions, internal and external works	Publow And Whitchurch	Daniel Stone	PERMIT

04	13/03194/REG03 13 November 2013	Bath & North East Somerset Council Car Park, Newbridge Park & Ride Car Park, Newbridge, Bath, Extension of existing Newbridge Park and Ride facility to provide 248 spaces, construction of a central amenity building, along with associated landscape and engineering works.	Newbridge	Mike Muston	PERMIT
05	13/03358/FUL 4 November 2013	Golden Valley Paddocks Ltd Parcel 2866, Woolley Lane, Charlcombe, Bath, Bath And North East Somerset Alterations and extension to existing agricultural building, formation of farm track, construction of stock pond and ancillary works (Retrospective) (Resubmission of 12/05660/FUL)	Bathavon North	Gwilym Jones	PERMIT
06	13/03374/CLEU 30 September 2013	Golden Valley Paddocks Ltd Parcel 2866, Woolley Lane, Charlcombe, Bath, Bath And North East Somerset Certificate of lawfulness for the existing alterations to access and formation of hardstanding and track around existing building.	Bathavon North	Gwilym Jones	LAWFUL
07	13/03589/FUL 2 December 2013	Mr Jonathan Hodge Forge Stud, Hunstrete, Marksbury, Bristol, BS39 4NS Change of use of existing land and stables to a Farrier business and conversion of existing stone barn to provide rural workers dwelling (Resubmission)	Farmborough	Alice Barnes	REFUSE
08	13/02087/FUL 23 October 2013	Mrs A Allen Parcel 0056, Kilkenny Lane, Englishcombe, Bath, Bath And North East Somerset Change of use of land to mixed use of agriculture and equestrian and erection of timber stables	Bathavon West	Alice Barnes	REFUSE
09	13/03555/FUL 11 October 2013	Western Building Consultants 2 Rush Hill, Southdown, Bath, Bath And North East Somerset, BA2 2QH Change of use from Labour Club (Sui Generis) to Office (B1)	Odd Down	Chris Griggs-Trevarthen	REFUSE
10	13/04016/FUL 13 November 2013	South West Coffee Ltd Costa Coffee, 50 High Street, Keynsham, BS31 1DX, Planning application for the change of use of the highway to place 2 tables and 4 chairs to the south of the existing coffee shop entrance. (Resubmission of 13/01412/FUL)	Keynsham North	Sasha Coombs	PERMIT
11	13/03472/FUL 14 October 2013	Mr Pingstone 28 Park Road, Keynsham, Bristol, Bath And North East Somerset, BS31 1BU Erection of a single storey side extension including integral garage and revised access arrangements.	Keynsham South	Sasha Coombs	PERMIT

12	13/02651/FUL 30 August 2013	Little Willows Day Nursery Little Willows Day Nursery, Powlett Road, Bathwick, Bath, BA2 6QH Installation of modular building for temporary two year period	Walcot	Victoria Griffin	PERMIT
13	13/03332/FUL 15 October 2013	Mr M Tansley 129 Ringswell Gardens, Lambridge, Bath, Bath And North East Somerset, BA1 6BW Change of use from C3 (Dwelling) to C4 (HMO)	Walcot	Heather Faulkner	PERMIT
14	12/05281/FUL 28 February 2013	Hesketh Ventures Ltd Bubblers Dytch, High Street, Wellow, Bath, Bath And North East Somerset Erection of 2no detached two storey houses with attached garages following demolition of existing single storey house (Resubmission).	Bathavon South	Tessa Hampden	PERMIT

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

Item No: 01
Application No: 13/02164/OUT
Site Location: Horseworld Staunton Lane Whitchurch Bristol Bath And North East Somerset



Ward: Publow And Whitchurch

Parish: Whitchurch

LB Grade:

Ward Members: Councillor P M Edwards

Application Type: Outline Application

Proposal: Hybrid planning application for enabling residential development of up to 125 dwellings and associated demolition, highways infrastructure and landscaping works:

The outline component comprises up to 118 dwellings including associated demolition, highways infrastructure and landscaping works; and the detailed component comprises the redevelopment of 6 curtilage listed dwellings including associated demolition, highways infrastructure and landscaping works adjacent to the Grade II Listed Staunton Manor Farmhouse

Constraints: Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Cycle Route, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, Public Right of Way,

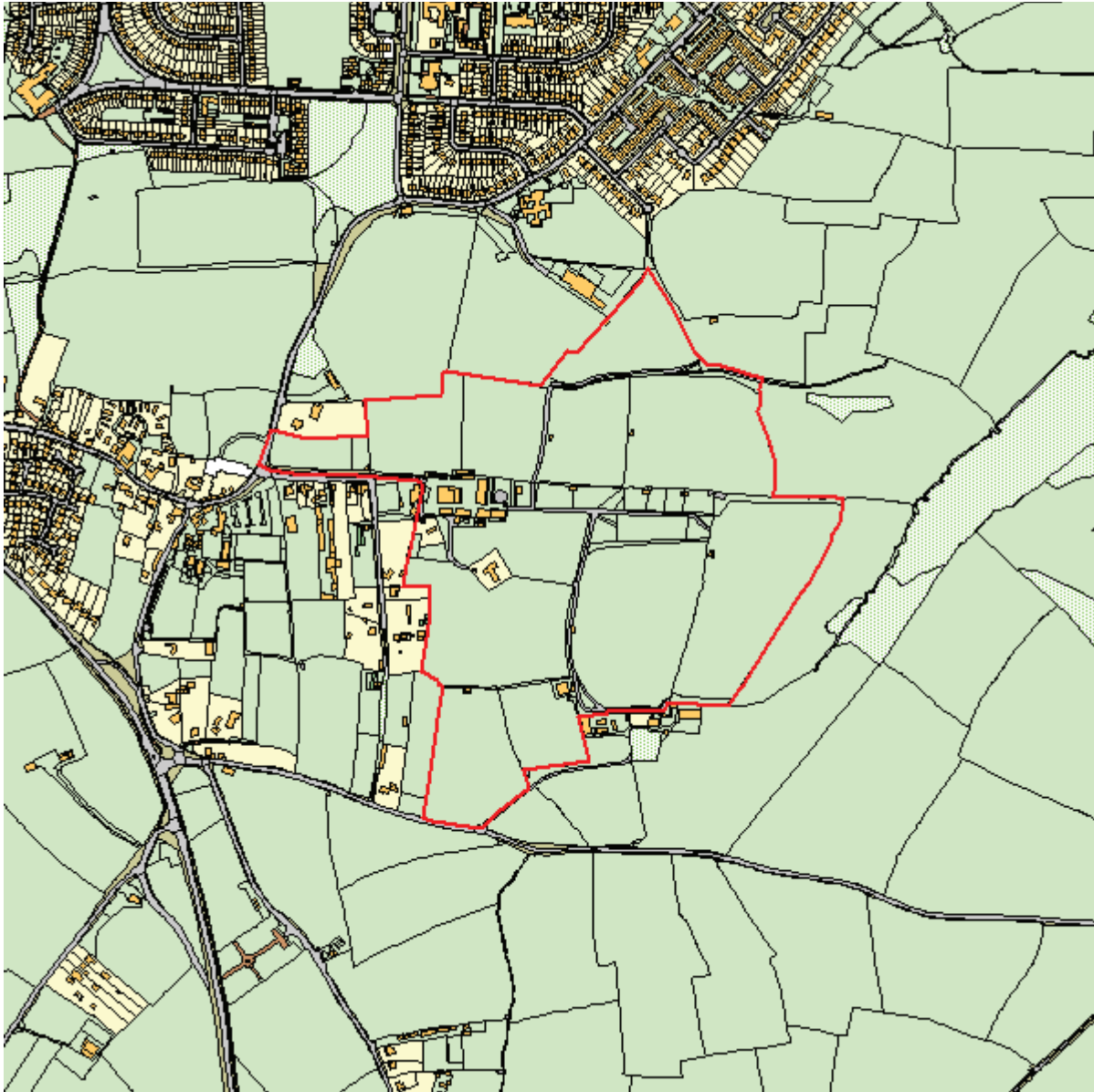
Applicant: HorseWorld Trust

Expiry Date: 16th September 2013

Case Officer: Daniel Stone

Please see Item 02 for Full Report

Item No: 02
Application No: 13/02180/FUL
Site Location: Horseworld Staunton Lane Whitchurch Bristol Bath And North East Somerset



Ward: Publow And Whitchurch

Parish: Whitchurch

LB Grade:

Ward Members: Councillor P M Edwards

Application Type: Full Application

Proposal: Erection of new visitor centre for the Horseworld charity including associated highways infrastructure, parking provision and landscaping

Constraints: Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Public Right of Way,

Applicant: HorseWorld Trust

Expiry Date:	16th September 2013
Case Officer:	Daniel Stone

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Councillor Peter Edwards requested that applications 13/02180/FUL, 13/02164/OUT and 13/02121/LBA submitted by Horseworld Trust are considered by Banes Development Control Committee by reason of the fact that the location lies within the Green Belt, and the very special circumstances as submitted will need close scrutiny and verification.

SITE CONTEXT

The applications have been lodged by Horseworld, which is a charity based in Whitchurch Village specialising in the rescue, rehabilitation and rehoming of horses, ponies and donkeys. On average the charity re-homes approximately 55 horses per Year and is involved in the rescue of approximately 90 horses per year involved in Road Traffic accidents or Stray Abandonment cases. There are currently 125 horses resident within HorseWorld and over 300 further horses in the care of the Charity who have been rehomed and continue to be monitored. The charity also runs an educational programme for disadvantaged young people and offers training programmes to groups such as the fire service, RSPCA, Bristol and Bath Colleges.

Horseworld's landholdings in Whitchurch Village are split into two land parcels, both of which are located on Staunton Lane in Whitchurch village and which are separated from one another by residential and industrial uses. Whitchurch village lies to the south-west of Bristol. Whilst near to the edge of the city, the village centre, including the application sites, is quite rural in character and both sites are located within the Green Belt.

The Proposed Visitor Centre site

The proposed Visitor Centre site, the eastern land parcel, consists of the existing "farmyard" serving horseworld, the administration block and extensive areas of paddocks and fields, as well as an all-weather outdoor exercise area. This land is where the main charitable activities of Horseworld occur and where horses are rehabilitated, but the land is not open to the public. This site, which extends to 67 hectares (167 acres) in area, is bounded to the north by playing fields and agricultural land, to the west by residential and industrial uses, and the land extends as far as Queen Charlton Lane. To the east the site is bounded by the open countryside and an area of woodland designated as a Site of Nature Conservation Interest. Further to the east is the village of Queen Charlton.

The Proposed Housing Site

The proposed housing site, the western land parcel, consists of the existing Horseworld visitor centre, its car parks and paddocks. The site is open to the public as a visitor attraction, offering interaction with horses, a soft play area for children and a café and gift shop. This is the public face of Horseworld.

This site is bounded to the west by Sleep Lane and Staunton Lane to the north and by residential properties to the south. To the south-east is open countryside and to the east the site is bordered by what appears to be vehicle storage, industrial and residential uses. The site measures 4.05 hectares (10.1 acres) in area. A public right of way runs along the western edge of the site and a national cycle way runs along Sleep Lane before turning left along Staunton Lane. Staunton Manor Farmhouse and the buildings within its curtilage, which form the nucleus of the site are Listed Buildings.

Due to the context of both sites on the edge of Bristol close to the A37 leading into the city, the access roads (Sleep Lane and Staunton Lane) to both sites are busy, particularly during the rush hour when traffic turning onto the A37 backs up towards the site. Particular safety concerns have been raised about Sleep Lane, which carries a significant amount of commuter traffic, is narrow and lacks pavements.

PROPOSALS

The Proposed Visitor Centre - Planning application 13/02180/FUL

Full planning permission is sought for the new Visitor Centre on the eastern land parcel. This would include a new admissions building including shop, an indoor horse arena, café/restaurant and play barn. Access would be provided from a new junction and road off Stockwood Lane, parallel to the existing road, which would be grassed over and landscaped to provide an improved route for the Priests Path public right of way. The proposed visitor centre buildings and covered arena would be constructed around the existing outdoor school to the south of the Priests Path, with a 249 visitor car park spaces created to the north of the footpath. A new service road would be built which would provide separate service access to the rear of the covered arena.

The centre piece of the proposals is the covered indoor arena, which would house a riding area of 60m x 30m in a double height space, with seating for up to 250 people and an interactive viewing gallery. The intention is that this would change the visitor attraction into an all-weather experience, and would also allow training and rehabilitation work during bad weather.

The new indoor arena would be linked to the Visitor Centre by an enclosed shelter/lobby and this would house a play barn and café/restaurant able to cater for 150 indoor covers with potential for 50 outdoor covers. These facilities would be a substantial upgrade from those available at the existing centre.

The Proposed Housing Development - Planning Application 13/02164/OUT

Planning permission is sought for the erection of up to 125 dwellings on the site of the existing visitor centre, on the western land parcel. The application is a hybrid application, seeking full permission for the conversion of the (listed) buildings associated with Staunton Manor Farmhouse, but outline consent for the remainder of the site.

Within the area for which outline consent is sought, the application seeks consent for the means of access, but the Appearance, Layout, Landscaping and Scale of development proposed are reserved matters. This means that within this area the Council is considering the principle of residential development, and issues connected with the

proposed access arrangements, but all other issues to be considered by means of a subsequent planning application for the "reserved matters". Issues connected with planning obligations do however need to be considered at this stage.

The Conversion of the Listed Farm Buildings - Listed Building application 13/02121/LBA

Listed Building consent is also sought for the residential conversion and extension of the barns associated with Staunton Manor Farmhouse. Application 13/02121/LBA relates.

Due to the inter-relationships between the proposals, in particular the consideration of Green Belt issues and the function of the proposed housing development as an "enabling development" to fund the proposed visitor centre, and to minimise duplication, this report is intended to cover all three applications.

EIA SCREENING

As the proposal relates to two sites that exceeds the 0.5ha threshold under the second column of Schedule 2 of the EIA Regulations 2011 an EIA screening opinion is required.

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations, 2011, an EIA screening was carried out and the applicant was formally notified of the decision.

The EIA screening opinion concluded that the proposed housing development of 125 dwellings falls below the threshold of 1000 dwellings and at 4 ha is under the threshold of 5ha given in the EIA regulations and that the significance of the impact of the development would be localised. Whilst the proposed visitor centre development substantially exceeded the 0.5 hectare threshold, above which the regulations advise EIA might be required, a large proportion of this land would remain as open grazing land for horses, the site is not located in an environmentally sensitive area and the development would give rise to relatively straight-forward issues of local importance. Based on an assessment of the relevant regulations and guidance it was considered that the neither proposed development constituted EIA Development.

DEPARTURE FROM LOCAL PLAN

The proposals have been advertised as a departure from the adopted Local Plan. As such, were the Council to be minded to approve the application, it would be necessary to notify the Secretary of State of the decision, in order to allow the application to be called in, if appropriate.

RELEVANT PLANNING HISTORY:

None

OTHER RELEVANT PROPOSALS

12/04597/OUT - Residential development (up to 295 dwellings) including infrastructure, ancillary facilities, open space, allotments and landscaping. Construction of two new

vehicular accesses from Stockwood Lane (Resubmission) - Fields North Of Orchard Park, Staunton Lane, Whitchurch, Bristol - Refused - appeal pending

11/02193/FUL - Erection of 47no. dwellings with associated car parking, access, landscaping and public open space - Refused - appeal Allowed

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

CONSULTATION

Consultation letters were sent out to adjoining properties, a press notice and site notices were displayed and Whitchurch Parish Council were consulted.

To date 38 individual objections letters and 46 letters of support have been received in respect of application 13/02164/OUT for the proposed residential development. 567 identical objection letters have been submitted from local residents through Whitchurch Village Action Group. 8 objections letters and 64 letters of support have been received in respect of application 13/02180/FUL for the proposed Visitors Centre application. 2 Objection letters were received in respect of Listed Building application 13/02121/LBA.

In summary , the objection letters (in respect of all three applications) raised the following issues:

Green Belt and Housing policies

- Impact on the Green Belt. The Horseworld site is an important piece of Green Belt between Whitchurch, Bristol and Queen Charlton. Whitchurch owes its existence to the Green Belt.

The development will encourage the urban sprawl of Bristol and will urbanise Whitchurch village. Whitchurch Village is made up of approximately 460 houses. A further 125 houses will start turning it into a town.

- Brownfield sites should be developed ahead of Greenfield sites.

- The application should be refused for the same reasons as given for the refusal of the Robert Hitchens development for 295 houses at Orchard Park. How could this application be approved when the Orchard Park application was refused?

- The residential development will be unsustainable, with little access to employment, shops or public transport

- The majority of the houses planned will be in the higher price bracket and won't be suitable for first time buyers or those needing social housing.

Links with Horseworld Charity

- Some of the charitable services offered by Horseworld are already taking place. The destruction of Green Belt is therefore not required. The expansion of Horseworld's charitable work is not necessary. Horseworld should downsize its operations to meet its resources.

- Who can guarantee that visitor numbers will rise as hoped and that the new visitor centre will be financially stable?

- The business model presented by Horseworld is inappropriate for the area and it should consider relocating.
- Horseworld is a substantial local employer, but it is likely that the majority of these people would still be employed were the application to be refused.
- There's no consideration of a smaller development or of the slimming down of Horseworld.
- The viability report (for the existing business) and business plan (for the proposed Visitor centre) are unsound. The business plan is based on unrealistic assumptions, of increasing admissions charges by 75% and increasing membership numbers by 215%. The proposed visitor centre will have a minimal effect in reducing Horseworld's deficit, so the argument for Very Special Circumstances fails.

Traffic and Transport

- The road infrastructure cannot cope with additional traffic. Staunton Lane onto the A37, Sleep Lane, Stockwood Lane forward to the A4 are already running at full capacity. Traffic from the A37 already backs up to the junction of Sleep Lane and Staunton Lane.
- Impact of Cumulative traffic generation with the Sleep Lane development (47 houses) and the Orchard Park appeal (295 houses)
- The zebra crossing at the Sleep Lane / Staunton Lane roundabout will be unsafe
- Further traffic will exacerbate problems with air and noise pollution.

Services and Infrastructure

- Services such as public transport, shops, NHS dentists, employment and Doctors surgeries are limited and depend on car access.
- The local primary school is already over-subscribed and there are no senior schools within walking distance. The development is likely to require secondary school children to be bussed to Keynsham.

Sustainability

- The proposed Visitor Centre is not sustainable in its design. Why are there no manure fuelled anaerobic digesters or solar photo-voltaic panels on the roof?
- The bus service passing both sites is very poor, with 1 bus passing the sites along Staunton Lane per day and none at weekends. The Visitor centre will be car dependent.

Wildlife and Character of Countryside

- Impact on wildlife and hedges
- Impact on Queen Charlton Conservation Area.
- Impact on the amenity value of the public footpaths passing through the proposed housing site

Other

- The development will worsen flooding problems on Sleep Lane.

The letters of support (in respect of all 3 applications) raised the following issues:

- The development will allow the charity to continue to provide the worthwhile charitable activities it provides for many years to come, and its continued role as a local employer.
- Any alternative options will lead to more expense for the charity and less funds to support the animals.
- Horseworld is a nationally registered centre of excellence for rescue, rehabilitation and rehoming of horses.
- The current visitors centre has become a very popular attraction with both residents and tourists, but it has been apparent for some years that the current site does not provide enough insight into the Charity's welfare work, which is principally carried out at their other site and does not allow enough access for visitors to walk and explore the surrounding countryside. To see the welfare work of the charity would be an eye-opener for many visitors and the larger premises would allow more activities to be organised for families and adults.
- Many of the horses that enter Horseworld are in need of intensive treatment, making on-site accommodation for Care staff, and dedicated isolation and treatment buildings essential.
- The sale of land is the only resource available to Horseworld to finance the proposed visitors centre.
- A small number of new homes, which are needed anyway, will allow the charity to continue its work. A good proportion of the land already has buildings on it.
- The housing development fits with BANES Core Strategy for Whitchurch Village and the site is already surrounded by housing.
- The development will preserve valued listed buildings.
- The development will be beneficial to the area and has taken into account the listed buildings and highway access.
- Whitchurch Village will still have its Green Belt between Whitchurch and Stockwood
- If Horseworld have to close, what will happen to the land? It will probably be developed for housing anyway.
- If Horseworld were to close the knock-on impact on local businesses would be immeasurable.

WHITCHURCH PARISH COUNCIL - OBJECT for the following reasons:-

1. A lack of confirmation from the Inspector regarding B&NES Council Core Strategy housing numbers for Whitchurch Village.
2. Whitchurch Parish Council believes that the protection of the existing Green Belt is of paramount importance in order that the Village protects its traditions, culture and sense of community which has been built and retained over many years. The majority of the land in these applications is in the Green Belt.
3. The Plan for traffic is flawed. In the Traffic Assessment 4.10 it states that 'the proposed development is unlikely to have any impact on the existing traffic flows or the operation of the narrowest sections of Sleep Lane'. We believe the projection of traffic is inadequate and that Sleep Lane will be greatly affected by the increase in traffic from the developments together with the junction with Woollard Lane, Staunton Lane and the A37. Therefore given the current constraints with regards to the layout of Sleep Lane, any increased demand to use this route as a result of development is unacceptable.
4. Whilst we are sympathetic to HorseWorlds 'Special Circumstances' we do not believe that they outweigh the potential harm to the Green Belt as explained in Section 9 of the

NPPF and the fact that the developments will have a detrimental effect on the safety and operation of the public highways in the area.

ADDITIONAL COMMENTS DATED 2ND September:

In view of the recent meeting between Horseworld, BANES & Whitchurch Parish Council we continue to have reservations about the inevitable increased traffic flows notably the two-way system in Sleep Lane and the potential bottlenecks created at the junction of Woollard Lane/Sleep Lane and Woollard Lane/A37.

We wish to record our continuing stance that the existing Green Belt should not be developed. However given the lack of clarity surrounding the number of houses Whitchurch Village is expected to take on, BANES Core Strategy, and the developing scenario with other housing developments we feel that we should record our thoughts as follows.

In the event that BANES Core Strategy is ratified by the Planning Inspector at a level of 200, we would not object to the Horseword application of 125 houses subject to the following conditions:

- 1) Strict implementation of the traffic controls proposed by Horseworld and agreed by BANES Transport/Highways.
- 2) Support for the revised traffic proposals by BANES
- 3) Absolute and irrevocable refusal of any other housing development that would exceed the 200 or lower figure agreed between BANES and Planning Inspector.
- 4) We acknowledge the special circumstances put forward by Horseworld.

COMPTON DANDO PARISH COUNCIL - OBJECTS

Compton Dando Parish Council objects very strongly to the above application for the Horseworld housing development in Staunton Lane, Whitchurch. The Council believes that this important area of Green Belt should be protected under Policy Ref GB2 of B&NES Local Plan. Furthermore, the land represents an important buffer between Whitchurch and Queen Charlton, Keynsham and Bristol. The Parish Council also believes that a development of this scale would have an adverse effect on local traffic volumes.

CPRE B&NES GROUP - OBJECT

We broadly support the proposals to re-develop Staunton Manor Farmhouse, but object to plans to build up to 118 new dwellings on Green Belt land which constitutes inappropriate development and unsustainable development in the Green Belt, not justified by "Very Special Circumstances".

We support the general concept of a new visitor centre, but object to the proposals for a large arena which would destroy the openness of the Green Belt.

We reject the applicants attempts to link the two separate projects, which is not justified by planning policy.

CPREs full comments (which extend to 6 pages in length) can be viewed on the Councils website under reference 13/02164/OUT.

WHITCHURCH VILLAGE ACTION GROUP - Object

The area around the site already carries much traffic and can be extremely congested. The development will worsen these highway problems.

Impact on the Green Belt, which is there to protect Whitchurch Village from inappropriate development creating urban sprawl. Bristol City Council have had their Core Strategy ratified and do not seek further development on their south-east boundary. The NPPF clearly states that Authorities should consult and work together.

The development is unsustainable with no Post Office, doctors surgery, dentist, limited shopping and an over-subscribed school. Employment, shopping, schooling all require a car for access.

BRISTOL CITY COUNCIL - Object

It is requested that Bath and North East Somerset Council refuse the application for the following reasons:

- The proposals constitute inappropriate development within the Green Belt;
- The proposals would give rise to unacceptable traffic conditions on key arterial roads into Bristol that cannot be satisfactorily mitigated through highway capacity improvement works or demand management;
- The proposals will place additional pressure on local services and facilities across the boundary in Bristol. Such impacts are not addressed by the proposals;
- The proposals will have an unacceptable impact on the amenities of nearby residential areas in Bristol.

Should the council be minded to approve the application, this would represent a departure from the adopted Local Plan. As such, it would be necessary to notify the Secretary of State of the decision, in order to allow the application to be called in, if appropriate. Bristol City Council would also expect to see appropriate mitigation measures put in place or financial contributions made to address the various impacts identified across the boundary in Bristol.

Loss of Green Belt

The release of Green Belt land at Whitchurch for development would not be consistent with national policy as set out in the NPPF. The Government attaches great importance to Green Belts and having regard to the NPPF, the council considers that any development in this location will undermine both the essential characteristics and the purposes that Green Belt fulfils.

Bristol City Council have objected to the proposed changes to the B&NES submitted Core Strategy that relate to the removal of land from the Green Belt at Whitchurch to allow for the development of housing. Until the Core Strategy Examination process is concluded decisions on development within the Green Belt should be consistent with existing saved policy within the B&NES Local Plan 2007. The council note that the recent Green Belt

review commissioned by B&NES identified the Green Belt around Whitchurch as important for 4 of the 5 purposes set out in the NPPF. Of particular concern is the potential for Whitchurch village to merge with South Bristol.

The council is also concerned that any release of Green Belt land across the boundary would isolate land in the designated Green Belt within Bristol and create pressure for inappropriate development. This may undermine Bristol Core Strategy objectives for regeneration and to focus development on previously developed land. Overall the council do not consider that there are exceptional circumstances to justify the release Green Belt land in this location.

Sustainable transport/highway impacts

A high-level transport evaluation (Ove Arup & Partners Ltd - February 2013) was commissioned by B&NES council to inform the choice of locations identified for potential development within the modified Core Strategy. Ten locations, including Whitchurch were considered, in terms of opportunities to promote sustainable transport and potential highway impacts associated with development. The review identified Whitchurch as one of the worst performing locations, highlighting the following impacts/issues:

- Any development at Whitchurch is likely to result in car dependent behaviour and relatively high numbers of vehicular trips given its isolated location, Significant additional traffic is forecast along the A37 and A4 into Bristol, the A4174 Callington Road and through Keynsham. Routes into Bristol are already heavily congested with low journey speeds.
- There is little scope for mitigation measures on these routes through highway capacity improvement works or demand management.
- The Whitchurch area has low existing public transport patronage despite reasonable levels of bus provision. Whilst there is some scope for modal shift to public transport, journey times/distances may be uncompetitive with the private car.

Bristol City Council's Traffic Management Team concurs with this evaluation and consider these matters relevant to the application under consideration. In the circumstances, the council cannot support development in this location.

Impact on local services, facilities etc.

Significant residential development will necessitate new or enhanced infrastructure, such as schools, parks transport facilities, health facilities etc. It is expected that considerable pressure will be placed on existing infrastructure across the boundary in Bristol. Bristol's Infrastructure Delivery Programme is based on the levels and locations of growth set out in the Bristol Core Strategy. That strategy did not envisage significant development on the edge of the urban area at Whitchurch. The council is concerned that development will not provide the level of investment necessary to accommodate additional demand whilst also sustaining current facilities and services for the benefit of existing communities.

Impact on character and residential amenities

Significant residential development in this location has the potential for harmful impacts on the pleasant surrounding character and residential amenities of nearby residential areas in Bristol.

THE PROPOSED HOUSING DEVELOPMENT - APPLICATION 13/02164/OUT

HIGHWAYS DEVELOPMENT CONTROL -

Both of the above applications, 13/02164/OUT and 13/02180/FUL, should be considered together as it is understood that the purpose of the former is to fund the new visitor centre, thus improving the attraction, encouraging longer stays and spends, thereby placing the charity in a stronger financial position to secure its future.

As a result, the potential of the Horseworld development to generate traffic will increase. This must be considered along with the increase in traffic that will arise from the proposed residential development, which has been recognised in the submitting of a Transport Assessment to cover both development proposals.

The level of detail submitted, together with the detailed TA, is very helpful in responding to this application.

The proposed residential layout, whilst affording the possibility of passing through the site between Staunton Lane and Sleep Lane, seeks to make this unattractive. However, this ability to bypass the northern section of Sleep Lane, which is very narrow and has only limited opportunity to enable vehicles to pass one another, a situation recognised by the TA, is important.

Given current constraints with regards the layout of Sleep Lane, any increased demand to use this route, as a result of development, is unlikely to be acceptable. Further, Sleep lane also forms part of the National Cycle Network (NCN3) so any intensification in use would be detrimental to that route and result in increased hazard for cyclists.

Any detriment to cyclists using NCN3 would be unacceptable.

Further, Sleep Lane carries significant peak hour flows, given its geometric standard, particularly by traffic wishing to avoid the congested, heavily trafficked A37, access onto which is difficult, with junctions currently operating at, near or over design capacity.

Whilst the TA has not attributed any increase in vehicle movements to or from Horseworld during peak hours, this is dependent upon the control of the hours of operation and this may well not be the case at weekends or when there are special events being held. This should be addressed by the submission and appropriate methods of control put forward for consideration. Furthermore, with the attraction closing at 17.00 hrs there may well be some increased impact in the pm peak (17.00-18.00 hrs), therefore control could be important.

It is assumed that the demand to access the site by coaches may well increase, e.g. school trips, with the improved attraction. This does not appear to have been addressed and no mention is made regarding the routing of coaches and neither have those routes been audited to identify areas for improvement.

Regarding the anticipated increase in annual visitor numbers to Horseworld, from 100,000 to 134,000 per annum, 'based on research', no information has been submitted in order that those assumptions can be checked/verified.

The TA mentions special events that are held at the site, these are likely to change patterns and volume of traffic generation on those days, which would require special traffic management plans to be agreed for each occasion. No mention of this has been made as part of the application.

Re the Residential Welcome Pack, no mention is made of the required free 'rover' type tickets for each member of new households in order to encourage them to use public transport, such tickets covering peak hours and for a minimum period of a week.

The trip rates used for the proposed residential development would appear reasonable.

Regarding trip distribution, whilst a demand to use A37 northbound for 42% of trips may appear reasonable, junction capacity affecting the ability to access the A37 will influence that figure and capacity problems are likely to affect driver choices. Further details/justification is required.

Whilst the TA considers, e.g. in para 7.19, that an increase in an RFC of 6% is small, this does not truly reflect the impact. Once the RFC for a junction exceeds 0.85 (the theoretical capacity), delays and queuing tend to increase exponentially so a small increase can result in a big increase in delays, driver frustration, etc, thus changing driver behaviour and chosen routes. As a result, the TA should be examining what measures are possible to mitigate this increased impact in order to identify the optimum solution for managing the demand to travel from these developments. This, of course, will need to form part of a balanced approach as it is not reasonable to expect a developer to resolve pre-existing problems, although it is reasonable to expect that they are not worsened.

Regarding sustainability, the TA refers to the walking distance to a secondary school in Bristol. In reality, it is likely that they would attend the nearest school in Bath and North East Somerset, Broadlands in Keynsham, as such they would not walk to school but are likely to be bussed.

No designers response has been submitted with regards the submitted Safety Audit, in particular section 3. This is an omission and should be addressed.

Subject the satisfactory resolution of the above matters, together with the completion of a S106 Agreement in respect of securing contributions towards off site measures that may be identified to mitigate the impact of these developments, including possible public transport enhancements, then there are unlikely to be any highway objections, subject to conditions.

FURTHER HIGHWAY DEVELOPMENT CONTROL RESPONSE RE: Proposed Housing Development - 9th October 2013

Following further information from the applicant, we accept that, compared to the existing situation, together with the committed development on the Sleep Lane site permitted at

Appeal, traffic arising from the proposed residential development can be accommodated and managed without severe problems on the existing highway network, including peak hours.

We have also examined the operation of the signal controlled junction of Staunton Lane with A37, in the event that the proposed Robert Hitchens development on Land to the North of Orchard Park is allowed at Appeal. Whilst the results show some increased delays and a small increase in junction saturation, it must be remembered that the junction model cannot take into account the ability of traffic to take alternative routes nor measures put in place to encourage alternative means of travel.

As a result, our signal engineer concluded that the resultant increase is so low that it will not have any material impact on the operation of this junction.

However, it must be borne in mind that both this and application 13/02180/FUL are mutually dependent and, therefore, S106 requirements relate to both developments. In this respect, the requirements are:

1. A public transport contribution towards improving accessibility of the proposed developments by public transport. This could fund the diversion of the hourly 379 bus service (Monday-Saturday) via Staunton Lane (a £20k contribution for 4 years) plus the £10k to install a bus stop.
2. Improvement to cycling/pedestrian infrastructure so as to provide linkages from both developments to NCN3 both where it passes along Staunton Lane to the north west of the application sites and along Sleep Lane to the south-west of the application sites and including a link through the proposed residential site linking Sleep Lane and Staunton Lane access points.
3. 10. A contribution towards highway safety/traffic management measures associated with the proposed development, including improved signage and necessary TRO's

The above matters are subject to on-going consideration to identify the most appropriate off-site measures/costs.

Subject to the completion of the S106 Agreement referred to above, the highway response would be one of NO OBJECTION, subject to conditions.

ECOLOGY - No objections to the proposed housing development and visitor centre subject to conditions in respect of application 13/02164/OUT and 13/02180/FUL

Comprehensive ecological and protected species surveys and assessment have been undertaken across the site. Ecological assessment and a Landscape and Ecological Management Strategy (LEMS) have been submitted.

The key habitats and features of ecological value have been mapped and identified. Although the site is dominated by improved and semi-improved pasture so is not noteworthy for supporting habitat of particularly high ecological value, the large area of the site and its range of features within it, including trees, ponds, a network of hedgerows, and farm buildings, add strongly to its overall ecological value. Key impacts will be the removal of significant lengths of hedgerow and associated habitats, and the resulting

potential impacts on species for which these habitats and their connectivity are important. In particular bats (commuting and foraging routes) and reptiles could be impacted upon.

Recommendations are made for appropriate measures to avoid, mitigate and compensate for impacts. Key mitigation issues and impacts, and an overall ecological strategy, have been considered and proposals made to address many of them through design and layout. Replacement planting and habitat provision including replacement hedgerow planting has been designed to be of at least equivalent (and potentially greater) area and quantity as that being lost, and with appropriate specifications at the detailed stage I am confident the proposed measures should produce equivalent or greater ecological value and will compensate well for ecological impacts. An integrated approach has been taken to landscape and ecological design, which is welcome. Drawings include proposed new planting and habitat creation to compensate for key impacts of hedgerow and tree removal and to ensure continue habitat connectivity and bat flight paths. A range of other measures are stipulated for which details are not yet available; these will need to be secured by condition as advised below. Production of Landscape and Ecological Management Plans (LEMPS) for each Phase of the development as recommended will be important and these also must be secured by condition. These plans are likely to be able to address the majority of ecological requirements but I have recommended some additional individual conditions for specific issues to ensure they are addressed; they can be addressed via the LEMPS if appropriate.

The site supports good reptile populations including slow-worm and grass snake. Where there is a risk of these being impacted, and especially where hedgerows will be removed, reptile mitigation will be required. This should, where appropriate and in accordance with best practice guidance, include reptile translocation (and not just a watching brief or destructive search as recommended in the ecological report). More detail will be needed by the LPA regarding proposed reptile mitigation including details of translocation proposals and receptor site/s. I consider all necessary reptile mitigation is feasible within the scheme and therefore the necessary further details of proposed mitigation and its implementation can be secured by condition.

Bat surveys have been completed, and roosts of common pipistrelle and brown long-eared bats located within a listed building at the main visitor centre (labelled as Building 1 on Figure A6.2 The proposal states that this building and the bat roosts will be unaffected by the proposals. Provided this is the case, no EPS licence will be required for these proposals. Should this change or not be the case however, the need for an EPS licence would need to be acknowledged and further information would be required by the LPA prior to a decision in relation to proposed mitigation and for consideration of the "three tests" of the Habitats Regulations.

I would in addition recommend the LPA seeks a sum of money to be allocated through the S106 agreement to provide for measures to mitigate for unavoidable indirect impacts arising from increased usage and pressures on the nearby Local Nature Reserve (under the ownership and management of Bristol City Council).

Provided all proposed and recommended ecological measures can be secured and implemented I have no objection to the proposals 13/02164/OUT and 13/02180/FUL.

LANDSCAPE OFFICER - No objection to the proposed housing development subject to conditions.

The design has evolved through a series of iterations and now responds well to the issues as highlighted in the original sketch layout. The central landscape corridor is extremely important and the detail of how this will be constructed and managed needs to be sensitively handled.

In terms of the layout, the building grouping works well. I would like to see sensitive use of a minimal number of hard paving materials across the site. I would also ask that the number of individual posts, signs, columns and lines are kept to an absolute minimum. Where necessary, these must be combined to ensure that there is a minimum of clutter. Generally, precedence should be given to a strong structure of trees through the street scene and in particular the courtyards. Shrub planting must not be used to simply infill awkward left over spaces and must form a strong part of the design from the outset. These awkward spaces and narrow slivers of unused space will be highly visible and very detrimental to the overall quality of the finished scheme.

