

Planning Committee

Date: Wednesday, 9th March, 2022

Time: 11.00 am

Venue: Banqueting Room - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

Councillors:- Sue Craig, Sally Davis, Shelley Bromley, Vic Clarke, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson and Hal MacFie

Permanent Substitutes:- Councillors: Rob Appleyard, Michael Evans, Andrew Furse, Liz Hardman, Ruth Malloy, Vic Pritchard, Matt McCabe, Manda Rigby, Brian Simmons and Ryan Wills

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.





Mike Curtis

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 39 4435

Web-site - <http://www.bathnes.gov.uk>

E-mail: Democratic_Services@bathnes.gov.uk

NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the Guildhall - Bath.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **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 working days before the meeting. This means that for Planning Committee meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Planning Committee- Wednesday, 9th March, 2022

at 11.00 am in the Banqueting Room - Guildhall, Bath

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will ask the Committee Administrator to draw attention to the emergency evacuation procedure.

2. ELECTION OF VICE CHAIRMAN (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 an **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 CHAIRMAN

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

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

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

7. MINUTES OF THE PREVIOUS MEETING (Pages 7 - 16)

To confirm the minutes of the meeting held on 9th February 2022

8. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR

DETERMINATION BY THE COMMITTEE (Pages 17 - 74)

The following applications will be considered in the morning session of the meeting (from 11am):

- 21/00419/EFUL Resourceful Earth Ltd, Charlton Field Lane, Queen Charlton.

9. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 75 - 188)

The following applications will be considered in the morning session of the meeting (from 11am):

- 21/05528/VAR - Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick
- 21/05529/VAR - Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick
- 21/05530/VAR- Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick

The following applications will be considered in the afternoon session of the meeting (from 2pm):

- 21/03682/FUL - Church Farm, Church Lane, Priston
- 21/03965/FUL - Manor House, Watery Lane, Burnett
- 21/03966/LBA - Manor House, Watery Lane, Burnett
- 21/05364/FUL - 16 Broadlands Avenue, Keynsham

10. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 189 - 194)

The Committee is asked to note the report.

The Committee Administrator for this meeting is Mike Curtis who can be contacted on 01225 477048.

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

This page is intentionally left blank

PLANNING COMMITTEE**Minutes of the Meeting held**

Wednesday, 9th February, 2022, 11.00 am

Councillors: Sue Craig (Chair), Sally Davis (Vice-Chair), Shelley Bromley, Vic Clarke, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Hal MacFie and Rob Appleyard (in place of Paul Crossley)

92 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

93 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Paul Crossley. Councillor Rob Appleyard attended as substitute.

94 DECLARATIONS OF INTEREST

There were no declarations of interest.

95 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

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

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

97 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on Wednesday 12th January 2022 were confirmed and signed as a correct record.

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

The Committee considered:

A report by the Head of Planning on various planning applications.

An update report by the Head of Planning is attached as Appendix 1 to these minutes.

Oral statements by members of the public and representatives on items. A copy of the speakers' list is attached as Appendix 2 to these minutes.

RESOLVED that in accordance with the Committee's delegated powers, the applications be determined as set out in the decisions list attached as Appendix 3 to these minutes.

Item No. 1

Application No. 21/03907/FUL

Site Location: 61 Warminster Road, Bathampton, Bath, Bath And North East Somerset, BA2 6RX Installation of roof extension with lift to provide first floor accommodation.

The Case Officer reported on the application and her recommendation to permit.

There were no registered speakers for this application.

The Case Officer responded to questions as follows:

- The roof will be raised in line with the neighbouring property.
- The case officer showed on the map the possible public right of way in relation to the application but could not confirm the exact location.
- Officer opinion was that the walkway will only have transient movement and would cause no significant harm.

Cllr Hounsell stated that the reasons for the site visit given at the last meeting, were to look at the design and street scene - after completing the site visit, he would support the officer's recommendation.

Cllr Jackson thanked the Chair for arranging the site visit as it helped to provide context.

Cllr Hounsell moved the officer recommendation to permit, and this was seconded by Cllr Bromley.

The motion was put to the vote, and it was RESOLVED unanimously to PERMIT the application subject to the conditions set out in the report.

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

The Committee considered:

A report by the Head of Planning on various planning applications.

An update report by the Head of Planning attached as Appendix 1 to these minutes.

Oral statements by members of the public and representatives. A copy of the speakers' list is attached as Appendix 2 to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as Appendix 3 to these minutes.

Item No. 1

Application No. 21/04147/FUL

**Site Location: Frome House, Lower Bristol Road, Westmoreland, Bath
Enlargement of Frome House and associated change of use from office (Use class E(g)) (Excluding existing ground floor tyre repair centre) to 66 student bedspaces and associated works**

The Case Officer reported on the application and her recommendation to permit.

A representative from the Bath Preservation Trust spoke against the application.

The applicant spoke in favour of the application.

Councillor June Player, local ward member, spoke against the application, she felt that office space is needed in this location and not more student accommodation. Student accommodation has just been built only 35 paces away, so even since the application, the neighborhood has changed and now put into context would have a more detrimental effect, especially as this application is built right up to the pavement. With narrow pavements in this area this will add to the hemmed in feeling already now present. Councillor Player requests the committee complete a site visit if this application is not rejected.

Councillor Dine Romero, local ward member, spoke against the application with concerns that the lack of parking on the site will cause a negative impact in neighboring roads. The proposed five story building will tower over people, and this will cause a loss of amenity in Albany Road. The constant noise from Bathwick Tyres and particulates coming from the business does not fit well with this development above. She supported Councillor Player in asking for a site visit if this is application is not rejected.

The Case Officer then responded to questions as follows:

- No marketing evidence of viability as office development has been provided by the applicant, but the officer assessment is that in principle the application complies with Policy E1B.
- The Local Plan Partial Update topic paper for student accommodation shows a shortfall of 648 Purpose Built Student Accommodation places, and is a material consideration, but given limited weight in the officer's report.
- The Local Plan partial update has not yet been adopted so can only be given limited weight.
- The principle of student accommodation is assessed against policy B5, for

this application it is only part of the overall consideration when assessing the planning balance.

- The scheme was considered by Officer to be acceptable in terms of building height policy; the Committee would have to make its own conclusion on appropriateness.
- The student management plan has been included as a condition in the update report to address parking and refuse issues. If the committee permit the application, it would need to resolve to delegate to permit to add these conditions to the application.

Cllr Appleyard does not believe this application will free up any HMOs as he feels they make their own market, so no reduction will be seen. He is disappointed that the applicant, being a local business, is not aware of the domination of HMOs within the area. He feels that this application is opportunistic and is an application too far, putting student accommodation where no real need has been shown.

Cllr Jackson agrees with Cllr Appleyard, but would add poor quality design, loss of amenity for residents, loss of commercial job generation space, overdevelopment of the site, impact on the listed buildings, and harm to the world heritage site.

Cllr Appleyard proposed a motion to refuse the application seconded by Cllr Jackson for the following reasons:

- Overdevelopment of the site.
- Size and Impact.
- Poor quality design.
- Loss of amenity for residents.
- Impact on listed buildings.
- Harm to the world heritage site.
- Loss of commercial job generating space.
- Overprovision of student housing resulting in an inappropriate housing mix.

Cllr Clarke is not persuaded and agrees with officers' professional judgement on the application. Students should be encouraged to come to the area. He has personal experience in other cities, where student accommodation can be used outside of term time, so would not necessarily have any fallow time, as it can be used for other uses outside of term time.

Cllr Bromley believes this site is not suitable for student accommodation, as particulates from the Lower Bristol Road and commercial operation below are not suitable for the accommodation above.

Cllr Hodge believes that the Georgian design is not right in this location. She also questioned if the policy around student accommodation (Policy B5) could be challenged if this application were refused as being contrary to policy (in principle) as she does not feel that student accommodation is required in this location.

Cllr MacFie has listened and agrees with the points raised by the speakers,

especially Cllr Player and Cllr Romero and agrees that if this is not rejected a site visit would be needed.

Cllr Jackson felt that this is the wrong type of accommodation, Bath is hemorrhaging graduates as there is not the correct type of accommodation available for them.

Cllr Hounsell supported the motion to refuse as the build is completely incongruous in the street scene, as the design, overdevelopment and block look just does not fit here.

The motion to overturn the officer recommendation and refuse the application was put to the vote and it was RESOLVED by 8 votes in favour, 1 Against and 1 Abstention to REFUSE the application for the reasons set out above.

Item No. 2

Application No. 21/04507/FUL

Site Location: Proposed Cafe, 223 Trajectus Way, Keynsham, Bath And North East Somerset. Erection of no. 4 dwellings (Use Class C3) and associated works.

The Case Officer reported on the application and her recommendation to permit. She clarified that the recommendation was to delegate to permit subject to conditions and the prior completion of a planning obligation (which could be a unilateral undertaking or an agreement depending upon the view of the legal team).

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The original masterplan earmarked the site for mixed use, anticipated as a riverside cafe, but there is nothing to preclude this site from coming forward as another use in terms of planning policy.
- The 1.3 pupil yield figure only considers primary age children.
- No viability report was provided by the applicant for change of use of the site, but the application falls within policy.
- Policy KE2a allowed for at least 700 dwellings at this site, 625 have been delivered so far and there are a further 135 under construction. In total the development has provided over 700 units (in excess of the policy requirement) however there is no cap restricting additional development.
- This is a new application within the housing development area.

Cllr Clarke, as ward Councillor, stated that he has a lot of sympathy with residents as they feel promises from the developer regarding the riverside café have not been met. However, he could see no grounds for overturning the officer recommendation, as they have applied planning policies and there is no planning reason for refusing this application.

Cllr Appleyard feels it is not in our sphere of influence as to where the developer chooses to build the mixed use/retail units, as long as the overall requirements are met.

Cllr Hounsell believes there is a moral obligation for the developer to provide what they have advertised, even if not a planning consideration. He feels the developer need to take note of what the residents are saying but, as Cllr Clarke stated, there are no planning objections that apply in this case.

Cllr MacFie feels that profit has been put before residents, as the developer has not done what they committed to do under KE2a. Not to do so would tarnish them as a developer. He cannot support this application as it is a loss of an important community facility.

Cllr Davis stated that the committee need to look at the application and not what the committee would like the developer to have put in front of the committee. This application must be taken on its merits only, and not on promises made outside of the planning process.

Cllr Davis moved the recommendation to delegate to permit and this was seconded by Cllr Clarke.

Cllr Jackson feels it is most regrettable that the developer has not done what was expected but does not feel the committee has sufficient grounds to refuse. A slight positive note is the increase in housing provision by the four properties.

Cllr Hughes asked how we can guarantee for any of our residents that the developers will provide what they have advertised, we need to hold them to account. Lessons need to be learnt going forward to make sure the wording of applications ensures that this cannot happen in the future, especially as in this case they have provided no justification for this change.

Cllr Craig feels it's very regrettable there is no recourse in losing this community asset and agrees with Cllr Hughes that we need to find a way to stop this occurrence in the future.

Cllr Jackson asked for a condition regarding the lighting as highlighted by Natural England, and an arboricultural condition regarding tree planting.

The Planning Officer stated these restrictions are covered by conditions 12, 13, 14, 8 and 9.

The motion was put to the vote, and it was RESOLVED by 5 votes in favour, 4 Against, and 1 Abstention to delegate to PERMIT the application subject to the conditions set out in the report and the prior completion of the Section 106 agreement.

Item No. 3
Application No. 221/04626/FUL

Site Location: Ashfield, Stockwood Vale, Keynsham, Bristol, Bath And North East Somerset. Proposed ridge height increase and dormer extension to provide further accommodation in roof. Installation of side balcony to master bedroom.

The Case Officer reported on the application and her recommendation to refuse.

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The previous extension created a 43% increase, with this application adding 50sq m it takes it over a 50% increase from the original size. What is currently proposed is around a 5-7% increase on the building size that is there now. The cumulative impact is over 50% and is based upon the size equivalent to the size of the property on the 1st of July 1948 as per current green belt policy.
- The property has neighbours beside and behind and has fields across the road from the property. The road becomes less dense and more open and more sporadic as you travel west.
- There are no objections from neighbours and the application is supported by the Town Council.
- The previous application which increased it to the current 43% over the original property size was recommended for refusal by officers, as disproportionate development in the green belt, but was overturned at committee.

Cllr Clarke as ward Councillor stated he always finds it hard to go against officer recommendations, especially as this application falls within the greenbelt. He feels this application is quite marginal but would like to hear other members' views.

Cllr Jackson asked about how this is treated under the NPPF - does this strengthen the officer's recommendation?