HOUSING SERVICES -

Current proposals arising from the proposed housing application fall quite considerably short of policy requirements, offering:

- 10% on site provision of affordable housing - mix and tenure to be determined
- Claw back provisions in s106 agreement allowing for a commuted sum figure to be generated based at delivering the equivalent of 25% of units off-site (based on comparison between the out turn sales receipt for the residential development land and the total cost of delivering the new visitors centre)

On the basis of direct compliance with policy requirements, Housing Services cannot support the application; however there are a number of assumptions and viability issues for assessment which may result in a successful negotiation on levels of affordable housing delivery.

Areas for discussion / negotiation

Policy HG8 states that higher or lower percentages of housing delivery may be allowable in certain circumstances and that agreements may be made on tenure and unit mix in order to ensure viable delivery of the application area.

In this instance, it is clear that the application is primarily predicated on the delivery of a new, modern Visitors Centre and associated buildings in order to ensure the long term future of Horseworld and to enable its charitable aims and objectives. This realisation of the primary objective is clearly dictated by the value delivered from the redevelopment of the existing site for housing.

In order to positively work with the Applicant and Planning colleagues to deliver on these aims, and subject to robust viability assessment of the proposals submitted by the applicant, there are areas of the application that are open to discussion in order to close the gap between policy and the current offer.

Increasing Percentage of affordable housing provision within existing proposals:

It is noted that the applicant is proposing the delivery of staff accommodation within the detailed application through the conversion of the Manor House. If these units come forward as self-contained flats suitable for single people or couples and with restrictions on rent levels and allocation, these units might be brought forward as affordable sub market rented homes. There would be a fall back requirement in the s106 agreement that should Horseworld no longer need to use the units as staff accommodation, the block would transfer to an RP for continued use as affordable housing.

Dealing with uncertainty

The applicant is applauded for recognising the uncertainty of the capital outcome of the sale of land for development and the levels of finance needed to deliver the proposed new Visitors Centre whilst seeking to mitigate against this in a way which favours affordable housing delivery. However, the proposal put forward, whilst potentially delivering a sum of money for the development of new affordable homes, does nothing to ensure delivery within the Whitchurch area, where opportunities for development are severely restricted. Neither does it allow for the potential to deliver affordable housing units with the benefit of grant or negotiations on alternative tenure options.

It is requested that consideration be given to a mechanism in the s106 that replaces the proposed claw back but which:

- Sets a 10% minimum level of affordable homes to be delivered on site without the need for public subsidy, this to be potentially increased to incorporate the provision of flats for staff affordable restricted accommodation if appropriate.
- Sets out a requirement for the maximum level of affordable housing provision at 35% and for the requirement for these homes to be identified at Reserved Matters application stage with the developer and delivery to be discussed following robust viability testing.

This hybrid application is required to address Policy HG.8 and provide 35% affordable Housing at nil public subsidies.

Subject to the areas of discussion raised in this report being satisfactorily resolved Housing Services would support this application, recognising that the departure from areas of current planning policy are being supported Corporately in order to deliver the primary objective of the application.

If the planning officer is minded to support this application Housing Services request that;

1. The recommendations below are inserted in a robustly worded legal document (Section 106).
2. Any further affordable housing information is sufficiently detailed with the affordable housing mix identified on plan & supported by clear referencing demonstrating how the design requirements of the B&NES SPD have been fully addressed..

HOUSING SERVICES - FURTHER COMMENTS - 9.10.13

Having considered further information in respect of Horseworld's reserves and projections of future viability to January 2015, and assuming these have been verified, I am satisfied that, if supporting the delivery of the new Visitors Centre is a strategically important corporate priority, the affordable housing contribution cannot meet a policy requirement of 35% as a direct development contribution. I do, however, as I suggested in our planning response, want to look at how the overall % might be increased:

- Staff accommodation
- Gap funding - or at least identifying up to 35% of units that could come forward if HCA subsidy could be secured

ENVIRONMENTAL HEALTH - No objection subject to conditions addressing maximum internal noise levels within the proposed dwellings.

ARBORICULTURE - No objection is raised to the propose housing development, subject to Conditions requiring the submission of an arboricultural method statement and tree protection plan.

PUBLIC RIGHTS OF WAY - no objection to the proposed housing development.

Footpath BA26/5 runs along the edge of the application site. The line and width of the footpath must not be affected during or after works.

ARCHAEOLOGY - no objections to the proposed housing development subject to conditions.

CONSERVATION - no objection to the proposed housing scheme subject to conditions:

I am satisfied that the proposed outline housing development layout has satisfactorily recognised the sensitive setting of Staunton Manor Farm (the C18 Grade II listed building), and the adjacent curtilage farm buildings. Clearly the setting will change from that of rural/edge-of-settlement to a semi-rural/urban edge, but the design and layout will cause less than substantial harm to the setting of the listed building and those of the curtilage farm buildings.

There are no other above-ground heritage assets to consider in the context of the site itself. New development, including the road network is sufficiently distant from the curtilage farm buildings to avoid visual intrusion, and the design approach to parking and access allows for predominantly pedestrian spaces and access between the buildings themselves.

URBAN DESIGN - No objections to the proposed housing scheme

As designed, the layout and indicative siting of buildings in the residential development appears acceptable with some positive elements such as open shared surface areas bounded by buildings characteristic of Whitchurch in design, a green infrastructure spine

and diversion of existing pedestrian and cycle routes via the residential area to provide safer routes.

Upgrading the fabric of existing former Staunton Farm buildings is welcome to improve building performance and energy efficiency. Please refer also to the Council's own Sustainable Construction & Retrofitting SPD.

PARKS DEPARTMENT - No objection to the proposed housing development subject to contributions of £71,911.20 being secured for land purchase, construction and maintenance for the provision of Formal open Space (£71,911.20) and Allotments (£25,879.86) to serve the needs of the development.

EDUCATION - No objection to the proposed housing development subject to the contributions of £871,498.77 being secured as follows:

- £16,675.00 - Youth Services Provision
- £351,367.50 - Early Years Provision - As there is no existing local provision that can be expanded, how and where this contribution is used will need to be addressed. The provision will need to be located in the immediate area, within 'pram pushing' distance. For Orchard Park we have said that it needs to be provided on site.
- £503,456.27 for Primary School provision. Initial comments are that the existing Whitchurch Primary school site could sustain an expansion sufficient for the pupils generated by this development.
- £4,750 towards the additional costs of bussing secondary age pupils to Broadlands Academy in Keynsham, which serves this area - contribution based on additional cost of £950 per year X 5 years.

CONSERVATION - no objection to proposed conversion of Listed Building (Listed building application 13/02121/LBA) subject to conditions

Staunton Manor Farm is a key heritage asset within the historic core of Whitchurch. There are a number of other listed buildings in close proximity, including Manor Farmhouse and Grey House, and the grouping of historic structures forms a distinct character which surprisingly does not benefit from conservation area designation and status. The Queen Charlton Conservation Area lies close-by to the west, but is not impacted on by the development proposed apart from possible traffic increase levels

The listed building application does not include any changes to the building itself which it is proposed to retain in its existing use for Horseworld staff accommodation. Externally the works proposed will affect its setting. However, these are primarily changes to the garden and walling and are not considered to cause any substantial harm, provided high quality is achieved.

As part of the Horseworld activity, the group of C18/C19 stone curtilage farm outbuildings have all been maintained in active use, with some experiencing a higher degree of alteration than others. Modern new build (late C20) is being removed as part of the scheme, and this is welcomed. The buildings are predominantly single storey with interiors partly open or subdivided.

The proposed conversion of these buildings for residential use is accepted. None are listed in their own right, and their architectural and historic value is predominantly derived from their grouping. I had originally hoped that there might have been a greater mix of uses, including some which could be more sympathetic to existing character and appearance and include less alteration and physical intervention. However, the application as submitted is for residential use only, and provided the conversion work, including materials and detailing respect character and appearance I have no objections in principle.

The design layout proposed ensures that each building addresses/fronts onto the internal courtyard spaces with the backs enclosed from the adjoining new development by rubble stone boundary walling. One design concern I do have relates to the treatment of the spaces between and at the front of the buildings which introduces an urban character with front gardens, low walls and grassed areas. They should be a much more informal treatment to respect the farm yard character and I would request inclusion of a condition to cover this.

The conversion of each of the buildings has been negotiated with the architect and I am satisfied that the designs, both internal and external are all acceptable in principle. Small extensions to buildings D and E are of appropriate subservient scale and form. Existing door and window openings are retained and reused and any new openings minimised. It is proposed to use 'slimlite' glazing throughout which is considered acceptable in this context.

The new carport building will assist in enclosing the courtyard space to the east and is therefore acceptable.

THE PROPOSED VISITORS CENTRE - APPLICATION 13/02180/FUL

FURTHER HIGHWAY DEVELOPMENT CONTROL RESPONSE - 9th October 2013

Following further information from the applicant, we accept that the majority of traffic associated with the proposed development will be outside peak hours, subject to their stated hours of opening being maintained (10.00 - 16.30 during the winter months and 10.00 - 17.00 in summer). As such, the relocation of, and improvements to the visitors attraction and facilities are unlikely to result in a material detriment to the operation of, or safety on the highway network.

However, it must be borne in mind that both this and application 13/02164/OUT are mutually dependent and, therefore, S106 requirements relate to both developments. In this respect, the requirements are:

1. A contribution towards improving accessibility of the proposed developments by public transport. Transport Officers suggest that £90,000 be secured. This could fund the diversion of the hourly 379 bus service (Monday-Saturday) via Staunton Lane (a £20k contribution for 4 years) plus the £10k to install a bus stop.
2. Improvement to cycling/pedestrian infrastructure so as to provide linkages from both developments to NCN3 both where it passes along Staunton Lane to the north west of the application sites and along Sleep Lane to the south-west of the application sites and

including a link through the proposed residential site linking Sleep Lane and Staunton Lane access points.

3. 10. A contribution towards highway safety/traffic management measures associated with the proposed development, including improved signage and necessary TRO's

The above matters are subject to on-going consideration to identify the most appropriate off-site measures/costs.

URBAN DESIGN - the proposed Visitor centre is not acceptable in the current form

- A primary concern is the siting of the visitor centre buildings, specifically the connectivity of the entrance reception and facilities to public transport and local pedestrians coming from Whitchurch village. There is a great distance for people to walk to reach the café for example and this appears to be confined to entrance fee paying visitors. The visitor attraction is designed to be visited by car or coach only and there is no provision to connect to public transport routes such as local buses and walking routes from Whitchurch village detailed in the Design & Access Statement. This is a missed opportunity to integrate the visitor attraction with the village and create a vibrant facility that serves the village without reliance on driving to it and paying an entrance fee to use the café.

- Upgrading the pedestrian routes towards the new visitor centre from Whitchurch village would be desirable as would ensuring that bus routes serve the centre adequately during holidays and weekends.

- BREEAM Very Good rating would be welcome and those additional elements that would raise the rating from Good should be implemented.

TREE OFFICER - No objections to the proposed Visitor centre subject to a condition requiring the submission of an arboricultural method statement with tree protection plan identifying measures to protect the trees to be retained, and a further condition securing the implementation of the protective measures.

ENVIRONMENTAL HEALTH - No objections to the proposed visitor centre subject to conditions restricting plant noise from the visitor centre.

ARCHAEOLOGY - no objections to the proposed visitor centre subject to conditions.

ENVIRONMENTAL MONITORING - (AIR QUALITY) - No objection to the proposed visitor centre subject to conditions ensuring that construction dust is minimised

ENVIRONMENT AGENCY - no objection in principle to the proposed visitor centre subject to the inclusion of conditions.

PUBLIC RIGHTS OF WAY TEAM - No objection in principle to the proposed visitor centre

- The definitive line of public footpath BA26/10 (referred to as Priest's Path) is incorrectly shown on the associated maps.

- The definitive line of public footpath BA26/10 is obstructed at a point outside of the area within the red boundary. This could be an opportunity to reinstate the definitive line of the public footpath at this location.

- The redevelopment of the area is an opportunity to either reinstate the legal line of the footpath at the obstructed points shown on the two diagrams, or to divert the legal line by way of a Diversion Order.

- The section of public footpath BA26/10 around the Admissions Centre is proposed to be surfaced with concrete slabs. This section of footpath will sustain a higher footfall so PROW welcomes the proposal to surface it but would prefer crushed stone or tarmac from the section at the Admissions Centre to just beyond the Reflection Garden. Concrete slabs have the potential to become uneven over time and create a potential trip hazard. The future maintenance of the surface of this section of footpath must be agreed before work goes ahead. PROW would be interested in discussing the possibility of improvements to the footpath surface to the east of the Admissions Centre as well.

PROW approves of the new vehicular entrance which means that HorseWorld visitor traffic will not be using the Priest's Path. The safety of the users of both footpath BA26/9 and BA29/10 must be kept in consideration when designing the new vehicular access point.

If so, PROW welcomes the proposals for new circular trails in the area, but queries their proposed legal status and their maintenance liability? Is the Developer proposing to negotiate dedication agreements or permissive paths with the landowners? Who will be responsible for their future maintenance and upkeep? Queen Charlton Lane is narrow and not suitable for pedestrians. PROW suggests that the potential link to connect to BA26/9 should be within the field boundary, parallel to the road. PROW would also welcome any proposed bridleway links in the area.

POLICIES/LEGISLATION

Adopted Local Plan:

- o D.2 General design and public realm considerations
- o D.4 Townscape considerations
- o BH.6 Development within or affecting Conservation Areas
- o BH.4 Change of use of a listed building
- o ET.9: Re-use of rural buildings;
- o ES.2: Energy conservation and protection of environmental resources;
- o ES.5 Foul and surface water drainage;
- o ES.10: Air Quality;
- o ES.12: Noise and Vibration;
- o NE.1: Landscape Character;
- o NE.9: Locally important wildlife sites;
- o NE.10: Nationally protected species and habitats:
- o NE.11: Locally important species and habitats;
- o NE.12: Natural features; retention, new provision and management;
- o BH.2: Development and Listed Buildings;
- o BH.12: Important Archaeological Remains;
- o T.1: Overarching access policy;
- o T.3: Promotion of walking and use of public transport;
- o T.5: Cycling Strategy: cycle parking;
- o T.25: Transport assessments and travel plans; and
- o T.26: On-site parking and servicing provision.

- o GB.2 Visual amenities of the Green Belt
- o BH.12 Important archaeological remains

Core Strategy

- o CP2: Sustainable Construction;
- o CP4: District Heating;
- o CP5: Flood Risk Management; and
- o CP6 - Environmental Quality
- o CP7 - Green Infrastructure
- o CP8 Green Belt
- o CP9 Affordable Housing

National Planning Policy Framework

Planning for Growth - ministerial Statement March 2011

OFFICER ASSESSMENT

Officer Assessment:

A. ARE THE PROPOSED VISITORS CENTRE AND HOUSING DEVELOPMENTS ACCEPTABLE IN PRINCIPLE IN THE GREEN BELT?

POLICY CONTEXT

Both the proposed housing site and the site for the proposed visitor centre lie within the Green Belt. Core Strategy policy CP8 largely mirrors national policy within the NPPF that identifies the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open and that the most important attributes of Green Belts are their openness and permanence

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

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

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

1. To provide opportunities for access to the open countryside for the urban populations of Bath, Bristol, Keynsham and Norton Radstock.
2. To provide opportunities for outdoor sport and outdoor recreation near Bath, Bristol and Keynsham.

3. To retain attractive landscapes and enhance landscapes.
4. To improve damaged or derelict land.
5. To secure nature conservation interests.
6. To retain land in agricultural, forestry and related uses.

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

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

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

National and local policy establishes a presumption against inappropriate development in the Green Belt which by definition is harmful to the openness of the Green Belt.

When the development is "inappropriate" it is for the applicant to show why permission should be granted because of very special circumstances. In view of the presumption against inappropriate development, substantial weight should be attached to the harm to the Green Belt when considering any planning application.

The NPPF sets out that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is "clearly outweighed" by other considerations.

Which Elements Of The Applications Comprise Inappropriate Development?

The NPPF supports the re-development of previously developed (or "Brownfield" sites within the Green Belt, which would not have a greater impact on the openness of the Green Belt. Approximately half of the existing Horseworld site consists of previously developed land, developed with the existing horseworld visitor attraction, its associated buildings and car parks. The principle of re-developing this portion of the site is supported by policy, but the proposed re-development would have a greater impact on openness than the existing structures. The residential development of the remainder of the existing site (currently set out as paddocks) comprises inappropriate development. As a consequence, "Very Special Circumstances" need to be demonstrated for the residential development as a whole.

Whilst elements of the proposed Visitor Centre would support the 1st and 2nd objectives of the Green Belt (providing access into the countryside and opportunities for outdoor sport and recreation) the development still comprises inappropriate development for which Very Special Circumstances need to be demonstrated.

Within information supporting the planning application, the applicant has set out what are considered to be the very special circumstances under the following headings:

- i. Maintaining and expanding the Charitable work of Horseworld, including:
 - a. Assisting in the education of young people, offenders, people with special needs and recovering drug and alcohol addicts
 - b. Education of the emergency services
- ii. Retaining a significant local employer.
- iii. Sustainable location for a visitor attraction
- iv. Achieving the Council's Corporate Plan
- v. Enhancing access to the Green Belt
- vi. Boosting Housing Land Supply
- vii. Emerging Core Strategy policy

The following sections describe your officers assessment of the case being made for very special circumstances for both the proposed housing development and Visitors centre.

- i. Maintaining and expanding the Charitable work of Horseworld and ii. Retaining a significant local employer.

The application rehearses the value and importance of the work Horseworld does as a national charity, both in terms of its work in rescuing and caring for horses, its work with the emergency services, the increase in demand for its services during the recession, and its social and educational work. The essence of the Very Special Circumstances is that the charity is running at a deficit at present, and change is needed in order to safeguard the future of the charity, the continuance of its good work and its role as a local employer. Horseworld employs 62 employees and has 140 volunteers. Commentary is also given as to how the development would permit an expansion in the charitable work offered, for example the proposed indoor arena would allow Horseworld to re-habilitate more horses and allow greater educational work to take place with local schools and colleges.

The valued work the charity does is recognised by officers. The community work and specialised animal welfare work carried out, the importance of the charity in its specialist area and the employment offered by the charity are clearly public benefits, which are capable of being planning considerations in the determination of the applications.

Officers consider that the Crux of whether Very Special Circumstances are demonstrated rests upon a consideration of the following points:

- Whether the charity is unviable at present
- Whether there are other sources of finance that would resolve HorseWorld's financial problems;
- Whether the proposed Visitor Centre would permanently resolve the charities financial problems and return the charity to a sound financial footing.
- Whether there are any other alternatives to developing the Visitor Centre in the Green Belt, for instance developing a new site for HorseWorld outside of the Green Belt;

- Whether the proposed housing development is necessary to fund the proposed visitors centre.

The applicant addresses these points in their Planning Statement, their viability report for the existing Business and business plan for the new visitors centre. The viability report and Business Plan have been submitted as confidential because they contain commercially sensitive information, but have been independently assessed on behalf of the Council by Alder King and Fourth Street, respectively viability and tourism consultants. A summary of the key points of their advice is incorporated into the body of the report below.

Viability of Existing Business

Fourth Street's review of Horseworld's published accounts and the business plan illustrates that based on their existing business model and setup, Horseworld is not financially sustainable in the medium to long-term. The following is a summary of their advice:

The main change is a decline in Legacy Income (Horseworld being made a beneficiary in Wills), historically Horseworld's main income stream, from £1.20m in 2006 to £307,000 in 2011. Efforts have been made to increase other charitable income, which has increased from £105,000 in 2006 to £154,000 in 2011. Visitor numbers at the existing visitor's centre have also grown, resulting in an increase in income from this source from £394,152 in 2006 to £445,735 in 2011; however the increased income from charitable donations and the existing visitor centre do not offset the reduction in income from legacies.

Fourth Street advise that overall the charity has been running at a loss of several hundred thousand pounds a year since 2007, despite cutting back expenditure as much as possible. Whilst the charity does have investments, at the current rate of loss, these will be exhausted within 5 years. Our advisers comment that if the business were to achieve cost savings equivalent to the level achieved in 2009 - 2010, and achieve the projected revenue for the existing facilities, the business would come closer to breakeven, but would still incur a substantial yearly loss.

The information given in the Planning Statement and Business Plan demonstrates that on the basis of its existing setup, the charity is unviable at present. This information is consistent with the records held by the Charity Commission, who audit all registered charities, and is therefore capable of being given significant weight in the determination of the application.

Alternative Sources of Finance and Alternatives to developing in the Green Belt.

From the details submitted Horseworld have taken reasonable measures to secure alternative sources of funding. In 2010 HorseWorld recruited a full-time fundraiser focussed on securing trust/grant funding. In 2011 the charity applied for 86 grant/trust applications with a potential value of £832,508, but only managed to secure £24,586 worth of funding from these efforts, less than the cost of employing the fundraiser. They comment on the ever greater competition for charitable giving between charities, and on the difficulties in securing charitable giving to an animal rather than human based charity.

Horseworld advise that all their land is within the Green Belt, and that they would not have the resources to buy a new site outside the Green Belt and fund the construction of a new visitor centre without a capital receipt from the re-development of their existing site. Officers consider that this logic is inescapable. Horseworld's main asset consists of their land holding, and they would only be likely to realise substantial funds from this asset (sufficient to buy and develop a new site) by selling it for development.

Horseworld does however have substantial investments, and therefore the question arises as to whether the proposed visitor centre on their existing site could be funded from these reserves. Horseworld advise (and our advisers confirm) that whilst at the current time they do have investments, these would fund only a third of the capital cost of the new visitor centre and in any event, are needed to cover the continuing losses and operating costs of the charity up until the new visitor centre opens. Furthermore the charity relies on an income derived from these investments, and this income is factored into the business plan. The Council's advisers have confirmed that these points are in accordance with their analysis

Officers are satisfied that there are no alternative sources of finance available to fund the proposed visitors centre other than the housing development proposed.

Viability of New Visitor Centre

As discussed above, it is material to consider whether the proposed visitor centre would return the charity to a financially sustainable footing. Hypothetically, were the visitor centre development to be allowed without having a sound financial basis, it could result in harm being caused to the Green Belt and other harm without the promised benefits (the continued operation of the charity) being delivered. Were this to be the case the harm to the Green Belt would clearly outweigh the promised, but not delivered benefits of the development, and the decision to approve the applications would be unsound.

Quantitative Assessment of the Proposed Business Plan

Fourth Street, on behalf of the Council, raised concerns about the business plan submitted with the application, which forecasts a significant increase (175%) in paid admission visits from 19,338 to 53,089 per year, a doubling of members and a 25% rise in the price of adult admissions resulting in a 238% increase in admissions income. Essentially their advice was that the business plan was over-optimistic and that whilst such an increase in visitor numbers and income may be possible, there was insufficient evidence to support a firm conclusion that the step-change in visitor numbers and income levels will be realised, and therefore that the proposed visitor centre will would rectify the Trust's financial position.

At the suggestion of the Council's consultants, Fourth Street, Horseworld have submitted a revised, "pessimistic" business plan for the new visitor centre. This explores whether the charity could remain afloat and still deliver its charitable objectives if the income generation from the new visitor centre fell short of what is hoped for.

The "pessimistic" business plan states that there would be potential to reduce the operating costs of the new centre by 28% from the level forecast in the original business

plan. The savings would be achieved by reducing the number of rescue horse cases dealt with per year (from c.60 to c.30) (cost reduction of -42%), reducing Establishment, Marketing and Publications costs (-5%) and achieving staffing efficiencies and other efficiencies by consolidating the two existing sites (-35%).

Despite these significant cost reductions, HorseWorld is confident that were this scenario come to pass, the organisation could still satisfy its charitable objectives, maintain its unique positioning within the sector and deliver a high quality experience necessary to match visitor expectations.

Overall, Fourth Street advise:

"the key implication of the overall reduction in fixed operating cost is the substantially reduced income generation required to achieve a breakeven financial position. Based on the revised cost base, assuming that all other variables remained constant, a breakeven position would be achieved at around 46k annual visits to the site, compared to a level of 76,886 total visits that took place in 2012. Looking at this another way, the new centre will need to generate an additional £177k of income in 2017 (or +16%), compared to what is currently budgeted for the existing centre in 2013. On the face of it this seems reasonable, particularly when one considers the:

- o Enhanced quality of experience that can be delivered through the new centre;
- o Fit-for-purpose retail and catering facilities proposed; and
- o The attractions 'all weather' appeal.

Fourth Street advise that from their experience the revised proposed staff costings appeared reasonable and sufficient to deliver the high quality experience envisaged. Furthermore, HorseWorld have also identified (but not included within the business plan projections) additional income opportunities arising from the development of the new centre such as: hire of the arena for ticketed events."

Fourth Street comment that whilst considerable savings would be available to the new consolidated operation, HorseWorld confirm that savings to the operating cost of the existing visitor centre sufficient to create a breakeven position if it were to remain open remain unachievable.

Officers would stress that the only purpose of the "pessimistic" business plan is to test the robustness of the charity with its revised setup against adverse business conditions, so that the Council can be confident that the proposed visitor centre would return the charity to profitability. Horseworld consider it very unlikely that the pessimistic scenario envisaged would play out and maintain that the income levels forecast in their original business plan are realistic. The savings set out in the "pessimistic" business plan could only be achieved by substantially cutting back the number of horses rescued and re-homed, and staffing levels, and the charity would not pursue such a course of action unless it has no choice. Nevertheless on the basis of this assessment, officers are confident that the proposed visitor centre will return the charity to viability and would be relatively resilient.

Qualitative Assessment of the Proposed Business Plan

It is relevant to compare the setup of the existing site against that of the consolidated site and comparable visitor experience offered by the existing and proposed visitor centre. The Planning Statement identifies the current setup of the visitor attraction as a constraint that limits the potential to increase charitable income, in that it is limited in size and scale and is not able to reflect the full scale of rehabilitation work that occurs on the charities main site to the east. The applicants also comment that the size of the current Visitor attraction means that it is only able to support a half-day visit, with a relatively limited offer in comparison to competing attractions, and that this limits the entrance charge that can be levied. Additionally, the existing site is dominated by attractions designed for families with children, limiting the attractiveness of the site to other potential visitors.

Officers would support this assessment. For a charity centred around Horses, the existing public visitor attraction to the west is only able to have relatively few horses on show at any one time, is limited in terms of paddock space, and doesn't reflect the true scale and nature of what occurs on the operational side of the charity, seeming more like a children's play park or petting zoo than a charity centred around the rescue and rehabilitation of horses.

Essentially the proposals would unify the visitor attraction with the operational part of the charity where horses are rehabilitated and would seek to rectify these problems, and to fully expose visitors to the charity's work. Horseworld comment that once visitors directly see and understand the work behind the scenes, there is likely to be an increase in charitable giving and quote the Donkey Sanctuary in Sidmouth which is set up in this way and is highly successful in attracting charitable giving.

Horseworld's ultimate intention is to enable the visitor centre to fully fund the running of the visitor centre and day-to-day administration of the charity, with all charitable donations going directly towards the rescue and rehabilitation of horses. The proposals would also allow the visitor attraction to be re-modelled so as to be attractive to a wider customer base than at present, where parents with young children are their most frequent visitors.

Officers perception is that the experience of visitors to the new Horseworld visitor attraction will be markedly different to that of visitors to the existing centre. The new visitor centre would also open up a large area of currently private land for walks, which would be an attraction in itself. It seems realistic that the new centre, based on a larger land holding, will both attract a wider range of visitors, attract visitors year-round and by offering a longer day for visitors with better facilities, support a higher admissions charge and higher average spend. Therefore it seems realistic that the proposed visitor centre will generate significantly greater returns for the charity, and therefore return it to a sustainable financial footing.

iii. Sustainable location for a visitor attraction

The applicants have submitted details of the location profile of its members, the majority of which live in the immediate surrounding area of Whitchurch and Bristol. The applicants argue that the proposed visitor centre is well located to support the use of sustainable, non-car transport modes and that the relocation of the visitor centre beyond the Green Belt would not have the same locational advantages.

Officers agree that from the details submitted membership does seem to be predominantly concentrated within relatively nearby urban areas and (assuming that the membership remained substantially the same) were the charity to relocate outside the Green Belt it would be likely to increase the overall distance travelled by visitors.

At present the site is not particularly well served by public transport. The Bus services which travel along Staunton Lane (services 636 and 67) bypass the site only once a day. As addressed in Key Issue C, contributions of £90,000 are sought which would fund the diversion of the hourly 379 service via Staunton Lane and fund the installation of a bus stop on Staunton Lane. These measures will substantially improve the accessibility of the visitor centre by bus.

The position of the proposed visitor centre, located well away from Staunton Road, would tend to reinforce access by car rather than by bus. However the nature of the charity, centred around the care of horses, dictates that it will be located in a rural location, and it is understandable that the applicants would wish to locate the key public buildings in a position well related to the existing outdoor school and the surrounding paddocks, which will be key elements of the visitor experience.

iv. Achieving the Council's Corporate Plan

The application refers to the benefits the proposed Visitor Centre would deliver, in terms of educational provision, community benefits, economic development and job creation.

Officers acknowledge that the development would deliver benefits in these areas, however in isolation, these are not considered to be Very Special Circumstances that would outweigh the harm to the Green Belt and other causes of harm, particularly where many of these benefits are already delivered by the existing facilities.

It is reasonable however to consider the degree to which these existing benefits, and the specialised objectives and work of Horseworld would be threatened by its current financial position, and the potential the proposal presents to rectify these problems. Officers conclude on the evidence submitted that in the medium to long-term the role of Horseworld is threatened and the charity has taken reasonable measures to identify alternative sources of funding without success. The proposed Visitor Centre appears to be a viable and workable solution that would return the charity to "profitability" and secure these benefits into the future.

v. Enhancing access to the Green Belt

HorseWorld propose to enhance access to the countryside, offering additional walking routes within the wider HorseWorld land which will be freely available to the public, and allowing walkers on the Priest Path to use toilet and other facilities. The applicants also comment that the more formal elements of the visitor experience would be integrated well with access to the countryside beyond and the Visitor Centre will itself provide opportunities for outdoor sport and recreation. These benefits would not be achieved without the proposed new Visitor Centre, and represent a clear and substantial benefit of the development to the local community.

Officers consider that the development would allow the public to access considerable areas of the countryside within Horseworld's control which are currently private and inaccessible, both fee paying visitors and residents (of the housing development who are offered access to the facilities) who would be able to access all of the visitor areas, and non-customers using the permissive paths opened up by Horseworld. Whilst the new buildings, car parks and associated infrastructure clearly constitute inappropriate development within the Green Belt, Officers agree that that these are substantial community benefits that go towards the first objective of the Green Belt designation, which is to "provide opportunities for access to the open countryside for the urban populations of Bath, Bristol, Keynsham and Norton Radstock."

Clearly these benefits need to be weighed up against the harm caused by the urbanising effect of the new visitor centre development and the proposed housing development, which would extend the urban area into currently undeveloped paddocks, effectively making the open countryside "further away" for residents of Staunton Lane. Nevertheless, officers' assessment is that overall the benefits delivered in terms of enabling public access to the countryside greatly outweigh the harm caused in these terms.

If weight is to be given to these benefits as "Very Special Circumstances" justifying the development, they need to be secured in perpetuity through the Planning agreement relating to the application.

vi. Boosting Housing Land Supply

The application discusses the lack of an up-to-date local plan and Adopted Core Strategy in BANES and the current inability of the Authority to demonstrate a 5-year housing land supply, resulting in a requirement to assess housing applications against the National Planning Policy Framework and apply a presumption in favour of residential development.

It is correct that in recent appeal decisions, taking these considerations into account, Inspectors have given substantial weight to the additional supply of housing. However, in relation to this proposal, the NPPF advises that the presumption in favour of Sustainable Development does not apply to housing proposals within the Green Belt.

In confirmation, the Ministerial Statement of 2nd July 2013 confirms that: "the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt".

As a consequence, whilst it is acknowledged that the development would contribute to housing provision in the district, in this location in the Green Belt, the delivery of additional housing is not on its own considered to be a "Very Special Circumstance" that would outweigh the harm to the Green Belt.

vii. Emerging Planning Policy

The application states that the proposed housing development is in accordance with the latest iteration of the Core Strategy (Draft Policy RA5/Proposed change reference SPC

120), which identifies Whitchurch as a general location for the development of 200 dwellings.

On 11th November 2013, following the finalisation of this report but prior to the committee meeting on 20th November 2013, the Council will publish for consultation proposals to remove the existing Horseworld Visitor Centre site and adjoining land from the Green Belt to allocate this land for the development of 200 dwellings. The consultation will also include "place-making" principles for the design and layout of the site, broadly consistent with the indicative masterplan submitted with this application.

It is clear that the Council is considering whether it should take land out of the Green Belt in the Whitchurch area to allocate for housing, and also that of the available sites in the Whitchurch area, the Council consider the existing visitor centre site to be the most suitable candidate for residential development, based on its background studies of Green Belt impacts, heritage, landscape, ecological and transport considerations.

This policy proposal indicates the Council's intentions to develop the application site for housing, however draft policy RA5 is still undergoing scrutiny through the examination process and is subject to outstanding objections; and therefore the policy can be afforded only limited weight. Logically, until land is actually removed from the Green Belt, the land is protected, and therefore draft policy proposals to amend the Green Belt cannot in themselves constitute "Very Special Circumstances" which would justify development being allowed in the Green Belt.

Additionally, the 200 dwellings at Whitchurch included with draft policy RA5 is a residual figure, following the Sustainability Appraisal. It is not an environmental-led or other planning constraint led capacity figure. It is the sustainability benefits of the alternative locations, and the comparative sustainability dis-benefits of the Whitchurch area in the context of housing need, that has led to Whitchurch being proposed for 200 dwellings rather than for a higher number of dwellings. As a result, if through the examination process the capacity figures for locations in Bath or Keynsham are demonstrated to be too high or too low there may be direct impacts on policy RA5 (dependent on conclusions on the overall housing requirement) - the dwelling number for Whitchurch may stay the same, be reduced, increased or even deleted as a result of the hearings.

As such, whilst emerging draft policy RA5 does lend support to the proposals and its background studies are consistent with officers consideration of the impacts of the proposed development, the emerging policy should be afforded only limited weight in the determination of the application and is not a "Very Special Circumstance" that on its own would outweigh the harm to the Green Belt.

CONCLUSIONS ON GREEN BELT ISSUES

Officers consider that the existing financial position of the charity, it's valuable but threatened role in its specialised field and its role as a local employer are "Very Special" circumstances. The evidence considered in the viability statement and business plan demonstrate that the charity is unviable on the basis of its existing setup and changes are needed to achieve financial stability. Officers are satisfied that the charity has explored all reasonable options in terms of reducing its cost base and/or sourcing income from

elsewhere, and that the proposed visitor centre is a viable and sustainable way to return the charity to a stable footing.

Furthermore, officers are satisfied that the financial reserves left to the charity are inadequate to fund the new visitor centre, and that the only other significant assets available to the charity consist of its land holdings, which will only release significant value if developed. As a consequence, officers accept that "Very Special Circumstances" are demonstrated, both for the proposed visitor centre and the proposed housing development as "enabling development" to fund the visitor centre.

The Councils emerging but untested policy proposals to remove the visitor centre site from the Green Belt and allocate it (and surrounding land) for residential development also support the proposals, but as draft unadopted policy, can only be given limited weight.

The overall conclusions of the report will consider whether the harm to the Green Belt and any other sources of harm are "clearly outweighed" by the very special circumstances.

B. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF HIGHWAY SAFETY CONSIDERATIONS?

Transport colleagues advise that the combined effect of the proposed residential development and visitors centre would be acceptable and that the proposals are acceptable in terms of highway safety. Key considerations in this are that whilst the visitors centre would give rise to additional traffic, the peak flows to the attraction would not be expected to coincide with the peak flows on the surrounding roads. Highways Development Control are also comfortable about the proposed junction designs and highway safety conditions.

Residents have raised concerns about the cumulative traffic impact of the Horseworld Developments, the Sleep Lane development (of 47 dwellings) allowed at appeal and the pending public inquiry for 295 at Orchard Park which would also be accessed from Staunton Lane and impact on the A37 junction, and which could also potentially be allowed. The greatest area of concern are in connection with the capacity of the Staunton Lane / A37 junction to accept additional traffic without giving rise to unacceptable levels of traffic congestion.

Transport colleagues have modelled the combined impact of the predicted traffic flows from the Orchard Park development and the agreed predicted traffic flows from the Horseworld development. They comment that the extra flows (from the Horseworld developments) would make no impact on the modelled traffic flows predicted to arise from the Orchard Park development. The reason given for this is that the proposed residential development includes two principal entrances into the site, onto Sleep Lane at the western end of the site and onto Staunton Lane at its eastern end, dispersing the traffic intending to join the A37 between the Staunton Lane junction and the Queen Charlton junction.

The inclusion of the two accesses to the site would also allow cyclists and some car drivers to divert through the site and avoid Sleep Lane, and would mean that very little traffic from the residential development would be added to Sleep Lane. This is a significant benefit of the development and resolves the safety concerns around the use of Sleep Lane.

Transport colleagues therefore have no objections to the proposed development, and the proposals are considered to be acceptable in these terms.

C. IS THE WAIVING OF SOME OF THE NORMAL PLANNING OBLIGATIONS JUSTIFIED BY THE VIABILITY CONCERNS OF THE DEVELOPMENT?

Local and national planning policy allows for normal planning obligations to be waived if there are viability concerns. The Council is justified in exercising discretion in waiving normal planning obligation in order to assist the funding of the visitors centre if it is considered that this is in the public interest. In undertaking this assessment however, the Council still need to be satisfied that the policy test for allowing "Inappropriate" development in the Green Belt is passed, i.e. that "the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations."

In this respect the proposed housing development can be considered as an enabling development for the proposed visitor centre. Enabling development can be a material consideration in planning decisions and it has most commonly been a consideration in relation to development allowed to help fund restoration of listed buildings. English Heritage's definition is:

"Development that would otherwise be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which would not otherwise be achieved" (Enabling Development and the Conservation of Significant Places 2008)

Enabling development is development that is contrary to established planning policy - national or local - but which is permitted because it brings wider public benefits that have been demonstrated clearly to outweigh the harm that would be caused.

Consequently, the benefits the enabling development might offer in terms of the delivery / funding of the proposed visitor centre, and therefore the retention of the charity as a going concern could be a material consideration in the determination of this application.

The following commentary is relevant regarding the proposed planning obligations.

The Proposed Housing Development.

Education

The proposed development offers the full amount of £871,498.77 for the provision / enlargement of educational provision for the proposed development. A site is still not identified for the creation of a nursery, however education comment that will be acceptable to accept the offered financial contribution, and use this sum to fund another provider or providers of nursery provision in the area. Education identify that additional contributions of £4,750 should be provided to cover the additional costs of bussing pupils to Broadlands secondary school.

Open Space Provision

£20,000 is offered towards the provision of open space, and £26,516.25 towards the provision of allotments, against the Council's overall requirement of £71,911.20 calculated according to the Council's Adopted Supplementary Planning Guidance. The calculated contribution is needed to address an underprovision of formal open space and allotments in the area.

To compensate for the reduction in the open space contribution, Horseworld refer to the wider enhancement to open space and provision of considerable children's play equipment made through the new Visitor Centre development. Horseworld confirm that in addition to the £20,000 open space contribution, all future residents of the housing would be issued with a 10-year family membership for HorseWorld. The applicants have also offered the provision of an extensive network of permissive paths within their wider land holding, which would be open to the wider public.

Officers in Development Management and the Parks department consider that the access to the wider Horseworld land and facilities could be a significant benefit to residents of the housing development, and would be sufficient to off-set the underprovision of contributions to off-site provision, however the extent of public access has yet to be agreed, and due consideration needs to be given to the interaction between people and animals and potential safety issues arising from unrestricted access to the horseworld site.

Additionally the free use of the horseworld facilities must be given to all residents of the housing development in perpetuity, rather than just for a 10-year period as clearly demand for open space arising from the development would not be limited to a 10-year period. The offered access to the Horseworld facilities and land would need to be written into the legal agreement for both sites.

There is potential to incorporate allotment provision (with a water supply and vehicular access) into the proposed residential development through the reserved matters application, and this could remove the need to provide contributions for off-site provision. This eventuality can be allowed for in the legal agreement.

Affordable Housing

Essentially the application proposes that the value left from the housing site after the construction costs of the housing visitor centre have been covered, after unavoidable planning obligations have been made, and after the housing developer has themselves made a reasonable profit, is what is available to fund the provision of affordable housing. On this basis, the application proposes the provision of 10% affordable housing, against the Council's normal requirement of 35%.

The applicant have submitted a viability statement supporting this approach, valuing the costs of constructing the housing development and visitor centre (and associated works) and the value of the housing site to a housing developer. The Council have sought independent advice from our viability consultants, Alder King on all the elements of the valuation.

"We have reviewed the methodology, value, construction costs, and Savills approach to the viability assessment in the previous sections and set out below a summary of the assessment.

Following our research and detailed assessment we are of the opinion the proposed scheme comprising 125 units and 10% affordable housing shows a marginal reduction in the residual land value.

On the basis of the 10% affordable scheme proposed Alder King's appraisal produces a residual site value of £7,044,000, as opposed to the residual land value of £7.052m within the applicants Viability Assessment.

Whilst Alder King's appraisal adopts a faster rate of unit sales and higher sales values for the 3 bed houses and a reduction in the S106 contributions which has the effect of increasing the residual value of the site, this has been 'balanced' by the increase in residential build costs produced by BCIS.

The Cost Review undertaken by G&T confirms that the total design and construction cost proposed for the new HorseWorld complex (£6,997,000) is reasonable given the level of information provided.

On the whole we are of the opinion that Savills VA provides an accurate representation of the viability of the proposed Scheme, and justifies that the Scheme cannot accommodate an affordable housing contribution above the 10% proposed."

In summary, whilst minor disagreements were found between the applicants viability report and our consultants assessment, overall our advisers concluded that the residual value of the existing visitor centre site for housing development (at £7,044,000) was almost equal to the costs of building the Horseworld development (£6,997,000).

The assessment showed a "surplus" generated by the housing development of £47,000, but this represents only 0.7% of the capital costs of the Horseworld development, within a likely margin for error, and therefore officers do not propose to revise the Affordable Housing requirements to capture this surplus at this stage.

The applicants acknowledge that there is an inherent uncertainty in the development process and that the actual income will not be certain until the land sale has transacted and the construction of the new Visitor Centre has been completed. As a consequence, they propose a clawback mechanism whereby once both the existing Visitor Centre site has been sold and the new Visitor Centre has been fully completed, there would be a financial reconciliation. The actual capital cost of the new Visitor Centre and the actual capital receipt from the sale of the residential site are compared. If the capital costs are less than envisaged or the capital receipts greater, then the surplus would be paid to the Council to provide affordable housing off-site, up to the cost of delivering 25% off-site affordable housing provision.

Officers support the proposed clawback mechanism, and this would capture any "surplus" realised from the sale of the housing site, over and above the costs of building the new visitor centre and associated infrastructure, to be used to increase the proportion of Affordable Housing provided.

The viability analysis undertaken raises questions about the approach to the financial model proposed for the two developments, whereby the housing development entirely funds the visitor centre and Horseworld's financial reserves and investments are left untouched. The question arises as to whether these reserves / investments should also be included in the viability considerations, and whether these investments could allow the provision of a greater amount of Affordable Housing than the 10% currently offered.

The applicant's response is that its investments are needed to cover the losses and operating costs of the charity until the new visitor centre becomes operational, that once the new visitor centre is operational the charity will still need to maintain adequate reserves for its future operations, and that the income received from these investments also supports the viability of the future charity as a whole. Taking into account these costs and losses, and assuming that the existing visitor centre stays open until the new centre becomes operational, and that the new centre opens on schedule in January 2015, Horseworld predict that by 2015, their reserves would have fallen to a level that would be adequate to cover 12 months running costs.

Horseworld comment that the Charity Commission guidelines stress the importance for charities to have available capital reserves to ensure stability in the event that there is a fall in revenue. There is no fixed requirement or guidance on the scale of a reserve which should be held by a charity and the Commission guidance confirm that it is for each Charity to determine the appropriate level at which this should be set. HorseWorld's position is that the capital reserve should equate to not less than 12 months of annual running costs.

Having reviewed the Charity Commission guidance entitled "Charities and Reserves", Horseworld describe the situation accurately. The Charity Commission advises that charities should have reserves and comments that it would be unusual for a charity not to hold any reserves, but does not prescribe the amount of reserves that should be held. The level of reserves held should reflect the particular circumstances of the individual charity.

Officers consider that Horseworld is a valuable local employer and a valuable charity performing an important function within its specialist area. The charity has been operating at a loss for a significant period of time and its continued operation has only been made possible through calling on its reserves. The "Very Special Circumstances" to justify both the visitor centre and housing development principally relate to these considerations and to the role of the proposals in returning the charity to a sustainable financial footing. Having accepted these considerations, it is logical that the charity should also be allowed to maintain a reasonable reserve to ensure its continued operation into the future, particularly given that it is looking to embark upon a significant period of transition. Therefore, Housing Services and Development Management Officer's judgement is that the charity cannot afford to use its reserves to bring the proportion of affordable housing up to the policy compliant level of 35%.

As discussed above in their comments Housing Services Officers would wish to look at how the overall percentage of Affordable Housing might be increased, through securing that Staunton Manor Farmhouse is adapted to provide Affordable Housing (and is gifted to a Registered Provider as Affordable Housing if the property is ever disposed of by the charity) or securing Gap funding through the Home and Communities Agency, if possible.

Officers can explore the potential for gap funding, however the conversion (and subdivision) of the listed building to Affordable Housing which would require Listed Building consent, and this cannot be guaranteed to be secured as part of these applications. As a result, this cannot be made a condition or legal requirement of a possible consent.

Transport

£90,000 is offered to increase the frequency of the existing 376 bus service which passes along the A37. Transport Officers have since advised that the hourly 379 bus service can be diverted via Staunton Lane, and that a £90,000 contribution would fund this for four years and also the installation of a bus stop on Staunton Lane. This would clearly benefit both the housing development and the proposed visitor centre. Officers consider that this requirement should be written into the legal agreement for the proposed visitor centre, as this development has the highest likelihood of occurring and would be likely to be a higher trip generator than the housing development.

Other

Bristol City Council objected to the application, but commented that if BANES was minded to recommend the applications for approval, they wished to be consulted on possible measures or contributions to mitigate against the effects of the development within Bristol. Their further detailed comments are awaited, and need to be given consideration by officers.

D. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR IMPACT ON THE CHARACTER AND OF THE LISTED STANTON MANOR FARMHOUSE AND ITS CURTILAGE BUILDINGS, AND IN TERMS OF THE DESIGN OF THE REMAINDER OF THE HOUSING SITE?

Whilst within the wider residential site, outline consent is sought, within the area of the listed farmhouse and the former farmyard the scheme is fully detailed, as part of both Listed Building application 13/02121/LBA and planning application 13/02164/OUT.

This area would be developed as a series of shared courtyards with each curtilage building being converted to a separate dwelling. A pedestrian cut-through is maintained through these courtyards onto Staunton Lane. Some of the buildings are proposed to be extended to achieve an acceptable living space.

As detailed in the comments from the Council's Conservation Officer, there are no concerns about the proposed works to the listed buildings or about the proposals to extend some of the curtilage listed buildings, however concerns are raised about the treatment of the external spaces, in particular the creation of front gardens to the proposed dwellings, giving this area an suburban character. As discussed in the Conservation comments, these concerns can be overcome by a condition on a possible consent.

Notwithstanding these detailed considerations, the proposed residential conversion of these buildings and the quality of landscaping suggested in the details shown suggest that

the result will be a development of significant character, making the most of the opportunities offered by the site.

For the part of the housing site for which outline consent is sought, only the approval of the principle of development and the means of access is being considered through this application, with details of siting, design and landscaping reserved for later consideration. However, the indicative layout suggests that were the site to be developed as suggested it would be of good quality.

E. ARE THE PROPOSED VISITOR CENTRE AND HOUSING DEVELOPMENTS ACCEPTABLE IN TERMS OF THEIR LANDSCAPE IMPACTS?

The application includes a Landscape and Visual Impact Assessment that assesses the impacts of the proposed developments on the landscape and views.

Proposed Housing Development

Officers assessment is that the housing development will have a significant adverse impacts on the views from the footpaths passing along the eastern boundary of the site, with the severity of the impact diminishing as one heads into the countryside to the south of the site. The residential development will be apparent from Sleep Lane through the boundary hedge and through the views into the development at the Southern end of the Lane. The housing development will also significantly urbanise the character of Staunton Lane, albeit the existing visitor centre site is already partially developed, and in time maturing landscaping would lessen these impacts.

The roofs of the houses may also be apparent from Charlton Lane, albeit filtered through existing retained vegetation. Wider impacts are unlikely to be significant, and the setting of Queen Charlton Conservation Area would not be significantly affected.

Proposed Visitor Centre

The proposed visitor centre buildings would have a significant adverse impact on the character of the Priest's Path Public Right of way, as it passes between the visitor centre car park and the visitor centre buildings and past the indoor arena building.

The roofs of the visitor centre buildings (in particular the outdoor arena) would be likely to be visible from Staunton Road, Charlton Road and the network of footpaths to the south of the site through and over existing vegetation, however impacts on wider views are unlikely to be significant. The proposed visitor centre buildings would have the form of agricultural buildings and would clad in dark, recessive colours in order to minimise their prominence in the landscape. Given the context of the site, Officers consider this to be the right approach.

Additionally substantial tree and hedge planting is proposed at the entrance to the visitor centre drive on Staunton Lane, along the drive, along the new boundary road and around the arena building and car parks. In time this landscaping will ameliorate these landscape impacts.

OTHER ISSUES

F. RESIDENTIAL AMENITY / SECURITY

Due to the irregular relationship between the curtilage listed buildings (proposed for residential conversion) officers are concerned that some of the external spaces between these buildings are not well overlooked, and therefore could be insecure. Officers have suggested that the proposals be amended to include the insertion of additional windows in some of the curtilage listed buildings to provide better overlooking of the shared and public spaces within the development, and amended plans have just been received which have the support of Planning and Conservation Officers. These amendments will also improve the outlook and light levels available to some of the converted dwellings, but will have no effect on residents outside the site boundary.

Some of the converted dwellings will make unusual dwellings, however they are all considered to be acceptable in terms of the standard of living accommodation produced, and all would have access to private or shared outdoor amenity space. The shared courtyard to the rear of the listed building in particular has the potential to be a very pleasant space.

G. SUSTAINABLE DESIGN AND CONSTRUCTION

Draft Core Strategy policies CP2 and CP4 advises that new residential developments should seek Code for Sustainable Homes Code level 4, and that all major developments should demonstrate a thermal masterplanning to maximise opportunities for the use of district heating. The proposed housing development would achieve Code Level 3 and the proposed visitor centre would achieve BREEAM rating Good, with an aspiration to reach "Very Good". The proposals do not incorporate the use of District Heating, but the visitor centre proposes to incorporate such features as rainwater harvesting, a site waste management plan, a long-term ecological management plan, low impact materials and low energy lighting.

The proposals do not meet the requirements of Core Strategy policies CP2 and CP4, however these policies are not adopted and elements of the policies have been questioned in the Core Strategy Examination, and as a consequence they cannot be given significant weight. Against this context, officers do not consider that the Council could demand better performance. A recent scheme for 41 dwellings in Bishop Sutton (reference 12/05279/FUL), refused because the houses did not meet Code Level 4 was allowed at Appeal.

H. FLOOD RISK

Both sites are located in Flood Zone 1, with a low risk of flooding. Due to the size of the proposals, the environment Agency was consulted on both applications, who advised that subject to conditions being applied requiring the submission of drainage details, the proposals are considered to be acceptable.

The surface water drainage strategy developed for the housing site is indicative at present and will need to be considered further at reserved matters stage.

I. ECOLOGY

As discussed in the comments from the Council's ecologist, subject to conditions the proposals are acceptable in terms of their ecological impact, preserving the majority of boundary hedges around the application site and incorporating additional habitat and commuting routes for resident bats.

J. NOISE AND AIR QUALITY

The Proposed Visitor Centre

Pollution control raise no objections to this development provided that conditions are applied to control plant noise from the visitors centre.

The Proposed Housing Development

Environmental Health raise no concerns in respect of the proposed housing development, subject to planning conditions requiring the applicant to demonstrate that the proposed housing does not exceed maximum internal noise levels. The application, in particular that part of the site bounding industrial units to the east is made in Outline and therefore positions of houses are yet to be determined however it is considered based upon the indicative layout scheme that it would be possible to adequately design the scheme to meet with relevant noise criteria.

A condition is recommended to be applied to both applications requiring the submission of construction dust management plan, prior to the commencement of development.

ARCHAEOLOGY

Both sites were subject to geophysical survey prior to the submission of the applications. Follow up archaeological excavations revealed small paddocks or enclosures of what is thought to be a Late Iron Age/Early Roman farmstead and in addition two metalled trackways. There is no objection to the developments going ahead provided conditions are applied as recommended.

CONCLUSIONS

The proposed conversion of the listed farm building (application 13/02121/LBA) is acceptable. These proposals preserve the fabric and setting of the listed buildings.

Officers consider that "Very special Circumstances" are demonstrated for the proposed Visitors Centre and housing developments, however in coming to overall conclusions on these applications, it is necessary to consider if the very special circumstances "clearly outweigh" the harm by reason of inappropriateness to the Green Belt "and any other harm".

Both the housing and visitor centre consist of inappropriate development in the Green Belt, and both the proposals would encroach into the countryside, change its character and harm the openness of the Green Belt. Both proposals would give rise to adverse landscape and visual impacts (although these would be lessened over time with maturing

landscaping), and would harm the amenity value of the public rights of way network to the south and east of Staunton Lane. The proposals would also both give rise to additional traffic congestion, although not of an unacceptable severity. After funding the proposed visitors centre, the housing development could only afford to provide affordable housing at a rate of 10%, against the Council's target of 35%. The proposals under-provide contributions to the provision of public open space, but offer enhanced access to the Horseworld grounds and facilities to compensate.

In favour of the proposals, officers accept that Horseworld is a valuable local employer and an important charity, performing an important function in the region and delivering community services of significant value within Bristol and the surrounding area. The public response to the application reflects support from a substantial section of the community. The evidence submitted, which has been independently verified on behalf of the Council, demonstrates that the existing charity is unviable in the medium term and that all reasonable alternative sources of funding and solutions have been explored without success and that as far as can be foreseen, the proposed visitor centre would return the charity to a stable footing. The development would also enhance access to the countryside both for fee paying visitors, residents and the public.

Officers consider that these factors, the nature of the Horseworld charity and its financial position are "Very special Circumstances" which would clearly outweigh the harm caused to the Green Belt and the other sources of harm that have been identified. The Council's proposed removal of the site (and adjoining land) from the Green Belt, to be allocated for an additional 200 dwellings also lends support to the proposed housing development, but the policy is unconfirmed, and therefore can only be given limited weight as a material consideration.

A recommendation is put forward to delegate the application to officers to approve the application subject to the resolution of negotiations on the provision of affordable housing and also to consider Bristol City Council's comments on the proposed planning obligation package.

A. That the applications together with responses to the publicity and consultations, the committee report and members comments be referred to the Secretary of State.

B. If the Secretary of State makes no comments within the 21 day period from receipt of notification authorise the Development Manager, in consultation with the Planning and Environmental Law Manager, to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following matters, and other such matters put forward by Bristol City Council and found to be reasonable:

Application 13/02164/OUT - The proposed Housing Development

1. Enabling Development

That the beneficial occupation of the dwellings hereby approved under planning application reference 13/02164/OUT shall not take place until the visitors centre development 13/02164/OUT is substantially completed in accordance with the approved plans.

2. Education contributions:

- £16,675.00 - Youth Services Provision
- £351,367.50 - Early Years Provision
- £503,456.27 for Primary School provision.

3. Open Space

- £20,000 is offered towards the provision of open space
- £26,516.25 towards the off-site provision of allotments, contribution not required if the Reserved Matters application provides adequate serviced allotments on site.
- Residents of the housing development to have, in perpetuity but within opening hours, free access to the children's indoor and outdoor play equipment and accessible outdoor spaces provided within the Horseworld visitors centre.

4. Affordable housing

- provision of 10% affordable housing (mix and tenure split to be agreed), or such increased percentage as may be agreed through the provision of HCA gap funding.

5. Clawback mechanism

- That once both the existing Visitor Centre site has been sold and the new Visitor Centre has been fully completed, there shall be a financial reconciliation, comparing the capital cost of the new Visitor Centre (A) and the capital receipt from the sale of the residential site (B). If (B) exceeds (A) then 100% of the difference up to the 'maximum figure' will be paid to the Council to provide affordable housing off-site. The 'maximum figure' will be set at the cost of delivering 25% affordable housing off-site, i.e. the difference between the on-site provision of 10% affordable housing and the adopted policy requirement of 35%. If the difference between (B) and (A) exceeds the 'maximum figure' then any remaining surplus will be retained by HorseWorld and used to fund the operations of the charity.

6. Transport

- A public transport contribution towards improving accessibility of the proposed developments by public transport.
- Improvement to cycling/pedestrian infrastructure so as to provide linkages from both developments to NCN3 both where it passes along Staunton Lane to the north west of the application sites and along Sleep Lane to the south-west of the application sites and including a link through the proposed residential site linking Sleep Lane and Staunton Lane access points.
- A contribution towards highway safety/traffic management measures associated with the proposed development, including improved signage and necessary TRO's

Application 13/02180/FUL - The proposed Visitor Centre

1. Access to Horseworld Land

- Residents of the housing development approved by planning application 13/02164/OUT to have, in perpetuity but within opening hours, free access to the children's indoor and outdoor play equipment and accessible outdoor spaces provided within the Horseworld visitors centre.
- Members of the public to have free access, in perpetuity to a network of paths within Horseworld's land holding, in accordance with an agreed plan and access strategy.

2. Transport

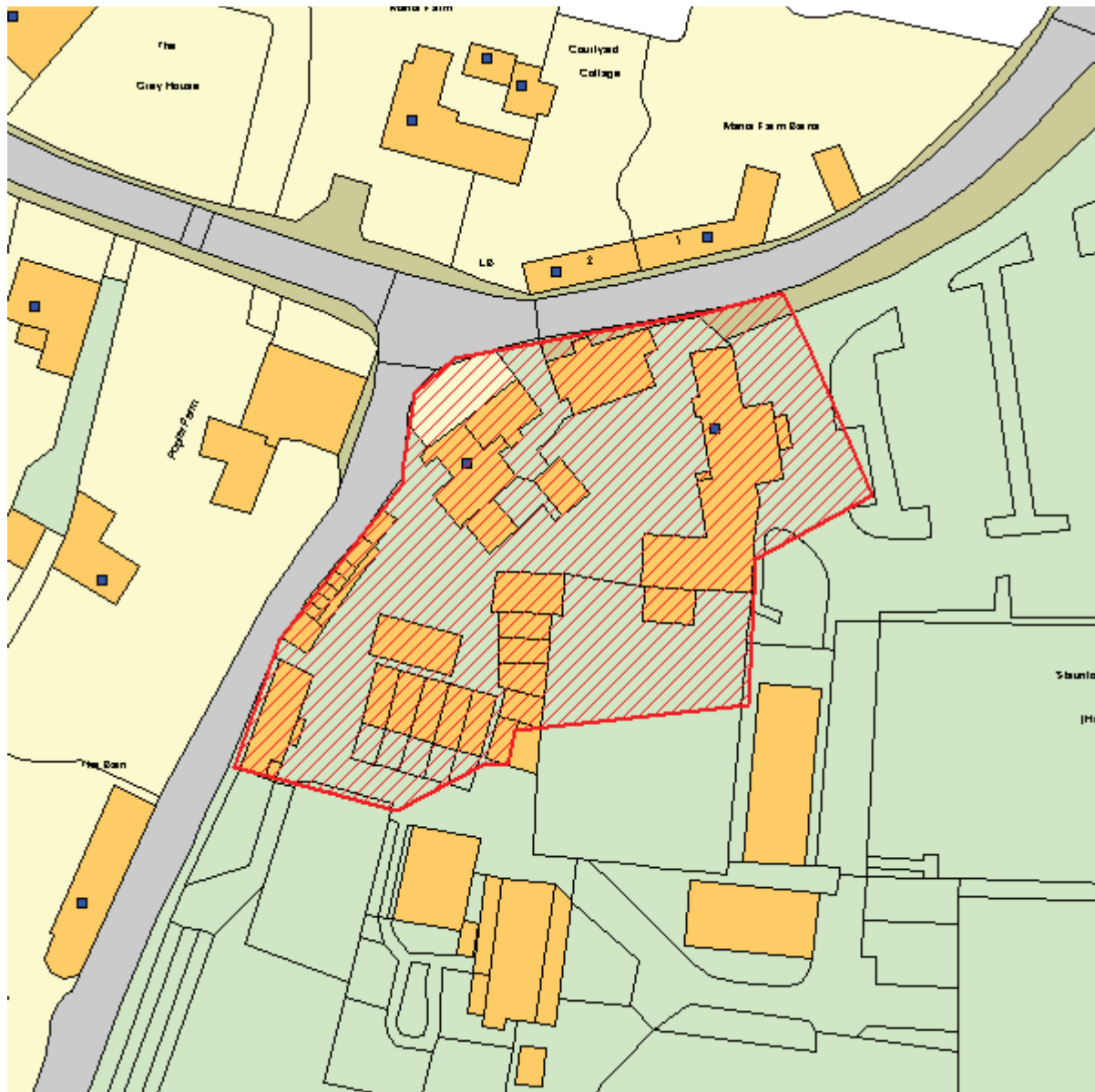
- A public transport contribution towards improving accessibility of the proposed developments by public transport.
- Improvement to cycling/pedestrian infrastructure so as to provide linkages from both developments to NCN3 both where it passes along Staunton Lane to the north west of the application sites and along Sleep Lane to the south-west of the application sites and including a link through the proposed residential site linking Sleep Lane and Staunton Lane access points.
- A contribution towards highway safety/traffic management measures associated with the proposed development, including improved signage and necessary TRO's

C. DELEGATE TO PERMIT applications 13/02180/FUL, 13/02164/OUT and 13/02121/LBA subject to Officers finalising appropriate conditions.

RECOMMENDATION

Authorise the Development Manager of Planning and Transport Development to PERMIT subject to condition(s)

Item No: 03
Application No: 13/02121/LBA
Site Location: Horseworld Staunton Lane Whitchurch Bristol Bath And North East Somerset



Ward: Publow And Whitchurch

Parish: Whitchurch

LB Grade:

Ward Members: Councillor P M Edwards

Application Type: Listed Building Consent (Alts/exts)

Proposal: Conversion of curtilage listed buildings to residential including selective demolition, extensions, internal and external works

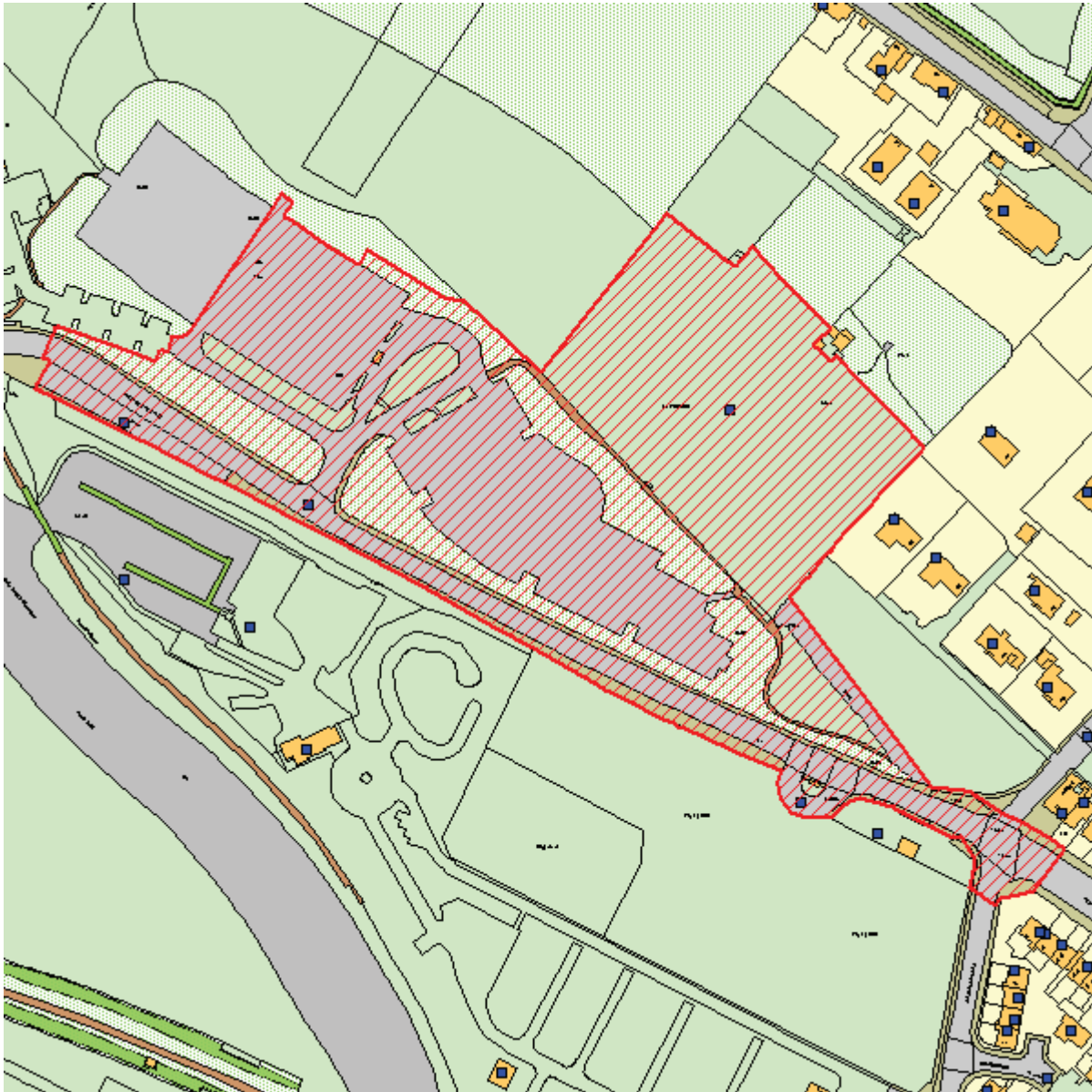
Constraints: Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Cycle Route, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, Public Right of Way,

Applicant: HorseWorld Trust

Expiry Date:	12th August 2013
Case Officer:	Daniel Stone

Please see Item 02 for Full Report

Item No: 04
Application No: 13/03194/REG03
Site Location: Car Park Newbridge Park & Ride Car Park Newbridge Bath



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor L Morgan-Brinkhurst Councillor C M L Roberts
Application Type: Regulation 3 Application
Proposal: Extension of existing Newbridge Park and Ride facility to provide 248 spaces, construction of a central amenity building, along with associated landscape and engineering works.
Constraints: Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, British Waterways Major and EIA, British Waterways Minor and Householders, Coal - Standing Advice Area, Flood Zone 2, Forest of Avon, Greenbelt, Hotspring Protection, World Heritage Site,
Applicant: Bath & North East Somerset Council

Expiry Date:	13th November 2013
Case Officer:	Mike Muston

REPORT

BACKGROUND TO PROPOSAL

This proposal forms part of the wider Bath Transportation Package (BTP), which comprises a number of linked proposals. These include:-

1. Expansions of the Newbridge, Odd Down and Lansdown Park & Ride sites
2. A comprehensive showcase bus network throughout the city, featuring improvements to bus-stops, real-time information and additional bus priority measures
3. City centre public realm improvements, with associated pedestrian safety benefits
4. An information signing system to guide drivers to available parking at park & ride and city centre car parks
5. The use of Selected Vehicle Detection equipment linked to the central control of traffic signals and the use of bus priority tools within the existing Urban Traffic Management Control system.

The expansions of the Lansdown and Odd Down Park _ Rides already have permission and are well underway. Not all of the elements of the Package required planning permission and the submitted application now before Committee only deals with part of item 1 above.

The package as a whole is intended to deliver the following benefits:-

- o Reducing reliance on the private car for access into Bath
- o Reducing congestion within Bath city centre
- o Increasing park and ride capacity across the city by approximately 870 spaces
- o Improved pedestrian and cycle access
- o Reduced traffic access during shopping hours in some areas of the city centre
- o Improved driver information on major routes into the city

The expanded Park _ Rides are only part of the package, and are anticipated to deliver the following benefits:-

A reduction in road traffic in the city centre and surrounding neighbourhoods, caused by inward commuting

An overall improvement in air quality along the park and ride route and the central area through reduction in road traffic

Improved comfort for park and ride users through the provision of additional facilities

Ability to increase the frequency of bus services to and from the park and ride site

Encouragement of economic and employment growth, particularly along the western river corridor

Drawing further visitors to the city centre, both for work and leisure

The extension sought by this planning application has been permitted once before. It formed part of permission 09/00307/ERE03, granted in November 2009. However, the permission expired before all parts of all the relevant conditions could be discharged: hence the current application.

DESCRIPTION OF SITE AND APPLICATION:

The Newbridge Park & Ride site lies within the Green Belt, Cotswolds AONB and World Heritage Site. Part of the application site adjoins an area notated on the Local Plan Proposals Map as a "Site of Nature Conservation Interest". The nearest points within the Conservation Area lie approximately 200 metres to the south, on the banks of the River Avon and a similar distance away to the north-east on the northern side of Kelston Road.

The application site comprises approximately 3.5 hectares of land, of which only part is required to accommodate the proposed extension. The proposal is to increase the number of car parking spaces from 500 to 748.

The proposal includes a wide buffer of native planting around its south-eastern and north-eastern sides. The proposals also include provision of a bund approximately 1.25 metres in height, which would be fully planted and topped by a 1 metre high timber acoustic fence. This would extend along the south-eastern boundary of the extension, and for approximately 30 metres further along its north-eastern side. The proposal also involves the planting of an avenue of trees running north-west to south-east through the site, the planting of further trees along the footways running south-west to north-east through the site and the retention of existing bunding and vegetation around the existing site, except where punctuated by the vehicular and pedestrian links with the existing car-park.

The proposal also includes the provision of a new facilities building, providing public toilets and a staff room. It would measure some 9.2 metres long by 5.7 metres wide, with a height to eaves of some 3.3 metres and to ridge of 5.2 metres.

The extension to the facility will be lit by 15 additional lighting columns, each 6 metres high, fitted with luminaires that are 'dark sky compliant'. These prevent light spill and upward light emissions, and use reflectors to ensure that light is distributed as needed. The existing lighting already uses 'dark sky compliant' lighting, so no replacement of these is required. Three additional CCTV cameras are also proposed around the perimeters of the extension to the car-park.

Relevant Planning History

13403 - Formation of 200 space park & ride car-park with bus turning area - Permission granted 18/07/85

13403-1 - Erection of bus shelter & six lighting columns - Permission granted 19/06/86

13403-2 - Additional banking & landscaping adjoining bus turning area - Permission granted 25/02/87

13403-3 - Extension of park & ride landscaping - Permission granted 30/12/087

13403-5 - Erection of timber car park attendants' hut - Permission granted 06/09/89

13403-7 - Provision of single unit portable toilet - Permission granted 19/02/92

13403-8 - Widening of entrance to provide right turn lane - Permission granted 07/12/93

13403-9 - Installation of 5 metre & 4 metre high lighting columns - Permission granted 14/12/95

13403-10 - Erection of a facilities building comprising waiting room, toilets and facilities room - Permission granted 13/03/96

97/00881/REG03 - Extended hours of lighting for trial period in run up to Christmas 1997 - Permission granted 17/11/97

98/00906/REG03 - Extended hours of lighting for trial period in run up to Christmas 1998 - Permission granted 09/12/98

99/00875/REG03 - Extended hours of lighting to 10 pm every year on Thursdays during November & December and all weekdays in week before Christmas Eve - Permission granted 13/10/99

01/01864/REG03 - Extension of hours when site may be open and lit to 06:00 to 21:00 Mondays to Saturdays - Permission granted 11/10/01

04/02093/REG03 - Installation of 5 x 7 metre high CCTV camera columns - Permission granted 06/06/02

04/02178/REG03 - Operation of Park & Ride on additional 10 days per year (Sundays & Bank Holidays) - Permission granted 13/09/04

09/00307/EREG03 - Expansion of existing Newbridge Park and Ride facility to provide 500 spaces construction of a central amenity building, the construction of a bus transit system along with associated landscape and engineering works.
Permitted 9 Nov 2009

09/04918/COND - Discharge of condition 22 of application 09/00307/ERE03 - Condition Discharged 5 Mar 2010

11/01167/NMA - Non-Material Amendment to application 09/00307/ERE03 - Approve 6 Apr 2011

11/05449/COND - Partial discharge of conditions 2, 11, 13 and 15 and discharge of condition 23 of application 09/00307/ERE03 - Condition Discharged 3 Aug 2012

11/05481/COND - Discharge of condition 14 and partial discharge of conditions 3,7,9 and 12 of application 09/00307/ERE03 - Condition Discharged 4 Jul 2012

12/00398/COND - Partial discharge of condition 4 for application 09/00307/ERE03 - Condition Discharged 18 Apr 2012

Much of the detail relating to this proposal was submitted during the various discharge of conditions applications. As a result, it has been resubmitted as part of this application.

As well as relevant planning applications submitted on the Newbridge Park & Ride site, it is worth considering the history of how the current proposal has developed.

The proposal to increase Park & Ride spaces to the west of Bath was considered in the 2003 WSP report commissioned by the Council entitled "Bath Western Riverside - Rapid Transit System and Park and Ride Strategy". At that time, the expansion of park and ride facilities was also seen as part of a larger proposal to provide a transport interchange with heavy rail services, a new sports stadium, a household waste facility and a leisure park. The report recommended that the preferred location for this combined development should be on land north and south of the A36 Lower Bristol Road (south of the existing Newbridge Park & Ride site).

This larger site, including removal of the land from the Green Belt was pursued through the Revised Deposit Draft of the Local Plan in December 2003. Following the Local Plan Inquiry, the Inspector recommended rejection of the removal of the necessary land from the Green Belt. She was particularly concerned over the proposal for a decked car park as part of the transport interchange and the impact this would have on the openness of the Green Belt and the surrounding landscape. She suggested that further consideration could instead be given to surface solutions and expansion of the existing site, so as to avoid the removal of land from the Green Belt. The Inspector recommended the deletion of the allocation for the larger site. This was accepted by the Council on the basis that the existing site could be expanded instead and the wording of adopted Policy T.22 reflects this.

The proposal to extend the existing facility to the north instead has followed the rejection of the larger site to the south. Proposals as to exactly how that should be brought about have been considered since then, with the current layout being settled upon during the summer of 2008.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Environment Agency - No objections subject to conditions.