The officer responded that the NPPF states development in the green belt is to be considered inappropriate. There are exceptions to what may be deemed inappropriate set out in the NPPF however where a proposal does not meet these exceptions the applicant is required to demonstrate very special circumstances. This application also needs to be assessed in relation to the Council's SPD which states that extension in the green belt of about 1/3 the volume of the original dwelling may be acceptable.

Cllr Hughes stated that taken on its own specific merits, there is no change in the footprint, no change in height, it is not a historic building and there are no objections from neighbours or the town council. He felt that this application is only a small increase in size, so he has no real issue with this small alteration.

Cllr Hounsell disagrees with Cllr Hughes, as if we treat this application as an individual case, it weakens our policies overall, and even though he has sympathy with applicant he is still minded to agree with the officer recommendation.

Cllr Hodge agrees with Cllr Hounsell as the committee needs to be consistent with policy and this is an increase over what is acceptable, she felt that there were no special circumstances in this case.

Cllr Appleyard can't see any special circumstances in this this case and thinks the officer has got it right, as the property has already been increased in size, to do so again would weaken the green belt policy.

Cllr Jackson moved to accept the officer recommendation and this was seconded by Cllr Appleyard.

The motion was put to the vote, and it was RESOLVED unanimously to REFUSE the application for the reasons set out in the report.

Item No. 4

Application No. 21/05004/FUL

Site Location: Clarkson House, 5 Great Stanhope Street, Kingsmead, Bath, Bath And North East Somerset Replacement of front windows from timber to uPVC.

The Case Officer gave a verbal update on information provided by the applicant regarding the three curved corner windows. The applicant has stated that these could not be constructed using upvc, the corner curved windows would have to be constructed with timber frames.

The officer stated that this building already has permission for replacement timber double glazed slim line windows.

The Case Officer then reported on the application and her recommendation to refuse.

A representative from the Bath Preservation Trust spoke against the application.

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The Case Officer felt that the pattern and fenestration of the windows is important, as it matches the listed buildings close to the location. It is felt that this change within the existing setting of the conservation area would be very noticeable as the materials would be brighter, bulkier, and brasher. The application frames are thicker and have enclosed bars.
- The officer agreed that the ventilation of listed buildings is very important but cannot comment on the difference between upvc or timber as she is not an expert. The site does have planning permission for timber slim line double glazed windows which would offer the same sort of energy efficiency.

- According to the officer it is widely accepted that the upvc lifespan would be between 15-20 years. Normally with upvc the units would then have to be replaced in their entirety. In contrast a timber window can last more than 100 years. Both construction materials require maintenance but with regards to maintaining a timber window you can patch the window or repair in a more sustainable way without replacing the whole unit.
- There is no specification in the current application, but there appears to be no real difference between the energy efficiency of the upvc windows and the slim line double glazed timber units. You do have to factor in the lifespan of the upvc as even though these may be cheaper initially to replace, they may require wholesale replacement, so over the whole lifetime the timber windows would appear to be more sustainable and at face value the energy efficiency of upvc is no better than the timber alternative already approved.
- The corner curved windows would have to be wooden, and this in the officer's opinion would highlight the difference in the materials.

Cllr Craig, ward Councillor, stated that the residents just want a better residential property to live in, that is warm and dry with potentially reduced cost. The current windows are in a poor state of disrepair. Cllr Craig feels this will probably be the first of many applications with the government asking for all landlords of residential accommodation to have increased energy efficiency in buildings.

Cllr Jackson proposed to accept the officer recommendation as stated in the report and this was seconded by Cllr Hodge.

Cllr Appleyard would vote against the proposal as he feels residents should have the best opportunity to heat their house as best as possible. The industry has stated that all upvc can be recycled and re-used up to ten times. He commented that wood needs continual maintenance whilst upvc does not. The industry also states that the corner windows can be created, but it may be that there is an increased cost element so that might be why this is not proposed in this application. There is a run of windows in this case and he feels that the average person would not notice the difference if there were inconsistency. He acknowledged that new regulations require triple vents to be fitted to upvc windows, this overcomes the issues highlighted by Cllr Jackson regarding issues caused due to poor ventilation.

Cllr Hodge felt that the need to replace upvc earlier and the associated costs may not help the residents in the future. The property due to its size and location does dominate the location and with the bright upvc it may look very striking and out of place.

Cllr Hounsell felt that on balance there is no proper science or figures either way for the different approaches, so based on the heritage aspect, he would support the officer recommendation.

Cllr Jackson felt that Cllr Appleyard has missed the point regarding the contrast that will be created as the corner windows would have to be different to the upvc.

The motion was put to the vote, and it was RESOLVED by 9 votes in favour and 1 Against to REFUSE the application for the reasons set out in the report.

100 **QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2021**

The Committee noted the quarterly performance report from October to December 2021.

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

The Committee considered the appeals report.

RESOLVED to NOTE the report.

The meeting ended at 3.12 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	9th March 2022
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
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 Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.

- [2] Department work sheets relating to each application/proposal as above.

- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)

 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal

- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

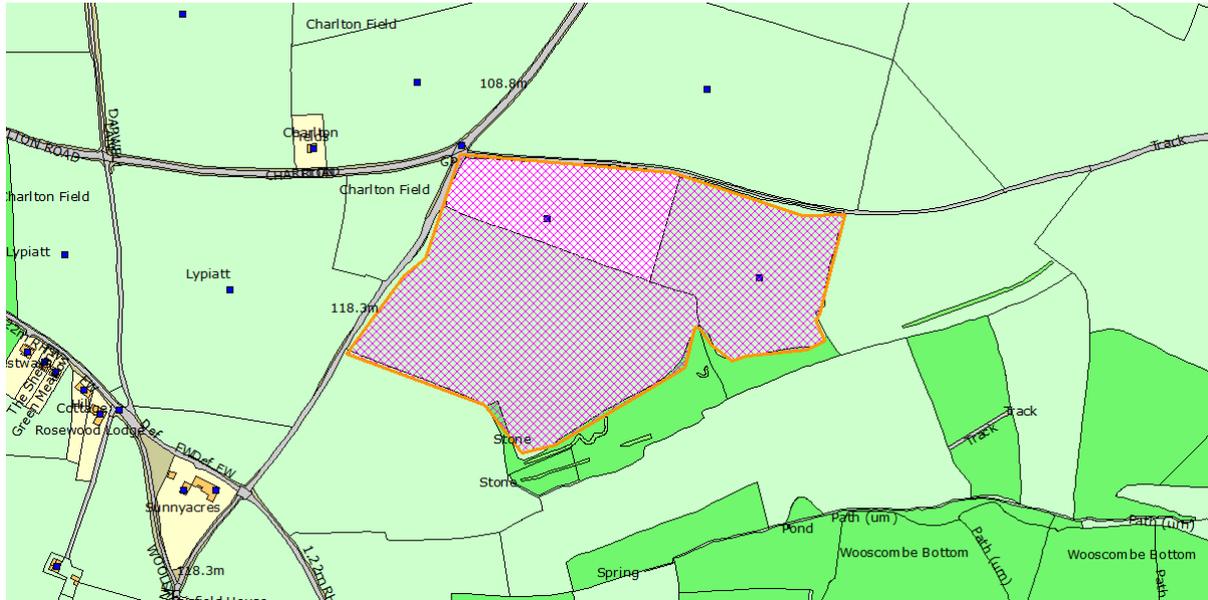
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	21/00419/EFUL 10 March 2022	Resourceful Energy Anaerobic Limited Resourceful Earth Ltd, Charlton Field Lane, Queen Charlton, Bristol, Bath And North East Somerset Development of an Anaerobic Digester Facility (including retention of the existing Feedstock Reception Building, Digester Tank (x5), Storage Tank, CHP Engine (x4), Transformer, GRP Substation, GRP Technical Room (x5) and Gas Equipment) to produce both gas and electricity for injection into the local grid networks, alongside the restoration of the former Queen Charlton Quarry Site with ecological and landscape enhancements	Saltford	Samantha Mason	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 21/00419/EFUL
Site Location: Resourceful Earth Ltd Charlton Field Lane Queen Charlton Bristol Bath And North East Somerset



Ward: Saltford **Parish:** Compton Dando **LB Grade:** N/A
Ward Members: Councillor Duncan Hounsell Councillor Alastair Singleton
Application Type: Full Application with an EIA attached
Proposal: Development of an Anaerobic Digester Facility (including retention of the existing Feedstock Reception Building, Digester Tank (x5), Storage Tank, CHP Engine (x4), Transformer, GRP Substation, GRP Technical Room (x5) and Gas Equipment) to produce both gas and electricity for injection into the local grid networks, alongside the restoration of the former Queen Charlton Quarry Site with ecological and landscape enhancements
Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, Policy NE3 Local Nature Reserve, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Resourceful Energy Anaerobic Limited
Expiry Date: 10th March 2022
Case Officer: Samantha Mason
To view the case click on the link [here](#).

REPORT
REASON FOR COMMITTEE:

Given the significant level of public objection the scheme was referred to the Chair of the Committee who stated in their decision 'Given the size & complexity of this scheme and the considerable amount of public interest, I believe this would benefit from being debated in the public forum of the planning committee.' The Vice Chair concurred.

DETAILS OF LOCATION AND PROPOSAL:

The application refers to a site of approximately 10.82 hectares within the open countryside in close proximity to Queen Charlton. The northern part of the site is the location of a partially constructed Anaerobic Digester that has not been built out in accordance with previous permissions, the southern part of the site is a remediated quarry that has also not been remediated in accordance with previous permissions. A woodland area is located to the eastern side of the site.

The proposal site is located within the Bath and Bristol Green Belt, part of the site along with the area surrounding the site is a designated Site of Nature Conservation Interest (SNCI).

Planning permission is sought for the development of an Anaerobic Digester Facility (including retention of the existing Feedstock Reception Building, Digester Tank (x5), Storage Tank, CHP Engine (x4), Transformer, GRP Substation, GRP Technical Room (x5) and Gas Equipment) to produce both gas and electricity for injection into the local grid networks, alongside the restoration of the former Queen Charlton Quarry Site with ecological and landscape enhancements.

EIA DEVELOPMENT:

The proposal was previously screened for EIA development and taking into account the size and design of the development, pollution, nuisances and the magnitude and spatial extent of the impacts the Council concluded that the development does comprise EIA development.

The screening opinion is not an assessment of the planning merits of the planning application rather it is purely an assessment of whether significant environmental impacts, under the terms of the EIA regulations, would be likely to occur.

Given that the proposal is considered to be EIA development an Environmental Statement has been submitted with this application. The local planning authority must take into account the information within the Environmental Statement, the responses to consultation and any other relevant information when determining this planning application.

RELEVANT PLANNING HISTORY:

DC - 97/02620/MINW - PER - 21 September 1999 - Operation of concrete and hardcore recycling plant for 5 years and restoration of site by importation of subsoil and topsoil.

DC - 97/02626/MINW - PER - 11 October 1999 - Temporary use of land for 10 years for manufacture of organic green compost as amended by revised drawings received 14th April 1998 at land formerly Queen Charlton Quarry

DC - 02/02722/MINW - PERMIT - 13 February 2003 - The development of land without complying with condition 14 of planning permission 97/02626/MINW and the variation of condition 14 at land formerly Queen Charlton Quarry

DC - 04/00105/VAR - PERMIT - 15 March 2004 - Variation of condition 16 of permission 97/02626/MINW dated 2 December 1998 to increase limit on heavy goods vehicles attending site on any day from 5 to 18, and to secure the permanent inclusion of cardboard waste in condition 13 at land formerly Queen Charlton Quarry

DC - 05/00723/QUASH - PERMIT - 8 November 2006 - Variation of condition 13 and 16 of Planning Permission: 97/02626/MINW dated 02/12/1998 to allow permanent recycling of cardboard waste and increase in truck movements.

DC - 05/01993/QUASH - PERMIT - 8 November 2006 - Increase size of concrete storage area and variation of condition 13 of planning permission 97/02626/MINW to accept wood waste.

DC - 05/02121/VAR - RF - 16 August 2005 - Variation of conditions 20 and 23 of planning permission 97/02620/MINW to allow importation of waste until 31/08/2007 and extend period of restoration to 31/08/2008.

DC - 05/02984/VAR - PERMIT - 4 July 2007 - Variation of conditions 20 and 23 of planning permission 97/02620/MINW to allow importation of waste until 31 August 2006 and extended period of restoration to 31 August 07 (re-submission) as amplified by letters dated 3.5.2006, 6.2. and 4.4.2007

DC - 05/01993/FUL - PERMIT - 19 September 2013 - Increase size of concrete storage area and variation of condition 13 of planning permission 97/02626/MINW to accept wood waste.

DC - 05/00723/VAR - PERMIT - 19 September 2013 - Variation of condition 13 and 16 of Planning Permission: 97/02626/MINW dated 02/12/1998 to allow permanent recycling of cardboard waste and increase in truck movements.

DC - 10/00981/FUL - PERMIT - 10 September 2010 - Phased completion of restoration of former Queen Charlton Concrete Works on Charlton Field Lane, Keynsham using imported excavated materials and topsoil/compost

DC - 12/01717/VAR - RF - 4 July 2012 - Variation of condition 3 of application 10/00981/FUL (Phased completion of restoration of former Queen Charlton Concrete Works on Charlton Field Lane, Keynsham using imported excavated materials and topsoil/compost)

AP - 12/00069/RF - ALLOW - 27 December 2012 - Variation of condition 3 of application 10/00981/FUL (Phased completion of restoration of former Queen Charlton Concrete Works on Charlton Field Lane, Keynsham using imported excavated materials and topsoil/compost)

DC - 13/04126/MINW - PERMIT - 21 May 2014 - Construction of facility to process food waste via anaerobic digestion to create electrical energy for export to grid, heat for wood drying and digestate for fertiliser, control building and education centre and ancillary facilities, roads and hardstanding, revised junction to Charlton Field Lane

DC - 14/01330/MVAR - PERMIT - 10 June 2014 - Variation of conditions 3 and 4 of application 10/00981/FUL in order to extend period for importation of topsoil only (Phased completion of restoration of former Queen Charlton Concrete Works on Charlton Field Lane, Keynsham using imported excavated materials and topsoil/compost)

DC - 19/02919/MINW - WD - 30 June 2020 - A revised layout and design to the existing AD Plant (approved under 13/04126/MINW) with removal of all bund walling, ponds and soil & stock piles on site with introduction of hard standing, parking, bund walling, silage clamps, CNG gas compressing compound, digestate storage bunker and associated digestate lagoon, gas to grid equipment, a new site office with associated landscaping and drainage infrastructure

SUMMARY OF CONSULTATIONS/REPRESENTATIONS CONSULTATION RESPONSES:

ARBORICULTURE:

18th March 2021: No Objection subject to conditions.

ARCHAEOLOGY:

1st September 2020: No objection.

BRISTOL CITY COUNCIL:

12th Jan 2022: No objection.

CLIMATE POLICY TEAM:

22nd Dec 2021: Object, recommend refusal.

CONTAMINATED LAND:

19th March 2021: No Objection subject to conditions.

DRAINAGE AND FLOODING:

26th Feb 2021: Further information is required. The proposal to lay a new pipe down Charlton Road and connect into a watercourse is acceptable. Further information relating to the sizing of the attenuation structures, the proposed discharge rate from site, and construction information relating to the new pipe within Charlton Road is needed.

8th April 2021: No objection subject to conditions. Following information submitted by the agent dated 24 March 2021, the objections previously raised by the Drainage & Flooding

Team have been resolved. There are still outstanding details, these can be resolved through conditions should the application be approved.

ECOLOGY:

7th April 2021: Objection. Further information required. The scheme is not yet ecologically acceptable. A number of issues will need to be fully addressed and resolved to enable the ecological objection to be withdrawn. The proposals are likely to require Habitats Regulations Assessment regarding which further consultation to Natural England will be required.

18th Jan 2022: Objection. The proposed lighting will cause unacceptable harm to ecology due to the impacts of lighting on habitats of high ecological value, and on their use by wildlife including protected species, including light-sensitive species of bat (lesser and greater horseshoe bats, known to use the site and likely to be associated with the "bat" Special Areas of Conservation (SAC) within B&NES and neighbouring districts). Lighting design and level of detail of light spill modelling submitted are not in accordance with the relevant best practice guidelines "ILP Guidance Note 08/18 "Bats and artificial lighting in the UK"; the level of submitted detail of light spill modelling cannot be relied upon alone and provides insufficient information to fully assess the likely impact of the proposal on protected species (bats, including light-sensitive greater and lesser horseshoe bats).

ENVIRONMENT AGENCY:

25th Feb 2021: No objection raised. The proposed changes to the plant layout will require a variation to the existing Standard Rules environmental permit number EPR/AP3933RB to a bespoke environmental permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency.

4th Nov 2021: No further comments.

ENVIRONMENTAL PROTECTION:

12th May 2021: No objection subject to conditions

HIGHWAYS:

10th March 2021: Object, recommend refusal.

The applicant has failed to demonstrate that satisfactory access to the public highway can be achieved and that there would be no severe cumulative impact on the operation of the local highway network. The proposal is therefore considered to be contrary to Policy ST7 of the Bath & North East Somerset Placemaking Plan and the National Planning Policy Framework, which seek to provide adequate and safe access to all development sites.

Highways are of the view that without further mitigation measures the development is likely to result in the introduction of HGVs on unsuitable roads to the detriment of Highway safety and residential amenity contrary to Policy ST7 of the Bath & North East Somerset Placemaking Plan.

In addition, the application does not provide adequate details of pedestrian access, emergency vehicle access, car parking, cycle parking, post construction waste management, Traffic Management and Travel Planning measures. We cannot assess the junction capacity modelling because the data used was collected during November 2020 which was a national lockdown where the general public's movement was extremely limited.

10th Jan 2022: Highways maintain our objection to the proposed development which is will result in the introduction of a volume of HGVs on unsuitable roads to the detriment of Highway safety and residential amenity contrary to Policy ST7 of the Bath & North East Somerset Placemaking Plan.

In addition, the application does not provide adequate details of the expected trip profile for the development. As assessed, the development will have a significant impact on some arms of junctions 1-4 (A37 / Queen Charlton Road / Sleep Lane /Woolard Lane). This would be more acute at harvest time, which has not currently been assessed.

We do not accept the applicant's designer response to two road safety problems identified on the haul route:

- o Risk of head-on collisions due to there being inadequate intervisibility between the site access and Charlton Road where there is space for two large vehicles to pass.
- o Risk of head-on collisions or side-swipe collisions due to inadequate carriageway width on Woolard Lane.

Highways are not satisfied with the some of the proposed off site highways works (Nos 2, 3 and 5) due to the impact they are expected to have on safety, air quality, noise and maintenance.

We also have remaining concerns about the increase in the heaviest OGV2 vehicles on pedestrians, equestrians and cyclists' amenity and safety on the haul route where the speed limit is 60mph, there are no segregated facilities and widths are in places too narrow for two vehicles to pass.

LANDSCAPE:

19th April 2021: Scope for revision. There has been a generally positive response to landscape advice given previously, and the LVIA has been professionally undertake to a high standard. The photomontages which include visualisation of changing effects from completion to 15 years are particularly helpful. Although the site is Green Belt land, due to the history and condition of the site and immediate area, there is considerable scope for landscape improvement, and the proposals do take the opportunity to do this, through reprofiling of the former quarry and extensive new planting, so although there would be a degree of loss of openness of the Green Belt, the overall landscape enhancements delivered by the scheme would compensate. If a lighting impact assessment and design strategy is provided that confirms there will be no unacceptable levels of night time landscape or ecological effects, then subject to appropriate Conditions I would raise no objection.

9th Nov 2021: Scope for revision. The landscape proposals as shown in the October 2021 plans and sections are satisfactory. The Landscape and Ecological Management Plan (October 2021) deals satisfactorily with landscape management and aftercare. Night-time

visual effects are addressed in the separate Lighting Impact Assessment report. Some aspects of this report require clarification, and I have some concerns that the level of adverse effects of lighting may have been underestimated.

19th Feb 2022:

Scope for revision. Revised information has been submitted. The applicant has confirmed that the July 2021 Lighting Impact Assessment remains valid. Adverse impacts at the moderate level are categorised as 'significant' according to the methodology set out in Table 3.2 (section 3.3) of the Lighting Impact Report. The predicted lighting impacts are therefore significant and adverse, and the Landscape Officer cannot support the application in its current form. If further changes to design and operation were able to significantly reduce the level of lighting impact, revised proposals could be considered.

NATIONAL CASE WORK UNIT:

12th Feb 2021: No comment to make on the environmental statement.

NATURAL ENGLAND:

3rd March 2021: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

7th May 2021: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

23rd Nov 2021: Your ecologist has provided a Test of Likely Significant Effects. Natural England has no reason to disagree with the conclusions of the TOLSE. Please consult Natural England on any appropriate assessment your authority decides to make. As advised in our previous comments, the proposal should retain habitat features on site used by bats including greater and lesser horseshoe bats.

PUBLIC RIGHTS OF WAY:

23 February 2021: No objection subject to conditions

22nd March 2021: Drivers frequently attempt to use Ringspit Lane to access A37, this has led to numerous rescues by tractors as drivers cannot turn in Ringspit Lane and often fall in the ditch.

There is a sign stating "UNSUITABLE FOR THROUGH TRAFFIC" at the junction with Woollard

Lane. There is an amenity value to the byway open to all traffic which is Ringspit Lane, this has also been overlooked by the public rights of way team in the consultation. Ringspit Lane is a byway open to all traffic (BOAT). A BOAT is mainly used for the purposes that footpaths and bridleways are used, but it may also be used by vehicles. A right of way for: walkers (a walker includes a person using manual or powered mobility aids e.g. wheelchair or scooter), horse riders (including the right to lead horses), cyclists - who must give way to other users, horse-drawn vehicles, motorised vehicles (e.g. cars, motorbikes). The issues raised relate mainly to the safety of the junction between

Woollard Lane, Charlton Road, Highwall Lane and Ringspit Lane and these should be addressed

PLANNING POLICY:

26 March 2021: no objection subject to condition. Planning permission for the Queen Charlton Quarry AD Site was approved in May 2014 under planning reference (13/04126/MINW). Within the Officer Report for this application, it was concluded that "on balance the limited harm to the green belt and other harm represented by the AD proposal are considered to be outweighed by the opportunities for more sustainable waste management and renewable energy, and the satisfactory arrangements for environmental protection and management of the site".

It is noted that the current application proposes significantly larger facilities than the permitted scheme, potentially impacting on the surrounding environment such as the openness of the Green Belt, landscape, ecology and highways. I defer to appropriate officers' comments on these issues. Subject to these issues being satisfactorily addressed, an objection regarding the principle of the development is not raised.

The decision maker will have to decide if the harm to the green belt and other harm represented by the proposal are considered to be outweighed by the opportunities presented in terms of waste management and renewable energy production.

20th Jan 2022: Object, recommend refusal. Following the original Policy comments that were submitted in March 2021, we were informed that the application (13/04126/MINW) had lapsed and the permission is not considered to be extant as the works that have taken place on site are considered unauthorised. Therefore it is considered contrary to the JWCS Policy 2.

COMPTON DANDO PARISH COUNCIL:

25th March 2021: Compton Dando Parish Council unanimously OBJECT to this planning application. The Parish Council has noted the objections raised by Keynsham Town Council and support their concerns by reiterating their comments.

Scale of the Application:

The Parish Council had supported a previous application but the current one is on a much larger scale, which would lead to serious issues affecting our Parishioners' lives.

Increase in vehicular movements:

Undoubtedly there will be an increase in lane and road congestion, with the amount of HGV vehicle journeys that would be required for feeding the anaerobic digester and then taking away the end product. This is something the Parish Council feel that the country lanes and roads in the area would be unable to accommodate. Alongside the increase in traffic movement, there will be a resultant increase in both dust, noise and air pollution. The amount of traffic in the area has already gone up as the number of new homes has increased. Our Parishioners are rightly concerned for their safety when using our lanes and roads whether for driving, or for exercise and relaxation and this local area has many walkers, horse riders and bike riders. It is felt that the application underestimated the number of vehicle journeys that would be required as the waste products to fuel the

anaerobic digester would be light in weight so less could be carried per journey, so more journeys than estimated would be required, particularly at harvest time when tractor and trailers transport maize to the site from farms.

Conservation Status:

We have Conservation status villages in the Parish, including the adjacent village of Queen Charlton, the ambience of which would be spoiled.

Area of Ecological Value:

When the first application was submitted there was an area of high ecological value on the site where the old quarry had been, adjacent to the planned anaerobic digester plant. At the time we were assured this was to be preserved. However, it was destroyed when it was buried when the huge mountain of spoil deposited. The Parish Council remains concerned about the ecological area, especially in light of the most recent application.