Natural England - does not consider that this application poses any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response. We do have some recommendations:-

Protected species

In relation to the avoidance of impacts on bat species, particularly Horseshoe bat species (which have been identified commuting and foraging along the wooded edges of the site), the conditions attached to any planning permission must incorporate both the recommendations contained in the Landscape and Ecological Management Plan dated July 2013 and those undertakings contained in the Landscape and Ecological Management Plan Addendum dated October 2013.

Local wildlife sites

The proposal site is adjacent to a local wildlife site and the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

In particular, it is disappointing that the application contains no management prescriptions for enhancement of the SNCI. We consider that this could be managed cost-effectively alongside management of grassland around the periphery of the application site. Relatively low level management could provide considerable enhancement to the SNCI land.

Biodiversity Enhancement

This application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Landscape

Having reviewed the application, Natural England does not wish to comment on this development proposal.

Avon _ Somerset Police - notes that the existing facility is Parkmark accredited and would recommend that the extension also meets the standard. Any CCTV system should record clear images that will serve as valid evidence in a court of law. Any system will meet the standards as set out in Home Office publication 28/09 CCTV Operational Requirement manual 2009 and the UK Police Requirement for Digital CCTV Systems 09/05. The cctv system will be installed and maintained by a UKAS approved company. The system should be designed with the landscaping and lighting in mind.

Highways - Notes that the proposed development accords with adopted Council Policy. The reduction in the capacity of the proposed extension, when compared to the previous application, will have the effect of limiting daily demand but is unlikely to reduce peak hour demand which will occur before the car park reaches capacity. However, understands from colleagues in Transport Planning that background flows on the highway network have reduced in the interim period between the previous planning application and this. Given that the junction design has not changed and there has been no increase in

background traffic flows, there would be no material highway reason to object to this planning application. Bearing in mind the above, and subject to confirmation that there have been no material changes to the junction design, the highway response is one of no objection.

Arboricultural Officer - A comprehensive arboricultural report accompanies the application. The existing trees on the site have been assessed as individuals and groups. The proposed scheme will necessitate the partial removal of 3 groups (G4, G8, G9a) and the entire removal of G9. G4 (mixed species) will be partially removed to accommodate the access road to the new extension. This group is on an existing bund on the northern boundary of the existing east car park. The proposed partial removal will have some impact on the internal visual amenity of the site but little on the wider landscape. The partial removal of G8 (mixed species) will include the felling of 25 No. mature and early mature trees at the eastern end of the group adjacent to the existing site entrance. Whilst the impact of the removal of these trees will be considerable within the immediate vicinity of the site entrance, the trees to be retained on the remainder of the group will continue to contribute significantly to the overall roadside landscape. Similarly, the removal of G9 (mixed species) and partial removal of G9a (mixed species) to the east of the existing entrance to the site will impact in the short term on the streetscape. The proposed comprehensive landscaping scheme will mitigate for the removal of these trees. Raises no objection subject to a condition.

Environmental Health - Notes that, to protect the amenities of occupiers of other premises in the vicinity, attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. A construction Environmental Management Plan (CEMP) will be provided to BANES prior to commencement of the works. Also notes that there are residential properties in close proximity to this site whose amenity could be affected during any construction or site clearance and suggests informatives.

Landscape Officer - No objection subject to a condition.

Environmental Monitoring - No objections subject to a condition.

Archaeological Officer - No objections subject to the imposition of a condition requiring the implementation of a previously approved programme of archaeological work.

Highways Drainage - no objections raised.

Bath Preservation Trust - accepts the principle of 'park & ride' and is aware that additional spaces are required at Newbridge. We note, however, that, even if this extension is granted permission, the car park here will be considerably smaller than those at Lansdown & Odd Down. The extension, as proposed, is generally acceptable, subject to the comments below, but, perhaps, the questions of long term viability & cost effectiveness should also be addressed. Concerned that insufficient information is provided about the Facilities Building, and that what is shown would seem flimsy in appearance. The treatment of the boundaries of the extension seems adequate. The existing boundary planting is generous & mature, the new boundary planting is also generous but, perhaps, the bund (& acoustic fence) might be around 500mm higher to mitigate a little in the early years before the planting matures. Informal pathways are to be

retained, but although several gates are shown, there does not appear to be one in the obvious position into the Town Green near the SW corner of the extension. We note that the 'red line' omits part of the existing P&R and wonder why this is. In addition, we would like to see more consideration given to the adequacy of drainage and whether potential exists within the current parking area to increase numbers without affecting the landscaping.

Letters of objection have been received from the occupiers of 13 dwellings, raising the following main points:-

- Site is within the Green Belt and AONB
- The site will be clearly visible from houses in Kelston Road
- Impact on privacy and security of nearby residents
- Additional noise in nearby houses and gardens
- Possible pollution from extension
- No allowance made for conservation
- Proposal is a waste of money
- Site is contaminated
- Site may be subject to flooding
- Proposal will result in congestion over the listed New Bridge
- Proposal will attract additional traffic and cause local traffic problems
- Proposal should be accommodated on land to the south of the river instead
- Concern as to where the other 250 spaces not now proposed will be accommodated in the future
- Should be on one of the alternative sites instead
- Excessive degree of engineering works proposed
- Insufficient information supplied about air quality management
- Light pollution from new lights will affect local residents
- Adverse impact on local ecology/wildlife
- Some people park in the car park and cycle into Bath
- Should be in association with rail access, not buses
- Associated highway works are a waste of money
- Further planting required to lessen the impact of the proposal
- The site cannot be further expanded at a later date, being surrounded by houses and a designated village green
- Wessex Water will restrict how much water can use their sewers
- This site should be added to the adjacent village green

One letter of support received from the Federation of Bath Residents' Associations, raising the following main points:

- Urges the Council to find space for the other 250 spaces as well
- Concerned re traffic lights at the entrance
- The proposed landscaping and ecology measures may now be too expensive
- Would welcome experimental charging regimes
- Should be made clear that the site now operates 7 days per week

POLICIES/LEGISLATION
GOVERNMENT GUIDANCE

The National Planning Policy Framework (the Framework) was published in March 2012 and superseded much previous Government guidance. It contains a number of paragraphs that are relevant to the application, the most significant of which and these are summarised below:-

Presumption in favour of sustainable development

The Framework introduces a presumption in favour of sustainable development. This is defined as being made up from economic, social and environmental elements. It says that, when taking decisions on applications, this presumption means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, it means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or where specific policies in this Framework indicate development should be restricted.

Core Planning Principles

Amongst the core planning principles set out in the Framework are that planning should:-
proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings take account of the different roles and character of different areas, promoting the vitality of our main urban areas support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)
conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations
actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

Green Belt

Paragraph 89 says that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. It lists exceptions which includes the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Paragraph 90 says that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include local transport infrastructure which can demonstrate a requirement for a Green Belt location.

Good Design

The Framework continues the theme from previous Government guidance that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It says that planning decisions should aim to ensure that developments:- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation are visually attractive as a result of good architecture and appropriate landscaping

The Framework goes on to say that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

It also says that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

The Historic Environment

The Framework says that, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

It says that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, it says that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. It goes on to say that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

FINAL JOINT LOCAL TRANSPORT PLAN 2006/07 - 2010/11

Refers to the Bath Transport Package as a major scheme. Includes a relocated and expanded site at Newbridge and Bus Rapid Transit routes serving the city centre from the Newbridge and (then proposed) Lambridge park and ride sites. Includes a bus strategy that supports the use of park and ride sites.

BATH & NORTH EAST SOMERSET LOCAL PLAN ADOPTED 18/10/07:

The following policies are relevant:-

Policy GB.1	Development in the Green Belt
Policy GB.1A	Park and Ride Development in the Green Belt
Policy GB.2	Visual effect on the Green Belt
Policy NE.1	Landscape character
Policy NE.2	Effect on AONB
Policy NE.4	Trees and woodland conservation
Policy NE.9	Locally important wildlife sites
Policy NE.10	Nationally important species and habitats
Policy NE.11	Locally important species and habitats
Policy NE.14	Flood risk
Policy ES.5	Foul and surface water drainage
Policy ES.9	Pollution and nuisance
Policy ES.10	Air quality
Policy ES.12	Noise and vibration
Policy D.2	General policy including effect on nearby residents
Policy T.1	Sustainability and access
Policy T.16	Development of Transport Infrastructure
Policy T.18	Restricting city centre parking linked to the provision of additional
Park & Ride spaces	and improved public transport
Policy T.22	Additional Park & Ride facilities
Policy T.24	General Development Control policy regarding access
Policy BH.1	Impact on Bath World Heritage Site
Policy BH.6	Development within or affecting Conservation Areas
Policy BH.13	Archaeology in Bath
Policy BH.22	External lighting

CORE STRATEGY

The Council has prepared a draft Core Strategy, which has been the subject of an Examination in Public. A letter has been received from the Planning Inspectorate (PINS), indicating that the Strategy cannot be found sound in its current form. This reduces the weight that can be attached to the Strategy. However, the following policies are relevant:-

B4	World Heritage Site and its setting
CP5	Flood Risk Management
CP6	Environmental Quality
CP8	Green Belt
CP13	Infrastructure Provision

OFFICER ASSESSMENT

MAIN ISSUES

The following are considered to be the main issues in this case:-

The principle of the development as proposed

Whether the proposal for the expansion of the Newbridge Park & Ride represents inappropriate development in the Green Belt

The effect on the landscape including the AONB

The effect on the Conservation Area and World Heritage Site

The effect on the living conditions of nearby residents

The effect on crime and the fear of crime

The effect on the ecology of the area

The effect on flooding

The effect on highway safety

The need for and the benefits arising from the proposal

PRINCIPLE OF THE DEVELOPMENT:

The key relevant Local Plan policy that needs to be considered in relation to the principle of the development is Policy T.22 in respect of the proposed extension to the Newbridge Park & Ride facility. Policy T.22 deals with, amongst other things, the expansion of existing Park and Ride schemes. It says that these will be permitted if there would be no unacceptable impact on six listed areas. These are dealt with later in this report. The starting point for any analysis therefore is that the extension of the Park & Ride facility is permissible unless it can be shown to give rise to any unacceptable impact. Whether any particular impact is regarded as unacceptable will be analysed later in this report.

GREEN BELT:

The site is within the Green Belt. The NPPF says that most development within the Green Belt is inappropriate. However, paragraph 90 accepts that one exception is local transport infrastructure which can demonstrate a requirement for a Green Belt location, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt..

Policy GB.1A of the Local Plan also deals with Park and Ride development in the Green Belt. It says that these will only be permitted where:-

- (a) there are not any more sustainable alternative sites;
- (b) the scheme will not seriously compromise the purposes of the Green Belt;
- (c) the proposal is contained within the Local Transport Plan and based on a thorough assessment of travel impacts; and
- (d) any new or re-used buildings are included only where they are essential facilities associated with the operation of the park and ride scheme.

In the case of the Newbridge site, an assessment of alternative sites was carried out as part of the 2003 WSP study (as explained in "relevant planning history" above). The study failed to find any suitable brownfield sites within the urban area on the A4/A36 corridor, other than sites too close to the city centre and/or used for other purposes (e.g. a park and a cemetery). The study went on to consider twelve sites located around the A4/A36 junction or further west. The alternative sites assessed were considered unsuitable for a number of reasons. Some were too difficult to access, others in the floodplain, and all were within the Green Belt. The conclusion of the study was that "the areas adjacent to

the existing P&R facility at Newbridge would have the least detrimental effect on the landscape character of the area, whilst also offering access scenarios which would have a less detrimental impact on the existing road network" and that "the site intercepts traffic at the preferred location, on the edge of the urban area".

It is important to note that this study was assuming the need for a multi-functional land-use, rather than just a Park & Ride facility, and so did not look specifically at the land to the north of the existing Park & Ride site now proposed for expansion. This smaller site was therefore not considered at this stage, although the general conclusions about the area are as valid for this site as for the larger site pursued through the deposit version of the Local Plan. As set out above, the larger site was abandoned following the Inspector's report after the Local Plan Inquiry and the proposal to extend the existing site adopted instead. The extension of the existing site would also require far less land than starting afresh on a new site. As any new site would be bound to be in the Green Belt (based on the 2003 WSP study), it would, simply by being an entirely new facility, require the use of more Green Belt land than the current proposal and have a greater impact on the openness of the Green Belt.

The extension of the existing site is as sustainable as any other option would be in terms of journey lengths. It is however considerably more sustainable in terms of not needing to provide new infrastructure, by relying on the existing facility. In the circumstances, it is considered that the first test in Policy GB.1A has been satisfied.

It is also not considered that the proposal would seriously compromise the purposes of including land in the Green Belt. It is an expansion of an existing facility, which is not considered would lead to the coalescence of settlements, or adversely affect the historic setting of Bath. The fact of constructing hard standing over an area of the Green Belt would by definition have an effect on the openness of the Green Belt, but it is not felt that any of the purposes of including land in the Green Belt would be seriously compromised. It is considered that the second test in Policy GB.1A has been satisfied.

The Local Transport Plan includes a relocated and expanded site at Newbridge. Whilst this would not have been the current application site, it would have been nearby and, critically, would have involved a much greater land take of Green Belt land. It is therefore considered that the third test in Policy GB.1A is satisfied.

The new facilities building is for essential purposes ancillary to the operation of the park and ride facility. The final test in Policy GB.1A is therefore satisfied.

The proposal therefore meets all the tests in Policy GB.1A. It is also considered to be local transport infrastructure which can demonstrate a requirement for a Green Belt location, which preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. It is therefore not inappropriate development in the Green Belt. There is as a result no need to go on and consider its effect on the Green Belt further, or to consider "very special circumstances".

LANDSCAPE:

Because of the topography of the site around the proposed Park & Ride extension, public views into the site are limited. The extended site will be visible from some limited public viewpoints along Kelston Road to the north and from the public footpath that runs from

Kelston Road to Newbridge Road. However, the impact on the wider area and in particular from the wider AONB to the west will be limited. In addition, the proposal itself features additional planting, an environmental barrier on the northern and eastern boundaries of the site, and the lighting of the site with "dark sky" compliant lighting.

It is of course a fact that the proposal would lead to a green area within the AONB being largely covered in hard-surfacing. However, given the limited public views into the site (views from private properties are not a material consideration) it is considered that the impact on the AONB and wider landscape is acceptable. It is considered that the proposal complies with Policies GB.2, NE.1, NE.2 and BH.22 of the Local Plan.

CONSERVATION AREA AND WORLD HERITAGE SITE:

As set out above, the site is some distance from the Conservation Area and there is very limited intervisibility between the Conservation Area and the application site. The proposal is seen as neutral to the Conservation Area and it is considered that the proposal would preserve the character and appearance of the Conservation Area. As a result, the proposal would be in accordance with Policy BH.6.

The whole of this application site lies within the World Heritage Site. The impact of the proposal will be relatively local and will not be visible from any wide areas or important public viewpoints within the World Heritage Site. The proposal will not result in the loss of any historical or cultural elements of Bath, nor adversely affect Bath's architectural attributes or townscape. It is not considered that there will be any material impact on the World Heritage Site or any of its Outstanding Universal Values. It is considered that the proposal complies with Policy BH.1 of the Local Plan.

LIVING CONDITIONS OF RESIDENTS:

The site is overlooked by a number of properties located on higher ground in Kelston Road. However, whilst the site adjoins some large rear gardens, the closest distance between car parking spaces and any of the Kelston Road properties is some 70 metres. The closest house to the extended car park will be 46 Old Newbridge Hill, which adjoins the south-eastern end of the site. The house is approximately 32 metres from the nearest proposed space. It is proposed to treat the intervening area with a planted bund some 15 metres deep, and about 1.25 metres high, topped with a 1 metre high acoustic fence. It is considered that this will mitigate any additional noise and disturbance that may arise from the use of this larger car-park.

Because of their location on higher ground, the occupiers of some houses in Kelston Road will be able to see the car park, despite the screening and planting proposed. This kind of limited effect on private views however is not a material consideration. It is not considered that any unacceptable harm to living conditions will arise from the proposal.

In conclusion, it is considered that the proposal does not give rise to unacceptable effects on the living conditions of neighbours, and complies with Policies D.2 and ES.12 of the Local Plan.

CRIME AND FEAR OF CRIME:

Some residents have expressed concerns over the effect the proposal may have on their security. They consider that the Park & Ride extension will give greater opportunities for would-be intruders to gain access close to their properties. Case law has confirmed in

recent years that the effect of crime and the fear of crime is a material consideration to be taken into account when considering a planning application, as long as there is some genuine basis to those fears. These concerns therefore need to be considered here, even though the Police have raised no objections. The Park & Ride extension will move the car-parking closer to nearby properties than is currently the case. However, unauthorised access is already relatively easy to obtain to the application site. It is not considered that the proposal will make the situation materially worse.

ECOLOGY:

Unlike the previous proposal (09/00307/EREG03), none of the current application site is within the locally designated Site of Nature Conservation Importance (SNCI), although it adjoins it. Following the previous permission, much ecological based work has been undertaken, including the relocation of reptiles to a suitable site adjoining the Odd Down Park and Ride site.

A Landscape and Ecological Management Plan (LEMP) has been submitted and Natural England has expressed its view that the works set out in that need to be carried out. This can be covered by condition. As long as the work set out in the LEMP are fully implemented, it is considered that Policies NE.4, NE.9, NE.10 and NE.11 can be complied with.

FLOODING:

Some residents have raised concerns that the extension to the park & ride facility will lead to increased run-off and subsequently to increased flooding. It is acknowledged that the replacement of grassland by hard-surfacing has the potential to cause this. However, the Environment Agency considers that a satisfactory means of draining the site can be developed, to ensure that no on or off site flooding occurs. To this end, they are recommending conditions to deal with this point.

Some residents have said that insufficient information has been provided on drainage to allow a conclusion to be reached on the Park & Ride extension. However, the Environment Agency is the responsible body and are happy with the information provided, raising no objections to the scheme. It is considered that the proposals will not have an unacceptable effect on flooding, and would comply with Policies NE.14, NE.13A and ES.5 of the Local Plan.

HIGHWAY SAFETY

Some local residents and a Ward Councillor have objected to the application on grounds of highway safety and/or increasing local congestion from traffic lights. Many of these alleged impacts would flow from highway works or the installation of traffic signals that do not require planning permission and so do not form part of this application. However, it is acknowledged that without the BTP as a whole being implemented, these alleged effects would not occur.

The submitted Transport Assessment has considered the proposals, including those not requiring planning permission, and forecasts that no problems will result. The Council's highways officers have not objected to the application. It is accepted that there will be local impacts on traffic. There is however nothing to suggest that these effects will cause unacceptable congestion or adversely impact on highway safety. It is considered that the proposals will comply with Policy T.24 of the Local Plan.

NEED FOR AND BENEFITS OF THE SCHEME:

The existing Newbridge Park and Ride facility can accommodate 450 vehicles. The site regularly reaches capacity by mid-morning during the week and site visits at that time of day have confirmed drivers travelling round the car park searching for non-existent spaces and/or waiting for spaces to become vacant.

The Council's 20 Year Vision for the Principal Transportation Network, published in 2002, seeks to provide high quality public transport with guaranteed levels of service and accessibility. It acknowledged that car ownership and use will continue to increase. It also recognised that environmental constraints, the historic layout of the road network and the pattern of development in the built-up areas of Bath mean that opportunities to provide additional road space for additional traffic or public transport capacity are very limited. The vision therefore envisages that significant efforts must be made to reduce the use of private vehicles in the built-up area of Bath and to provide attractive alternatives.

The Vision has led to the development of the Bath Transport Package, which includes as one of its elements the expansion of the Newbridge Park & Ride site, as identified in the Local Transport Plan. This application is therefore part of a package designed to tempt more drivers to leave their cars on the outskirts of the city and travel onwards by public transport. This should enable the roads into Bath to accommodate the additional demand for travel into the city without the congestion and environmental problems that would otherwise result from an even greater number of drivers seeking to use their own private vehicles to access the city centre.

The Newbridge site is already running at capacity for part of each week. It is considered that extending it as part of the Package would allow the Park & Ride to accommodate the currently suppressed demand and the forecast increase in demand in the years ahead. It is therefore considered that there is a need for the proposal and that it will bring benefits to the city as a whole. It is considered that the extension to the Newbridge Park & Ride facility complies with Policies T.1, T.16, T.18 and T.22 of the Local Plan.

OTHER MATTERS

The proposal is designed as part of a package to improve air quality, and lessen nuisance and noise for residents in Bath itself. It has no negative impacts on these matters and is therefore considered in this respect to be in accordance with Policies ES.9, ES.10 and ES.12 of the Local Plan. Any archaeological issues can, as recommended by the Council's archaeologist, be dealt with by conditions. The proposals are therefore also in accordance with Policies BH.12 and BH.13 of the Local Plan. A condition is also proposed dealing with any additional contamination that may be found on site.

CONCLUSIONS:

It is considered that the proposal is not inappropriate development in the Green Belt. It is not considered that it would harm the landscape of the Cotswolds AONB or the World Heritage Site. It is considered that the proposals would preserve the character and appearance of the Conservation Area. It is not felt that the proposal would make the situation in respect of crime or the fear of crime materially worse. It is concluded that the proposal would not have an adverse effect on the likelihood of flooding or on highway safety or an unacceptably adverse impact on the living conditions of residents. It is considered that there will be no unacceptably adverse effect on ecology/biodiversity.

Into this balance needs to be added the need for the proposal and the benefits that it would bring, as set out above. No unacceptable harm has been identified and the proposal is considered to bring benefits. It complies with relevant Development Plan policies and amounts to sustainable development as set out within the NPPF. It is not considered that material considerations indicate that a decision other than in line with the Development Plan should be made in this case. Permission is therefore recommended.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 The development hereby permitted shall only be carried out in accordance with the submitted Landscape and Ecological Management Plan dated July 2013 (or any amendment to the Plan as approved in writing by the Local Planning Authority).

REASON: To secure adequate ecological protection during the course of development.

3 No development involving the construction of any retaining wall, the foundations to the facilities building, the acoustic bund and fence, and utilities duct runs and chambers shall commence until a detailed surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with the principles set out in section 5 of the approved flood risk assessment (prepared by Mott MacDonald and dated July 2013) and shall include pollution prevention measures. The development shall subsequently be implemented in accordance with the details of the approved scheme within a timetable to be agreed by the Local Planning Authority.

REASON: To prevent the increased risk of flooding, to improve and protect water quality and to ensure the future maintenance of the surface water drainage system.

4 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to an unacceptable risk of water pollution and to ensure that the site is appropriately remediated.

5 Unless with the prior written approval of the Local Planning Authority, the lighting approved for the park and ride facility as part of this application shall only be used/operated between 06.15am - 9.30pm Monday to Saturday'.

REASON: To prevent unnecessary light pollution, and in the interests of the ecology of the area.

6 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.

7 No site works or clearance shall be commenced until protective fences which conform to British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions indicated on the approved plans. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

8 Prior to the commencement of any form of site works or clearance the Local Planning Authority shall be given not less than two weeks notice in writing of these works to ensure that appropriate measures of landscape protection required under condition 7 have been implemented in accordance with the approved plans or conditions.

Reason: To ensure that adequate protection is given to the areas to be landscaped and the existing trees and planting to be retained within the site.

9 The development hereby permitted shall not be brought into operation until the approved acoustic barriers shown on drawings BTP/N/765 and 260275/NEW/03/001/P1 have been installed. These acoustic barriers shall be retained at all times thereafter that the Park _ Ride extension is used.

REASON: To protect the living conditions of nearby residents.

10 No site works including clearance or demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with British Standard 5837:2005 has been submitted to and approved in writing by the Local Planning Authority where any development which cannot be avoided is carried out within the Root Protection Area of retained trees. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To ensure that the existing retained trees and their root systems are not damaged during any construction works, including site clearance, demolition of existing structure's installation of services or reinstatement.

11 No development shall take place within the site until the applicant, or their agents or successors in title, has implemented the programme of archaeological work in accordance with the written scheme of investigation prepared by Wessex Archaeology (June 2012) and previously approved under application 11/05449/COND (or an alternative programme that shall first be agreed in writing by the Local Planning Authority).

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

12 Prior to the construction of an element of the facilities building, a schedule of materials and finishes, and samples of the materials to be used in the construction of of that element of the external surfaces, including roofs, of the facilities building, shall be 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, including the Cotswolds Area of Outstanding Natural Beauty.

13 Unless agreed in writing with the Local Planning Authority, all construction works in connection with the expansion of the park and ride must comply with the submitted Draft Code of Construction Practice, dated September 2013.

REASON: In the interests of the living conditions of nearby residents, and highway safety.

14 Unless agreed in writing with the Local Planning Authority, lighting on the site during the construction of the expansion of the park and ride must comply with the submitted Code of Construction Practice, which has stated that the workings hours will be confined to Monday - Friday between 0700 and 1900 and Saturday 0700 and 1300.

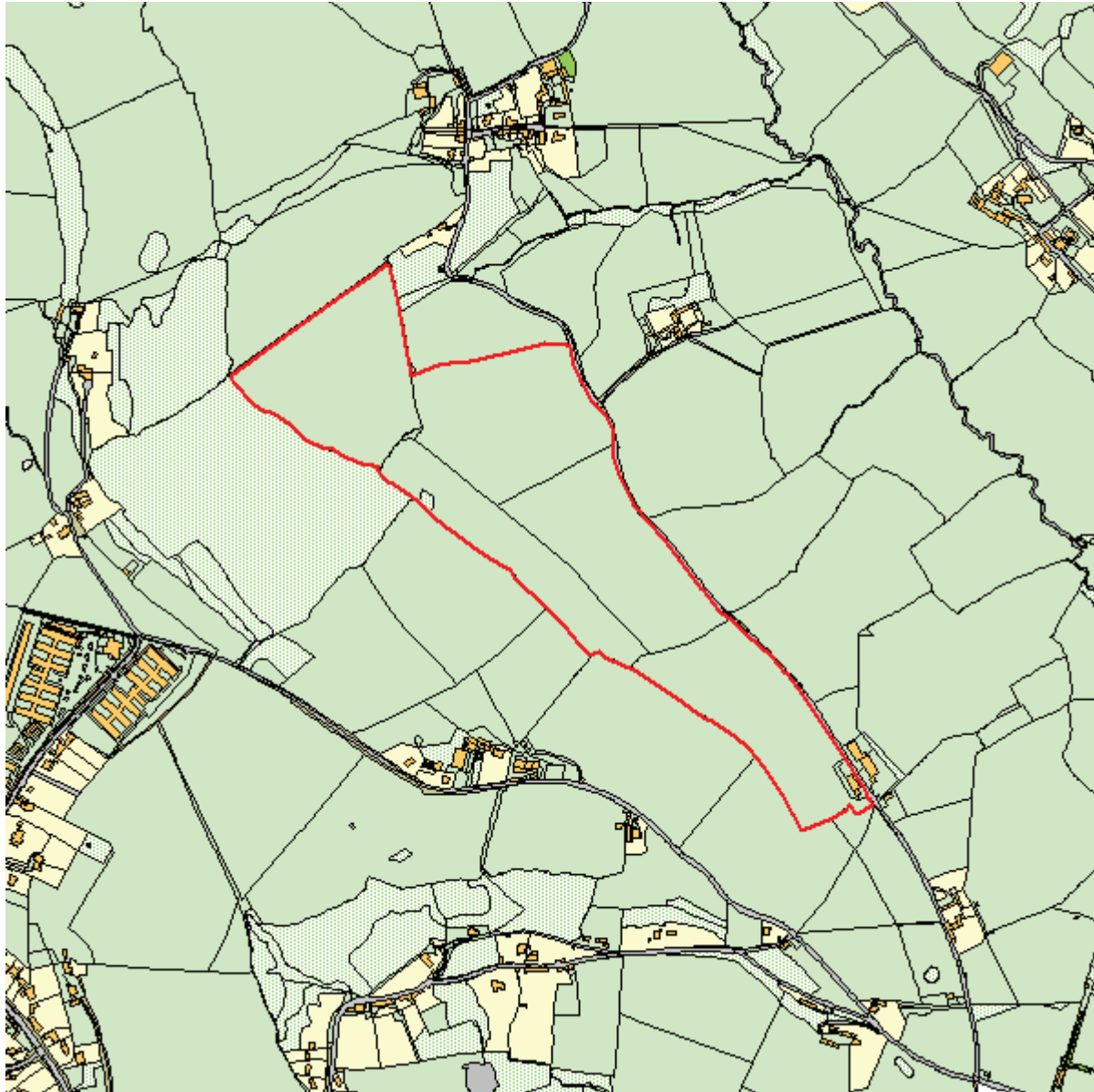
REASON: To prevent unnecessary light pollution, and in the interests of the ecology of the area.

PLANS LIST:

1 Drawings BTP/N/202, 400, 501, 502, 601, 603, 755, 756, 757, 758, 759, 760, 762, 764, 765, 260275/NEW/00/01, 01/001A, 01/002, 01/009 (Rev P2), 03/001, 014/001 (Rev P2), 014/002, 05/500 (Rev P2), 260276/NEW/01/007 (Rev P2), 40/001 (all Rev P1 unless stated to be Rev P2), 583-sk-11, 12, 13, 14, all as submitted 29 July 2013.

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

Item No: 05
Application No: 13/03358/FUL
Site Location: Parcel 2866 Woolley Lane Charlcombe Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Gabriel Batt Councillor Geoff Ward

Application Type: Full Application

Proposal: Alterations and extension to existing agricultural building, formation of farm track, construction of stock pond and ancillary works (Retrospective) (Resubmission of 12/05660/FUL)

Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Article 4, Greenbelt, Sites of Nature Conservation Imp (SN), Tree Preservation Order,
Applicant:	Golden Valley Paddocks Ltd
Expiry Date:	4th November 2013
Case Officer:	Gwilym Jones

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Councillor Veal has requested the application is reported to Committee and in the light of the extensive planning and enforcement history on this site and level of objection received it is appropriate that this application is determined by Committee.

DESCRIPTION OF SITE

The site is an agricultural holding situated just beyond the north-east edge of the built up area of Bath, located along the western side of Woolley Lane, a single-track road leading northwards from Charlcombe Lane to the village of Woolley. The entire agricultural holding comprises 20.5 hectares of land.

The site is in an elevated position on the western side of a valley with the land sloping down towards Woolley Lane and beyond to Lam Brook, then rising to the east towards the A46 and Charmy Down/Little Solsbury Hill. The village of Upper Swainswick is located on the eastern side of the valley and overlooks the site.

All vehicular access is at the southern end of the site, located opposite an entrance to agricultural buildings on the eastern side of Woolley Lane.

The site is located in the Green Belt, Cotswold Area of Outstanding Natural Beauty (AONB) and the setting of the Bath World Heritage Site. Part of the site is designated as a Site of Nature Conservation Interest that includes Sopers Wood (located to the north west of the application site). The site is also the subject of an Article 4 Direction (confirmed in 1992) that removes agricultural permitted development rights over a wider area of Swainswick Valley.

The site was acquired by the current owners in 2005 and at that time included a partly enclosed agricultural building measuring approximately 29m by 11.5m. Until recently the site was used principally for the housing of ducks for egg laying and subsequent processing and despatch. This operation ceased in August 2013 and the sheds housing the ducks and associated structures such as feed hoppers have been removed from the site.

PLANNING HISTORY

The site has been the subject of a number of applications between 2008 and 2013. In summary these are:

08/02397/FUL - Erection of agricultural building, alterations to access, formation of track and hardstanding, siting of temporary timber-clad mobile home for an agricultural worker.
REFUSED 22 August 2008

09/01020/FUL - Erection of extension to agricultural building, siting of temporary agricultural workers mobile home, formation of track and alterations to access (retrospective) (resubmission). REFUSED 21 May 2009

09/04403/FUL - Siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access (Revised proposal). REFUSED 31 March 2010

10/04188/FUL - Retention of 15m x 12m stock pond. PERMITTED 21 January 2011 (quashed by High Court July 2012)

11/00678/COND - Discharge of condition 2 of application 10/04188/FUL APPROVED 28 March 2011 (quashed by High Court July 2012)

11/00854/FUL - Siting of temporary timber-clad mobile home for an agricultural worker, erection of dog kennel and alterations to access (Revised proposal). WITHDRAWN

11/02081/FUL - Construction of farm track and siting of 2no. feed hoppers (Retrospective) WITHDRAWN

11/02085/COND - Discharge of condition 1 of application 10/04188/FUL WITHDRAWN

12/05660/FUL - Alterations and extension to existing agricultural building; alterations to access; formation of hard-standing, farm track and concrete path adjacent to existing building; construction of stock pond; siting of 2no. feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years REFUSED 14 May 2013

12/05661/FUL - Erection of a general purpose agricultural building REFUSED 14 May 2013

12/05662/FUL, 12/05663/FUL, 12/05664/FUL - Siting of 10 mobile poultry units on the land REFUSED 14 May 2013

Following the refusals of planning permission in May 2013 Enforcement Notices were served requiring the removal of the caravan, sheds and poultry units. These Notices have been complied with.

The former barn (extended and with the open sides filled in) remains on site as does the area of hardstanding around it, the track along the eastern and northern boundary of the holding and the stock pond. The fact that the former barn was fitted out internally for the processing of eggs (associated with the previous operation on the site) but that use has now ceased does not change the authorised use of the building (or land) for agricultural purposes. The site is currently used for the grazing of sheep and cows and the farm operations are considered to be for agricultural purposes and consistent with the authorised use of the land.

This application is for retrospective planning permission for alterations and extension to the existing agricultural building, the formation of the farm track, the construction of a stock pond and ancillary works.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Natural England

The previous advice in relation to the impacts on ecology and proposed mitigation in response to an earlier application for the same development (letter dated 26 February 2013) applies equally to this resubmission. It is unlikely to have significantly different impacts on the natural environment than the original proposal.

This previous advice (in relation to an application for development in addition to that the subject of this current application) was that although the proposals would have an impact on the local landscape Natural England had no comments to make as the development was not likely to impact on the purposes of designation of the Cotswolds AONB. In terms of the impact on ecology, their advice was that the recommendations in reports regarding measures to mitigate the adverse effects on ecology that the development may have were not worded in enough detail to form mitigation proposals. Prior to determination the applicant would need to submit actual mitigation proposals for review and would need to demonstrate that these were feasible and work to mitigate adverse impacts. In particular, more detail was needed on hedgerow planting and the establishment of wildlife corridors to provide connectivity.

Environment Agency

No objection to the proposed development but request that informatives and recommendations to be included in any Decision Notice regarding farm operations and management of the site. They note that if the developer proposes to create stock ponds within the development then under the terms of the Water Resources Act 1991 an Abstraction Licence may be required from the Agency for the filling and maintaining of such ponds.

Charlcombe Parish Council

The Parish Council object most strongly to applications and state that the works to which the application relate are not necessary for the current grazing of sheep and cattle on the land. They cite the Article 4 Direction in terms of both its scope and the underlying reasons why it was imposed, namely to exercise real substantive control over development in this area and prevent the proliferation of agricultural development the cumulative effect of which would be seriously detrimental to the exceptional beauty of the area.

In terms of the alterations and extension to the existing building the Parish Council state that the alterations have turned the open-sided stock barn into a fully enclosed light industrial unit, that is an eyesore and inappropriate development in this sensitive location contrary to Policy GB.2 (Green Belt) and NE.2 (AONB) of the Local Plan. They also state that as the use for which the works to the building are justified in the Design and Access Statement have now ceased the works represent an unacceptable change of use. In conclusion they recommend that permission is refused and enforcement action taken to return the building to its original configuration. Regarding the farm track the Parish Council object on the basis of functional need and visual impact in a very sensitive location contrary to policies GB.2 and NE.2.

In terms of the stock pond, the Parish Council note the extensive unauthorised works undertaken by the applicant in forming the stock pond and damage to the ecology of the site. They also question its need, note its current state of disrepair and question whether it is good farming practice. They state that the pond is not a natural feature, is visually intrusive and adversely affects the natural beauty of the landscape. They also note that the creation of the stock pond caused the silting up of natural streams and caused pollution to adjoining farmland. Given the need for further work to remedy the recent neglect they raise concerns about the impact on the local ecology of the valley and dispute that it is an ecological asset. They state that information to address known land

stability issues has not been submitted, and recommend that permission is refused and that enforcement action is taken to restore the land to its former levels.

The Parish Council has also commented on the 'Wildlife Management and Enhancement Scheme' (April 2011) and 'Method Statement for the Re-Grading of the Land' (January 2011) both of which they note have not been updated since their original submission to the Council over two years ago. In the light of the former they question the purpose of the stock pond (as a wetland for flora and invertebrates or as facility from which livestock can drink). They also note that when the original works in this part of the site were carried out the Environment Agency wrote to the owners about the pollution being caused. They question whether works approved (under a condition to the permission for the stock pond which was subsequently quashed) have been carried out or not.

The Parish Council express concern that the stock pond has been excavated in an area of unstable ground that has suffered from landslips and is therefore unsuitable as a location for a stock pond. They have submitted correspondence from the British Geological Survey to the owner of Sopers Wood (located immediately to the north west of the area of land in which the stock pond is located) regarding land stability issues. They note the greater likelihood of landslide arising from excavation into and removal of material, from interference with natural drainage or from large scale removal of trees and shrubs.