Planned Cultivation of Maize:

It was reported that growing maize has a detrimental effect on the environment and landscape. Farmers are now taking forward the Government's Environmental Land Management Scheme (ELMS) which aims to promote and improve farming practices to benefit the environment. So, local farmers would be less likely to grow maize, meaning it would need to be brought from further afield. The production of renewable energy that will require a vast amount of fossil fuel in transporting the products to the anaerobic digester, then take away the final product, limits the overall effect of helping the environment. It may well have a negative effect. A carbon footprint assessment should have been carried out. The extra traffic movements would increase air pollution, with a detrimental effect on the health of Parishioners and a large increase in 'wear and tear' on the lanes and road surfaces.

Noise:

Concerns were raised over the noise from the extra traffic as well as the anaerobic digester itself.

Odour:

Odours as a result of the plants operation cannot be prevented from drifting into the local environment and there will be an increase in odour within the local area. In addition, aerosol particulates could affect the health of parishioners and have a detrimental effect on sensitive flora and fauna of the Chew Valley and surrounding area.

Financial Viability:

It was reported that the original application was not financially viable and the increase in scale of the production was purely for financial gain. An aerobic digester plant this size is not needed within the area of BANES and, for the aforementioned reasons, this is of an unproportionate scale.

17th Nov 2021: objection. They reiterate their views submitted in March 2021 as well as the following comments: The 'new' documents added to the application appear to only have the date changed on them. There is insufficient justification to demonstrate any 'special circumstances' which would allow this inappropriate development in the Green Belt. The original planning application has lapsed so the site has now reverted to greenfield inside the Green Belt. The sustainability and carbon reduction are questionable

as the material fed into the digester will have to be brought in from some distance. The maize that will need to be grown specifically for this process, will cause nutrient leaching from the soil where it is grown. There are concerns that the GPS systems used by the lorries will not be monitored and the narrow lanes will be heavily used causing damage to the verges and possibly blocking the lanes. There are also concerns about the large number of vehicle movements, both on and off site, that will be required. The 'difficult' road junctions in the area and the request for a speed limit reduction along Charlton Road suggest that the road network that will be used for the digester, is not appropriate and there is a possibility of increased accidents. There needs to be a full review of the landscaping and there are concerns over light pollution in the area. The size of the anaerobic digester in this application is totally inappropriate for the location.

KEYNSHAM TOWN COUNCIL:

16th March 2021: (summary) Objection on the following grounds;

- a. Scale contrary to D2 of PMP
- b. Adverse impact on the Green Belt
- c. Profound highways issues
- d. Concerns are raised in respect of the digestate pools overflowing and causing run off surface water onto nearby roads, making them hazardous contrary to D3 of PMP
- e. Loss of amenity to nearby residents
- f. Site maintenance has not been addressed sufficiently and the applicant fails to reference any safety measures within their supporting documentation.
- g. This proposed development includes the partial removal of a Site of Nature Conservation Importance which is a significant adverse ecological impact, and this does not appear to have been addressed in the proposed Landscape and Ecological Management Plan for this site, contrary to Policy NE3 of PMP

23 Nov 2021: Object - Keynsham Town Council object on the grounds that there are serious concerns in respect of traffic and highways safety implications, relating to the site access proposals, the number for HGV movements to and from the site and the proposed routing of the same. Charlton Road, which is an accident hot spot and is extremely narrow in sections, no matter which route proposed whether it be to and from the A37 or through Keynsham, which would be the alternative route if the A37 were impassable for any reason will exacerbate highways safety in this locality. The application is therefore contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan.

PUBLOW WITH PENSFORD PARISH COUNCIL:

26th March 2021: Publow with Pensford Parish Council have resolved to OBJECT to this application for the following reasons: The Site is in Greenbelt and offers little to outweigh the considerable harm created by the development to the environment, landscape, and residents amenity. The Parish Council recently declared an Environmental and Nature Emergency, and agreed that this application will create ecological damage, congestion and pollution for its residents. The roads that lead to the site are not suitable for large vehicles. Entry to the site should be restricted so that access is only possible via Charlton Road due to the narrowness of the other lanes leading to Charlton Fields Lane. The increased vehicle movements associated with these proposals cannot be accommodated without substantial negative impact on the local residents and small villages that surround the site. In addition to the unsuitability of the lanes close the site, the increased vehicle

movements on the A37 are also a concern. The A37 cuts through the heart of the village of Pensford and there are already significant problems with the current level of use. Through Pensford, the A37 is not wide enough for two large vehicles to pass each other and the road is frequently blocked when two vehicles meet head on. There is also concern about air quality, made worse by vehicles idling with engines running, waiting for congestion to clear.

The Parish Council have had discussions with B&NES highways to find ways to reduce the problem, and a scheme was implemented to introduce a 'give way to oncoming traffic' restriction but the problems continue as the restriction is ignored or misjudged. If large vehicle movements are to increase as a result of this application, then a new solution and significant investment will be required to mitigate the effects. The development offers very limited employment opportunities to local people. The site floods and there is concern that pollution would escape from the site in the event of flooding. Conditions imposed in the previous applications for this site have never been fulfilled and the Parish Council are concerned that further enforcement will be required for the conditions put on the site. The production of renewable energy is a worthy objective but can only be seen as a benefit if the carbon footprint caused by the production of Maize and transportation does not outweigh that benefit and the Parish Council does not believe it does.

23rd Nov 2021: Publow with Pensford Parish Council discussed the revised plans in their Parish Council meeting this month and resolved to OBJECT to the application. We are resubmitting our objection from the last consultation as the revised plans have done nothing to reduce the concerns of the Parish Council. The proposed changes to the A37 through Pensford do not mitigate the harm caused by the increased vehicle movements and are likely to cause more blockages on the A37 sending traffic through the back lanes of our Parish in an attempt to avoid the congestion. This plant is inappropriate development in a totally unsuitable location in the greenbelt.

WHITCHURCH VILLAGE COUNCIL:

26th March 2021: Whitchurch Village Council unanimously OBJECT to this planning application. The Village Council fully support the comments by Keynsham Town Council. This is an inappropriate site for an operation of this scale in the Green Belt, no special circumstances or benefits have been demonstrated. Policy GB1 of B&NES Placemaking Plan 2017. The amount of traffic in the area has increased considerably in the last few years due to the number of new homes being built in Whitchurch Village and Keynsham with vehicles using Woollard Lane to access the A37. It will cause an excessive amount of traffic, which would lead to serious issues of congestion with the amount of HGV vehicle journeys that would be required for feeding the anaerobic digester and then taking away the end product. The rural lanes/roads in this area were not built to accommodate HGV's, there are no public footpaths making it extremely dangerous for pedestrian, cyclists and horse riders who use these rural lanes. Therefore HGV's on unsuitable roads will be to the detriment of Highway safety and residential amenity contrary to Policy ST7 of the Bath & North East Somerset Placemaking Plan. It was felt that the application underestimated the number of vehicle journeys that would be required. It was reported that growing maize reduces the quality of the soil and local farmers would be unlikely to grow maize, which would mean it would need to be brought from further afield. The production of renewable energy that will require a vast amount of fossil fuel in transporting the products to the anaerobic digester, then take away the final product, which limits the overall effect of

helping the environment, it will have a negative effect. A carbon footprint assessment should have been carried out. The extra traffic movements would add to air pollution and a large increase in 'wear and tear' on the road surfaces. When the previous application was submitted there were many fields with a good level of biodiversity surrounding the anaerobic digester plant, these have now all gone. Odours generated cannot be prevented from drifting into the local environment and having a detrimental effect on residents living in the vicinity. There are far better placed locations for an anaerobic digester of this scale, the proposed location in the Green Belt, is totally unsuitable for such a large-scale production.

10th Nov 2021: The original objections made to this application in March 2021, still stand.

REPRESENTATIONS RECEIVED:

CLLR ALISTAIR SINGLETON:

Requesting the application to go to committee. This is a complex application of interest to many residents, interest groups, and Councillors across a wide area. Issues include concerns about ownership, the planning history on this site, including the unlawful implementation of the 2014 planning permission, the current validity of past consultations, and claims made within the application for an extensive plant. There are profound highways issues to consider both in the construction phase and the operational phase of the new proposal. Arguments in the application about its climate and carbon benefits are in places dubious at best. The use of farmed maize silage as feedstock in plants of this nature is now largely rejected as environmentally inappropriate. The committee may wish to consider the impact of the proposal for the local road network which is essentially rural in character, and the impact on the wider highway network resulting from HGV movements further afield. Development in green belt is harmful by definition. The committee may wish to consider if there is any public benefit sufficient to outweigh that harm. There are arguments to be considered about any loss of amenity to residents in nearby properties, both built or to be built, by way of noise, smell, dust, air pollution, and aspergillus spore release. The proposed development includes the partial removal of a Site of Nature Conservation Importance (SNCI) which is a significant adverse ecological impact. The committee may wish to consider whether the proposed landscape and ecological management plan would mitigate that loss. There are concerns around short term and long term adverse effects to the landscape and visual settings if this significant plant is sited within this rural farmland landscape. The above concerns lead me to object to this planning application as it is not policy compliant in many respects including policies GB1, CP8, ST1, ST7, D6, NE2A, NE3, NE5, PCS1, PCS3.

OBJECTIONS:

847 objections have been received; the following is a summary of the points raised:

Renewable energy and waste matters:

- unclear where food waste is being supplied from
- will local people benefit directly from energy creation?
- facilities will rely on importing waste from other areas unsustainably
- digestate reduces fertility of land
- will result in carbon pollution

- not a 'green' form of renewable energy
- size of plant is industrial (92,000 tonnes of waste proceed) too large
- how has its operational level quadruple
- waste needs assessment and addendum is flawed and lacking
- waste already being processed at Avonmouth
- need for facility has not be substantiated
- use of farmed maize silage as feedstock in plants of this nature is now largely rejected as environmentally inappropriate
- growing maize is unsustainable/ inappropriate use of land
- feedstock sources cant be relied upon
- will not help climate emergency

Green Belt:

- inappropriate development in the green belt
- impact on visual amenities of green belt
- no very special circumstances
- industrial site cant go in the green belt countryside
- must preserve and protected the countryside

Design and Landscape:

- overdevelopment of the site
- site being expanded again
- overdevelopment
- scale has outgrown the site
- widely visible in the landscape
- unsightly
- visual amenity harm
- industrial appearance in rural location
- close proximity to conservation areas
- not appropriate location
- submission states landscape impact will be adverse
- light pollution at night
- landscape mitigation will not be successful
- loss of countryside
- LVIA is lacking and incorrect

Transport:

- increase in HGV on highway network (67 daily movements)
- vehicle movements grossly misrepresented/ underestimated
- road network lacks capacity or weight limit
- only two rural roads lead to the site
- no proper highways infrastructure to site
- cause congestion
- knock on effects to surrounding highways network
- impact to Keynsham highways and centre
- impact to A37
- highways safety risk to all types of users
- concern at specific junctions and waiting times
- traffic surveys are lacking (conducted during pandemic)
- no public transport to site or footpaths etc

- not a sustainable location
- feedstock would have to be transported miles to site
- HGV's will damage local roads and verges
- will increase rat running
- number of transport movements grossly under-estimated
- non-feedstock movements have not been included in transport movements
- additional tractor movements in harvest time going to the site would cause congestion and highways safety concerns
- seasonal transport movements (tractors) not included in transport statement
- poor visibility
- muddy roads
- impact on clean air zone

Drainage:

- poor drainage at site
- soakaways ineffective
- flooding at site currently
- flooding of highways

Health and residential amenity:

- too close to residential properties
- AD plant will give off pollutants
- increase in pollution from transport movements
- increased noise
- increased odour
- dust pollution
- light pollution
- vibrations
- fungal infections and fly infestations at the plant
- at odds with Clean Air Zone
- local air pollution levels already critical
- reduction in air quality
- aspergillus spore impacts
- lead to respiratory health issues
- flies
- inappropriate operation hours
- mental health impacts
- doors will be open constantly so will not resolve pollution concerns
- open topped silage dumps harmful
- impact to 'village life'
- operational times will impact on amenity

Ecology and biodiversity:

- loss of SNCI
- adverse impact to SNCI
- loss of biodiversity
- loss of habitat
- impact to protected species including bats
- impact to species from pollution
- ecological emergency

- previous works to quarry site have destroyed ecology and biodiversity
- no net gain above original baseline

Other matters:

- EIA Statement is flawed and lacking
- Baseline position is wrong
- concern the site will be poorly managed
- previous disregard for planning permission
- unlawful works on site
- AD plants are dangerous, explosions have occurred at other sites
- no risk/ disaster scenario assessments submitted
- former applicants went bankrupt, what is the financial position of the applicants now
- concern for financial viability of the site
- will stop any further housing be able to be built nearby in Keynsham
- impact on house prices
- concerns about applicant/ company and AD experience
- this project will not meet the objective of B&NES to "Improving Peoples Lives
- ownership concerns
- would jeopardise local rural jobs
- would jeopardise future homes
- impacts during construction period
- how will the site be enforced if allowed
- site will attract rodents and pests
- lack of consultation/ publication .
- wrong location
- concern over applicants and their financial position/ bankruptcy/ ability to deliver the scheme
- hazardous materials on site
- concern the application hasn't been properly assessed
- application is political
- application description is wrong
- concern with the enforcement action (lack of) at the site

SUPPORT:

10 letters of support have been received; the following is a summary of the points raised:

- Sustainable disposal of waste
- Renewable energy creation
- Reduce reliance on fossil fuels
- On an existing quarry site

POLICIES/LEGISLATION

DEVELOPMENT PLAN:

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)

- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

CORE STRATEGY:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP2: Sustainable Construction
 CP3: Renewable Energy
 CP5: Flood Risk Management
 CP6: Environmental Quality
 CP7: Green Infrastructure
 CP8: Green Belt
 DW1: District Wide Spatial Strategy
 KE1: Keynsham spatial strategy
 SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General urban design principles
 D2: Local character and distinctiveness
 D.3: Urban fabric
 D.5: Building design
 D.6: Amenity
 D8: Lighting
 GB1: Visual amenities of the Green Belt
 HE1: Historic Environment
 NE2: Conserving and Enhancing the landscape and landscape character
 NE2A: Landscape setting of settlements
 NE3: Sites, species and habitats
 NE4: Ecosystem Services
 NE5: Ecological networks
 NE6: Trees and woodland conservation
 PCS1: Pollution and nuisance
 PCS2: Noise and vibration
 PCS3: Air Quality
 PCS5: Contamination
 RE1: Employment uses in the countryside

RE5: Agricultural land
SCR1: On-Site Renewable energy Requirement
ST1: promoting sustainable travel
ST7: Transport requirements for managing development

JOINT WASTE CORE STRATEGY:

Policy 1 - Waste Prevention
Policy 2 - Non-residual waste treatment facilities (excluding open windrow composting)
Policy 3 - Open windrow composting
Policy 5 - Residual waste treatment facilities - locations
Policy 6 - Residual waste treatment facilities - operational expectations
Policy 7 - Consideration of residual waste treatment proposals at sites not allocated in the JWCS
Policy 8 - Landfill, landraise, engineering or other operations - Principles
Policy 9 - Landfilling, landraising and engineering or other operations - Details:
Policy 11 - Planning Designations
Policy 12 - General Considerations

NEIGHBOURHOOD PLANS:

Publow and Pensford Neighbourhood Plan
Whitchurch Neighbourhood Plan

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in 2021 and is a material consideration, as is the National Planning Policy for Waste (Oct 2014). Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The site is located due south of Queen Charlton by approximately 1km and to the south west of Keynsham. Publow is located to the south west of the site and Compton Dando to the south east.

The site is located in the open countryside and is generally surrounded by fields with Charlton Road bounding the site to the west. The nearest dwelling is Home Farm, along Charlton Road, around 165m away, with the next nearest being located in the hamlet of Lypiatt some 500m away. The site is located in the Green Belt. Part of the site and the area surrounding the site is designated as a Site of Nature Conservation Interest (SNCI).

This proposal is seeking planning permission for the development of an Anaerobic Digester (AD) Facility to produce both gas and electricity for injection into the local grid networks, alongside the restoration of the former Queen Charlton Quarry Site.

The redline boundary is formed of three elements:

- Northern parcel: unauthorised AD plant site
- Southern parcel: former quarry
- Charlton Road: location of the drainage connection to the site

Additionally, along the south-eastern boundary of the site is an area of woodland that is within the applicant's ownership.

The main issues to consider are:

- Planning history and background
- Principle of waste development
- Principle of renewable energy development
- Principle of development in the Green Belt
- Landscape
- Design
- Residential amenity
- Highways matters
- Drainage and flooding
- Contaminated land
- Trees
- Ecology
- Any other matters
- Planning balance

PLANNING HISTORY:

There is a long and extensive planning history on the site.

Northern Parcel - AD Plant:

It is understood that the northern parcel of the site was once used as a processing works for the adjacent former quarry (southern parcel), aerial imagery shows activity on this part of the site as far back as 1991 (note ariel imagery is not available in this location between 1976 and 1990). In 1975 the aerial imagery shows the site as a field.

Following this, composting operations commenced on the northern parcel around 2001 under temporary planning permission 97/02626/MINW. Applications to vary the terms of the operation were made in 2002 and 2004 and were both approved. The following three applications to vary conditions of 97/02626/MINW were approved in September 2013:

- 05/00723/VAR - Variation of condition 13 and 16 of Planning Permission 97/02626/MINW to allow recycling of cardboard waste and increase in truck movements.
- 05/0199/FUL - Increase size of concrete storage area and variation of condition 13 to accept wood waste.

- 11/00022/VAR - Variation of conditions 13, 16 and 19 to extend composting operations, increase vehicle movements and permit cardboard and wood recycling.

The composting operation and its further variations were considered inappropriate development in the Green Belt, however very special circumstances were found for various reasons including;

1. the use's functional relationship with agriculture;
2. that it could be accommodated on the site without serious harm to the landscape and nature conservation issues;
3. its contribution to achieving targets for composting in the Waste Management Strategy;
4. lack of alternative sites for such waste management; and
5. the temporary nature.

All of these permissions were granted with the condition that the composting operations were to cease by 2014 and the site restored to its former greenfield condition by 2015.

An application seeking planning permission for an AD plant on the site was then submitted and subsequently granted in 2014 under application 13/04126/MINW. This permitted the construction of a facility to process food waste via anaerobic digestion to create electrical energy for export to the grid and gas grid. Again, this was considered to be inappropriate development in the Green Belt in the first instance, however very special circumstances were demonstrated based mainly on the opportunity to drive the treatment of waste up the waste hierarchy and help implement targets for diverting waste from landfill, and the plants contribution to meeting targets for renewable energy, as well as other minor benefits of the scheme.

The approved AD plant site however was neither completed nor built in accordance with approved plans under 13/04126/MINW; this permission has now lapsed. The permission is not considered to be extant because the works that have taken place on site are not in accordance with the approved plans. The works on site are therefore currently unauthorised.

Southern Parcel - Quarry:

The former quarry area appears to (according to ariel imagery) have been operational as a quarry since at least the early 20th century. It is unclear exactly when the quarry became disused.

More recently the quarry area was granted permission in 1999 (97/02620/MINW) for the 'operation of concrete and hardcore recycling plant for 5 years and restoration of site by importation of subsoil and topsoil.'

In 2010, an application (10/00981/FUL) was approved at the site for the 'Phased completion of restoration of former Queen Charlton Concrete Works on Charlton Field Lane, Keynsham using imported excavated materials and topsoil/compost.'

In 2014, application ref 14/01330/VAR was submitted seeking to vary conditions 3 and 4 of 10/00981/FUL. The application proposed a further extension of the operating period of

up to a year to allow for the importation of topsoil/compost only to enable the restoration of the site to be completed.

The quarry operation was therefore temporary, and the quarry has now been 'restored', however it is noted that this restoration has not taken place in accordance with the approved plans and the height of the restored land sits substantially higher than was permitted within the landscape. The height of the quarry should have been restored to 124m AOD (at its highest peak), but it actually sits at 130m (at its highest peak) at present. The additional height increase and associated additional massing and contouring is therefore unauthorised.

Charlton Road:

There is no planning history along the Charlton Road element of the redline plan that is relevant to the scheme.

Woodland to the South East:

The woodland area has not historically formed any part of the operational site and is currently unmanaged woodland.

Agricultural Land to the North Outside of Redline Boundary:

It is noted that millet was being stored on the agricultural land immediately at the north boundary of the AD plant site. This land fell outside of the previous applications red line and is not within this application's red line. The storage of millet to feed the plant (once operational) in this location would therefore have required a change of use. This element falls outside of the scope of this application and is being investigated by the enforcement team.

BACKGROUND:

As described above this proposal is seeking planning permission for the development of an AD Facility to produce both gas and electricity for injection into the local grid networks, alongside the restoration of the former Queen Charlton Quarry Site.

The AD facility will consist of multiple components across the length of the site. An AD facility processes organic materials or "feedstocks" (food waste and crops) to produce biogas to create renewable energy.

The two feedstocks (food waste and crops) are processed differently initially. Food waste is diverted from landfill. At the feedstock reception building packaging is removed, the food waste is macerated into a 'soup' before being added to the process via intake tanks. Crops are purpose grown to become 'feed' and are fed into the anaerobic digester tanks before entering the main primary digesters.

Once in the digestors the feedstock is then heated and mixed by stirrers to ensure the materials are consistently blended and at the required temperature to maximise the production of biogas. This biogas is temporarily stored in the tank domes until used either by the combined heat and power engines on site to create heat and electricity and/or

upgraded, compressed, and exported as a renewable gas (via a gas pipeline) for use in the gas network or as a transport fuel via tankers.

Along with the production of electricity and gas, there are two other by-products produced by the AD process: heat, and a nutrient rich biofertiliser called "digestate". The heat from the engines is re-used in the processing and the digestate is separated into a solid and liquid fraction. The solid fraction is stored on site temporarily in a digestate storage area until transported to farms to be used as a soil improver. The liquid fraction is stored on site in contained storage, before being tankered off-site for spreading on agricultural land as an alternative to chemical fertilisers.

To summarise the biogas produced from the processed food waste and purpose grown crops, is used to create electricity or gas supply, and the by-products are reused. As such it is considered an AD facility should be treated as a waste treatment facility as well as a renewable energy facility.

PRINCIPLE OF DEVELOPMENT OF A WASTE TREATMENT FACILITY:

The National Planning Policy for Waste (NPPW) sets out the overarching policy for assessing planning applications pertaining to waste facilities. It states that waste planning authorities should identify, in their Local Plans, sites and/or areas for new or enhanced waste management facilities in appropriate locations.

The Joint Waste Core Strategy 2011 (JWCS) sets out the strategic spatial planning policy for the provision of waste management infrastructure across four local authorities including BaNES.

The main policy in the JWCS that relates to the development of AD facilities is Policy 2 'Non-residual waste treatment facilities'. Policy 2 states that planning permissions for non-residual waste treatment facilities involving recycling, storage, transfer, materials recovery and processing will be granted (subject to development management policies) in the following locations:

- On land that is allocated in a local plan or development plan document for industrial or storage purposes or has planning permission for such use;
- On previous developed land; or
- At existing or proposed waste management sites, subject in the case of landfill and landraising sites or other temporary facilities, to the waste use being limited to the life of the landfill, landraising or other temporary facility

The site is not allocated through the development plan for industrial or storage purposes, nor does it have planning permission for such use.

As described in the planning history above the site was in use by a company called Hinton Organics from 2001 - 2014 as an open windrow composting site and cardboard and wood recycling centre which was to be restored to green fields by 2015. In 2014 permission was granted for an AD plant on the site, however this permission has now lapsed, lapsing some significant time ago. The permission is not considered to be extant because the works that have taken place on site are not in accordance with the approved plans. The

works on site are therefore currently unauthorised. The site is therefore not considered to be previously developed land.

The proposal is for a permanent anaerobic digester waste treatment facility not a waste management site in the case of landfill or landraising, or other temporary facilities, for the purpose of the policy.

Additionally, it is noted that in granting the previous AD plant permission (13/04126/MINW) the report considered Policy 2 of the JWCS but did not adequately justify why the proposal was acceptable in line with it.

Additional policies applicable to the scheme within the JCWS included policies 11 and 12. Policy 11 of the JWCS has regard to planning designations. It states that

'Planning permission will not be granted for waste related development where this would endanger or have a significant adverse impact including on the following:

2. Special Areas of Conservation, [...]

11. Sites of Nature Conservation Importance, [...]

19. Green Belt, except where very special circumstances are justified.'

It says that in assessing each development proposal the assessment will also take into account whether any significant adverse impact identified could be controlled to acceptable levels.

Policy 12 has regard to 'General Considerations' it states that

'Planning permission for waste related development will be granted provided it can be demonstrated that any impacts of the proposed development would not significantly adversely affect people, land, infrastructure, resources and the environment and that, where appropriate, enhancement would be achieved.