Swainswick Parish Council

The Parish Council objects most strongly to these applications and recommends refusal for the items covered. The Parish Council's objections detailed in their submission in respect of the original application (1205660/FUL) still stand. Specifically, they noted that the circumstances behind the Article 4 Direction are still relevant and signify the very special qualities of the Swainswick/Woolley valley, that all the works are in contravention to Green Belt, Environmental and AONB policies in the Local Plan and the NPPF. They noted that the alterations to the building and track are unlawful and not immune from enforcement action, and noted that works to create the stock pond had resulted in pollution and silting to adjoining land. They stated that the stock pond was created to accommodate material removed from elsewhere on the site and is an eyesore disturbing rather than enhancing local habitats contrary to Local Plan policies NE.9, NE.11 and NE.12.

The Parish Council is fully supportive of the submission by Charlcombe Parish Council and offer the following additional points. In respect of the alterations and extension to the existing farm building they consider that the questionable need for the unauthorised redeveloped stock barn no longer exists as there is now no justification for its existence in its current form. If future farming requirements such as grazing livestock have the need for a stock barn such a unit would exist if enforcement action returned this unit to its original status. In respect of the farm track they note that this route has been and is used for industrial sized vehicles to access the site. Regarding the stock pond they consider it inappropriate and unnecessary for livestock, is causing land slippage, pollution to neighbouring property and contains water of questionable quality. The 'remedies' as outlined in the Design and Access Statement are vague and in no way guarantee a solution to a problem that should have been the subject of enforcement action to return the land to its original state. They also disagree with the assertion in the Design and Access Statement Section that there are no issues with lighting, noting that whilst new PIR lighting systems have been installed, operational floodlights remain and are intrusive. The

Parish Council also considers that statements in the Design and Access Statement regarding compliance with Enforcement Notices and tree planting is incorrect.

B&NES Highways

The only item that could, potentially, give rise to intensification of the site in traffic terms is the extension to the existing agricultural building and this is considered to be de minimis. As no alterations are proposed with regards the means of access to the site, therefore, the Highway response is one of no objection.

B&NES Transportation and Highways (Drainage)

No objection subject to conditions regarding surface water drainage.

B&NES Environmental Health (Environmental Protection)

No observations

B&NES Landscape

Comments are made on the assumption that wider matters of policy can or have already been resolved. No primary objections to the elements contained in this application but recommend that if other matters are satisfactorily resolved a condition is attached to require that a full and properly detailed Masterplan is prepared that shows a) all recent planting as referred to in the Design and Access Statement; b) a scheme of new planting that should properly form part of this application; c) annotations regarding the ongoing management of the Woolley Lane frontage hedge; d) planting / seeding works associated with the Stock Pond. A specific condition needs to be included to ensure that a properly designed scheme is submitted and approved to cover the re-construction / re-configuration of the Stock Pond.

B&NES Ecology

Object due to insufficient information with which to assess likely ecological impacts of the proposal including potential impacts on the SNCI and on protected species.. The site is partly within part of the "Langridge - Woolley Complex" Site of Nature Conservation Interest (SNCI). Historically, some activities at the proposal site has damaged ecological interest and this has previously been acknowledged. The findings of the ecological assessment are not indicative of an appropriate management regime within the field labelled F1 in the ecological report (drawing ref 1081_2010/20), as required by condition 1 of consent 10/04188/FUL (retention of the stock pond). An ecological appraisal of the ecological impacts of the applications, collectively, has been submitted. More detail of species present would be useful, as comprehensive species lists do not currently appear to have been provided for the areas of grassland within the SNCI boundary, nor for hedgerows of the site. Such information would help to provide confidence in the conclusions of the assessment of likely ecological impacts of the proposal.

The proposal/s must incorporate all necessary ecological mitigation and enhancement measures into the scheme and measures should be shown on plans and drawings as appropriate, with sufficient detail to demonstrate that they can be implemented. Without the above issues being fully addressed I do not consider any of the schemes to be satisfactory in their current form. However, if the recommendations of the ecological report were to be incorporated into the scheme and could be demonstrated as feasible, and the application could demonstrate intent for implementation of an appropriate wildlife

management plan for the whole site, there is potential for ecological issues to be satisfactorily addressed.

Bath Preservation Trust

Object strongly to the retrospective application. Objected to the previous applications and the applicant has again failed to demonstrate that there has been any difference in the approach or lessening of the impact of the works now in place, and as such the extent of harm therefore remains unchanged.

Refer to the special character of the area (that led to the designation of the Article 4 Direction and which contributes significantly to the wider landscape setting of the World Heritage Site) and the planning history of the site. Consider that the infrastructure that has been developed on the land is excessive when measured against the needs of the activity currently on the site. The alterations and extensions to the existing agricultural building are deemed an overdevelopment of the site, and by virtue of its siting, design and appearance, is inappropriate development and visually intrusive development in this sensitive location. The pond which is visible within the AONB and can be seen from an adjacent public footpath. It is not good farming practice, is not a natural feature of the landscape, and its appearance is both outdated and neither preserves nor enhances the character and local distinctiveness of the Valley and has an adverse impact on the natural beauty of the Cotswold AONB. The access, track and hard standing has visually and physically scarred the open landscape and has a detrimental effect on the natural and rural character of the Valley.

Other Representations

A total of 54 representations have been received, objecting to the application on the following grounds:

1. The alterations to the agricultural buildings are unsightly, giving it an industrial appearance that detracts from the AONB and Green Belt.
2. The works to the building are no longer necessary as they relate to a use of the building and site that has now ceased.
3. The track has a detrimental impact on the appearance of the AONB.
4. There is no operational need for the track.
5. The stock pond has a detrimental impact on the appearance of the AONB.
6. The stock pond has an adverse impact on local ecology.
7. The stock pond is not necessary and increases the risk of bovine TB.
8. The stock pond is located in an area of land instability and is a potential hazard to the public

POLICIES/LEGISLATION

Development Plan

The statutory development plan is the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) October 2007 and the following policies are of relevance:

- GB1: Control of development in the Green Belt;
- GB2: Visual amenities of the Green Belt
- NE.1: Landscape character
- NE2: Areas of Outstanding Natural Beauty
- NE.3: Important hillsides - Bath and Radstock

NE9: Locally important wildlife sites
NE.4: Trees & woodland conservation
NE.10: Nationally important species and habitats
NE.11: Locally important species and habitats
NE.12: Natural features: retention, new provision and management
BH.1: Impact of development on World Heritage Site of Bath or its setting
BH.6: Development within or affecting Conservation Areas
ET.6: Agricultural development
D.2: General design and public realm
T.24: General development control and access policy
T.26: On-site parking and servicing provision
NE.14: Flood Risk
ES.5: Foul and surface water drainage

Core Strategy

The Draft Core Strategy (March 2013) is a material consideration in the determination of this application. Of particular relevance to the site are B1 (The World Heritage Site and its setting), CP6 (Environmental Quality) and CP8 (Green Belt).

National Planning Policy Framework

The NPPF (March 2012) sets out the Government's support for a prosperous rural economy, stating that planning policies should support economic growth in rural areas in order to create jobs and prosperity, by taking a positive approach to sustainable new development. In respect of conserving and enhancing the natural environment the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. Specifically, great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. The NPPF also states that conservation of wildlife and cultural heritage are important considerations in all these areas, and when determining planning applications local planning authorities should aim to conserve and enhance biodiversity. With regard to conserving and enhancing the historic environment the NPPF states that the objective is to avoid or minimise conflict between the conservation of a heritage asset and any aspect of the proposal.

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("The EIA Regulations") include in Schedule 2 descriptions of development (and applicable thresholds and criteria) for the purpose of classifying development for environmental impact assessment purposes. A Screening Assessment of the proposed development (separately and cumulatively with other development) has been undertaken to assess whether an environmental impact assessment of the development is required.

Having considered all the relevant factors, it is concluded that the development is not likely to give rise to significant environmental effects and therefore an environmental impact assessment is not required.

OFFICER ASSESSMENT

FARM TRACK

The track is approximately 1km long and 3.5m wide and runs along the eastern and northern edge of fields that form the boundary of the site. The track is made up of a

compacted stone chippings/hardcore base, which since its construction has in part become naturally overgrown so that generally only the ruts caused by the wheels of vehicles using the track are evident.

In considering an application (09/04403/FUL) that sought, amongst other things, retrospective planning permission for the formation of the track the Officer report noted that "the track is to be sited close to the edge of the field, and this combined with the grass covering would mean that the track would not be prominent in the landscape or damaging to the appearance of this part of the Cotswold Area of Outstanding Natural Beauty or the Green Belt." At that time the Council raised no objection to the track and when considering an Enforcement Report in May 2010 it was concluded that although the track required planning permission it was not expedient to take enforcement action. These conclusions were re-confirmed in the Committee's decision in respect of application 12/05660/FUL (considered at the Development Control Committee meeting on 8th May 2013) and Enforcement Report (considered at the Development Control Committee meeting on 5th June 2013).

The current application seeks retrospective planning permission for the track but does not propose any further works. Local Plan policy ET6 relates to agricultural development, including the construction of access roads where regard shall be had to any adverse environmental impact (including any conflict with other policies in the Plan). Where there is harm or conflict, regard shall be had to the need for or the benefits to the enterprise or the rural economy.

The track is located adjacent to the existing hedge that runs along the boundary of the site with Woolley Lane and so is not readily visible other than from selected locations along Woolley Lane and from elevated positions to the north such as the public footpath north of Sopers Wood. Whilst the appearance of the track when first constructed (and without any planned or natural re-growth of grass) was highly visible, since the grass has re-grown the appearance has softened considerably. It is considered that the track does not have a significant impact on the openness or appearance of this part of the Green Belt, on the character and landscape qualities of the AONB or local landscape, or the setting of Bath World Heritage Site. Accordingly the proposal to retain the track is considered acceptable. No further works to the track are proposed as part of the current application however any works to re-grade, re-surface or widen the track involving excavation or engineering operations are likely to amount to development requiring planning permission. It is therefore appropriate that an Informative is added reconfirming the scope of the Article 4 Direction.

ALTERATIONS AND EXTENSION TO EXISTING AGRICULTURAL BUILDING

The external alterations to the agricultural building (that existed on the site prior to GVP acquiring the land) has involved the infilling of the open sides of the barn with rendered blockwork. Whilst the appearance of the building has been altered from an open barn to an enclosed building, the footprint is essentially as originally built, it remains part timber-clad and retains the original low-pitched roof. The extension to the building is located away from Woolley Lane and constructed of materials to match the main part of the building. The existing hedge between the building and Woolley Lane largely screens the building in short distance views although the upper part can be seen above the boundary fence/entrance gates when viewed on Woolley Lane from the south and from the footpath leading from Colliers Lane to Woolley Lane. The existing hedge and local topography

mean that the alterations and extension to the building are not readily visible in longer distance views.

The current application seeks retrospective planning permission for the alterations and extension to the building but does not propose any further works. It is considered that given that the works are largely contained within the footprint of the existing building they do not materially impact on the openness of the Green Belt nor conflict with the purposes of including land in the Green Belt. In terms of impact on the AONB and local landscape it is considered that given the nature and scale of the alterations and extension, the character and local distinctiveness of the landscape will be conserved. Whilst the building is visible from Woolley Lane the works do not adversely affect the natural beauty of the landscape of the AONB. The works do not impact on local habitats or sites of ecological importance and do not, of themselves, give rise to significant impacts to local residents or the public in terms of noise or fumes. In the circumstances it is considered that the alterations and extension to the existing building are acceptable.

Objection has been raised to these works on the grounds that the building is out of place in this rural location, is not a sensitive design for a sensitive area and has the appearance of a light industrial unit. Officers consider that whilst the infilling of the sides of the building have materially altered its appearance, the building maintains its agricultural function and the works do not give rise to harm to the Green Belt, AONB or World Heritage Site setting nor to local residents or those using Woolley Lane.

Given the importance of the area as a feeding area for bats and lack of other local lighting (other than houses and villages) then if planning permission is granted for the alteration works it is considered appropriate to impose a condition controlling external lighting.

STOCK POND

In January 2011 the Council granted planning permission for a retrospective application for the construction of the stock pond at the northern end of the holding. In reaching that decision it was concluded that the stock pond was agricultural development and would not harm the openness of the Green Belt nor have any visual harm. The proposals were also considered not to conflict with Local Plan policies in respect of landscape quality and character of the AONB, ecology, drainage and flooding, land stability, pollution and health, and highways. A condition of the planning permission relating to a wildlife enhancement and management scheme was discharged in 2012 however the works were not undertaken. Following a successful legal challenge the planning permission was quashed and this current application therefore seeks permission for the retention of the stock pond.

Objection has been raised to the stock pond on the grounds that there is no practical requirement for it, it is not a natural feature in the landscape, is in an area where land stability is a potential hazard, it impedes natural drainage and is likely to harm rather than enhance local ecology as well as posing a flood threat to nearby properties. Concern has also been raised about the manner in which the stock pond has been constructed.

It is considered that the proposals do not conflict with Green Belt or AONB policies, being development for agricultural purposes and does not detract from the particular landscape characteristics of the AONB. It is also considered that the development would not have an unacceptable impact on the Lam Brook (approximately 700m to the east) however since the stock pond was first provided there has been some slumping of the ground around the

pond and vegetation has grown back meaning that works will be required to make it useable for its intended purpose. Regrading and restoring the land to its former condition will necessarily involve work that could further destabilise and degrade the site. However leaving the site in its current state may lead to further uncontrolled slippage and so it is concluded that limited further work to stabilise the site and provide a functioning stock pond is appropriate. Whilst details regarding further work to the stock pond have been submitted (re-submission of proposals first submitted in 2010/2011), given the particular characteristics of this part of the site should planning permission be granted for the retention of the stock pond then full details of any such works (including address land slippage that has occurred and potential future hazards) should be prepared following consultation with the Environment Agency, Natural England and the Council to ensure that the works are appropriate, acceptable and can be implemented without detriment to the local landscape, ecology and environment.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 Prior to any excavations or engineering operations being undertaken on the land the applicant shall submit for approval in writing by the Local Planning Authority a method statement for works to the site of the stock pond. The method statement, prepared in consultation with the Environment Agency and Natural England, shall cover the following matters:

- The plant and machinery to be used in the re-grading operations
- The method for creating and maintaining a final slope on its upper (west) side of less than 1:1
- The disposal and re-grading of any material removed from the stock pond and specification of the type and timing of any re-seeding of excavated soils
- The measures used to control sediment run off from the works
- A programme for the implementation of the works

Reason: To ensure the re-grading works are properly controlled and do not have an unacceptable impact on the environment.

2 Prior to any excavations or engineering operations being undertaken on the land the applicant shall submit for approval in writing by the Local Planning Authority a Wildlife Management and Enhancement Scheme for the land adjoining the stock pond. The Scheme, prepared in consultation with Natural England, shall cover the following matters:

- Works to the land adjoining the pond to create an area of new marshy grassland habitat designed to replicate the waterlogged conditions and botanical composition of the marshy grassland habitat elsewhere within the field
- Details of how the pond and marshy grassland habitat will be maintained and enhanced together with measures to restore and maximise the ecological and botanical value of the grassland within the remainder of the field through appropriate native plant seeding and wildlife friendly stock management and grazing regimes
- Measures of how the recommendations of the submitted ecological report, including temporary stock fencing of the pond and marshy grassland area, shall be implemented
- A programme for carrying out the above works

Upon receiving written approval from the Local Planning Authority all works detailed in the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain and enhance the ecological interest of the Site of Nature Conservation Importance.

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:

1 This permission relates to the development shown on the following drawings: 2028/002B (Plans and Elevations of Proposed Agricultural Storage Building dated November 2012); 2028/31 (Block Plan dated November 2009); 2028/200/A/B (Location Plan dated February 2009); 2028/500/A (Site Plan dated October 2010).

The applicant is advised that the approved plans do not include external lighting to the building.

2 Informative

The applicant is reminded that the site is the subject of an Article 4 Direction - The Swainswick Valley Article 4 Direction (No.1) 1992 - and that alterations to buildings and excavation or engineering operations require planning permission. This includes works of alteration or extension to the existing building, farm track or stock pond.

Item No: 06
Application No: 13/03374/CLEU
Site Location: Parcel 2866 Woolley Lane Charlcombe Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Gabriel Batt Councillor Geoff Ward

Application Type: Cert of Lawfulness (Existing) 191

Proposal: Certificate of lawfulness for the existing alterations to access and formation of hardstanding and track around existing building.

Constraints: Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Greenbelt, Sites of Nature Conservation Imp (SN), Tree Preservation Order,

Applicant: Golden Valley Paddocks Ltd

Expiry Date:	30th September 2013
Case Officer:	Gwilym Jones

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Councillor Veal has requested the application is reported to Committee and in the light of the extensive planning and enforcement history on this site and level of objection received it is appropriate that this application is determined by Committee.

DESCRIPTION OF SITE

The site is an agricultural holding situated just beyond the north-east edge of the built up area of Bath, located along the western side of Woolley Lane, a single-track road leading northwards from Charlcombe Lane to the village of Woolley. The entire agricultural holding is 20.5 hectares although this application relates to only part of the site at its southern end.

The site is in an elevated position on the western side of a valley and slopes down towards Woolley Lane and beyond to Lam Brook, then rising to the east towards the A46 and Charmy Down/Little Solsbury Hill. The village of Upper Swainswick is located on the eastern side of the valley and overlooks the site. The site is located in the Green Belt, Cotswold Area of Outstanding Natural Beauty (AONB) and Site of nature Conservation Interest and the setting of the Bath World Heritage Site. The site is also the subject of an Article 4 Direction (confirmed in 1992) that removes agricultural permitted development rights over a wider area of Swainswick Valley.

The site was acquired by the current owners in 2005 and at that time included a partly enclosed agricultural building measuring approximately 29m by 11.5m. Until recently the site was used principally for the housing of ducks for egg laying and subsequent processing and despatch. This operation ceased in August 2013.

PLANNING HISTORY

The site has been the subject of a number of applications between 2008 and 2013. In summary these are:

08/02397/FUL - Erection of agricultural building, alterations to access, formation of track and hardstanding, siting of temporary timber-clad mobile home for an agricultural worker. REFUSED 22 August 2008

09/01020/FUL - Erection of extension to agricultural building, siting of temporary agricultural workers mobile home, formation of track and alterations to access (retrospective) (resubmission). REFUSED 21 May 2009

09/04403/FUL - Siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access (Revised proposal). REFUSED 31 March 2010

10/04188/FUL - Retention of 15m x 12m stock pond. PERMITTED 21 January 2011 (quashed by High Court July 2012)

11/00678/COND - Discharge of condition 2 of application 10/04188/FUL APPROVED 28 March 2011 (quashed by High Court July 2012)

11/00854/FUL - Siting of temporary timber-clad mobile home for an agricultural worker, erection of dog kennel and alterations to access (Revised proposal). WITHDRAWN

11/02081/FUL - Construction of farm track and siting of 2no. feed hoppers (Retrospective)
WITHDRAWN

11/02085/COND - Discharge of condition 1 of application 10/04188/FUL WITHDRAWN

12/05660/FUL - Alterations and extension to existing agricultural building; alterations to access; formation of hard-standing, farm track and concrete path adjacent to existing building; construction of stock pond; siting of 2no. feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years REFUSED 14 May 2013

12/05661/FUL - Erection of a general purpose agricultural building REFUSED 14 May 2013

12/05662/FUL, 12/05663/FUL, 12/05664/FUL - Siting of 10 mobile poultry units on the land REFUSED 14 May 2013

Following the refusals of planning permission in May 2013, Enforcement Notices were served requiring the removal of the caravan, sheds and poultry units. These Notices have been complied with and the site is currently used for the grazing of sheep and cows.

This application is for a Certificate of Lawfulness of Existing Use or Development in respect of alterations to the site access and formation of hardstanding and track around existing building.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A total of 38 representations have been received objecting to the application on the following grounds:

1. The works were not carried out more than four years ago.
2. The site access has been refused permission on the grounds of highway safety and should not be allowed.
3. The works are not in keeping with the surroundings or AONB.
4. The application is an 'abuse of process' in seeking to regularise unlawful development.

Charlcombe Parish Council

Whilst acknowledging that the works to the site access were substantially complete more than four years ago the Parish Council objects to the application on the grounds that the proposals are not 'lawful' and should be subject to enforcement action. They also note that the access has previously been refused planning permission on highway safety grounds on more than one occasion and in the circumstances it would be inappropriate to approve the access. They object to the area of hardstanding on three grounds that it was not substantially complete more than four years ago and that excavation operations have been carried out in the last four years.

Swainswick Parish Council agree with and fully support the submission by Charlcombe Parish Council.

Bath Preservation Trust strongly endorses the submission of Charlcombe Parish Council and endorses the spirit of other objections. Do not consider that the uses are lawful and believe they should be subject to enforcement in order to make good the damage of previous years.

POLICIES/LEGISLATION

Section 191 of the Town and Country Planning Act 1990 states (in summary) that "if any person wishes to ascertain whether ... (b) any operations which have been carried out in, on, over or under land are lawful ... he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter. For the purposes of this Act uses and operations are lawful at any time if (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force. If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application."

As an application for a Certificate of Lawfulness the considerations in this case are evidence-based matters of fact rather than planning policy, specifically whether the development to which the application relates was substantially completed more than 4 years ago. If this is the case then whilst the development would not benefit from planning permission, it would be immune from enforcement action.

OFFICER ASSESSMENT

The works to the site access (including the erection of gates) and the provision of hardstanding around the farm building involved excavation and engineering operations that by virtue of the Article 4 Direction on the land required planning permission. Retrospective applications to retain the works have been submitted and refused on more than one occasion. However in the time since the works were undertaken no enforcement action has been taken against them. Accordingly if it is concluded that the works were substantially complete more than four years ago then, whilst not authorised they would be immune from enforcement action and could remain in place.

In support of their case that the works the subject of the application were undertaken more than four years ago the applicant has submitted extracts from Officer reports as well as representations (including photographs) submitted to the Council by third parties at the time the works were carried out. These and the Council's records from site visits and photographic evidence show that the site access works were started in mid-2008 and substantially complete more than 4 years ago. In the case of the provision of the area of hardstanding around the building this was also started in mid-2008 and whilst there has been some re-grading and re-laying of the hardstanding, the works were substantially complete more than 4 years ago. Both events are recorded in previous reports on planning applications and enforcement action in respect of unauthorised development at the site.

Whilst previous concerns in terms of highway safety remain, as do objections to the proposals from various third parties in terms of visual impact and harm to the AONB and Green Belt, these are not material to the determination of the current application which is concerned only with the facts as to whether the works were substantially complete more than four years ago. In the circumstances and given the evidence available it is considered that there are no grounds to refuse a Certificate of Lawfulness for the site

access or hardstanding. For the avoidance of doubt in respect of the extent of the works covered by this conclusion, if a Certificate of Lawfulness is granted then it is appropriate that a plan is attached to the decision identifying the full extent of the relevant works.

RECOMMENDATION

CONDITIONS

1 This decision relates only to the site access (concrete apron and wooden panel gates) and hardstanding (hardcore track plus concrete yard adjacent to the existing building and bounded by wooden fence to the north) within the area of land outlined in red on the attached drawing.

PLANS LIST:

1 Informative

The applicant is reminded that the site is the subject of an Article 4 Direction - The Swainswick Valley Article 4 Direction (No.1) 1992 - and that excavation or engineering operations require planning permission. This includes works of alteration or extension to the site access and hardstanding/track around the existing building covered by this Certificate.

Item No: 07
Application No: 13/03589/FUL
Site Location: Forge Stud Hunstrete Marksbury Bristol BS39 4NS



Ward: Farmborough

Parish: Marksbury

LB Grade: N/A

Ward Members: Councillor S Davis

Application Type: Full Application

Proposal: Change of use of existing land and stables to a Farrier business and conversion of existing stone barn to provide rural workers dwelling (Resubmission)

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Public Right of Way, Tree Preservation Order,

Applicant: Mr Jonathan Hodge

Expiry Date: 2nd December 2013

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE

The application is being reported to the committee at the request of Councillor Sally Davis for the following reasons;

The Parish Council support this application as they felt exceptional circumstance were demonstrated which supported the case for it to be built in the green belt, they also saw this as a rural business & felt it demonstrated sustainability.

The application has been referred to the chairman of the Development Control Committee who has agreed that the application should be considered by the committee as this is against policy but there is a lot of local support.

DESCRIPTION OF SITE AND APPLICATION

This is an application for the change of use of the existing land and stables to a Farrier business and the conversion of the existing stone barn to provide a rural workers dwelling.

The application site is located within the Green Belt to the south of the village of Hunstrete. The site currently has permission for stables which are conditioned to be used for private use and not for commercial use. There is currently a caravan on the site which appears to be used for residential use. This is unauthorised.

There are 8 loose boxes in an L shape stable block, around a ménage, with the subject barn immediately adjacent. The surrounding 9 acres is mainly set to paddocks of permanent grass.

The applicant has stated within the design and access statement that the site was used as a livery, this was unauthorised and the use has now ceased. The applicant is currently using the site for the stabling of their horses. The applicant works as a farrier and has set up a temporary forge to make and store horse shoes.

The applicant proposes to establish a business to set up a breeding, training and rehabilitation livery business from the site and create a permanent forge.

The existing barn is proposed to be extended and converted into a two bedroom dwelling. The barn will be extended to the rear by means of an extension. A dormer window is proposed on the front elevation. The height of the building will be increased by 0.8m. The extension will be constructed with materials to match the host dwelling.

RELEVANT HISTORY

14870/A - Retention of stables hay barn and dressage area, permission 30/03/1995

14870 - Erection of stable block and feed barn, permission 30/04/1990

DC - 00/00325/REN - PERMIT - 12 April 2000 - Retention of haybarn, stables and dressage area at Harlequin Stables

DC - 05/00179/REN - PERMIT - 5 May 2005 - Retention of haybarn, stables and dressage arena at Harlequin Stables

DC - 10/02592/REM - PERMIT - 30 December 2010 - Removal of condition 1 of application 05/00179/REN granted on 5th May 2005 (Retention of haybarn, stables and dressage arena at Harlequin Stables)

DC - 13/01976/FUL - WD - 15 August 2013 - Change of use of existing land and stables to a Farrier business and conversion of existing stone barn to provide rural workers dwelling

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: Objection,

It is now understood that there is no lawful existing commercial use on the site and the existing equestrian use is as private, not commercial, stables.

Given that horses requiring remedial care will be transported to and from the site (page 5 of the Design and Access Statement refers to 'using the existing facilities for treating and assessing horses needing remedial care and rehabilitation'), it is hard to see how it can be stated that the stables will be for private use (page 3 of Design and Access Statement)

The proposed use is therefore likely to result in a material intensification in the use of the site, including movements by horseboxes and vehicles towing horse trailers, etc.

Page 5 of the Design and Access Statement also refers to 'facilities for a successful farrier and horse trainer to consolidate and expand his business in this rural location' and goes on to state that 'once the site is established it will generate more income for local feed merchants and veterinary surgeons and create a vacancy for a groom and a farriers apprentice'. This merely confirms the proposed intensification in use of the site that will arise in changing the use from private to commercial uses.

Visibility in a southerly direction from the site access is badly restricted due to the existing boundary hedge.

The site access position is inadequate width to enable vehicles to pass, particularly HGV's and vehicles towing horse trailers.

Arboriculture: No objection

Ecology: Further to my comments on this proposal previously submitted under application 13/01976/FUL, an updated bat survey report has now been submitted (dated 17th September and 22nd May).

This includes findings of a bat emergence survey of the building during May 2013. The survey did not record any bats emerging from the building itself, but did identify some bat activity at the site including a pipistrelle activity around a stone structure and a commuting Noctule bat. The report concludes that bats are not believed to be using the building for roosting. I do not dispute the conclusions of the report.

The report makes a number of recommendations, these include provision of bat boxes in the new development, and bat-friendly lighting. Provided these recommendations are implemented I have no objections to the proposal.

Councillor Sally Davis: The Parish Council support this application as they felt exceptional circumstances were demonstrated which supported the case for it to be built in the green belt, they also saw this as a rural business & felt it demonstrated sustainability.

Councillor Tim Warren: I strongly support this application, because I believe there needs to be a certain amount of growth in small villages.

The proposed development will not be visible from any of the houses so will not alter the views to anyone.

This development/conversion will allow a young family to set up a permanent home/workplace in the village, which can only be a positive.

This is the type of development that the council should encourage, as it will help maintain the good order of what could otherwise become a derelict building, thereby enhancing the area.

Marksbury Parish Council: Support;

Assuming you are happy with the financial case we consider that a farrier business is appropriate in the countryside and that a case has been made for the necessity of a permanent presence being on the premises, given the likely presence of valuable horses. There is also potential of further rural employment.

We therefore consider that very special circumstances have been advanced that should permit development in the Green Belt.

We do not consider that the development will be visually detrimental to the Green Belt, indeed it would be tidying up the site.

The creation of a residential dwelling would not detract from the rural character of the Green Belt.

There are no problems of the site being intrusive in any way to neighbours.

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

The development will result in an increase in traffic to the site.

There are already a sizable number of large vehicles going to Forge Stud and plans to establish the business permanently on site will significantly add to that number.

In particular large horse boxes which struggle when turning left off the main thoroughfare on to the access road and also have difficulty turning right when leaving the site.

The entrance of Forge Stud is located next to the entrance of Hunstrete fishing lakes which have a large number of visitors and therefore also generate a large volume of traffic.

We are also apprehensive that plans to establish the Farrier business on site will result in further building work being carried out and we believe this will be to the detriment of the countryside.

The entrance into Forge Stud is very narrow and not suitable for large vehicles.

Vehicles should not damage the grass verges.

If other people are employed to work on site 24/7 then this will generate a requirement for further accommodation.

POLICIES/LEGISLATION

D.2: General design and public realm considerations

D.4: Townscape considerations

GB.1: Control of Development in the Green Belt

GB.2: Visual Amenities of the Green Belt

ET.9: Re-use of rural buildings

HG.10: Housing outside settlements

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

SUBMISSION CORE STRATEGY, MAY 2011

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches little weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies should be considered:

CP6 - Environmental Quality

National Policy

The National Planning Policy Framework adopted March 2012

OFFICER ASSESSMENT

PLANNING HISTORY

Permission was originally granted for the stables in 1990. Subsequent permissions have renewed the provision of the stables and the stables were granted a permanent permission in 2010. All permissions were conditioned to be for the private stabling of horses for the owner. They are not authorised for a commercial use and any business currently being run at this site is unauthorised.

PRINCIPLE OF DEVELOPMENT

The provision of a workers dwelling:

The applicant has provided a number of documents in support of the application and proposed business. This has been referred to the Council's agricultural assessor who has assessed the submitted information against policy HG.10. Policy HG.10 of the local plan allows for housing outside of settlements when the new housing would provide essential accommodation for agricultural and forestry workers. In order for the principle of development to be accepted the applicant must comply with policy HG.10 which reads as follows;

HG.10: 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.

A new dwelling essential to support existing well established agricultural or forestry enterprises will only be permitted where:

- i) there is a clearly established existing functional need and financial justification for a worker to live on the holding;
- ii) the need is for accommodation for a fulltime worker;
- iii) the functional need could not be fulfilled by another existing dwelling in the holding, or other existing accommodation in the area which is suitable and available for occupation, or through re-use of an existing building on the holding subject to the requirements of Policy ET.9;
- iv) it is sited: (a) within a hamlet or existing group of dwellings or buildings; or (b) elsewhere in the countryside only when (a) above is not feasible;
- v) it is restricted in size commensurate with the functional requirements of the agricultural or forestry enterprise; and
- vi) occupancy is restricted to agricultural or forestry workers.

Policy HG.10 is supported by paragraph 55 of the NPPF which states that; Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances...

One example of such a circumstance is given as:

...the essential need for a rural worker to live permanently at or near their place of work in the countryside;

The site currently has permission for stables which are conditioned to be used for private use and not for commercial use. The intention is to set up a breeding, training and rehabilitation livery business from the site (and create a permanent forge), but this enterprise does not yet exist, except in that some of the private horses are intended to be used as starting stock. The farriery is already on site with a temporary forge. Most of the shoeing is done off site, but occasionally clients visit the site. Any commercial use of the site is currently unauthorised.

Neither the existing or proposed enterprises are agricultural or forestry. It would appear that on this basis alone the application does not comply with policy HG.10. However there is case law to support the view that an equestrian enterprise is classed as a rural business and can be treated with a similar view to an agricultural enterprise.

The existing enterprise is only the farriery, which presents no evidence of functional need in itself, particularly since it is conceded that the animals being treated only occasionally visit the site. Security (of the farriery equipment and shoes) is only a secondary need. The existing enterprise does not require an on-site presence.

The applicant has stated that as the business involves the breeding and rehabilitation of horses this requires the presence of a worker on site. The proposed enterprise may well create a functional need, but it is not clearly established and not existing, with the existing horses being for private use. The proposed business would need to be established before a case can be made for a workers dwelling.

The applicant has provided a financial justification for the proposed business which is considered to be sustainable and based on realistic expectations. However it does not justify the presence of a workers dwelling as it is not an established business.

The proposed development is not considered to have established a functional need for the existing farrier business. The proposed business use is not established on site. The provision of a dwelling in this location is contrary to policy HG.10 of the local plan.

Re-use of a rural building

Policy ET.9 relates to the reuse of rural buildings. The policy states that in the case of a residential conversion permission will not be granted if the property is in a position isolated from public services and unrelated to an established group of buildings. In this case the barn is in an isolated position from local services and is not within an existing settlement. Policy ET.9 requires the applicant to secure a suitable business re-use this has not occurred.

Policy ET.9 states that in the case of development in the green belt the conversion should not have a materially greater impact than the present use on the surrounding green belt. The proposed development would result in the enlargement of the existing barn which would harm the openness of the surrounding green belt resulting in a materially greater impact on the surrounding green belt.

Policy ET.9 requires that the building should be capable of conversion without substantial reconstruction and should not require major extension. The proposed development includes a large extension to the rear of the building and is considered to require substantial reconstruction.

DESIGN

The applicant has proposed to extend the existing barn by means of a rear extension and also intends to install a dormer window on the front elevation of the property. The height of the building will be increased by 0.8m.

The provision of a dormer window will increase the bulk of the existing building. The dormer will substantially increase the bulk of the existing roof and will appear as incongruous addition to the existing dwelling. The provision of the dormer is considered to compromise the rural character of the existing barn. This is further emphasised by the increase in height of the existing building.

The proposed rear extension includes a large amount of glazing on the rear elevation. The rear extension includes a pitched roof with a gable end. The pitch of the roof is of a steeper angle to the existing roof and this is considered to be at odds with the character of the existing barn.

The proposed alterations to the barn will cumulatively harm the character of the barn which is currently a modest stone agricultural building. The changes will detract from the rural character of the existing barn giving it a more domestic character. Policy D.4 requires development to respect and complement the host building. The policy also requires development to respond to its local context. For the reasons outlined above the proposed development is not considered to do so.

Furthermore part 2 of policy ET.9 requires that the appearance of the existing building is not adversely affected by the proposed development. For the reasons outlined above the proposed development does not comply with this part of policy ET.9.

GREEN BELT

Development is only allowed within the Green Belt under very special circumstances. The applicant has submitted a list of very special circumstances to justify the development within the Green Belt. The applicant has stated that the provision of the development would enhance the appearance of the site and remove elements of the site which detract from the rural character of the surrounding area. This is not accepted as very special circumstances as the site could be tidied and visually enhanced regardless of whether permission is granted.

The applicant has stated that the proposed development will retain the openness of the Green Belt. The proposed development will enlarge the existing barn to form a dwelling. Any conversion to a dwelling is considered to result in a degree of domestication around the curtilage which would be considered to detract from the rural character of the surrounding area. The enlargement of the existing barn would increase the amount of development on site and is considered to harm the openness of the surrounding Green Belt.

ECOLOGY

The existing barn has the potential to provide a habitat for bats and the applicant has submitted a bat survey with the application. The ecology officer has raised no objection due to the submission of the bat survey. The survey did not record any bats emerging from the building itself, but did identify some bat activity at the site including a pipistrelle activity around a stone structure and a commuting Noctule bat. The report concludes that bats are not believed to be using the building for roosting.

The report makes a number of recommendations, these include provision of bat boxes in the new development, and bat-friendly lighting. The ecologist has suggested that conditions should be attached to any permission requiring the development to be carried out in accordance with the survey.

However this does not outweigh the concerns raised above with regards to the principle of the development and the design.

HIGHWAYS

The highways officer has objected to the application. There is no lawful existing commercial use on the site and the existing equestrian use is as private, not commercial, stables.

Given that horses requiring remedial care will be transported to and from the site the proposed use is likely to result in a material intensification in the use of the site, including movements by horseboxes and vehicles towing horse trailers. Visibility in a southerly direction from the site access is badly restricted due to the existing boundary hedge. The site access position is of inadequate width to enable vehicles to pass within in, particularly

HGV's and vehicles towing horse trailers. Therefore the proposed development is considered to cause harm to highway safety and is contrary to policy T.24 of the local plan.

CONCLUSION

The existing business on site is currently unauthorised and does not justify the provision of an agricultural workers dwelling. The proposed on site business is not established and therefore this cannot justify the provision of a permanent workers dwelling.

The proposed conversion will detract from the rural character of the existing building and is harmful to the openness of the Green Belt. The alterations of the existing barn are considered to be harmful to the appearance of the existing building.