Where it is assessed that the application proposals could lead to significant adverse effects but these are capable of adequate resolution, appropriate mitigation should be identified so as to avoid or minimise any material adverse impact, and to compensate for any loss.'

Conclusion on Principle of a Waste Facility:

In this case the proposal is considered to fail to comply with policy 2 of the JWCS as it falls outside of any of the locations outlined as acceptable within the policy. The proposal is therefore unacceptable in principle. The elements raised in policy 11 and 12 of the JCWS are discussed in more detail in the sections of the report below. The need for a waste facility is discussed in the planning balance below.

PRINCIPLE OF DEVELOPMENT OF A RENEWABLE ENERGY FACILITY:

Policy CP3 of the Core Strategy concerns to renewable energy. It sets generation targets to achieve 110 Megawatt electricity (MWe) and 165 Megawatt heat (MWth) by 2029. Further progress towards the target of 110MW has been set out in the recently published Local Plan Partial Update Consultation document which states that "there is currently a

renewable energy installed capacity of 21.7 Mega Watt electricity within the district'. As such, the Council is currently 88.3MWe behind its target of 110MWe.

According to the Renewable Energy Delivery Assessment submitted with the application the proposal site will have the approximate capacity for producing 2.2MW of renewable energy. This would contribute towards the council meeting its overall target by a further 2%.

In addition, it is noted that the proposal will also have an approximate capacity for producing 4.7MWth of renewable gas exported off site for use in the gas network, the Council does not have a specified target for gas production.

Conclusion on Principle of Renewable Energy:

The proposal is for a renewable energy development that contributes 2.2MWe of energy generation to the Council's renewable energy targets. The proposal is considered to comply with policy CP3 in so far as it relates to the targets for renewable energy development, in so far as the remainder of policy CP3 this is dealt with elsewhere in this report. The principle of this particular location/site for renewable energy development is dealt with elsewhere in this report.

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The proposal is located within the Bath and Bristol Green Belt. The Government attaches great importance to Green Belts. The two main elements of the scheme will be discussed in turn.

Southern Parcel - Quarry Restoration:

Paragraph 147 of the NPPF states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.

The NPPF, at paragraph 150, says that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it; this includes engineering operations.

The restoration of the quarry involves the re-profiling of the land which is considered an engineering operation. The proposal is acceptable in the first instance.

The second part of the exception requires that the engineering operations preserve openness. Impact to openness can be based on a spatial and visual assessment.

As outlined above, previously permission has been granted on the site to restore the ground levels to a maximum of 124m AOD. The height has actually been built up to a level of 130m (AOD) which is unauthorised. This application proposes to reduce the height to 128m (AOD) at its highest point softly sloping to ground level of 118m AOD.

The landform will have a smooth sloping profile that will be viewed as a naturalistic feature in the landscape. The surrounding landscape is undulating, with existing nearby

geomorphological features of similar height, including Publow Hill, Wooscombe Wood, and Guy's Hill. Additionally, the new native woodland planting on the north, east and west facing slopes of the quarry landform will integrate it within the existing landscape, reinforcing the wooded character of the slopes within the landscape locality of the site, as well as reducing the mounds disenable visibility in the wider landscape. The submitted LVIA shows that the landform has a limited zone of visibility, limited to the immediate area and views from those taller landforms in the wider area. Wider views are not considered to be able to discern significantly between a 124m mound and a 128m mound.

As such it is considered that the proposed quarry restoration both spatially and visually preserves the openness of the Green Belt.

Per para. 138 of the NPPF, the Green Belt serves five purposes; a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. It is not considered that the proposed quarry restoration landform conflicts with any of these.

Overall, the quarry restoration landform is considered acceptable within the Green Belt.

Northern Parcel - AD Plant:

The NPPF says at paragraph 149 that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt', and it then lists some exceptions. As above, the NPPF at paragraph 150 goes onto list other forms of development that are not inappropriate such as mineral extraction. However, neither the exceptions list in paragraph 149 nor the list in paragraph 150 includes renewable energy or waste management facilities. The proposed AD plant is considered inappropriate development in the first instance. The NPPF goes on to state at paragraph 151 that 'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed'.

Policy 11 of the JCWS says that planning permission will not be granted for development where this would have a significant adverse impact on the green belt (except where very special circumstances are justified).

As described in the planning history section above the baseline of the northern parcel of the site is considered to be a green field given that the previous permissions for activity on the site were temporary and ceased and that the AD plant now built on site is unlawful.

The proposal seeks permission for an AD site that will place a significant amount of built form on a baseline scenario of a green field, this is considered inappropriate development as it is not considered to meet with any of the exceptions listed within the NPPF.

Additionally, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; one of the essential characteristics of Green Belts is their openness. Impact to openness must also be assessed. Impact to openness is based on a visual and spatial assessment.

Spatially, the proposal introduces a significant amount of built volume through multiple buildings and hard standing into the Green Belt in comparison to its greenfield baseline. Visually, it is considered that the proposed quarry restoration landform would reduce the visual impact of the AD plant in terms of openness. Nevertheless, the AD plant would be visible from within the site and some wider views in the surrounding area. Overall, the proposed AD plant is considered to harm the openness of the Green Belt.

Additionally, the Green Belt serves five purposes; a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. It is considered the proposal would conflict with purpose c because of the new built form.

The AD plant is therefore harmful due to: being inappropriate development in the Green Belt (harmful beyond definition); its harmful impact on the openness of the Green Belt; and its conflict with the purposes of including land within it. The NPPF says that 'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.' Very special circumstances are assessed in the Planning Balance section below.

DESIGN:

Policies D1 to D5 of the Placemaking Plan have regard to design matters concerning local character and appearance, fabric and building design.

The proposal seeks to retain some of the existing unauthorised built form on the site as well as the erection of new buildings and infrastructure. The proposal site essentially consists of the following areas:

1. Vehicle movement area
2. Feedstock Reception Building
3. Digester tanks
4. Energy generation
5. CNG and Digestate storage
6. Silage clamps
7. Surface water drainage

The submitted drawings as well as the Design and Access Statement set out the design detail of the proposal.

The vehicle movement area (1) includes the access road, gate, weighbridge, weighbridge office, and vehicle movement apron. The reception area (2) consists primarily of the Feedstock Reception Building, a steel portal frame building with green cladding sheets to walls and the roof. The digester tanks (3) consist of a concrete hardstanding surrounded by a containment bund wall with the 5 digester tanks located within the contained bund. In

addition, there will be a number of small Glass Reinforced Plastic (GRP) cabinets containing control equipment and the interconnecting pipework on a pipe-bridge with associated pumps at ground level. The energy area (4) will accommodate several items of equipment either located outside or in container enclosures. The equipment consists of: four Contained Combined Heat and Power (CHP) engines including a chiller; carbon filters; and a transformer compound. The CNG and Digestate storage (5) consist of pre-treatment filters to remove contaminants, compressor sets, upgrader container and ancillary equipment, analyser container and propane storage tanks. The three silage clamps (6) are walled, open topped enclosures where silage is stored and covered to naturally preserve it by ensillement, creating silage. They are 100m long x 30m wide with a total floor area of 9,000sqm. All surface water is to be contained onsite, the surface water system consists of below ground plastic pipework, gullies, manholes, an interceptor and two attenuation ponds.

Each element is a requirement of the AD facility in order to ensure that it can operate. The proposal will have the appearance of a large-scale AD plant. The design is considered to be as a result of the function of the AD facility; form has followed function. The design is considered acceptable in this regard, the wider impacts on the character of the area are considered in the landscape section below. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies design policies of the Placemaking Plan for Bath and North East Somerset (2017).

LANDSCAPE:

Policy NE2 has regard to Conserving and Enhancing the Landscape and Landscape Character. It states that development will be permitted where it meets a number of criteria including that it conserves or enhances local landscape character. It goes on to say that development should seek to avoid or adequately mitigate any adverse impact on landscape. Finally, it says that proposals with potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment.

The site is not located in an area with a specific landscape designation (e.g., AONB). The site is within the Green Belt; however, this is considered a policy designation rather than a landscape designation per say. Nevertheless, policy GB1 does require that development within or conspicuous from the Green Belt should not prejudice but seek to enhance the visual amenities of the Green Belt by reason of its siting, design or materials used for its construction.

The Council's Landscape officer has been consulted on the scheme. A Landscape Visual Impact Assessment produced by Sheilsflynn (Dec 2020) has been submitted with the application, in accordance with NE2, as well as an Environmental Statement. The high sensitivity of many of the landscape and visual receptors has been acknowledged and factored in as appropriate to assessment of significance of effects. Para 1.2 on p4 confirms the baseline for assessment was taken to be a Greenfield site (no AD plant) with the quarry at 124m max height in accordance with previous permissions.

The objectives of the landscape proposals are appropriate and include conserving and reinforcing the existing hedgerow and hedgerow tree boundaries, restoring the former quarry to a maximum height of 128m (AOD), and incorporating a number of specific

mitigation measures to minimise skyline impact in views, re-profiling the northern boundary to provide additional screening from the adjacent byway, planting new areas of woodland, and selecting colours and finishes on buildings that reduce visual impact.

In respect of day-time effects, the LVIA acknowledges that there will be major adverse effects during the construction phase (that are of course temporary in nature) and predicts some significant adverse landscape and visual effects on completion. The prediction that as the planting matures the adverse effects will diminish and, in many instances, will become beneficial effects are considered reliable based on visualisations of changing effects from completion to 15 years post completion.

The conclusion of the LVIA that there would not be any residual significant adverse visual effects and that only one landscape receptor would suffer significant long term adverse effects (changes to the distinctive character towards the eastern margins of the Dundry Plateau) appear valid, in respect of day-time effects.

Additional information was requested in terms of lighting to assess the proposed landscape night-time effects of the development on the landscape. A Lighting Impact Assessment report has been submitted setting this out. Revised information was then submitted by the agent on the 11th February as follows: Vertical Lighting Level Modeling; and Updated Lighting Spill Plan. The applicant has confirmed that the July 2021 Lighting Impact Assessment remains valid. The predicted lighting impacts are concluded as significant and adverse, and the Landscape Officer does support the application in its current form. No outright objection has been maintained by the landscape officer, the policy does not prescribe specific lighting levels, and it is understood that this information could be addressed through conditions.

There is reference in the documentation to a proposed woodland management plan, but it is not clear whether this extends to other types of vegetation and whether it covers existing as well as new trees. Given the importance of not just successful implementation but also establishment and long-term management to the delivery of the intended landscape enhancements, a comprehensive landscape management plan including existing trees and other vegetation as well as new planting will be required; this could be conditioned.

Cumulatively the level of mitigation proposed reduces adverse landscape impact and after a period of 15 years will result in conserving or enhancement of the landscape in regard to the various landscape receptors. Overall, the proposal is considered acceptable regarding landscape policies of the Placemaking Plan and the NPPF.

RESIDENTIAL AMENITY:

Policy D6 of the Placemaking Plan has regard to residential amenity. Amongst other things it states that development must not cause significant harm to the amenities of residents by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance. Additionally, policies PCS1 to PCS3 have regard to pollution, nuisance, noise, vibration and air quality, stating that development should not cause an unacceptable impact in these regards.

The site is within the open countryside. The nearest dwelling is Home Farm, around 250m away along Charlton Road. The next nearest are around 450m away in the hamlet of Lypiatt. The nearby settlements include Queen Charlton to the north, Publow to the South, Chewton Keynsham to the east and Keynsham beyond to the northeast.

The applicant has submitted detailed assessments within the ES which reviews potential issues which could impact on identified neighbouring properties for both the construction and operational phases of the proposed development.

Potential noise impacts associated with Proposed Development during construction and operational phases were assessed. Predicted impacts for each assessment are of negligible significance at all receptor locations in EIA terms. An assessment of air quality impact associated with construction and operation was undertaken, no significant impacts were found.

Potential health effects were also considered during construction and operation, this included for example an assessment of waste contamination and aspergillus spores. There are not predicted to be any significant effects on physical or mental health as a result of the proposed development. It is noted that the residual bioaerosol risk from all sources was determined as low or very low. As such, potential impact as a result of bioaerosol emissions from the proposed facility are not considered to be significant.

Overall, the assessments conclude that the mitigation (where necessary) and management strategies identified will not result in an adverse impact on the local residential amenity.

The Environmental Protection Team have been consulted on this application and advised that the above aspects will also be controlled via an Environmental Permit and enforced by the Environment Agency once in place. No aspect of the operational phase will be permitted without a permit in place and therefore for the operational phase the Environmental Protection team have no objection in principle to how the potential for nuisance from noise and odour has been addressed within the submitted documents. If permitted, the development would be regulated by a full Environmental Permit from the Environment Agency which will control these issues.