Therefore the application is recommended for refusal.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 The proposed permanent rural worker dwelling has failed to demonstrate functional and financial need for a dwelling related to an established business. The proposed dwelling will result in a structure that is materially larger than the existing property within the Green Belt and the existing barn has not been marketed for a business use. The barn is in a position isolated from public services and community facilities. It is therefore contrary to policies HG.10 and ET.9 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

2 The proposed development by reason of its siting, scale and design will fail to respect and complement the host building or respond to its local context. The proposed extension, dormer window, glazing and increased height will detract from appearance of the existing barn and the rural character of the area. The proposed development is therefore contrary to policies D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

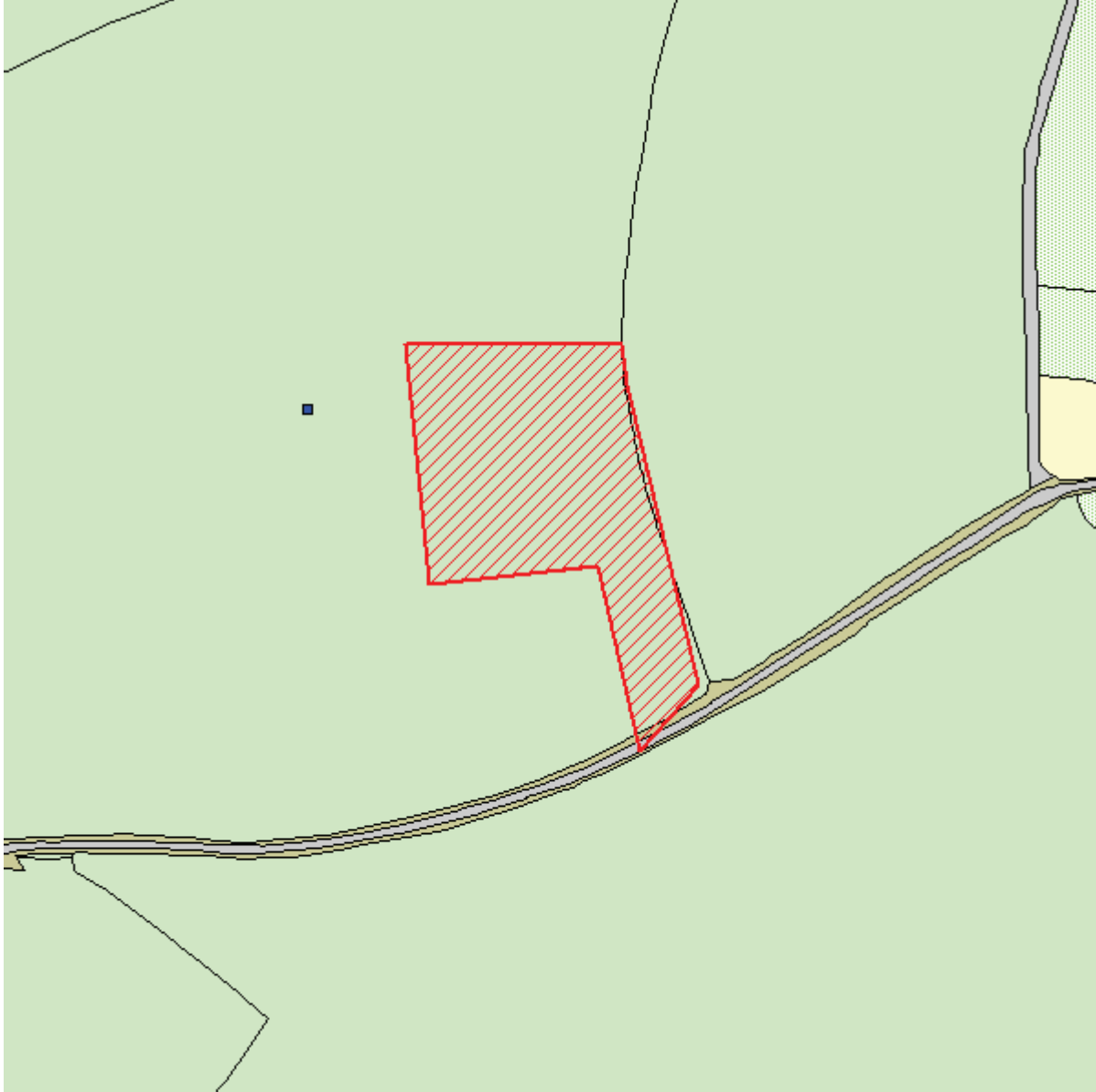
3 The proposed dwelling, due to its location within the Green Belt and in the absence of very special circumstances, is considered to be inappropriate development which is, by definition, harmful to the Green Belt and would also have an unacceptable impact on the openness of the Green Belt in this location. This is contrary to Policies GB.1 and GB.2 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007

4 The proposed development will result in an intensification of the use of an inadequate access which is considered to be harmful to highway safety. The proposed development is therefore considered contrary to the requirements of Policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

PLANS LIST:

1 Existing floor plan, elevations and site plan 001B
Proposed plans and elevations 101D

Item No: 08
Application No: 13/02087/FUL
Site Location: Parcel 0056 Kilkenny Lane Englishcombe Bath Bath And North East Somerset



Ward: Bathavon West **Parish:** Englishcombe **LB Grade:** N/A
Ward Members: Councillor David John Veale
Application Type: Full Application
Proposal: Change of use of land to mixed use of agriculture and equestrian and erection of timber stables
Constraints: Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Hazards & Pipelines,
Applicant: Mrs A Allen
Expiry Date: 23rd October 2013
Case Officer: Alice Barnes

REPORT

REASONS FOR REPORTING APPLICATION TO COMMITTEE

The application is being referred to the committee as the parish council have supported the application contrary to the case officers recommendation to refuse.

The application has been referred to the chairman of the Development Control Committee who has advised that the application should be considered by the committee because there is parish council support.

DESCRIPTION OF SITE AND APPLICATION

Kilkenny Lane is located to the south west of Bath. The site is currently used as agricultural land located within the Green Belt. On visiting the site there is an existing shelter but this is outside of the red line of the application site.

The application relates to the change of use of the land to a mixed use of agriculture and equestrian and the erection of a timber stables. The stables would be constructed from timber and will include grey roofing sheets. The development proposes three internal stables, a tack room and store. There will be an external hardstanding at either end of the store to allow access to the stables.

All existing boundary treatments are intended to be maintained. The stables will be solely for the applicant personal use and no external lighting is proposed.

RELEVANT HISTORY

There is no relevant history relating to this application

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Building Control: No comment

Englishcombe Parish Council: Support, At its meeting on 23 September, Englishcombe Parish council voted unanimously to support this application as it complies with policies D.2, D.4, GB.2, CP.8 and the NPPF. While the proposed development is sizable it is of a low height and therefore does not adversely affect the public realm and responds to the local context. It is therefore compliant with policies D.2 and D.4 of the local plan saved to the submitted draft core strategy. By way of its design and low height it is also not visually detrimental to the Green Belt and therefore accords with GB.2 of the local plan saved to the submitted draft core strategy. As the proposed development is a new building for outdoor recreation it is appropriate development in the green belt according to the NPPF. Therefore the development is consistent with CP.8 of the submitted draft core strategy. However there was some concern about the potential for increased traffic so the parish council was keen for it to be for personal use only. Therefore the parish council supports this application subject to it having a condition attached that the stables are for personal use only.

Highways: No comment

Health and Safety Executive: No objection

Representations: No representations have been received

POLICIES/LEGISLATION

D.2: General design and public realm considerations

D.4: Townscape considerations

GB.1: Control of Development in the Green Belt

GB.2: Visual Amenities of the Green Belt

NE.1: Landscape character

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

SUBMISSION CORE STRATEGY, MAY 2011

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies should be considered:

CP6 - Environmental Quality

National Policy

The National Planning Policy Framework adopted March 2012

OFFICER ASSESSMENT

Principle of development and Green Belt Policy

The application relates to the change of use of the land to a mixed use of agriculture and equestrian and the erection of a timber stables. The existing site is currently classed as being agricultural land. The application site is currently an open area of land with a rural character. On visiting the site there appears to be an existing field shelter and fencing located outside of the application site.

The National Planning Policy Framework sets out the criteria in which development in the Green Belt is acceptable. It starts by stating that development will not be permitted within the Green Belt unless very special circumstances can be demonstrated save for some exceptions. The exceptions to this are then listed in paragraphs 89 to 90. Paragraph 89 states that provision can be made for the construction of buildings for appropriate outdoor sport and recreation which equestrian facilities would fall under. Paragraph 90 goes on to list certain other forms of development which are also not inappropriate development within the Green Belt. This does not specify a change of use of land within the Green Belt. Paragraph 90 lists development which can be appropriate such as mineral extraction and a change of use to this criteria may be acceptable. Paragraph 90 does not make reference to equestrian development therefore the change of use to equestrian is not considered to be appropriate development.

Notwithstanding the general thread running through the NPPF promoting opportunities for outdoor sport and recreation paragraph 90 has not carried forward the previous PPG.2 reference to material changes of use being appropriate "other" forms of development in the green belt and thus it must be taken that the proposed change of use to equestrian represents inappropriate development in the green belt.

Paragraph 87 of the NPPF states that inappropriate development is by definition harmful to the Green Belt. As stated above the proposed development is considered to be inappropriate development and is therefore harmful to the Green Belt.

Impact on the Green Belt

The proposed stable would be located at the base of a slope against the field boundary. It will not be easily visible from the surrounding area and is of a single storey. The siting of the proposed stable will reduce its visibility within the landscape and is not considered to harm the openness of the surrounding Green Belt. It would not conflict with the purposes of including land in the Green Belt. The provision of the stables themselves may therefore be considered to be appropriate development.

Other Matters

The highways officer declined to comment on the application. It is possible to enter and leave the site in forward gear and the proposed development is not considered to cause harm to highway safety.

As stated above the proposed stables have been located at the base of a slope against the field boundary. They would not be easily visible from the surrounding area and are therefore considered to preserve the character of the surrounding landscape.

The proposed development is not located close to any neighbouring dwellings and will not impact on the amenity of nearby residential occupiers. No external lighting has been proposed.

Consideration of whether very special circumstances exist

As no very special circumstances have been demonstrated it is concluded that significant weight should be given to the provisions of the more up to date NPPF and this application should be refused planning permission.

Conclusion

Whilst the development will not harm the openness of the surrounding Green Belt the principle of development is not accepted as set out within the National Planning Policy Framework. Therefore the application is recommended for refusal.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 The proposed material change of use of the land from its lawful use as agriculture, to a mixed use of recreational use (equestrian) and agriculture, in the absence of very special circumstances to outweigh any harm to the Green Belt, would comprise inappropriate development within the Green Belt which is, by definition harmful, and therefore

unacceptable in principle. The proposed material change of use of the land is contrary to Chapter 9 of the National Planning Policy Framework, 2012.

Item No: 09
Application No: 13/03555/FUL
Site Location: 2 Rush Hill Southdown Bath Bath And North East Somerset BA2 2QH



Ward: Odd Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor S P Hedges Councillor N J Roberts
Application Type: Full Application
Proposal: Change of use from Labour Club (Sui Generis) to Office (B1)
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: Western Building Consultants
Expiry Date: 11th October 2013
Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillors Crossley, Roberts and Romero have all requested that the application be reported to committee for the following reasons:

- It will enable the re-use of a redundant building;
- It will provide local employment and jobs; and,
- It would add to the sustainability and viability of the area.

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee as it has been recommended for refusal, but has the support of Local Members

DESCRIPTION OF SITE AND APPLICATION

The application site is located on the corner of Rush Hill and Padleigh Hill near the busy crossroad which serves Whiteway Road and Englishcombe Lane. The site comprises a single storey building set back from the road with a large area of hardstanding in front. The existing building is currently vacant, but it was previously occupied as a Labour Club.

The site falls within the Bath World Heritage Site and is not within any defined centres or protected business areas.

The proposal is to change the use of the property from a Labour Club (Sui Genris) to an Office (B1).

RELEVANT HISTORY

No relevant site history

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS OFFICER

I refer to the above planning application received on 29th August 2013.

The proposal involves the change of use from the former Labour Club, under use class D2 to an office.

The site is located adjoining Padleigh Hill, on the crossroads junction of Rush Hill, Padleigh Hill and Englishcombe Lane, where the access serving the site is taken from Rush Hill.

The site currently has a forecourt area for parking, and this area is proposed to be retained for the proposed office use. However, the application indicates there to be 10 spaces on the site, and the arrangement shown for these spaces would have three rows of three spaces plus a single space, meaning that most cars could not access and exit independently, and all vehicles would be reversing onto, or off, the main road. This arrangement would not be acceptable due to the conflicts with other highway users, particularly in this location, where there is a crossroads junction.

Rush Hill is a busy road, and the movements associated with an office would be concentrated mainly at peak times when this road is at its busiest, and ease of access and egress is highly important in maintaining the safety of all highway users.

The arrangement for parking could be amended to include a dedicated turning area, which would need to be kept clear for that purpose only, and this would enable all cars to enter and to leave in a forward gear, where visibility is good.

It is noted that a cycle rack is proposed to the side of the site, but no details of the type of rack and if any shelter will be proposed, in order to provide a dry and secure area for staff to leave cycles.

The site is well located to bus stops and does offer a choice in the mode of travel, and Travel Statement which ensures that all staff and visitors are made aware of the availability of alternatives modes of transport and the level of on-site parking provision.

However, having regard to the submitted details, I would feel bound to recommend the application for refusal for the following reason:-

Adequate provision has not been made on the site for the parking and turning of vehicles in a satisfactory manner, which would result in excessive manoeuvring within a busy road, in close proximity to a crossroads junction, with consequent danger and inconvenience to other users of the highway.

The proposal is therefore contrary to Policy T.26 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

However, if the car parking area was to be amended to provide a dedicated turning area on the site, and a Travel Statement submitted, I would be happy to reconsider my objection.

COUNCILLOR CROSSLEY

This application is right on the border of Southdown and Odd Down Wards.

This building needs to be in use and as such the application would provide a good solution.

It will bring another employment opportunity into a part of the city that does not have many employment sites.

This would add to the sustainability and viability of other facilities in the area.

COUNCILLOR ROMERO

I do not want to see this building remain empty. This seems an admirable proposal, and adds to the mix of businesses locally. It also helps fill a gap for growing businesses, as it will enable this business to expand appropriately plus provide work space for other SMEs to do so.

COUNCILLOR ROBERTS

The application would provide a number of local jobs within a sustainable environment, supporting NPPF sustainable development.

This change would result in a derelict building being brought forward for employment, which is lacking in the immediate area except retail.

THIRD PARTIES/NEIGHBOURS

1 letter of support has been received. The main points raised were:

- The property has been in a state of disrepair for some time and has stopped being an asset to the community.
- The proposed improvements can only add to the upbeat feel of the area.
- Bringing business into the area can only be a benefit, providing employment and services and enhancing the look of prosperity for the area that the upgrade of the Doctors Surgery and the development of The Jubilee Inn have brought.
- It will mean an end to late night comings and goings.

POLICIES/LEGISLATION

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations:

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

ET.2 - Office development

BH.1 - World Heritage Site

CF.1 - Protection of land and buildings used for community purposes

T.5 - Cycling strategy: improved facilities

T.6 - Cycling Strategy: cycle parking

T.24 - General development control and access policy

T.26 - On-site parking and servicing provision

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. Policies D.2, D.4, ET.2, CF.1, T.5, T.6 T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

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

Section 1: Building a strong and competitive economy

Section 2: Ensuring the vitality of town centres

Section 7: Requiring good design

OFFICER ASSESSMENT

INTRODUCTION

The main issues to consider are 1) principle of development, 2) residential amenity, and 3) highways and parking.

1. PRINCIPLE OF DEVELOPMENT

The proposal results in the loss of the Labour Club use which formerly occupied the building.

Policy CF.1 seeks to protect sites used, or last used, for community purposes. However, it is considered that the use as a Labour Club, with its selective membership, does not fall within the definition of a community purpose for the purposes of the Local Plan policies. The loss of this existing use is therefore considered acceptable.

Local plan policy ET.2 states that proposals for net gains in office floorspace will only be supported where they are part of a protected core business area or are within or very closely associated with the central areas of Bath.

This is consistent with guidance in the NPPF which identifies offices as a main town centre use. Paragraph 24 of the NPPF states that the sequential test should be applied to such main town centre uses where they are not located within an existing centre. This test requires proposals for main town centre uses, such as offices, to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre proposals be considered.

The application site is not part of any town centre, is not closely related to any town centres and is not part of a protected core business area. A consideration of alternative sites within centre or edge of centre locations has not been undertaken by the applicants. The sequential test has therefore not been demonstrated and it is considered likely that suitable alternative sites are available within centre or edge of centre will be available for the proposed development.

The proposal will therefore result in dispersal of a main town centre uses outside of defined centres and is therefore contrary to policy ET.2 of the Local Plan and national policy in the NPPF.

2. RESIDENTIAL AMENITY

The site is located in a primarily residential area. The Labour Club which previously occupied the site had a licence to serve alcohol and was open during the evenings and weekends.

Whilst there is no record of any formal complaints or disturbance, the authorised use of the site would clearly generate a greater level of activity during the evening and weekends than a proposed office use might. The change of use would therefore potentially lead to a reduction in the level of activity associated with the site outside of normal office hours and result in a decreased potential for disturbance to local residents' amenity. This weighs in favour of the application.

3. HIGHWAYS AND PARKING

The Highways Officer has raised no objection to the principle of the proposed use, but is concerned with the existing parking arrangement and the potential for conflict with rush hour traffic.

Following negotiations, a revised parking layout has been secured which demonstrates that all cars can enter and leave the site in a forward gear resulting in a much safer access arrangement.

The revised parking layout entails a reduction in the number of parking spaces available on the site from 10 to 4. However, the site is accessible by some public transport and the applicants have provided a transport statement promoting the availability of alternative modes of transport for staff and visitors with a commitment to update those details every 6 months. A secure cycle store is also proposed as part of this application and this can be secured by condition. In light of the above, it is considered that the proposal makes adequate parking provision for the proposed use.

The revised parking layout and the provision of turning areas to enable safe access onto Rush Hill is considered to be a significant benefit of the proposal and weighs in favour of the application. However, the weight to be afforded to this benefit is tempered by the fact that the proposed office use will introduce additional traffic movements during peak times of the day whereas movements associated with the previous use were primarily during evenings and weekends.

CONCLUSION

No sequential test has been undertaken to demonstrate that there are no suitable sites available in centre or edge of centre locations. It is therefore considered that the proposal to introduce a new office use onto this site directly conflicts policy ET.2 and guidance in the NPPF. The proposal provides a limited benefit in terms of potentially improving the amenity of surrounding residential properties and a more substantial benefit in terms of an improvement to the site's access. However, it is considered that these benefits do not outweigh the harm arising from the dispersal of activities away from the main town centres and do not justify a departure from the Local Plan and the guidance in the NPPF.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 The proposed office use is not closely related to any town centres and is not part of a protected core business area. It has not been demonstrated that alternative suitable sites within centre or edge of centre locations are unavailable for the proposed development. The application therefore fails to satisfy the requirements of the sequential test and will result in the dispersal of activities away from the main town centre contrary to policy ET.2 of the Bath and North East Somerset Local Plan (2007) and guidance in the National Planning Policy Framework (2010).

PLANS LIST:

Site Location Plan

- 1
- 2
- 3

4

100 Rev A

101 Rev A

102

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority encourages the use of pre-application advice which was not sought in this case. The Local Planning Authority has engaged positively with the applicant and their agent in seeking to resolve the issues with the application including the parking arrangement and the provision of cycle storage. However, for the reasons given in the report above the principle of development is unacceptable.

Item No: 10
Application No: 13/04016/FUL
Site Location: Costa Coffee 50 High Street Keynsham BS31 1DX



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Brian Simmons Councillor C D Gerrish
Application Type: Full Application
Proposal: Planning application for the change of use of the highway to place 2 tables and 4 chairs to the south of the existing coffee shop entrance. (Resubmission of 13/01412/FUL)
Constraints: Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Housing Development Boundary,
Applicant: South West Coffee Ltd
Expiry Date: 13th November 2013
Case Officer: Sasha Coombs

REPORT

REASONS FOR REFERRAL TO COMMITTEE

Keynsham Town Council objected to the proposal and the officers are minded to approve. The application has been referred to the Chairman who decided that the application will need to be presented to the Committee because 'this was before committee last time'.

APPLICATION

This proposal for a change of use of highway for outdoors seating relates to an A3 premises on High Street in the centre of Keynsham. The café is located close to a zebra crossing, the width of the pavement outside the premises calculates at approximately 4.9m. The High Street falls within the conservation area and the town's central shopping area.

This application is a resubmission of the scheme (ref. 13/01412/FUL), which was previously refused by the Council on following grounds:

1 The proposed change of use of the public highway for the siting of tables and chairs, by reason of the proximity of the site to the adjacent zebra crossing where pedestrians gather before and after crossing, would fail to maintain an acceptable width on the pavement for safe pedestrian movement contrary to policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

2 The proposed change of use of the public highway for the siting of tables and chairs, by reason of the proximity of the site to the adjacent zebra crossing where vehicles wait for pedestrians to cross and the location of the site within the Keynsham Air Quality Management Area, would expose future users of the development to unacceptable levels of air pollution contrary to policy ES.10 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

The resubmission seeks to get approval for siting of 2 tables and 4 chairs to the south of the cafe's main entrance off High Street. The application site measures 4.3m in width and 0.9m in depth. The proposed chairs are 0.54x0.52m and the folding tables are 0.7m in diameter.

The resubmission provides further justification with regards to highways safety and air quality in order to address and overcome the concerns that led to Council's decision to resist this proposal.

PLANNING HISTORY

DC - 02/02697/FUL - PERMIT - 2 January 2002 - Alterations to shopfront and general shopfitting works

DC - 97/02594/FUL - WDN - 19 August 1997 - Installation of new shopfront

DC - 97/02771/FUL - WDN - 3 October 1997 - Installation of new shopfronts at 50 and 50A High Street and change of use from retail to coffee lounge at 50A High Street.

DC - 97/02995/FUL - PER - 24 December 1997 - Retention of new shopfronts at 50 and 50A High Street

DC - 12/03534/FUL - PERMIT - 5 December 2012 - Change of use to a mixed A1/A3 coffee shop.

DC - 13/01412/FUL - RF - 25 July 2013 - Change of use of highway to the siting of 2 tables and 4 chairs

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS - The plan indicates tables and chairs at a reduced level from that previously submitted, as considered acceptable by the Highway engineer. There is therefore no highway objection.

KEYNSHAM TOWN COUNCIL - Object on the grounds that no Environmental Impact Assessment has been undertaken.

ENVIRONMENTAL MONITORING - I have considered the application on grounds of air quality. Although the site is within the Keynsham Air Quality Management Area, this is for the nitrogen dioxide annual average objective. Based on local monitoring there is no breach of the short term nitrogen dioxide objective. Therefore I have no objection.

THIRD PARTY COMMENTS

11 letters of objections and 1 letter of support were received in connection with this application.

The main planning-related points raised were as follows:

OBJECTIONS

- For the purposes of Health and Safety there is not enough room on the pavement for additional items of furniture;
- it makes no difference how many tables and chairs they propose, the overriding problem which is not acceptable is the distance out from the shop front onto the pavement which will be the same no matter how many they have;
- space is needed to easily get off the crossing and tables/chairs block it;
- application contravenes restriction on A-boards;
- the tables have been outside the café without permission;
- the tables could be placed at the rear of the site, away from the zebra crossing and with slightly less pollution from car fumes;
- pavement should be kept free of other uses;
- the application is virtually the same as the one refused.

SUPPORT

- The width of the pavement at the site is probably the widest in the whole high street;
- There are also other places along the high street where the pavement is restricted, such as Buss's greengrocers where is placed on the pavement and the bus stop outside the post office;

- People enjoying their coffee sat on the pavement can only enhance the overall appearance of the high street;
- Objections are more to do with Costa than restriction of pavement.

POLICIES/LEGISLATION

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES - ADOPTED OCTOBER 2007

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.6: Development within or affecting Conservation Areas

S.7: Siting of tables and chairs outside of A3 or A4 uses

T.24: Highways Safety

ES10: Air quality

BATH AND NORTH EAST SOMERSET SUBMISSION CORE STRATEGY (MAY 2011)

The following policies should be considered:

CP6 - Environmental Quality

National Planning Policy Framework (NPPF) - March 2012

(Section 2) - Ensuring the vitality of town centres

(Section 12) - Conserving and Enhancing the Historic Environment.

Manual for Streets, Department for Transport - 2007

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT

The proposed tables and chairs are to be placed on the public concourse, thus a material change of use is certain to occur.

NPPF seeks to promote competitive town centre environments with the policies that support their viability and vitality. Outdoors seating is generally considered to help in increasing street activity and can create a pleasant atmosphere. Local Plan supports such activity by the provisions of the Local Policy S.7 subject to acceptability in terms of i. highways/pedestrian safety, ii. residential amenity, and iii. impact on the character and/or appearance of the surrounding historic environment.

Thus the primary material considerations in determining of such change of use and this application relate to the impact the development would have on the amenity of the area, the character and appearance of the surrounding conservation area, as well as the potential highway implications that may rise. Keynsham High Street is within Air Quality Management Area therefore consideration should be given to the potential exposure of future users to existing sources of odour, dust and /or other forms of air pollution

The previous application was considered unacceptable due to concerns over highways safety and air quality. Therefore this application should consider whether this revised proposal has overcome the previous reasons for refusal.

HIGHWAYS SAFETY

LP Policy T.24 is permissive of development where it provides a high standard of highway safety, safe and convenient access for all pedestrians, and adequate vehicular access having regard to environmental considerations.

In terms of pedestrian movement impacts, the size of the proposed site remains the same (0.9m by 4.3m), and it is noted that no Highways objections were received to either applications. The width of the pavement allows for around 4m remaining space.

In support of the resubmission, the applicant has provided a number of examples illustrating approach taken by other authorities across the country in their SPDs in relation to outdoor seating on pavements (Newcastle City Council and Solihull DC). The resubmission also referred to an appeal decision (at Knowle in Solihull) that noted that the distance of 2.35m between the edge of the seating area and the planters was an appropriate distance and would comply with the distances set out within The Manual for Streets, The Department of Transport's Inclusive Mobility documents and Solihull's guidance on pavement cafes.

When reaching the decision, the Inspector relied on the The Manual for Streets with regards to general guidance on footway width. He stated that the Figure 6.8 and its associated text show a minimum footway width as being 2m and a "stay and chat" zone as 2.5m. The Department of Transport's Inclusive Mobility document shows that a clear width of 2m is needed for wheelchairs to pass each other and recommends at least 3.5m outside shops, although it recognises that it will not always be possible to meet this dimension.

The resubmission also refers to the best practice guide on access to pedestrian and transport infrastructure published by the DOT, according to which the crossing allows sufficient room for 2 x wheelchair users and pedestrians to pass in either direction (i.e. 3m) plus an area for people to stand whilst waiting for the crossing. The remaining width of the pavement will allow for this.

It is also noted that the current situation is that, apart from the proposed seating, the pavement to the left and right contains a number of street furniture, such as a bench to the left, or a bicycle rack to the right, which often has cycles chained to it and is placed much closer to the road. Further to the north, the pavement contains a bus stop and a bench; and to the south - a greengrocer has an outside trade display. Indeed, the pavement width along this side of High Street considerably varies and there are much narrower parts, which a wheelchair user or a pedestrian with a buggy will need to encounter whilst moving along the pavement.

Highways Officers expressed no objections to a limited seating outside the shop and advised that sufficient pedestrian space would be retained, in terms of movement but also to allow gathering/interaction (as per the advice of Manual for Streets).

In view of the above considerations and additional justification provided by the applicant, it is considered that the proposals would not adversely affect highway or pedestrian safety.

AIR QUALITY

The second reason for refusal was based on the requirements of the local policy ES.10 which states that development will not be permitted where it would: (i) have an adverse impact on health, the natural or built environment or amenity of existing or proposed uses by virtue of odour, dust and/or other forms of air pollution; or (ii) be likely to suffer unacceptable nuisance as a result of proximity to existing sources of odour, dust and /or other forms of air pollution.

The corollary of traffic movement through the High Street and the associated air pollution from exhaust fumes has been numerous brought up by the objectors in the previous application. And when considering the original application, the issue was flagged up but no explicit consultation was carried out or supporting information provided, because the officers have not found any conclusive evidence confirming that it would be unsafe for the customers to seat outside (the pavement is obviously used by the pedestrians), and there would be no air pollution arising from the proposal itself.

Prior to the resubmission, the applicant has approached Council's Senior Environmental Monitoring Officer for advice and it was suggested that the hour air quality objective should be applied and as this is not exceeded in Keynsham, there were no concerns over the proposals.

During the application process, Senior Environmental Monitoring Officer was specifically consulted on this resubmission with regards to air quality in the context of Keynsham Air Quality Management Area. The response was that there were no air quality concerns or objections, because based on local monitoring there is no breach of the short term nitrogen dioxide objective.

As such, the officers are now satisfied that the proposals would comply with the requirements of the local policy ES.10.

IMPACT ON THE CHARACTER OF THE AREA

Keynsham is an historic market town whose historic character is defined by its linear main street, built up frontage and arrangement of burgage plots. The proposal site is part of the High Street scene within Keynsham Conservation area, which currently has an array of retail/cafes/office uses of the ground floors but little in terms of their activity spilling out onto the pavements outside. Instead, the shops presence seems to be manifested in numerous A-boards that abut shopfronts.

In this respect, the proposed seating is considered to be an addition that would break the dense frontage and emphasise finer grain that characterises the essence of Keynsham as a market town. Bringing a small scale activity outside the shop would give a boost to this part of the Conservation Area which is considered to be a significant positive aspect of the proposal. The design of the furniture is light and simple and would not detract from the overall shop front.

RESIDENTIAL AMENITY

The proposed hours of operation are from 06:30 to 20:00 daily. No objection is raised to these hours as there are no dwellings in the immediate vicinity and they would not be significantly affected by this operation by reason of the intensity of proposal, reasonable hours and positioning of tables and chairs in relation to the closest residential uses.

OTHER MATTERS

Notwithstanding this planning application, the proposal also needed to be considered under other legislation. To this effect, the current planning application was preceded by a licensing permission for 3 tables and a barrier (ref: 13/01437/TABLE) issued on 13th May 2013. However this permit in itself does not guarantee a favourable outcome of any subsequent planning applications.

Keynsham Town Council objected on the grounds that no Environmental Impact Assessment (EIA) has been undertaken with regards to this application. EIA form part of the development control system in England (via European Union Directive and The Town & Country Planning (Environmental Impact Assessment) Regulations 2011) and only apply to certain types of development. The aim of the Regulations is to ensure that major projects that are clearly likely to have impacts on the environment are always subject to EIA, and that minor projects and those outside sensitive areas which are extremely unlikely to have significant environmental impacts are automatically excluded from the EIA requirements. The application has been routinely screened with regards to EIA development criteria and it clearly falls within the latter, therefore no EIA is required.

CONCLUSION

Based on the above observations, it is considered that the resubmission has addressed the reasons for the earlier refusal, and it is recommended that permission should be granted, subject to a number of conditions.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 The tables and chairs hereby permitted shall not be stationed on the highway other than in accordance with the submitted Proposed Plan with Measurements No 0709-KEYNSHAM/02A received by the Local Planning Authority on 18/09/2013

Reason: In the interests of the character and appearance of the Keynsham Conservation Area and highway/pedestrian safety.

3 No means of enclosure shall be erected, and no extraneous paraphernalia shall be placed on the Highway at any time other than the tables and chairs permitted.

Reason: To safeguard the character and appearance of the Keynsham Conservation Area, and in the interests of highways and pedestrian safety.

4 The use hereby approved shall not operate, and all tables and chairs permitted shall be removed from the highway, every day outside the hours of 06:30 to 20:00.

Reason: To safeguard the amenities of occupiers of nearby buildings.

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

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

PLANS LIST:

1 This decision relates to the following plans and documents:

OS Extract 18 Sep 2013 SITE LOCATION PLAN
Drawing 18 Sep 2013 PROPOSED PLAN No 0709-KEYNSHAM/02A
BackGround Papers 18 Sep 2013 COVER LETTER, DESIGN & ACCESS STATEMENT, and FURNITURE SPECIFICATIONS.

Decision Taking Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant and council have worked together to overcome the reasons for refusal. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

Item No: 11
Application No: 13/03472/FUL
Site Location: 28 Park Road Keynsham Bristol Bath And North East Somerset BS31 1BU



Ward: Keynsham South **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Alan Hale Councillor Kate Simmons
Application Type: Full Application
Proposal: Erection of a single storey side extension including integral garage and revised access arrangements.
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary,
Applicant: Mr Pingstone

Expiry Date:	14th October 2013
Case Officer:	Sasha Coombs

REPORT

REASONS FOR REFERRAL TO COMMITTEE

Keynsham Town Council objected to the proposal and the Officers are minded to approve. The application was then referred to the Chairman with recommendation to approve. The Chairman decided that the application will need to be presented to the Committee because it is for a very large extension.

DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY

28 Park Road is a left hand side of a pair of semi-detached two-storey dwellings located close to the junction of Park Road with Handle Road, within Housing Development Boundary of Keynsham. The immediate vicinity of the site contains a variety of house styles, predominantly 2-storey detached, semi-detached and terraced dwellings. The attached No 26 has been extended to the side and so has the property across Handle Road. The style of extensions is more or less similar - full-depth single storey under pitched roof. The transition between the houses of different styles is marked by larger gaps, such as the one to the left of No28, which currently has a detached garage and timber fence to the side.

The application seeks permission to erect a single storey side extension, very similar in its design to the extension at No26. The extension would be 5.75m wide to the front, 11m deep and 4.5m at the ridge. To compare, the existing extension at No26 was approved in 2010 with measures 4m in width, 10m in depth and 5m at the ridge.

UPDATE 23/10/13 - After the referral to the Chair, an email from the applicant was received informing that there are minor errors in the proposed ground floor layout plan and the actual total width of the proposed extension should be 5.75m (not 6m). This has been corrected on the amended plan to show this so eliminating any conflicting measurements of extension width. The report has been amended accordingly.

RELEVANT PLANNING HISTORY

AP - 08/00021/RF - DISMIS - 9 June 2008 - Erection of a three bedroom attached dwelling

DC - 07/01951/FUL - RF - 29 August 2007 - Erection of a three bedroom attached dwelling

DC - 08/01028/FUL - RF - 13 May 2008 - Erection of detached dwelling (revised scheme)

(No 26) - DC - 10/00257/FUL - PERMIT - 31 March 2010 - Erection of single storey side extension to provide garage and kitchen

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways - no objections, subject to conditions regarding provision of appropriate drive and parking to the front

Keynsham Town Council - Object on the grounds of:

- Overdevelopment of the site
- Out of keeping with the street scene
- Outside the existing building line
- The application is questionable as to whether it is two storey

Third party Comments - one letter of objection and one letter of support have been received in connection with this application. The main points made were:

Objections from No30:

- The extension is larger and higher than the ones at No26 and No34 Park Road;
- Previous applications were refused on the grounds of overdevelopment of the site;
- The extension is higher than a single storey and is a separate building with accommodation in the attic;
- It will overlook, overshadow and will be overbearing to No 30 Park Road;

Support from No26:

- The extension is the same style as No26 and would marry up well with our property and enhance the appearance of the two semi-detached houses.

POLICIES/LEGISLATION

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES - ADOPTED OCTOBER 2007

D.2: General design and public realm considerations

D.4: Townscape considerations

T.24 - Highways Safety

OFFICER ASSESSMENT

The main material considerations with regards to this application are the effect of the proposed development on highways safety, the character and appearance of the host dwelling, the wider street scene at Park Road and residential amenity of the adjoining occupiers.

HIGHWAYS

Highways officer expressed no objections and accepted that access alterations proposed will enable far in excess of 2 vehicles to be accommodated within the front curtilage of the site. It is also noted that the extension would incorporate a single garage.

Highways pointed out that the proposed access widths, at 6 metres and 4 metres respectively, are excessive and there is no highway need to provide a second access as vehicles could park and turn within the site without that need, given the large paved area proposed, and suggested a number of conditions. However, the change to the driveway was not in itself considered detrimental to highway safety, providing the drive is constructed in accordance with standard Highways requirements. Given the above

observations, it is considered prudent to impose suggested conditions with regards to parking, access and hardstanding provisions.

VISUAL AMENITY

The proposed extension, albeit being of substantial size, in its design is clearly informed by the existing extensions in the immediate vicinity (i.e. very similar extensions at No26 and No16 Park Road).

Whilst being 1.75m wider and 1m deeper than the extension at No26, the proposal would be set in place of an existing outbuilding in a large gap to the left of the building which could easily accommodate it. The proposal would project a meter forward of the front elevation, mirroring the extension at No26.

The extension would be lower than the one at No26 and it is not considered that the proposed height/roof pitch would allow creation of an attic room. The materials are proposed to match the existing dwelling, which in turn would also match the attached dwelling and its extension.

The letter of objection stated that previous applications to extend this property were refused on the grounds of overdevelopment of the site. Two previous applications sought permission to erect a new two storey dwelling on site and the reasons for refusal were related to closing of the visual gap between the houses and reducing the sense of openness. The Inspector's report specifically referred to the fact that low level views through the gap are already obstructed by a detached garage and a timber fence, and the proposed extension would still allow for a degree of separation at first floor level, thus retaining an important visual gap between the properties.

As such, the design of the scheme is considered to be appropriate.

RESIDENTIAL AMENITY

The letter of objection also raised the issue of loss of amenity to No30 in terms of outlook and privacy. No side windows at first floor level are proposed and previous reports and the appeal decision pointed out that no windows to habitable rooms in number 30 would look out onto the proposal site and that there would be no direct effect on number 26.

Furthermore, due to the existing garage on the boundary, the light and outlook of this neighbour are already restricted to the side windows, whilst the aspect of the main front and rear windows would not be significantly affected. The arrangement of other windows would not cause any significant increase in the degree of overlooking between the properties. Any limited increase in the sense of enclosure would not be sufficient to justify refusal.

CONCLUSION

The proposal on balance represents an acceptable design, informed by existing extensions in the immediate vicinity. It would not be detrimental to the highways safety or

the residential amenity. It is therefore recommended that permission should be granted subject to conditions discussed above.

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.

4 The accesses hereby permitted shall not be used until the footway/verge crossings have been widened and constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

5 The accesses and area of hardstanding hereby approved shall be properly bound and compacted (not loose stone or gravel).

Reason: In the interests of highway safety.

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:

1 This decision relates to the following plans and documents:

Drawing	13 Aug 2013	310713 02	EXISTING GROUND FLOOR PLAN
Drawing	13 Aug 2013	310713 03	EXISTING FIRST FLOOR PLAN
Drawing	13 Aug 2013	310713 04	EXISTING ELEVATIONS
Drawing	13 Aug 2013	310713 06	PROPOSED FIRST FLOOR PLAN
Drawing	13 Aug 2013	310713 07	PROPOSED ELEVATIONS
OS Extract	13 Aug 2013	310713 01	LOCATION AND BLOCK PLAN
Revised Drawing	23 Oct 2013	310713/05	PROPOSED GROUND FLOOR

2 Note to applicant:

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.

3 Decision Taking Statement:

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

Item No: 12
Application No: 13/02651/FUL
Site Location: Little Willows Day Nursery Powlett Road Bathwick Bath BA2 6QH



Ward: Walcot **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Lisa Brett Councillor Paul Fox
Application Type: Full Application
Proposal: Installation of modular building for temporary two year period

Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Little Willows Day Nursery
Expiry Date:	30th August 2013
Case Officer:	Victoria Griffin

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: The application is being referred to Committee following requests by Councillor Brett and Councillor Fox.

PROPOSAL: The application relates to the installation of modular building for temporary two year period.

SITE LOCATION: Little Willows Day Nursery, Powlett Road, Bathwick

DESCRIPTION OF SITE AND APPLICATION:

The site is situated within an established residential area located to east of the city centre. Access into the site is from a narrow driveway from Powlett Road with pedestrian access also from Bathwick Street. It is documented within the application that the premises has 66 no. children in attendance which is not proposed to change as a result of the proposal. An increase in staff is proposed by 1 full-time worker.

The building measures 8.5m in depth, 6m in width and 3.5m in height (from the supports) with a flat roof and would be positioned on a Jackpad system which is a support system for portable buildings which raises the building by 190mm. Materials proposed include plastisol coated steel for walls and rubber waterproof membrane for the roof. The building is to be sited to the eastern boundary alongside a driveway access and land which falls within the curtilage of Bathwick House. The nearest neighbour to the east is no.18A Powlett Road and to the north is no.19 Powlett Road. The area proposed for the building is an under-utilised area of the site currently.

The application is supported by an Arboricultural Method Statement, Design and Access Statement and a Flood Risk Assessment. Further information has been received concerning a parking availability assessment.

The site falls within the Conservation Area and World Heritage Site. Part of the site also falls within a flood zone 2. To the rear and adjacent to the site are a number of modern buildings including Henrietta Court which comprises residential flats and a listed terrace. The site access is shared with the driveway of Bathwick House, Bathwick Street a grade II listed building. It is understood that the entrance wall which provides the access to the nursery forms part of a historic asset associated with Bathwick House.

The site has a well established use as a day nursery but is understood to have changed ownership in recent years to the present child care provider. The proposed building is to be used as additional accommodation for the nursery to enhance their existing facilities within the site.

PLANNING HISTORY:

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Building Control: No comments received

Arboricultural officer: All trees on and adjacent to the site are protected by virtue of the Bath Conservation Area. The application is accompanied by an Arboricultural Method Statement which provides proposed tree works for the adjacent Sycamore and details regarding ground preparation; the installation of the building and how the provision of services such as electricity, water and sewage pipes are to be dealt with including appropriate supervision where these are likely to be within the root protection area, as defined within BS 5837:2012 Trees in relation to design, demolition and construction.

The Arboricultural Officer has pointed out that a crane is proposed for the lifting and positioning of the building. In view of the location of the building and the extent of overhang it is likely that further pruning may be needed in addition to the proposed crown lift. The schedule of tree works may require updating and agreed with the local planning authority should this be the case. The following condition has been requested:

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement dated June 2013 and tree works schedule unless agreed in writing by the local planning authority. A signed certificate of compliance shall be provided by the appointed arboricultural consultant to the local planning authority on completion. Reason: To ensure that the approved method statement is complied with for the duration of the development.

Highways: The proposed development will result in an intensification in use of the site and an increase in the potential of the site to generate vehicle movements. The site is located within a Controlled (Residents) Parking Zone. Opportunity to park/drop off children within the limits of the public highway, in designated parking places, is very limited.

The ability for vehicles to turn within the curtilage of the site, so as to leave and re-enter the public highway in a forward gear is very limited/unavailable at peak times of arrivals and departures.

Visibility of approaching pedestrians for the drivers of vehicles leaving the site is badly restricted due to the neighbours boundary wall. The existing access to the site is narrow with no opportunity for vehicles to pass. Visibility for the drivers of vehicles reversing out onto the public highway, due to the lack of available turning within the site or to allow another vehicle to exit the site.

The above access situation is exacerbated due to the use of the access by parents taking children to and from the site sharing the narrow vehicular access and the lack of visibility of children using the highway footway for the drivers of emerging vehicles, particularly those reversing. Insufficient land is detailed under the applicants control in order to be able to mitigate the above safety concerns.

The existing vehicular access would appear too narrow to accommodate the delivery of the proposed modular buildings and the craning of such buildings from the public highway,

using land under the applicants control, would appear impractical due to the distance involved. Further, there is no room within the access, within land under the applicants control, to accommodate a crane with stabilisers extended.

Bearing in mind the above, I would expect this application to be supported by both a car parking availability survey in the vicinity of the site, a survey of existing parking demand (arrivals, departures, length of stay plus future predictions), a Travel Plan (to minimise demand to travel to and from the site by private car) and proposals to improve and control the existing site access and on-site parking demand so as to minimise vehicle-pedestrian conflict and minimise the probability of vehicles meeting within the access.

Bearing I mind the above, the highway response is one of OBJECTION, in the interests of highway safety and local amenity, the submitted information being inadequate to provide satisfaction regarding compliance with policies T24 and T26 of the adopted Bath and North East Somerset Local Plan.

Revised comments 02/10/13: The submitted photographs do not set out parking demand and surveyed availability of on-street parking at various times during peak hours. In this sense, the survey is not as expected. However, the photographs do appear to show that there was no obvious problems at the time they were taken. As such, if there is no increase in numbers, and this can be satisfactorily controlled, and in the absence of evidence to the contrary, it would be difficult to resist this development proposal. I would be happy to discuss this matter further, review my response in the light of any documentary evidence to the contrary

Environment Protection: I refer to the recent application in relation to the above premises for the installation of an additional classroom. I understand from the Design and Access Statement that the proposed development is intended to provide a "qualitative improvement" in the care of the children already attending the nursery rather than providing facilities for an increased number of children. I do not therefore intend to make any objection in respect of this application.

Representations: 16 letters of objection from local residents raising the following key points (summarised):

- noise increase
- significant harm as a result in the loss of amenity caused by noise
- management issues with the operation of the nursery and control of children
- light pollution from the site
- highway hazards and significant safety issues
- road traffic hazards
- dangerous highway situation
- should not be allowed to increase or expand
- amplified music from site causing a disturbance
- total disregard for local residents
- no opportunity to object to the site opening as a nursery
- rude and unhelpful staff when pursuing issues or complaints
- floodlights shine into adjacent gardens
- the proposal is not temporary and the application is dishonest
- contrary to local plan policies T24 and T26

- the Council has responsibility under Human rights Act to local residents
- increase in staff
- damage to property
- complaints to authorities fall on deaf ears
- light pollution
- height of building not clarified as sits on jackpads which are shown elevated
- third party ownership permissions not in place

64 support comments which include users of the facility raising the following key points (summarised):

- aid children's learning
- well situated
- high standard of care
- reduces traffic around Bath
- improves environment
- growing need for expansion
- good for children's development
- serves community
- high quality care
- enhance pre-school learning
- need for enhance space
- wide catchment
- education use in residential area appropriate
- shortage of spaces locally

Detailed objection and support comments received in respect of this application form part of the public file and can be viewed on-line.

POLICIES/LEGISLATION

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES - ADOPTED OCTOBER 2007

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.1: Impact of development on World Heritage Site of Bath or its setting

BH.6: Development within or affecting the Conservation Area

T.24: General parking and access policy

T.26: On-site parking and servicing provision

NE.14: Flood risk

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:

B4 - World Heritage Site

CP6 - Environmental Quality

OFFICER ASSESSMENT

PLANNING ISSUES: The key issues in the consideration of the proposal relate to the impact of the proposed modular building on the character and appearance of the Conservation Area & World Heritage site, residential amenity, highway safety, impact on trees and flood risk.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA:

The proposed building would be sited within a well screened part of the site and is not part of the street scene having been situated adjacent to the existing building which is of a functional design. The character of the site is prescribed by the existing built form to some degree which is of a non-traditional character that could be argued to have added little to the qualities of its setting. When viewed in this context the proposed building is not considered to harm or significantly unbalance the existing environment. It is therefore considered that the proposal would preserve the character and appearance of the Conservation Area.

RESIDENTIAL AMENITY:

The proposed modular building would be sited in an area of the site that is currently under-utilised and which sits adjacent to residential properties. As with other uses involving concentrations of children, noise and disturbance can arise therefore it is pertinent to consider whether the proposal would give rise to potential problems which would warrant a refusal of the proposal. The site is bordered on all sides by sensitive residential premises which would be affected by an increase in noise or disturbance. Those running the nursery however have the day to day responsibility of care to ensure that children behave in a reasonable and controlled manner within the site. There are also controls within Environment Protection regulations that deal with the management and operations of a facility such as this. The Environment Protection officer has raised no objection to the proposal as it is not considered to be justified as no increase in the numbers in attendance are proposed.

In this respect the degree of nuisance which may arise as a result of this proposal is finely balanced against the existing and established use of the site. Having considered this, your officers' consider that with reasonable controls on the numbers in attendance i.e. no increase in the number of children as a result of this proposal, the proposal would not represent a materially different impact on neighbours. It would therefore not represent a significant increase in harm to residential amenity to justify a refusal of the proposal on this basis.

HIGHWAY SAFETY: The highways officer had raised an initial objection based on the intensification of the site and the potential to generate an increase in vehicle movements into and from the site. The site has a highly restricted access with limited opportunity to manoeuvre within the site for any visitors or users of the nursery. Furthermore visibility of approaching pedestrians for the drivers of vehicles leaving the site is badly restricted due to the existing high-sided boundary wall. The existing access to the site is narrow with no opportunity for vehicles to pass with limited visibility for the drivers of vehicles reversing out onto the public highway, due to the lack of available turning within the site or to allow another vehicle to exit the site. This is however the existing situation within the site.

Revised comments have been provided in response to a highways and parking survey in the immediate area provided by the agent. The highways officer has subsequently stated that subject to control of numbers in attendance at the nursery it is difficult to pursue a highways objection. On this basis a condition is recommended that requires that no increase in the number of children in attendance takes place at any time in line with the existing level of children. This is considered to have satisfactorily addressed the highway concerns that have been raised, whilst it is accepted that the site is severely restricted by its access and limitations of parking within the site.

TREES:

The application is accompanied by an Arboricultural Method Statement which is considered to be acceptable. The Arboricultural Officer has raised no objection subject to the works having been carried out in accordance with the statement. Whilst it proposes the installation of the building by crane this has not been negotiated prior to the application and raises a number of logistical issues related to use of the public highway. The condition recommended by the Arboricultural officer clearly states that anything not agreed in the Method statement should seek the permission of the Local Planning Authority. Therefore if the installation method is to change this notification would need to be made to the Local Planning Authority to agree the proposed works.

Furthermore it has been correctly identified that the tree most affected by the proposal is situated within adjacent land outside of the applicant's ownership within the grounds of Bathwick House. The applicant has clarified that only those branches which currently overhang the applicant's land would be affected.

FLOOD RISK:

Part of the site and the area that applies to this proposal falls within a flood zone 2. The use of land for non-residential uses such as nurseries are defined within the flood zone vulnerability classification (set out in the Technical Guidance to the NPPF) to fall within a 'more vulnerable' use. In terms of the flood sensitivity of the development the proposal is classified as a compatible form of development within this flood zone.

It is necessary however for a sequential approach to be taken to new development within this flood zone. Paragraph 3 of the National Planning Policy Framework (NPPF) states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. A flood risk and sequential test has been submitted within the proposal which seeks to address the extent of flood risk within the defined area where new development is to be directed. The guidance states that in this zone, developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development, and the appropriate application of sustainable drainage systems.

Within the flood risk assessment it is asserted that there is no reasonable available alternative sites that could accommodate the proposed development. It also refers to the fluvial flood risk from the River Avon which is located approx. 154m to the north-west of the proposal. The site fulfills an existing business operation and does not operate from an alternative premises in order to site the proposal in a different less vulnerable location. Furthermore it is contended that because the proposal is of a temporary nature and is

positioned on a jackpad system which raises the supportive pads of the building off the ground there would be no high risk to flooding in the area. Whilst no analysis of alternatives sites has been provided within the assessment it is accepted that the new building is intended on a small part of the site which sits immediately adjacent to an area outside of the flood zone. It is also accepted that a pragmatic approach has been taken to the proposed siting with early warning alert systems operating at the premises. Under these circumstances it is agreed that the proposal would not lead to an increase in overall flood risk to justify a refusal.

OTHER:

With regard to the installation of the modular building, attention has been drawn to the logistical issue of installing the building within a confined area which could impact upon land and property in third party ownership. The proposal discusses the option of installing the building by a crane system if third party agreement can not be obtained. This is in the form of an alternative installation method through the delivery of the modular building in component parts and installation on site. This is considered to be an issue for the applicant to negotiate however details of construction are recommended to be submitted for approval prior to works commencing on site and to ensure that no risk to highway safety would arise.

A third party has advised that the access to the site falls outside of the applicant's ownership, this has been investigated further and the applicant has confirmed that the area indicated within the application falls within the their ownership.

CONCLUSION:

The proposal is considered to represent a modest proposal which is an acceptable form of development within the context of this site. It is considered that with appropriate conditions to control the numbers in attendance at the nursery that the proposal would not generate a materially different impact to the existing operations and use of the site.

The proposal is therefore recommended for permission subject to appropriate conditions.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 This permission shall expire on 27th November 2014 and the development hereby permitted shall be removed and the land restored to a grassed surface.

Reason: At the request of the applicant and to allow the impact of the development to be monitored.

2 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement dated June 2013 and tree works schedule unless agreed in writing by the Local Planning Authority. A signed certificate of compliance shall be provided by the appointed arboricultural consultant to the local

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

3 The development hereby approved shall retain the existing number of children in attendance at the nursery (66 no.) as documented in the supporting correspondence dated 14th August 2013. Reason: In the interests of highway safety and neighbouring amenity.

4 Prior to the installation of the proposed modular building details of the construction management to include how the building will be delivered, how it will be assembled on-site and how it will be maintained shall be submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.

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

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

PLANS LIST:

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

PBSE3578 rev B, PBSE3578 rev A, PBSE3578 rev C, PBSE3578 rev B date received 05/07/13

2 This permission does not convey or imply any civil or legal consents required to undertake the works.

Item No: 13
Application No: 13/03332/FUL
Site Location: 129 Ringswell Gardens Lambridge Bath Bath And North East Somerset BA1 6BW



Ward: Walcot **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Lisa Brett Councillor Paul Fox
Application Type: Full Application
Proposal: Change of use from C3 (Dwelling) to C4 (HMO)
Constraints: Agric Land Class 3b,4,5, Article 4, Article 4, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: Mr M Tansley
Expiry Date: 15th October 2013
Case Officer: Heather Faulkner

REPORT

The application relates to a property on Ringswell Gardens which is a small estate of houses accessed off of the London Road. The estate is made up on a through road with a number of cul-de-sacs coming off this. 129 Ringswell Garden is situated on one of the junctions within the estate. The property itself is has been extended with a two storey side extension and has four bedrooms.

The application relates to the change of use from a domestic dwelling (C3) to a "HMO" - house of multiple occupation (C4). The application states that the property would be used for less than 6 people.

The site falls within the City of Bath Conservation Area and World Heritage Site. It is also located within Flood Zone 2.

PLANNING HISTORY:

03/03165/FUL - PERMIT - 2 February 2004 - Two storey side extension, rear conservatory, front porch and alterations to boundary fence.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: Concerns were initially raised in respect of the lack of parking in the area. The application was updated to be restricted to 4 occupants and the objection was removed on this basis.

Representations: Nine letters of objection received from neighbouring property's raising the following issues (summarised):

- Existing problems with parking in the area
- Highway safety issues due to additional cars
- Due to parking problems refuse collection is difficult as well as problems for emergency vehicles.
- Concerns regarding additional noise if let to students
- Quiet residential area with large retired community.
- Concern over rubbish as there is already a problem with fly tipping and abandoned vehicles in this area
- Permission was rejected at 128 Ringswell Garden
- Devaluation of houses in the area
- Queries whether the change of use is allowed in the deeds

Relevant planning considerations are considered as part of the officer assessment.

POLICIES/LEGISLATION

The key policies relate to the following:

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

D.2 -General Design and public realm considerations
D.4 - Townscape considerations
BH.1 - World Heritage Site
BH6 - Conservation Areas
HG.4 - Residential development in the urban areas
HG.12 - Residential development involving conversion/subdivision of buildings
T.24 - General development control and access policy
T.26 - On-site parking and servicing provision

The Houses in Multiple Occupation of Bath - Supplementary Planning Document (adopted July 2013)

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework

The National Planning Policy Framework was published in March 2012 and will be given full consideration.

OFFICER ASSESSMENT

Policy position:

The proposed use would be considered as C4 (houses in multiple occupation) and would therefore be a change of use from C3 (dwelling house). Use class C4 is defined as follows: small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. This application proposes the property to be used by less than 6 people. Prior to the adoption of the Article 4 Direction in the city this change of use would not have required planning permission.

The Article 4 Direction triggers a requirement for a planning application when someone wants to convert a family home to an HMO, but the real impacts will be determined in the policy introduced via the Supplementary Planning Document. The Policy sets out a two stage test criteria for the assessment of such applications:

Applications for the change of use from C3 dwellings to C4 or sui generis (Houses in Multiple Occupancy) or the development of new houses as C4 dwellings or sui generis (HMOs) will not be permitted where;

Stage 1 Test: The application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 25% of households; and

Stage 2 Test: HMO properties represent more than 25% of households within a 100 metre radius of the application property.

If Stage 1 Test is passed, there is no requirement to proceed to Stage 2 Test.

With regards to Stage 1 Test, the proposal site falls outside the areas with over 25% HMOs. This means that the proposal is acceptable in principle, unless there are other material considerations.

Change of Use:

The current proposal requires consideration as it relates to a more intensive form of development constituting a C4 use which allows for houses in multiple occupancy up to 6 people. Policy HG.12 is relevant to proposals for HMOs which requires an assessment to be undertaken to establish whether conversions are compatible with the character and amenities of the adjacent uses, have an acceptable impact on residential amenity and contribute to an acceptable mix of housing. These issues are considered below:

Residential amenity:

With regards to residential amenity it has been agreed with the applicant that he would accept a condition restricting the number of occupants to 4. Some representations refer to the use of the building by students, however the proposed use of the building relates to four unrelated individuals which includes students or other individuals such as young professionals. Whilst they may have different patterns of behaviour to a single family unit there is no evidence to suggest that the proposed HMO would be used materially differently to that of a four bedroom dwellinghouse which would result in an increase in harm so significant as to warrant a refusal of this application. In addition the proposed conversion would provide a reasonable living environment for the proposed occupiers with good sized living areas and adequate provision of facilities. In this regard there is not considered to be sufficient grounds to warrant a reason on the basis of residential amenity.

Housing Mix and residential character:

There is no record of other HMOs in the immediate area and the vast majority of the houses are in use as single dwellings. Therefore there is not an over concentration of HMOs in the area. There is therefore no evidence to suggest that this area of Bath has a high concentration of HMO's which has resulted in a proliferation of this type of accommodation that would contribute to any imbalance or significant concentration of properties in multiple occupation to demonstrate that there would be harm to the residential character of the area. It is considered that the proposed development would make an acceptable contribution to the mix of housing types in the area.

Highway Safety:

The application states that there is a single parking space serving the site, but the dimensions of the space, at 2m wide and at its shortest only 4.2m long, is not suitable to accommodate a car without overhanging the footway. Therefore, there is no reasonable private parking associated with this dwelling.

The roads in the vicinity of the site are very heavily parked at all times of the day, and the lack of parking for the proposed use could exacerbate this problem. However the property is a 4-bedroom dwelling, where the maximum parking level set out in the Local Plan is 3

spaces. However, the site is well located to local facilities and good public transport provision, which could offer more sustainable modes of travel, and therefore residents would not need to be reliant on the private car.

If the occupation levels were to be restricted to only 4 residents, the Council's Highways Team do not consider that this would result in any greater demand for parking than its use as a 4-bedroom family home, and therefore a highway objection purely on parking grounds would be difficult to defend. Furthermore it is noted that the DCLG suggests that occupants of rented accommodation are less likely to own cars. The NPPF states that development should not be permitted where the impact is "severe" - as a result on highway grounds it is not considered to be the case and it is recommended that no highway objection be raised to this revised proposal.

Flood Risk:

The application property is within Flood Zone 2. The application would not increase the risk of flooding and would not put any more people at risk of flooding than if the property were to be used as a single dwelling and therefore it is considered to be acceptable for the proposed use.

Conclusion

In light of the points raised above the proposal is not considered to represent significant harm to residential amenity or highway safety. Furthermore the proposal is not considered to represent significant harm to the character of the local area to justify a refusal on this basis. The application is therefore recommended for permission subject to control on the number of occupiers to four persons only.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 The development hereby approved shall not be occupied by more than 4 unrelated occupants.

Reason: An increase in the number of occupants would need further consideration by the Local Planning Authority.

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:

1 This decision relates to the following plans/documents:

Received 2nd August

Site Plan

Site Location Plan

DECISION TAKING STATEMENT

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

ADVICE NOTE

Please note that you will also require an HMO Licence for your property to operate as an HMO. Planning and HMO licensing are two separate requirements and it is essential that an HMO licence is obtained after receiving planning permission. Although Planning Permission may be granted without an HMO licence, you may legally not be able to use the property as an HMO. If you have any queries, please contact Housing Services by email at hmo_licensing@bathnes.gov.uk or telephone 01225 396269.

Item No: 14
Application No: 12/05281/FUL
Site Location: Bubblers Dyth High Street Wellow Bath Bath And North East Somerset



Ward: Bathavon South

Parish: Wellow

LB Grade: N/A

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Erection of 2no detached two storey houses with attached garages following demolition of existing single storey house (Resubmission).

Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Housing Development Boundary,

Applicant: Hesketh Ventures Ltd

Expiry Date: 28th February 2013

Case Officer: Tessa Hampden

REPORT

Reasons for reporting application to committee

The application has been referred to Committee due to the comments of the Parish Council, who object to the application for the reasons summarised in the representation section below. Further an application for a similar development was previously refused at Committee.

Site description and proposal

The application relates to the garden of a property known as Bubblers Dytch, and the dwelling itself which is located off the High Street in the village of Wellow. The site is located within the designated Green Belt and an Area of Outstanding Natural Beauty, but outside of the Wellow Conservation Area. The application site is also within the Housing Development Boundary of Wellow.

The existing dwelling known as Bubblers Dytch appears as a single storey property from the front, and a two storey dwelling to the rear. The site backs onto open countryside and is fronted by the High Street. It is bound on either side by detached dwellings.

Planning permission was granted in 2011 for the erection of a detached dwelling on the application site. Further a Certificate of Lawful Proposed Development for extending the existing dwelling was issued in 2010. Planning permission was refused by Planning Committee in 2012 for the erection of 2 dwellings, which was of a similar form and design to that proposed under this planning application. The reasons for refusal were as follows:

1 The proposed development is considered to be of an inappropriate design. The high wall is considered to be out of keeping with the character of the area. Further the glazing element to the south elevation is considered to form a large prominent incongruous element when seen across the valley. The development is therefore considered to be contrary to Policies D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007

2 The proposed development is considered to represent the overdevelopment of the site with the narrowness of the gap between the buildings being considered to be inappropriate. The development is therefore considered to be contrary to Policies D2 and D4 of the Bath and North East Somerset Local Plan (including Minerals and waste) adopted October 2007

The application has been resubmitted in an attempt to overcome the reasons for refusal. The application again seeks planning permission for the erection of two detached dwellings following the demolition of the existing dwelling. The dwellings are of a contemporary design, built behind a high boundary wall, under a sedum roof.

The main changes from the previous application include further information and justification for the high boundary wall elements of the scheme, and to the rear, the inclusion of louveres/blinds and a balcony to visually break up the expanse of glass and provide privacy where required. Finally, the houses have marginally been reduced in size in order to increase the gap between them. The proposed gap is now at 2 metres at its

narrowness and 4.4 metres at its widest. This compares to the previous application where the gap was 1 metre at its narrowest and 3.4 metres at its widest

Relevant planning history

DC - 10/03200/CLPU - LAWFUL - 17 September 2010 - Erection of a single storey rear extension and a front porch (Certificate of Lawful Proposed Development).

DC - 11/00228/FUL - PERMIT - 4 April 2011 - Erection of a three bedroom dwelling

DC - 12/01857/FUL - RF - 30 August 2012 - Erection of 2no detached two storey houses with attached garages following demolition of existing single storey house.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - No objection subject to the inclusion of conditions.

Highway Drainage - Following discussion with the applicant, the original objection has been withdrawn, subject to a number of conditions being included on any planning permission.

Ecology - No objections subject to conditions.

Wellow Parish Council - objects to the application and the comments can be summarised as follows;

- Scheme varies insufficiently from the last application
- A high stone wall in this area is out of keeping and detrimental to the character and appearance of the village
- The development would have an overbearing effect and do nothing to enhance the location
- The narrowness of the gap between the buildings still obscures the valley view and retains the bunker effect
- The local plan states that flat roofs are not part of the vernacular. Viewed from the north, the flat roof will look unattractive
- The south side glass walling is still a large expanse, now with the unfortunate effect of looking like a block of flats with balconies.- visible from a busy bridleway across the land opposite
- At just over 3,000 square feet per building, this represents gross overdevelopment of a modest site
- There appears to be no visibility splay
- The Drainage/Highways Department object to the scheme as being too close to water courses
- This site was formerly the village rubbish tip. In view of this and the potential flood risk we question the stability of the land.

5 objection comments have been received. The comments can be summarised as follows:

- development out of keeping with character of area
- flat roof and high wall inappropriate
- Impact upon Conservation Area and Area of Outstanding Natural Beauty
- Impact upon neighbouring occupiers

- Highway safety/garages impacting upon
- Over development of the site/Lack of space between dwellings and neighbouring dwellings
- Loss of views
- Prominence of glazing across the valley/light spill
- Turn table inappropriate for this rural location/unlikely to be used
- Drainage issues
- Inaccuracies of plans
- Little change from original plans
- Proposed dwelling materially larger than that to which it is replace
- Ecology issues

POLICIES/LEGISLATION

Bath and North East Somerset Council -including minerals and waste October 2007

- HG6 Residential development in R3 settlements
- D.2: General design and public realm considerations
- D.4: Townscape considerations
- ES14 Unstable Land
- GB1 Control of development within the Green Belt
- GB2 Visual amenities of the Green Belt
- NE2 Areas of Outstanding Natural Beauty
- T24 General development control and access policy
- T26 On site parking and servicing provision
- NE10 Nationally important species and habitats

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National

Planning Policy Framework.

National Planning Policy Framework (March 2012) - The NPPF was published on 27 March 2012 and has been considered in relation to this application. The NPPF guidance in respect of the issues which this particular application raises is in accordance with the Local Plan policies set out above.

OFFICER ASSESSMENT

Principle of development

As stated above there is an extant planning permission for the erection of an additional dwelling within the current application site. The site is within the Housing Development Boundary of Wellow, which is defined as an R3 village within Policy SC1 of the Local Plan. However the site is also within the designated Green Belt, where strict controls over development exist. An appropriate form of development within the Green Belt can be infilling in accordance with Policy HG.6 in the villages defined as R3 villages. Infilling can be defined as the filling in of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage.

The plot will generally be surrounded on at least three sides by developed sites or roads. Given the context of the site it is considered that this development at the location proposed could be considered as infilling.

The dwellings will be seen in the context of the surrounding development, and given the fact that one dwelling is replacing an existing dwelling; the visual impact of the dwellings on the Green Belt is limited. The development will take advantage of the topography of the site, with part of the development built into the slope, again reducing the impact of the development on the openness of the Green Belt. Given the appropriate design, siting and use of materials, the proposed dwelling is not considered to result in significant harm to the openness of the Green Belt.

The proposed development is therefore not considered to result in inappropriate development in the Green Belt and can be considered to be acceptable in principle.

Character and appearance

The existing dwelling is not considered to contribute positively to the visual amenities of the area, and is considered to be of little architectural merit. There is therefore no objection to its loss. The site as a whole appears to have not been well maintained and overall does not play a valuable part in the wider amenities of the area. There is therefore an opportunity to develop the site and to enhance the overall character and appearance of the area. Whilst the proposed dwellings are not of a traditional design, the dwellings are sited outside of the centre of the village, and the Wellow Conservation Area, and this more contemporary approach is considered to be acceptable.

Whilst the dwellings have been brought forward within the site, towards the High Street, the impact of this is reduced by the dwellings being built behind the new boundary wall. The garages, behind the boundary walls are built up to the road frontage, and whilst from certain views this may make the development more prominent in the street scene, the overall impact of the development is minimised by the overall design of the properties. There are a number of other examples within the street scene, where developments, including garages, are built up against the road frontage. On balance therefore it is considered that the siting of the proposed development is not inappropriate.

It is recognised that the amount of built form on the site will be increased, and the proposals will take the development close to the boundary with the neighbouring properties. However, there will be a sufficient amount of outdoor amenity space which will help in ensuring that, on balance, the development does not appear as a cramped form of development. The design of the overall scheme takes advantage of the site, in terms of its topography and relationship with the road, to ensure that the development fits comfortably within the site. It is noted that there is only a limited gap between the two dwellings but this is considered to be enough to visually separate the buildings. This has the result of reducing the overall bulk of the buildings, and ensures that these detached dwellings are more in keeping with the surrounding development. Members previously considered that the limited gap between the dwellings to be inappropriate. This has been increased by marginally reducing the overall footprint of the proposed dwellings. Officers consider that the gap between the dwellings is sufficient to break up the bulk of the buildings, with the space between the two buildings retaining an element of spaciousness that is more common in this rural context.

When taken within the context of the overall village, high boundary walls are not considered to be uncommon, and the development is therefore considered to complement the local vernacular of the area. As the Design Access statement recognises, there are examples of high boundary walls in the area, and this will be reflected with the proposed development with the dwelling being built behind a boundary wall under a sedum roof. Third party comments have been raised with regards to the maintenance of the sedum roof with concerns that this will not be properly managed. This can however be controlled through an appropriate condition. Further it is considered that additional details are needed with regards to the wall, including coping details etc. Although the wall is said to be faced in Bath Stone, it is critical that the details of the wall are acceptable as this is effectively the 'face' of the development. This can be secured through the inclusion of a condition on any permission.

The Design and Access Statement also cites that court yards that open out onto the High Street are a recognisable feature within the village. This is acknowledged and the court yard style designed forward in this application is not considered to be out of context with the surrounding development. Concern has also been raised with regards to the flat roofs of the development. However, outside of the Conservation Area, to the edge of the village, the overall design, with the flat roofs on this contemporary form is not considered to be unacceptable or harmful to the visual amenities of the area.

Concerns have also been raised with regards to the light spill from the large glazed areas to the rear of the dwellings. A condition can be included on any permission to ensure that appropriate measures are taken to reduce light spill, to ensure that excessive light spill does not result in significant harm to the rural character of the area. This can include the type of lights used and the siting of these within the dwelling, dimmer switched, blinds etc. It is noted that the louvers and canopy proposed will aid in reducing light spill.

Members previously considered that a glazing element to the south elevation was formed a large prominent incongruous element when seen across the valley. In response to this, the proposal now includes blinds/louvers in order to break up the rear elevation. Officers consider that this is appropriate and the rear elevation will have an acceptable appearance, which will not be harmful to the rural character of the area.

Overall, the proposed development is considered to be of a satisfactory overall design, siting, and scale that will respect the visual amenities of the area, the wider rural character of the area and the Area of Outstanding Beauty in which the site is set.

Residential amenity

The roof line of the dwelling is at a level that will ensure that the development will not result in an overbearing impact upon the neighbouring dwellings. Although the built form, in particular the garage element of the building will be set forward of the building line of the adjacent dwellings, this is not considered to have an adverse impact upon their amenity. The two adjoining dwellings have either a detached or integral garage that adjoins the application site, and as such the loss of light to habitable windows of these dwellings is not considered to be significant enough to warrant a refusal. Given the siting of the dwellings, and their respective windows, there is not considered to be any significant loss of privacy for the neighbouring occupiers. The addition of the louvers reduces any overlooking or

loss of privacy for the existing neighbouring occupiers, or the future occupiers of the proposed dwellings.

The development, by bringing the dwellings forward within the site, provides the future occupiers with a more acceptable level of outdoor amenity space. The overall living conditions of the future occupiers are considered to be acceptable.

On balance therefore the proposed development is not considered to result in any significant harm to the residential amenity enjoyed by the neighbouring occupiers and is considered to provide satisfactory living conditions for the future occupiers of the development.

Highway safety

The vehicular access to the site remains broadly similar to that of the development previously approved and there is some improvement in the on-site turning facilities for the proposed development. It is not considered that, when compared to the existing permitted development, the proposed development will result in a materially unacceptable intensification in use of the access. Further no objection has been raised with regards to the impact of the development upon the visibility splays of the neighbouring properties. Overall therefore, the proposed development is not considered to result in harm upon highway safety.

Ecology

A bat survey has been submitted which confirms use by pipistrelle bats of the building proposed for demolition. Emergence survey was conducted which did not record bats emerging from the building. However given the presence of bat droppings inside the building and that this emergence survey was carried out on only one occasion, the LPA must consider this application as affecting a bat roost, and the Habitats Regulations apply. The LPA must be satisfied that the three tests of the Habitats Regulations can be met.

Information to show that the development meets the 'three tests' has been submitted by the applicant and is considered below. Given the findings, the criteria to meet the tests is not considered to be high.

Test 1 - . Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment_

The information submitted argues that there is a recognised housing shortage in the UK and that there is also a demonstrable need for additional housing to address the shortage. It is stated that the proposed development fulfils the requirements of the first test because the site is currently occupied by one dilapidated dwelling that have not been lived in for several years. There is therefore a net increase of one additional residential units over the previous occupation of the site. Furthermore this development will provide desperately needed, modestly sized and energy efficient homes in a sustainable location within an existing settlement which will also contribute towards the goals of providing more dwellings and reducing carbon emissions. It is considered that, although this development

will only provide an additional dwelling over and above those existing, the resulting new dwelling will provide good quality housing which will help, even in a small way, to meet the identified housing need within the locality.

On consideration of the development as a whole and in light of the justification , the development is considered to meet the first test.

Test 2 -There is no satisfactory alternative:

The information submitted argues that there is an absence of suitable, sustainable sites to allow the building of new homes that without this development there is likely to be more pressure for dwellings to be built on the 'green belt' with the subsequent degrading of opportunities for wildlife and protected species, together with the unsustainable reliance on motorised transport and high carbon usage.

Whilst this argument is not considered to be strictly accurate, it is true to say that the Local Planning Authority cannot presently demonstrate a 5 year land supply and the provision of additional dwellings will reduce pressure, albeit in a small way, to develop other potentially less suitable, and less sustainable, sites elsewhere, of which some could be Greenfield sites.

The existing bungalow is also deemed unsafe and inhabitable without major underpinning & rebuilding works which would be uneconomic .

In light of this the proposal to demolish and redevelop the site is considered to a satisfactory alternative to address the issues identified above and provide good quality replacement housing to satisfy the recognised need in the area.

Again, on consideration of the development as a whole and in light of the justification submitted by the Applicant/Agent, the development is considered to meet the second test.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species

Recommendations are made in the ecological report for replacement roost features in the development. No specific mitigation proposals have been made however in relation to this proposal. The LPA would usually require information about proposed mitigation prior to a consent, sufficiently to demonstrate that all necessary mitigation and compensation measures can be accommodated within the new development and sufficiently to demonstrate that the three tests of the Habitats Regulations can be met.

On this occasion however the ecologist is confident that, with the affected bats being low number/s of pipistrelle bat, a relatively common crevice dwelling species,

- (i) it should be possible for the new proposal to incorporate satisfactory replacement roost features into the new build and
- (ii) that the third test of the Habitats Regulations, of maintaining the conservation status of the affected species, would be likely to be met.