However, the construction aspect of the development is a separate matter and to adequately ensure that the local amenity is not unduly impacted a condition requiring an Environmental Construction Management plan to be submitted and approved in writing prior to any commencement of works was recommended.

Officers note that there are a number of existing AD plants in across the country that are located in close proximity to residential properties. For example, Aisecombe Way AD Plant is located centrally within Weston-Super-Mare and GENeco AD plant is located within the built-up area of Avonmouth.

Overall subject to condition the proposal is considered acceptable in accordance with policy D6, PCS1, PSC2 and PCS3 of the Placemaking Plan.

PUBLIC SECTOR EQUALITIES DUTY:

The Public Sector Equalities Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposal does not raise any particular concern in respect of those people with protected characteristics.

HIGHWAYS SAFETY AND PARKING:

The application site is located off Charlton Field Lane, an unclassified road, which is located off of Charlton Road. The access to the site is proposed to be taken from Charlton Field Lane at around 40m south of the junction with Charlton Road. Charlton Field Lane crosses Slate Lane south of the site and joins with Wollard Lane.

Policy ST7 has regard to Transport requirements for managing development. It states that development will be permitted providing the following provisions are met:

- A. highway safety is not prejudiced;
- B. safe and convenient access to and within the site for pedestrians, cyclists and those with a mobility impairment is provided or enhanced;
- C. suitable vehicular access;
- D. no introduction of traffic of excessive volume, size or weight onto an unsuitable road system or into an environmentally sensitive area;
- E. no traffic mitigation measures are required that would harm the historic or natural environment;
- F. provision made for any improvements to the transport system required to render the development proposal acceptable;
- G. secure and accessible cycle storage facilities.

It goes on to say, among other things, that that planning applications for developments that generate significant levels of movement should be accompanied by a transport assessment or transport statement in accordance with National Planning Policy Framework and Planning Practice Guidance. Finally, it sets out the parking standards required for all development. The Highways Development Control Team (HDC) have been consulted on this application.

Policy ST1 has regard to promoting Sustainable Travel, it says that permission will be permitted provided various principles are addressed, including reducing the growth and the overall level of traffic and congestion by measures which encourage movement by public transport, bicycle and on foot, including traffic management and assisting the integration of all forms of transport; and reducing dependency on the private car.

A Transport Assessment (TA), produced by Royal HaskoningDHV, has been submitted with the application and addenda have been received during the course of the application.

Accessibility / Public Transport / Walking / Cycling:

The site is in open countryside with very limited infrastructure for non-car modes of travel. Charlton Field Lane is generally a single-track carriageway with informal passing spaces. The carriageway has no street lighting system or footways. Charlton Field Lane widens at the junction with Charlton Road where it is locally a two-way single carriageway. Charlton Road links to Keynsham in the east and towards the A37 via Woolard Lane in the west. Charlton Road is a two-way carriageway subject to national speed limit. The carriageway is unlit with no footways and is subject to a 7.5tn weight restriction approximately 730m

northeast of the junction with Charlton Field Lane. The closest bus stop is located 1km to the northeast of the site and the nearest rail station is in Keynsham approximately 4.3km northeast. There are no cycle routes that are directly accessible from the site. There is a byway BA8/89 running along the northern boundary of the site which links Charlton Road with Redlynch Lane to the northeast. Charlton Road is known to be used by pedestrians, cyclists and equestrians.

The Transport Assessment Addendum (TAA) contains a Non-Motorised User (NMU) assessment of the development impact on non-motorised users (i.e., pedestrians, cyclists and equestrians) in section 4. No specific pedestrian or cycle infrastructure offsite works are proposed in association with the development.

The Environmental Statement Addendum (ESA) includes a revised assessment of pedestrian and cyclist severance, amenity, safety and also driver delay. The assessment concludes that the impact would be negligible in terms of EIA. HDC acknowledge that the existing haul route has a good safety record for injury accidents. However, the increase in the largest HGV's (defined as Other Goods Vehicle 2 (OGV2)) is significant and therefore presents a greater risk to pedestrian, cyclist and equestrian users. The greatest increase in traffic shown in the ESA is on Charlton Field Lane where total vehicles are predicted to increase by 6.6% and HGVs to increase by 167.5% followed by Woollard lane where HGV traffic is predicted to increase by 26.4%.

Highways note that the ESA assessment combines all large vehicles as heavy goods vehicles (HGV). However, traffic surveys break vehicles down further into OGV1(all rigid vehicles over 3.5 tonnes gross vehicle weight with two or three axles) and OGV2 (vehicles with 4 or more axels or articulated lorries with 3 or more axels). While traffic surveys show that currently approximately 3% of traffic on the haul route is the smaller OGV1 traffic and busses, the largest OGV2 currently make up less than 1% of vehicles on Woollard Lane, Charlton Road and Charlton Field Lane. More than half the development traffic is proposed to be the larger OGV2 type vehicles.

The submission states that 7 staff will be employed on the site. The site is almost completely vehicle dependant, and the likelihood of staff travelling to the site using non-car methods of travel is considered to be very low.

In summary, the site is in almost completely vehicle-dependant location, and any existing walking, cycling and equestrian users on the local road network will be vulnerable to increases in volume of motor traffic due to the lack of segregated infrastructure. It is considered that the increase in OGV2 traffic along roads which have pedestrian, equestrian and cyclist use, narrow carriageways, 60mph speed limits and no dedicated NMU facilities would lead to an increased risk of collisions and a reduction in the safety and amenity for existing users. This is contrary to criteria a and d of policy ST7 of the Placemaking Plan. In addition, the proposal fails to reduce dependency for the private car for employees, being located in an unsustainable location contrary to criteria b of policy ST7 and policy ST1 of the Placemaking Plan.

Traffic impact / Junction Capacity:

The TA seeks to establish baseline traffic conditions. Traffic surveys have been conducted at a number of locations along the proposed route between the site and the A37. The

surveys were undertaken between 10th -16th November 2020. Due to the Covid- 19 pandemic traffic patterns have been significantly lower since March 2020 than prior. The traffic surveys were conducted during the autumn 'circuit breaker' restrictions which commenced on 5th November 2020. During these restrictions everyone was instructed to stay at home and could leave only for a limited set of reasons. Non-essential shops, leisure and entertainment venues were closed.

As a result of the national restrictions, traffic surveys conducted during this period would be completely unrepresentative of normal traffic when restrictions are not in place. The TA has compared the surveys to previous traffic counts and established that there are very large differences between the pre-pandemic surveys and the November 2020 surveys. The difference varies between 19% and 184%.

The TA proposes to use a growth factor to account for the impact of the Covid-19 pandemic. This has been calculated by comparing the percentage change between a previous traffic survey in a similar location and the November 2020 results. A TEMPro growth factor has also been applied to survey data that is more than two years old. It is not considered that this approach is reasonable or accurate. The approach has also not been updated at all during the course of the application. The traffic volumes were so different in November 2020 that officers have no confidence that the uplifted baseline traffic data is representative of the local highway network during non-pandemic times.

The TA calculates the vehicle trip generation the proposed development is forecast to generate. Table 7.2 of the TAA suggests that there will be 60 trips a day to and from the site by HGVs. This fails to take into account the additional (average) of 83 trips per day during the harvest time (eight-week period - 2 months of the year, not an insubstantial period) resulting in 143 trips per day. This calculation has been done on first principles based on the capacity of the plant and expected feedstocks and vehicle capacities. At pre-application stage HDC have set out that assuming maximum legal payloads is not a realistic scenario. The TA has validated the HGV loads for some feedstocks and assumed an average load of 26tn for imported agricultural waste, food waste and vegetable waste.

Because the capacity of vehicles used determines the number of trips generated HDC would need to see further details of proposed vehicles types, specification and realistic payload for each feedstock type. For example, the submission assumes 43,900 litre for Glycerol feedstock is realistic. The largest capacity road tanker HDC can find details of would however only carry 42,000 litres.

Table 7.2 from the TAA summarises the predicted new trip impact associated with the development. In this assessment predicted trips are assumed to be evenly distributed throughout the hours the site is proposed to operate. This is not representative of known traffic profiles. If trips turned out to be distributed more frequently in peak Highway hours this would have a greater impact on junction capacity than has been calculated by the applicant. It is considered likely this would be the real-life scenario.

The trips have been assigned to the network, and these are shown in flow diagrams in Appendix F. Page 11 of Appendix F &G is labelled 'Development Traffic: PM Peak (17:00 - 18:00)' however the flows do not show any development traffic entering/ exiting the site and appear to show committed development traffic.

Assessment of the following junctions on the route between the site and the A37 have been completed:

- Junction 1 - A37 Bristol Road/ Norton Lane priority junction;
- Junction 2 - A37 Bristol Road/ Queen Charlton Lane ghost island right-turn priority junction;
- Junction 3 - Queen Charlton Lane/ Sleep Lane priority junction; and
- Junction 4 - Charlton Road/ Charlton Field Lane priority junction.

The junction assessment models junction 1 and 2 as separate priority junction. However highways question whether a staggered crossroad would better reflect the interaction between the junctions. There is no justification of why the Queen Charlton Lane/ Sleep Lane priority junction has been included, but the adjacent Queen Charlton Lane/ Woolard Lane Junction has been omitted.

The assessment is missing the Charlton Road/ Woolard Lane/Highwall Lane junction which falls on the proposed access route from the A37. This is an important junction, because the layout is very irregular. As a result, visibility splays to the southeast are very limited for vehicles travelling west from Charlton Road onto Woolard Lane. Highways are concerned with the safety of the increase HGV trips through this junction. A review of the safety and operation of this junction this would be required but has not been provided.

The NPPF paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is clear that the vehicle trip generation calculations are questionable, lacking detail and justification and therefore cannot be relied upon. HDC have not provided comments on the results of the capacity assessment because of the fundamental concerns they have about the underlying data used. There is insufficient information to conclude that Traffic impact / Junction Capacity will be acceptable as a result of this scheme, as this stage it is considered that the scheme could have a severe impact that cannot be ruled out. The proposal is therefore contrary to criteria a and d of policy ST7 of the Placemaking Plan and the NPPF.

Junction Modelling:

Highways have reviewed the updated junction modelling which has been revised following the initial consultation responses. This includes new baseline traffic data using surveys carried out between 22nd June and 28th June during which Step 3 of the roadmap out of lockdown was in place and most businesses in all but the highest risk sectors were open. Following advice from the Council's Traffic Data Officer it was agreed for an uplift of 10% to be applied to the data to reflect that some restrictions were still in place which may have the effect of reducing travel.

The development vehicular trip impact was assessed at the proposed site access junction and the following junctions:

- Junction 1 - A37 Bristol Road/ Norton Lane priority junction
- Junction 2 - A37 Bristol Road/ Queen Charlton Lane ghost island right-turn priority junction
- Junction 3 - Queen Charlton Lane/ Sleep Lane priority junction

- Junction 4 - Woollard Lane/ Queen Charlton Lane priority junction
- Junction 5 - Charlton Road/ Charlton Field Lane priority junction

Table 9.2 of the TAA summarises the results of the junction assessment of the linked junction 1-4. In the uplift Base Traffic 2021 scenario junction 1 and junction 4 operate within capacity with less than 1 vehicle queueing and delay of 15 seconds or less. The Queen Charlton Lane arm of Junction 2 suffers from some queueing and delay in the a.m. and p.m. peaks. The greatest delay being 3.9 vehicle queue and 36 second delay. The Sleep Lane arm of the junction 3 also suffers some queueing and delay in both the a.m. and p.m. peak hours.

In the 2028 future year plus committed development traffic scenario there is a similar pattern with junctions 2, 3 and 4 all experiencing higher delays. The Queen Charlton Lane arm of Junction 2 suffers from some queueing and delay in the a.m. and p.m. peaks. The greatest delay being 5.6 vehicle queue and 58 second delay. The Sleep Lane arm of the junction 3 suffers significantly greater queueing and delay in both the a.m. and p.m. peak hours (5.7 vehicle queue/ 117 sec delay/ 14 vehicle queue 249 sec delay respectively). Finally, Queen Charlton Lane (E) and Woollard Lane arms of junction 4 both experience some delay particularly in the pm peak.

In the 2028 future year scenario with development traffic, the delay at junction 1 is predicted to be similar. The Sleep Lane arm of the junction 3 suffers significantly greater queueing and delay in both the a.m. and p.m. peak hours (7.9 vehicle queue/ 166 sec delay/ 17.2 vehicle queue 305 sec delay respectively). The delays at the Queen Charlton Lane (E) arm of junction 4 increase slightly.