The Ecologist has therefore raised no objection subject to the condition to include a requirement for provision of findings of update surveys; submission of new drawings

showing detailed specifications for proposed mitigation and compensation measures which must be fully incorporated into the proposals; details of timing of works; details of all precautionary working methods. A detailed mitigation and compensation scheme must be submitted and approved prior to commencement of any works, demolition or site clearance.

The above test is therefore considered to have been met.

Land drainage

Although no objection was raised with regards to drainage at the time of the last application the Council's drainage engineers initially raised an objection to this development until further information was submitted, due to recent evidence of flooding near the site. However, the land drainage team have had detailed discussions with the applicant to overcome these concerns and have now removed their objection to the scheme subject to the inclusion of a number of conditions on any planning permission. These conditions relate to establishing the precise location of the existing culvert running across the site, and demonstrating how this will be protected during the course of the works. There are therefore no objections to the development with regards to highway drainage

Land stability

The issue of subsidence was raised during the previous application when planning permission was granted for a dwelling on this site. It was cited that the ground has been subject to some degree of movement, the results of which can be seen by subsidence damage to the existing property Bubblers Dytch. This issue was been raised with the agent, who confirmed that the existing bungalow adjacent the proposed site has some cracking problems which are probably due to inadequate foundations. Before building works commence it is the client's intention to undertake a full site investigation to determine the most appropriate method of constructing the new foundations which may involve piling. It was not believed there would be any risk to neighbouring property when foundation works are undertaken. Appropriate notices and procedures will be adopted under the Party Wall etc. Act 1996 and will used as required by law. All necessary precautions will be taken. This issue would be dealt with in full at the building control stage.

Other issue/conclusion

No other issues have arisen as a result of this planning application and for the reasons as set out above, the planning application is recommended for approval. The previous reasons for refusal have been noted, but Officers consider that these reasons have been overcome. The development is not considered to result in inappropriate development within the Green Belt, is considered to be of a satisfactory overall design, siting, and scale that will respect the visual amenities of the area and the wider rural character of the area. Subject to conditions the development is not considered to result in any undue harm to highway safety, or the residential amenity of the neighbouring occupiers. Subject to the satisfactory conclusion of the requested bat report, there are no overall objections to the proposals. It is therefore recommended that the committee delegates authority to the Development Manager to permit this development.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

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

Reason: In the interests of amenity and highway safety

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

Reason: In the interests of highway safety.

4 The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwellings and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision

5 The development hereby permitted shall not be occupied until visibility splays with an 'x' distance of 3.4 metres and 'y' distances of 25.0 metres have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

6 The access hereby permitted shall not be used until the related footway/verge crossing has been constructed in accordance with the standard specification of the Highway Authority, and any highway furniture/statutory undertaker's plant located on the highway and within the limits of the access, has been relocated all to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

7 The gradient of the access shall not, at any point, be steeper than 1 in 15 for a distance of 6 metres into the site from its junction with the public highway.

Reason: In the interests of highway safety.

8 The development hereby permitted shall not be occupied until all means of access, not forming the proposed means of access, have been permanently closed and the public highway features, including footway, verge and kerb line, have been permanently reinstated in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

9 No dwelling shall be occupied until details of measures to prevent light spillage from the rear south east elevation have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved mitigation measures shall be permanently retained.

Reason: To prevent excessive light spillage from the development in the interests of amenity

10 No development shall commence until details of a planting and maintenance scheme for the sedum roof has been submitted to and approved in writing by the Local Authority. The sedum roof must be maintained as approved, unless otherwise approved by the Local Planning Authority.

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

11 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.

12 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.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

14 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.

15 Prior to the commencement of development, additional elevations/sections including details of copings at 1:20 of the front boundary wall shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details,

Reason: In the interests of the amenity of the area

16 Prior to construction work on site a CCTV survey and report detailing the precise location and the condition of the existing highway drainage culvert on site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of flood risk management and to protect an existing highway drainage culvert.

17 Prior to the construction of the proposed dwellings a method statement describing how the existing highway drainage culvert will be protected during the construction process should be submitted to and approved in writing by the Local Planning Authority. The proposed dwellings shall be constructed in accordance with the approved method statement as approved.

Reason: In the interests of flood risk management and to protect an existing highway drainage culvert.

18 No development shall take place until full details of a Bat Mitigation and Compensation Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) details of proposed methods and timing of work and all necessary precautionary working methods to avoid harm to bats
- (ii) findings of update survey
- (iii) specifications for replacement roost provision to include drawings numbers and locations
- (iv) all other necessary mitigation and compensation measures

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: to avoid harm to protected species

19 Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on European protected species for any bat species including Common Pipistrelle bats (*Pipistrellus pipistrellus*) or Soprano Pipistrelle bats (*Pipistrellus pygmaeus*) unless a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the local planning authority.

Reason: to avoid harm to protected species

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

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

PLANS LIST:

1 DECISION TAKING STATEMENT

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

2 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

3 ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the

"what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

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Agenda Item 11

Application No: 12/03764/VAR (Variation to S106)	Case Officer: Tessa Hampden
<p>Address of proposal:</p> <p>Gammon Plant Hire, Rock Hall Lane Combe Down Bath BA2 5JF</p> <p>Details of proposal:</p> <p>Planning permission has previously been granted for the erection of 8 eco homes, 1 apartment and 1 mining interpretation centre. The Centre is the final phase of the stone mines stabilisation programme. This planning permission was accompanied by a S106 agreement to secure highway works, and financial contributions to Children's Services as detailed below;</p> <p>Total for Early Years provision £0 (Sufficient provision in the area)</p> <p>Primary age pupil places – 2.417 places at a cost of £31,405.28 Secondary age pupil places – 1.109 places at a cost of £0 (sufficient provision in the area projected) Post 16 places – 0.237 places at a cost of £0 (sufficient provision in the area projected)</p> <p>The closest primary school to the proposed development is Combe Down Primary school, which is currently over capacity and projected to remain at or over capacity for the foreseeable future. Total for school places £31,405.28</p> <p>Youth Services provision places – 1.2 places at a cost of £1,600.00. This contribution applies to all new houses of 2 beds or more as existing provision in Bath and North East Somerset is sufficient to meet the needs of the current population only. Total for Youth provision £1,600.00</p> <p>Therefore a total contribution for Children's Services was sought of £33,005.28</p> <p>This application relates to a variation to this Section 106 agreement because the delivery of the permission 12/03764/VAR, with the existing Section 106 agreement in place, is argued by the applicants not to be viable. The agent wishes to vary the S106 agreement to remove the clause to pay the above financial contributions. It should be noted that the contributions were required prior to commencement of development, and as the build is now nearing completion, the development is currently unlawful.</p>	
<p>Relevant history:</p> <p>11/04166/FUL - Permit - 24 August 2012 - Erection of 1no. Mining Interpretation Centre (rated BREEAM Excellent), 8no. Eco-Homes (rated Code 5 zero carbon), 1no. Apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties, with the exception of a portion of historic stone wall to Rock Hall Lane (resubmission).</p> <p>11/04167/CA - Consent - 26 January 2012 - Demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane.</p> <p>12/03764/VAR - PERMIT - 20 June 2013 - Variation of condition 30 (plans list) of application 11/04166/FUL (Erection of 1no. Mining Interpretation Centre (rated BREEAM Excellent), 8no. Eco-Homes (rated Code 5 zero carbon), 1no. Apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties, with the exception of a portion of historic stone wall to Rock Hall Lane (resubmission).)</p>	

<p>Consultation/Representations:</p> <p>Any comments will be reported to Members at Committee</p>
<p>Policy:</p> <p>IMP.1, of Bath & North East Somerset Local Plan including waste and minerals as adopted October 2007</p> <p>Supplementary Planning Document - Planning Obligations –Adopted July 2009</p>
<p>Officer Assessment:</p> <p>Within Part 1 of the Supplementary Planning Document (SPD)- Planning Obligations, it is explained that a change in the Council’s standard obligations will be considered an unusual exception. If this occurs the developer will be required to demonstrate what exceptional circumstances would give rise to the case made. If the Council agrees that a scheme cannot reasonably afford to meet all the normal requirements after going through an assessment of a viability appraisal, then these requirements may be prioritised.</p> <p>Information has been submitted by the applicant/developer, the Homes and Community Agency (HCA), and the Combe Down Stone Legacy (CDSL) Trust in support of the position to remove the obligation to pay the financial contributions as outlined above.</p> <p>The argument put forward in support of this this case can be summarised as follows:</p> <p>At the time of the granting of planning permission, there was a misunderstanding by the developers/HCA about where the monies for education would be directed. The developer/HCA that the money could be spent on the Interpretation Centre, as this had links to education. This understanding was given by a member of staff outside of Planning Services. However, this would not be in line with the SPD, and the monies have been requested as a shortfall in school places has been identified. The applicant therefore argues that the legal agreement was signed on this basis that the money could be directed into the Interpretation Centre. However, this in itself is not a justification for accepting that the contributions can be waived.</p> <p><u>Is the scheme unviable?</u></p> <p>The scheme received significant gap funding from the HCA to make this scheme viable. EC Harris, who is the development inspector with a duty of care to the HCA has verified the cost funding position, and the cost plan for the centre. The Local Planning Authority has accepted the EC Harris assessments of the costings. It has been demonstrated that the scheme is not viable without the gap funding from the HCA, which was earmarked for 3 main elements of the project</p> <ol style="list-style-type: none"> 1. Remediation of the abnormal ground conditions; 2. Funding the higher than usual build cost of delivering the new homes to Code for Sustainable Homes level 5 3. Fixed ring fenced budget to build and fit out the new community building, built to BREAAAM very good. <p>It is argued that the re-investment of money required through the s.106 within the interpretation centre is critical to completing the building. The HCA had a fixed budget for the centre and within the original cost estimates the s.106 contribution was budgeted for out of this fixed figure. This now leaves the original budget approximately £33k short on completing the building as originally planned. This would mean that the budget will be short on the final fixtures and finishing. In particular the budget is short on the audio, visual and IT equipment and material which will be crucial to the interpretation centre functioning as an</p>

education resource centre.

Further, as stated above costing of the development has been submitted to the Local Planning Authority in line with the Councils SPD. The current estimated cost for the interpretation centre significantly exceeds the original estimates and the fixed budget by the HCA. This shortfall needs to be met by the developer which further impacts upon the viability of the scheme. This increase in costs was mainly due to additional ground works which were unknown at the time of cost estimating.

It has been demonstrated that the scheme was not viable without the HCA gap funding. The actual build costs have increased from the original cost estimates further impacting on the viability of the scheme. The developer argues that there is not the finance to complete the interpretation centre.

What are the benefits of the Interpretation Centre?

The submission in support of this application includes an explanation of why there is the need for the money to be spent within this centre and the resulting benefits that this centre will have to the wider community.

The building will be run by Combe Down Stone Legacy Trust (CDSL) which was formed as a charity. They cite that they have worked closely with all parties to design a state of the art Education and Community centre, known as CornerStone that will facilitate presentation of heritage material, be an asset to the community and provide rich educational facilities to local schools and students. The S106 monies put aside for educational purposes are required to develop the educational material for CornerStone. In order to fulfil their charitable obligations the CLSL Trust requires that the building be completed and fit for purpose. CDSL will consider CornerStone complete when facilities exist that enable the building to function as an Educational Centre, provide for community activities and generate self-funding income.

Funding has already been achieved to archive material but the additional funding is essential if interpretation of that archive is to take place, the fundamental component of the Interpretation Centre. The available archive is essentially digital, requiring expensive media/software to interpret and develop it.

The CDSL explains that the centre will have strong links to education, engaging with local schools with links to the National Curriculum. This includes developing a relationship with local primary schools, Senior Schools, Colleges/Universities. Further the CDSL are working with partners in the B&NES Museums Group and other outreach organizations to tell the Ralph Allen story to a wider audience.

It is the intention that the Interpretation Centre/Cornerstone building will be transferred to Bath and North East Somerset Council and leased to the CDSL Trust. Property Services are currently holding discussions with regards to this. This will include an endowment from the HCA to secure its financial future.

Conclusion

It is noted that the centre to which this application relates will bring educational benefits to the local schools and the wider community. However the financial contributions were requested in line with the SPD which is specifically for primary school places, and youth service provision and the LPA note that these contributions can be critical in allowing a service to be provided. However, it is considered that it has been demonstrated that this scheme is not viable and has only been made viable due to the HCA gap funding that was committed to the development. The estimated costs of the overall build and the costs of the centre have increased, further increasing the unviability of the scheme. If the monies are directed towards Children's Services in line with the requirements of the S106, it has been demonstrated that there will not be the budget to complete this interpretation centre to a standard that was envisaged at the start of the proposal, or to a standard that would allow the CDSL to deliver a centre that would provide the community benefits to an appropriate standard. If the monies for the educational contributions are redirected to the interpretation centre, this would ensure that the centre is fit for purpose.

Officers consider that this case demonstrates exceptional circumstances. It has been demonstrated that the requests for this contribution makes contributes to this scheme being unviable. The benefits of the centre are recognised and it is considered that in this instance, the requirements to complete this centre should be prioritised. It is therefore the opinion of officers that the S106 be varied to remove the requirement to pay the contributions to Children's Services.

Recommendation

It is recommended that a deed of variation is prepared to remove the financial contributions to Childrens Services from the S106 agreement.

Recommendation: To agree to the requested variation of the planning obligations entered into in respect of the above Development as set out above and that if the Committee is minded to accept this recommendation:

Background Papers

CDSL Trust submission - Ralph Allen CornerStone
EHarris –appraisal review
EHarris – viability and appraisal costs - Position Statement May 2013
Developer –position statement
Savilles – Values
HCA – Position statement

Bath & North East Somerset Council		
MEETING:	Development Control Committee	
MEETING DATE:	20 November 2013	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report July - Sept 2013	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
None		

1 THE ISSUE

1.1 At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function. This report covers the period from 1 July - Sept 2013.

2 RECOMMENDATION

2.1 Members are asked to note the contents of the performance report.

3 THE REPORT

3.1 Commentary

Members' attention is drawn to the fact that as shown in **Table 1** below, performance on 'Major' and 'Other' planning applications was below government target during July - Sept 2013. 'Major' and 'Minor' planning applications were above target during this 3 month period.

Performance on determining 'Major' applications within 13 weeks rose from 32% to 77% during July - Sept 2013 as we are now proactively managing Majors through the process.

Percentage performance on determining 'Minor' applications within 8 weeks fell from 78% to 68%, but still remains above target.

Performance on 'Other' applications within the same target time of 8 weeks rose slightly from 73% to 74%, but still remains below target. After 9 months since implementation of the 'positive & proactive statement', there is now a plan to review the procedure by team leaders. Two officers per team will record the time taken to call the agent/applicant to enter into these further discussions. At the same time we are looking to reduce the number of withdrawals/free resubmissions, in line with the Customer Transformation project mentioned in previous reports, without affecting our level of customer service. In addition, we will now consider using the new agreed extension of time process where appropriate. We are reviewing the impact of the new dual application protocol and its impact on performance since adoption in April with a view to looking at the drag of listed building applications on 'Other' planning applications performance.

Table 1 - Comparison of applications determined within target times

Government target for National Indicator 157	B&NES Oct – Dec 2012	B&NES Jan – Mar 2013	B&NES Apr - Jun 2013	B&NES Jul - Sep 2013
'Major' applications 60%	15/27 (56%)	9/21 (43%)	6/19 (32%)	10/13 (77%)
'Minor' applications 65%	99/139 (71%)	90/120 (75%)	121/156 (78%)	98/145 (68%)
'Other' applications 80%	293/399 (73%)	236/315 (75%)	286/390 (73%)	312/423 (74%)
Number of on hand 'Major' applications (as report was being prepared)	48	47	48	52

Note: An explanation of 'Major', 'Minor' and 'Other' categories are set out below.

<p>'LARGE-SCALE MAJOR' DEVELOPMENTS – <u>Decisions to be made within 13 weeks</u></p> <ul style="list-style-type: none"> • Residential – 200 or more dwellings or site area of 4Ha or more • Other Land Uses – Floor space of more than 10,000 sq. metres or site area of more than 2Ha • Changes of Use (including change of use or subdivision to form residential units) – criteria
--

as above apply

'SMALL-SCALE MAJOR' DEVELOPMENTS – Decisions to be made within 13 weeks

- Residential – 10-199 dwellings or site area of 0.5Ha and less than 4Ha
- Other Land Uses – Floor space 1,000 sq. metres and 9,999 sq. metres or site area of 1Ha and less than 2Ha
- Changes of Use (including change of use or subdivision to form residential units) – criteria as above apply

'MINOR' DEVELOPMENTS – Decisions to be made within 8 weeks

- Residential – Up to 9 dwellings or site up to 0.5 Ha
- Other Land Uses – Floor space less than 1000 sq. metres or site less than 1 Ha

'OTHER' DEVELOPMENTS – Decisions to be made within 8 weeks

- Mineral handling applications (not County Matter applications)
- Changes of Use – All non-Major Changes of Use
- Householder Application (i.e. within the curtilage of an existing dwelling)
- Advertisement Consent
- Listed Building Consent
- Conservation Area Consent
- Certificate of Lawfulness
- Notifications

Table 2 - Recent planning application performance statistics

Application nos.	2012/13				2013/14			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
On hand at start	538	514	535	469	551	575		
Received	594	608	556	607	650	600		
Withdrawn	61	49	56	67	62	58		
Determined	555	538	565	456	565	581		
On hand at end	516	535	470	553	574	536		
Delegated	537	516	545	441	538	556		
% Delegated	96.7	95.9	96.4	96.7	95.2	95.6		
Refused	90	96	67	67	71	62		
% Refused	16.2	17.8	11.8	14.6	12.5	10.6		

Table 2 above shows numbers and percentages of applications received, determined, together with details of delegated levels and refusal rates.

Due to seasonal variation, quarterly figures in this report are compared with the corresponding quarter in the previous year. During the last three months, the number of new applications received and made valid fell 1% when compared with the corresponding quarter last year. This figure is also 1% down on the same period two years ago and 5% down on three years ago.

The current delegation rate is 96% of all decisions being made at officer level against cases referred for committee decision. The last published England average was 90% (Year ending June 2013).

Table 3 - Planning Appeals summary

	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013	Jul – Sept 2013
Appeals lodged	34	36	30	29
Appeals decided	30	34	25	24
Appeals allowed	13 (46%)	7 (23%)	9 (47%)	6 (33%)
Appeals dismissed	15 (54%)	23 (77%)	10 (53%)	12 (67%)

The figures set out in **Table 3** above indicate the number of appeals lodged for the Jul - Sep 2013 quarter has dropped 3% when compared with the previous quarter. Overall though, the total numbers received against the same four quarters a year ago has seen a rise in planning application appeals of 23%.

Members will be aware that the England average for appeals won by appellants (and therefore allowed) is approximately 35% (2012/13). Because of the relatively small numbers of appeals involved figures will fluctuate slightly each quarter, but the general trend over the last 12 months for Bath & North East Somerset Council is that of the total number of planning appeals decided approximately 36.8% are allowed against refusals of planning applications, which demonstrates average performance by the authority.

Table 4 - Enforcement Investigations summary

	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013	Jul – Sep 2013
Investigations launched	140	153	140	182
Investigations on hand	230	216	203	241
Investigations closed	133	129	170	135
Enforcement Notices issued	3	3	4	6
Planning Contravention Notices served	3	1	1	2
Breach of Condition Notices served	0	0	0	1

The figures shown in **Table 4** indicate a 30% rise in the number of investigations received this quarter, when compared with the previous quarter. However, there was a 12% decrease in cases received overall in the last 12 months. Resources continue to be focused on the enforcement of planning control with 9 legal notices having been served during this quarter.

Tables 5 - Transactions with Customers

The planning service regularly monitors the number and nature of transactions between the Council and its planning customers. This is extremely valuable in providing management information relating to the volume and extent of communications from customers.

It remains a huge challenge to ensure that officers are able to maintain improvements to the speed and quality of determination of planning applications whilst responding to correspondence and increasing numbers of emails the service receives.

Table 5 - Number of monitored emails

	Jan – Mar 2013	Apr – Jun 2013	Jul – Sep 2013
Number of emails to 'Development Control'	1189	1947	1589
Number of emails to Team Administration within Development Management	5221	4340	3875

The volume of incoming e-mail is now substantial, and is far exceeding the volume of incoming paper-based correspondence. These figures are exclusive of emails that individual officers receive, but all require action just in the same way as hard copy documentation. The overall figure for the July - Sept 2013 quarter shows a high volume of electronic communications in the region of 5500. It is worth noting that comments received on applications within the statutory 21 day consultation period are subject to some 'redacting' being applied before making them accessible for public viewing through the Council's website as part of the application process. This task alone is high volume and currently labour intensive.

Table 6 – Other areas of work

The service not only deals with formal planning applications and general enquiries, but also has formal procedures in place to deal with matters such as pre-application proposals, Householder Development Planning Questionnaires, procedures for discharging conditions on planning permissions and the newly introduced Householder Permitted Development prior notifications. **Table 6** below shows the numbers of these types of procedures that require resource to action and determine.

During the last quarter there has been a 12% fall in the overall volume of these procedures received in the service.

Table 6	Jan – Mar 2013	Apr – Jun 2013	Jul – Sep 2013
Number of Household Development Planning Questionnaires	118	175	115
Number of pre-application proposals submitted	204	227	198

Number of 'Discharge of Condition' requests	120	103	109
Number of pre-application proposals submitted through the 'Development Team' process	3	7	9
Applications for Non-material amendments	17	24	37
Householder Permitted Development prior notifications	0	9	9

Table 7 – Works to Trees

Another function that the Planning Service undertakes involves dealing with applications and notifications for works relating to trees. **Table 7** below shows the number and percentage of these applications and notifications determined. During July – Sept 2013, performance on determining applications for works to trees subject to Tree Preservation Orders and performance on dealing with notifications for works to trees within a Conservation Area remained 99% or above.

Table 7	Jan – Mar 2013	Apr – Jun 2013	Jul – Sep 2013
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	22	12	11
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	95%	100%	100%
Number of notifications for works to trees within a Conservation Area (CA)	134	143	166
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	99%	98%	99%

Table 8 - Customer transactions using telephone

As outlined in previous performance reports, Members will be aware that since 2006, 'Council Connect' has been taking development management related 'Frequently Asked Questions' (FAQs).

Table 8 below shows a breakdown of volumes of customer phone calls to the Council Connect contact centre for the previous three quarters:

Table 8	Jan – Mar 2013	Apr – Jun 2013	Jul – *Sept 2013
Planning	93	89	65
Planning Overflow	88	109	72
Planning Existing Application	552	622	390
Planning Existing Application Overflow	498	627	414
Planning New Issues	448	387	301
Planning New Issues Overflow	393	472	307
Total number of calls	2072	2306	1549

Table 8 shows that Council Connect had received approx. 1550 calls for last quarter. The various titles in the right hand column represent the name of the call questions the callers come through on, 'Overflow' being simply where all officers in the contact centre have been on the phone when that customer called, meaning they have been moved into a 'question' to represent this. ***As of 2 September 2013, all Planning calls bar Planning Enforcement went back to Planning and thus future quarterly reports will reflect these new changes in the call measures.**

Table 9 - Electronic transactions

The Planning Services web pages continue to be amongst the most popular across the whole Council website, particularly 'View and Comment on Planning Applications' and 'Apply for Planning Permission'. The former is the most popular web page after the council's home page.

Around 70 - 75% of all applications are now submitted online through the Planning Portal link on the Council website, and **Table 9** below shows that the authority received **493 (72%)** Portal applications during the July - Sept 2013 quarter, compared with **69%** during the previous quarter. Our online submission percentage is above the national average, which currently stands at around 60%, and appears to be generally increasing. This provides good evidence of a growing online self-service by agents and the public. The benefits for them include an online help function, immediate delivery and acknowledgement, and savings on printing and postage costs. Secure fee payments can also be made online through the Planning Portal facility.

Table 9 - Percentage of planning applications submitted electronically (through the national Planning Portal)

	Government target	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013	Jul – Sep 2013
Percentage of applications submitted online	10%	77%	70%	69%	72%

Table 10 - Scanning and Indexing

As part of the move towards achieving e-government objectives and the cultural shift towards electronic working, the service also scans and indexes all documentation relating to planning and associated applications. Whilst this work is a 'back office' function it is useful to see the volume of work involved. During the July - Sept 2013 quarter, the service scanned nearly 18,000 planning documents and this demonstrates that whilst the cost of printing plans may be reduced for applicants and agents, the service needs to resource scanning and indexing documentation to make them accessible for public viewing through the Council's website. The trend for scanning actual planning applications is dropping in number as the public increases use of uploading and submitting their applications electronically through the Planning Portal (see Table 9 above). However, all documents submitted electronically still need to be manually inserted in the Document Management System by the Planning support staff. It is not possible at present to also detail the numbers of these 'insertions' in the table below.

Table 10

	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013	Jul – Sep 2013
Total number of images scanned	13,168	12,426	13,046	17,830
Total number of images indexed	4,450	4,670	5,484	4,788

Table 11 - Customer Complaints

During the quarter July - Sept 2013, the Council has received the following complaints in relation to the planning service. The previous quarter figures are shown for comparison purposes. Further work is currently underway to analyse the nature of complaints received and to implement service delivery improvements where appropriate.

Table 11

Customer Complaints	Jan – Mar 2013	Apr – Jun 2013	Jul – Sep 2013
Complaints brought forward	3	3	3

Complaints received	14	15	9
Complaint upheld	1	0	1
Complaint Not upheld	13	6	9
Complaint Partly upheld	1	5	1
Complaints carried forward	3	4	1

Table 12 - Ombudsman Complaints

The council has a corporate complaints system in place to investigate matters that customers are not happy or satisfied about in relation to the level of service that they have received from the council. However, there are circumstances where the matter has been subject to investigation by officers within the authority and the customer remains dissatisfied with the outcome of the investigation. When this happens, the customer can take their complaint to the **Local Government Ombudsman** for him to take an independent view. **Table 12** below shows a breakdown of Ombudsman complaints lodged with the Local Government Ombudsman for the previous four quarters.

Table 12

Ombudsman Complaints	Oct – Dec 12	Jan – Mar 13	Apr – Jun 13	Jul – Sep 13
Complaints brought forward	0	1	1	1
Complaints received	1	2	0	4
Complaints upheld		0		
<i>Local Settlement</i>				
<i>Maladministration</i>				
<i>Premature complaint</i>				
Complaints Not upheld		2		2
<i>Local Settlement</i>				
<i>No Maladministration</i>				1
<i>Ombudsman’s Discretion</i>		2		
<i>Outside Jurisdiction</i>				1
<i>Premature complaint</i>				

Complaints carried forward	1	1	1	3
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Table 13 – Section 106 Agreements

Members will be aware of the Planning Obligations SPD published July 2009. Planning Services have spent the last two years compiling a database of Section 106 Agreements. This is still a work in progress, but it has now enabled the S106 Monitoring Officer to actively progress in monitoring delivery of agreed obligations. **Table 13** below shows a breakdown of S106 Agreement sums agreed and sums received between July - Sept 2013. Also detailed is the outstanding balance for agreements signed between July 2009 and Sept 2013. Members should be aware that the figures are approximates because of the further work still to be completed in the S106 monitoring operation.

Table 13

Section 106 Agreements	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013	Jul – Sep 2013
Funds agreed	£828,093.41	£121,848.10	£159,693.14	£433,463.77
Funds received (may include monies received for agreements made prior to Jul '09)	£244,331.85	£389,984.81	£251,226.00	£34,154.93
Outstanding funds balance (Jul '09 – Sep '13)	£14,102,777.15	£14,112,447.17	£14,040,164.17	£13,454,038.54

Table 14 – Costs Awarded monitoring

Detailed below is a list of recent costs against the council in relation to Planning Appeals and court cases.

Table 14

Ref no. and Site Address	Background	Cost Awarded	Reason Awarded
09/00077/RF, Former Allotment Gardens Southbourne Gardens Fairfield Park Bath	Officer recommended to permit, Overturned at committee and refused. Allowed at Appeal.	£12,110.94 paid Sept '13	Costs of Appeal proceedings awarded ("Lack of objective reassessment and the evidence produced by the LPA is lacking in substance")
12/00015/RF, Orchard View, Sleep Lane, Whitchurch	Officer refusal, allowed at Appeal.	£32,685.00 paid Oct '13	Costs of Appeal proceedings awarded ("refusal of planning permission was not only wrong, it was misconceived")

Contact person	John Theobald, Data Technician, Planning and Transport Development 01225 477519
Background papers	CLG General Development Control statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/planning-applications-statistics
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	20th November 2013
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281)
	AGENDA ITEM NUMBER
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 13/02227/VAR
Location: Gibbs Mews Walcot Street Bath
Proposal: Variation of condition 3 of application 08/00591/FUL (Erection of 4 houses (resubmission of application no 05/04017/FUL))
Decision:
Decision Date:
Decision Level:
Appeal Lodged: 8 October 2013

App. Ref: 13/02398/FUL
Location: 89 North Road Midsomer Norton Radstock Bath BA3 2QN
Proposal: Erection of 2 two storey side extensions and a two storey rear extension.
Decision: REFUSE
Decision Date: 1 August 2013
Decision Level: Delegated
Appeal Lodged: 16 October 2013

App. Ref: 13/02594/FUL
Location: 28 Hill View Farrington Gurney Bristol BS39 6UJ
Proposal: Erection of extension above garage, single storey rear extension and subdivision of house into two dwellings (Resubmission)
Decision: REFUSE
Decision Date: 14 August 2013
Decision Level: Chair Referral
Appeal Lodged: 17 October 2013

App. Ref: 13/01238/FUL
Location: Greenleigh Farm Wells Road Chew Magna Bristol
Proposal: Reconstruction of existing agricultural barn
Decision: REFUSE
Decision Date: 19 September 2013
Decision Level: Chair Referral
Appeal Lodged: 18 October 2013

App. Ref: 13/02020/FUL
Location: 97 Penn Hill Road Lower Weston Bath
Proposal: Enlargement of driveway to front of property with dropped kerb.
Decision: REFUSE
Decision Date: 4 July 2013
Decision Level: Delegated
Appeal Lodged: 21 October 2013

App. Ref: 13/02826/AR
Location: Grasmere Court Hotel 22 - 24 Bath Road Keynsham Bristol
Proposal: Display of 5no. banner signs (Retrospective).
Decision: REFUSE
Decision Date: 18 September 2013
Decision Level: Delegated
Appeal Lodged: 21 October 2013

App. Ref: 13/03040/FUL
Location: 23 Trafalgar Road Upper Weston Bath BA1 4EW
Proposal: Erection of a new dwelling and extension to existing property following the demolition of a flat roof extension. (Revised proposal)
Decision: REFUSE
Decision Date: 24 September 2013
Decision Level: Delegated
Appeal Lodged: 23 October 2013

App. Ref: 13/02112/FUL
Location: 4 Lime Grove Bathwick Bath Bath And North East Somerset BA2 4HF
Proposal: Conversion of student lets into 2no maisonettes and 1no self contained apartment with first floor extension at the rear (Resubmission of 12/01925/FUL).
Decision: REFUSE
Decision Date: 5 September 2013
Decision Level: Planning Committee
Appeal Lodged: 25 October 2013

App. Ref: 13/01989/OUT
Location: Homelands Camerton Hill Camerton Bath
Proposal: Outline planning application for the erection of 1 no. dwelling
Decision: REFUSE
Decision Date: 4 July 2013
Decision Level: Delegated
Appeal Lodged: 30 October 2013

APPEAL DECISIONS

App. Ref: 12/00926/FUL
Location: High Gables, The Barton, Corston
Proposal: Erection of a dwelling with triple garage following demolition of existing dwelling, garages and outbuildings.
Decision: Refuse
Decision Date: 20/04/2012
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

The inspector agreed that the proposed dwelling would be materially larger than the existing dwelling. The proposed development constitutes inappropriate development in the Green Belt for the purposes of national policy and development plan policy. The inspector agreed with the council that the proposed development would result in harm to the openness of the surrounding Green Belt, even allowing for the limited public views of the site, since Green Belt policies apply in all cases and not just where development would be highly visible.

The inspector agreed with the council that in view of the increase in height and the number of windows, many of which serve habitable rooms, the degree of overlooking would be significantly increased. The proposed dwelling, by reason of its size and bulk, would also have an adverse overbearing effect on the outlook from the neighbouring property.

App. Ref: 12/02056/FUL
Location: Box Bush, Bromley Road, Stanton Drew
Proposal: Restoration, alteration and extension of existing house following removal of existing extensions and garages
Decision: Refuse
Decision Date: 17/07/2012
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

The inspector disagreed with the council that the proposed extension would be a disproportionate addition to the host dwelling and would be harmful to openness.

The inspector agreed with the council that quantity of extension that is proposed would appear excessive. The proposed extensions would overwhelm the appearance of the existing dwelling.

The quantity of glazing proposed would be at odds with the traditional rural character of the original building. The proposal would be unacceptably harmful to the character and appearance of the host dwelling and the visual amenity of the Green Belt.

App. Ref: 12/00926/FUL
Location: High Gables, The Barton, Corston
Proposal: Erection of a dwelling with triple garage following demolition of existing dwelling, garages and outbuildings.
Decision: Refuse
Decision Date: 20/04/2012
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

The inspector agreed that the proposed dwelling would be materially larger than the existing dwelling. The proposed development constitutes inappropriate development in the Green Belt for the purposes of national policy and development plan policy. The inspector agreed with the council that the proposed development would result in harm to the openness of the surrounding Green Belt, even allowing for the limited public views of the site, since Green Belt policies apply in all cases and not just where development would be highly visible.

The inspector agreed with the council that in view of the increase in height and the number of windows, many of which serve habitable rooms, the degree of overlooking would be significantly increased. The proposed dwelling, by reason of its size and bulk, would also have an adverse overbearing effect on the outlook from the neighbouring property.

App. Ref: 12/02165/OUT
Location: Fairash Poultry Farm, Compton Martin Road, West Harptree
Proposal: Erection of 3no. dwellings following demolition of existing poultry farm (revised resubmission).
Decision: Refuse
Decision Date: 06/08/2012
Decision Level: Committee
Appeal Decision: Dismissed

Summary:

The inspector agreed with the council that the proposed dwellings would have a significantly adverse and incongruous impact upon the predominantly agricultural character and appearance of the AONB.

The inspector agreed that whilst the council cannot demonstrate a five year land supply the proposed dwelling would occupy an isolated position which is not consistent with the NPPF which seeks to protect the intrinsic character and beauty of the open countryside and require sustainable development. Agricultural land is not considered to be previously developed land and the replacement of the existing structures with three dwellings is not appropriate to the surroundings.

The lack of footpaths along the A368 would dissuade residents from walking along this road. The relative infrequency of bus services would not dissuade residents on the appeal site from relying upon the use of their private vehicles to access local facilities and employment opportunities. The development would result in the reliance on the private car and would not constitute sustainable development.

App. Ref: 12/05279/FUL
Location: Wick Road, Bishops Sutton
Proposal: Erection of 41 No. two, three, four and five bedroom dwellings including 14 No. affordable housing units along with provision of informal public open space, vehicular access from the A368, landscaping and drainage.
Decision: Refused
Decision Date: 11 April 2013
Decision Level: Committee
Appeal Decision: **Allowed**

Summary:

The Inspector noted that the Council cannot demonstrate the required 5 year supply of housing land and that paragraph 49 of the *National Planning Policy Framework* is therefore triggered. Consequently the Council's housing policies in the adopted Local Plan have to be considered as out of date, including the settlement boundaries, and an in principle objection to development outside the development boundary cannot be maintained. He considered that *"there is a pressing need for housing given the Council's failure by a significant degree to provide for its objectively judged housing need"* and concluded that *"although a number of houses have been permitted at Cappards Road, there is no in principle policy objection to the development of the appeal site for housing."*

The Inspector considered that, *"whilst the houses would be at a higher level than the road, and would include gabled roofs and some taller dwellings, I do not consider that they would be unduly bulky or prominent in the street scene due to the proposed set back from the road and the screening that would be provided by the trees and vegetation."* He noted that the village had already assimilated a large amount of modern development over the years. He considered that this had added to the village's character, as would the appeal proposal.

He felt that the revised plans submitted to the inquiry prevented any unacceptable problems in relation to the living conditions of the occupiers of Highland Villas.

He noted that the works proposed by the appellants would make the existing flooding problems less severe and that concerns over highway safety would not justify dismissing the appeal.

He accordingly allowed the appeal.

App. Ref: 12/00707/FUL
Location: Castle Farm Barn, Midford Road, Midford, Bath
Proposal: Erection of a temporary agricultural dwelling and an extension to cattle shed.
Decision: Refused
Decision Date: 1st May 2012
Decision Level: Delegated
Appeal Decision: Allowed

Summary:

The appeal site lies within the Bristol/Bath Green Belt (GB) and the Cotswold Hills Area of Outstanding Natural Beauty (AONB). The application was refused on the basis that the development would be inappropriate within the green belt and would harm its openness and encroach into the countryside, would be harmful to the AONB and setting of the South Stoke Conservation area, would cause a highway hazard and had not demonstrated ecology would not be harmed.

During the hearing discussions it was agreed that the highway and ecology matters could be addressed through the provision of amended plans/ conditions.

In allowing the appeal the Inspector considered that the development whilst inappropriate would have little effect on openness, or encroachment into the green belt and that the agricultural justification made did represent very special circumstances in this case. It was also assessed that heritage assets, the South Stoke Conservation Area and the AONB would not be affected to any great extent. The proposed dwelling was allowed on a temporary basis to provide the appellant an opportunity to demonstrate the financial soundness of the enterprise, and with an agricultural tie.