At junction 3 Sleep Lane arm, the additional delay as a result of the proposed development in the future year of 2028 equates to approximately 49 and 56 seconds respectively in the AM and PM peak. In terms of queues, circa two and three vehicles are predicted to be respectively added on Sleep Lane in the AM and PM peaks.

HDC do note that due to the size of the size of vehicles servicing the site they are likely to have to wait a significant amount of time in order to find a gap that is big enough for them to pull out onto the A37. OGV2 vehicles or agricultural tractor and trailers at this junction will have a disproportionately negative impact on the operation of the junction.

No junction assessment has been undertaken for harvest time when more than double the number of daily trips is predicted. This has been assumed to be spread across 8 weeks, so it is not an isolated event but a sustained period of more intense trips. At harvest time the impact on the junctions will be greater and this has not been included as a modelling scenario.

Given the above findings, and lack of assessment, it can only be concluded that the proposal would result in severe highways impact resulting from the additional traffic associated with the scheme on nearby junctions contrary to policy ST7 of the Placemaking Plan and the NPPF .

Access / Layout / Highway Safety:

The site is proposed to be accessed in a similar location to the existing access on Charlton Field Lane. A priority junction will be formed off Charlton Field Lane. The banks either side of the access are proposed to be cleared and regraded to improve visibility. The proposed plans do not show existing traffic management such as reflective bollards and 'Caution Concealed Entrance' signs and these should be included.

Whilst paragraphs 4.2.3 and 4.2.4 to the TA identify the recorded 85th percentile speed of vehicles using Charlton Field Road, these do not match the results of the traffic survey in Appendix D. In addition, for the reasons noted above, Highways do not consider traffic surveys undertaken during this period represent post-pandemic conditions. In addition, speed data at the site access from surveys undertaken in 2019 and 2020 vary significantly when compared with the 2019 data which indicates significantly higher south-bound vehicle speeds.

HDC initially questioned whether the proposed visibility splays at the site access were appropriate for the speed limit and nature of the road. The Transport Assessment Addendum provides additional evidence for proposed visibility splays at the site access. Highways are now satisfied that the proposed 'Y' distances are based upon recorded speed data and result in visibility of 2.4-metres by 59-metres to the north and 2.4-metres by 41-metres to the south at the site access.

Plan reference 22902/025 indicates that, in order to achieve the proposed visibility in both directions from the proposed vehicular access onto Charlton Field Road, banks will need to be regraded and trees removed. To the south of the site access the banks appear to contain structural retaining features. The applicant should be requested to demonstrate that they own the banks and trees in question or have secured the owner's permission to undertake the required works. Some of the verge may be part of the adopted highway. Engineering drawings of sections through the regrading verge are required to ensure visibility can be achieved and the safety of the highway will be maintained.

Paragraph 4.2.5 of the TA notes that the previous planning consent in 2014 was subject to a requirement to modify the Charlton Field Lane / Charlton Lane Junction. These works were intended to reduce the kerb line radius and slow vehicles turning left from Charlton Road into Charlton Field Lane and improve forward visibility. Highways believe that to improve forward visibility and mitigate the increase in trips from the site access these works are still required and must form part of the application. Plans for the access and junction improvements should be supported by a Stage 1 Road Safety Audit, preferably using auditors who have experience of rural roads in the local area.

In addition, HDC need to see swept path analysis to confirm all vehicles can access the site from Charlton Road, manoeuvre and egress in a forward gear, including to all loading and parking spaces. Emergency vehicles require access to all operational parts of the site (a fire appliance usually needs to get to within 45m of a residential unit, but the applicant needs to confirm with the fire service any special requirements for this land use) plus space to operate.

In summary, once again the required information has not been submitted as set out above, as such there is insufficient information to conclude that access and layout arrangements will have an acceptable impact on highways safety. At present the proposal

is therefore considered to result in harm to highways safety as a result contrary to policy ST7 of the Placemaking Plan.

Proposed off site highway works

As a result of the safety review and NMU assessment a package of offsite works is proposed. Further details on the proposed works are provided in the TAA Appendix H and include:

1. Verge Protection
2. Charlton Road/ Charlton Field Lane - build out kerb to slow traffic on entry to Charlton Field Lane from Charlton Road, have been integrated to the improvement proposals at this junction. In addition, adjustments have been proposed to the bunding and landscaping internally to the site to increase maximal driver intervisibility between this junction and the site access.
3. Woollard Lane/ Highwall Lane/ Charlton Road - installation of a proposed overrun area between Highwall Lane and Charlton Road; installation, relocation, and renewal of traffic signs; and vegetation clearance to improve visibility.
4. Woollard Lane/ Queen Charlton Lane - improvements to visibility for side roads, extension of reduced speed limit and associated lining to reinforce the slow speed environment.
5. Pensford - formalising the give-way arrangement close to the school to reduce the potential for head- on conflicting movements.

BaNES Traffic and Network Management team have been consulted on the proposed off-site highways works. There are concerns with no. 2 the build out (R-0004 P02) at Charlton Field Lane/Charlton Road being effective to slow traffic leaving Charlton Road and as noted below there are problems with the swept path and forward visibility at this junction. The team also have concerns about no. 3 changing the existing hatching at the Woollard Lane/ Highwall Lane/ Charlton Road junction into an overrun area comprising granite block paving. While it may reduce speed during daylight hours, it may lead to safety issues especially when dark. There are also concerns about introducing block paving at this location which is likely to become a maintenance liability if continually overrun by HGV's. Network Management have also objected to no. 5 the proposed build out in Pensford because of the impact on air quality and noise, which are already issues in the village. Finally, it is noted that the works proposed at Woolard Lane/ Queen Charlton Lane (no.5) do little to assist pedestrians and cyclists who will experience greater severance due to high levels of traffic and a greater number of large vehicles.

The above elements of the offsite Highway works are not supported. The works fail to adequately mitigate the highways safety harm created by the scheme, as such the proposal is contrary to policy ST7 of the placemaking plan, in particular criterion f.

Road Safety Audit:

A Road Safety Audit (RSA) of the proposed Highway works has been conducted which is included in Appendix C of the Transport Assessment Addendum together with the Designer's response.

Problem 4. of the RSA at Woolard Lane is summarised as 'reduced road width could result in conflict between passing vehicles leading to nose to nose collisions'. The designers response says that 'Alternative proposals placing edge markings and/or removing centre lines are proposed where kerb installation may not be practical, see drawing no. PB9201-RHD-PD-XXDR- R- 0006.'

The referenced drawing shows that there are a number of locations on both Woolard Lane and Charlton road where the existing carriageway is less than 5.5m wide, with the narrowest point being recorded as 4.2m. In these locations it is proposed to install edge line road marking on the carriageway and remove the existing centreline marking. Whilst HDC understand the removal of centreline and introduction of edge of carriageway may highlight to users that there is not enough space for two vehicles to pass and encourage vehicles to slow or give way, this requires them to have adequate sight of approaching vehicles. HDC consider that these pinch points lack sufficient forward visibility due to high banks and mature hedgerows. Drivers may also be unable to see stopped or slowing vehicles as they approach the pinch points which increases the risk of nose to tail collisions on the derestricted section of highway. This issue is exacerbated by the significant increase in HGV journeys along this route caused by the planning proposals.

Problem 6. of the RSA at Charlton Road/ Charlton Field Road junction is summarised as 'Inadequate junction geometry could lead to conflict between vehicular movements or kerb overrunning, with the potential for collisions with pedestrians.'

The applicant's designer response says 'Noted, however, sufficient visibility has been provided to allow vehicles leaving the site to have visibility of vehicles turning from Charlton Road into Charlton Field Road, allowing them to wait for the turning vehicles to complete their manoeuvre. Vehicles waiting to turn into Charlton Field Lane from Charlton Road have visibility of the site entrance and hence any vehicles leaving the site. See drawing no. PB9201-RHDPD- XXDR-R-0052 P01.'

The drawings of the proposed improved Charlton Road/Charlton Field Lane junction swept path show that while two 10m long rigid goods vehicles going inbound and outbound can pass, a 10m rigid vehicle cannot pass an articulated vehicle at all points of the highway. This is shown where the swept path of the opposing vehicles overlap. The drawings show some scenarios where a vehicle would have to wait for the other to pass. HDC do not agree that there is sufficient visibility to allow vehicles leaving the site to have visibility of vehicles turning from Charlton Road into Charlton Field Road. This is because there is not adequate intervisibility between the opposing vehicles within the highway or applicants land. This could lead to large vehicles reversing in the highway or head- on conflicting movements.

For the above reasons HDC do not accept the designers' response to problem 4 and problem 6 of the road safety audit. The proposal will prejudice highways safety contrary to policy ST7 of the Placemaking Plan.

Traffic Management:

The Transport Assessment does propose an access route which avoids the 7.5tn weight restriction to the east on Charlton Road. However, with 60-70 HGV movements a day there is a risk that a proportion of these movements do not comply. There are limited

alternative east west routes to Charlton Road with the A368 being approximately 2.5 miles to the south and the A4174 approximately 4 miles to the north. This will result in deliveries of material from the east of the site requiring long diversions to reach the site and the temptation to avoid this diversion may result in the introduction of HGVs on unsuitable roads.

The development requires a full vehicular access strategy to ensure the development does not result in the introduction of HGVs on unsuitable roads. This should include both hard measures (engineering measures such as signage, road layout) and soft measures (contractual, planning, communication and Traffic Regulation Orders). HDC also need details of how vehicles will be managed within the site to avoid queuing onto the highway, for example, how will vehicles arriving /departing be managed over a single weighbridge? How will site access be secured and how will vehicles be admitted or instructed to wait to be weighed?

Traffic management has not been appropriately considered, and as such is considered unacceptable, contrary to policy ST7 of the Placemaking Plan.

Parking:

Section 4.3 of the TA outlines the parking strategy for the site. The proposed operations on site will require HGV's to load, unload across the site and will result in some waiting. There are areas provided for 10 HGV waiting spaces, however no justification has been given to whether this is adequate. The limiting factor on capacity is the weighbridge which all vehicles are likely to have to pass over prior to entering the site. The queuing capacity prior between the weighbridge and the highway is only one or two vehicles. It is likely that the proposal could result in HGV's waiting outside of the site due to the site layout which in turn would impact on other road users and their safety.

Staff car parking is proposed to be provided within one of the HGV waiting areas, therefore one of the HGV parking areas could always be out of use, so calculations should show that parking for HGV's is adequate as well as staff and visitor car parking .

The proposed development proposes four car parking spaces including one EV charging point to serve a total of seven staff at the development of which no more than three individuals would typically be present at one time. Staff parking as well as the EV charging point will be located north of the site entrance. As part of the proposals a total of six cycle parking spaces in the form of three Sheffield stands with shelter would be provided north of the site entrance for the staff at the development.

Whilst not within the highway, it is noted that safe pedestrian routes are not indicated within the site. As a minimum, safe routes should be provided for pedestrians and cyclists from the highway to the site office and to the car and cycle parking area.

In summary, the proposed parking arrangements for HGVs are considered insufficient and as such the proposal is contrary to policy ST7.

Waste:

In this instance, as the site is a waste facility, this relates only to office waste and any other specialist commercial waste that will need to be segregated from the site's general waste streams. Drawing 22902 - 701 Rev F of the proposed site plan presented in Appendix A of the TAA, indicates that the office waste bin store on the site would be located east of the weighbridge site office and this is acceptable.

Travel Plan:

A Staff Welfare Plan (Drawing 22902 - SK100 Rev A - Proposed Staff Welfare Plan) has been produced and is presented in Appendix F of the Transport Assessment Addendum. This is considered acceptable.

Construction Management Plan:

A construction traffic management plan will be required to be approved by Highways prior to construction commencing should permission be granted. This will need to include details of demolition/ export of materials, deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities, highway condition survey and site compound arrangements.

Highways Matters Conclusion:

To summarise, HDC object to the application which will result in the introduction of an unacceptable volume of HGVs on unsuitable roads to the detriment of highway safety contrary to Policy ST7 of the Bath & North East Somerset Placemaking Plan.

In addition, the application does not provide adequate details of the expected trip profile for the development. As assessed, the development will have a severe impact on the Sleep Lane arm of junction 1-4 (A37 / Queen Charlton Road / Sleep Lane /Woolard Lane). This would be more acute at harvest time, which has not currently been assessed.

HDC do not accept the applicant's designer response to two road safety problems identified on the haul route:

- Risk of head-on collisions due to there being inadequate intervisibility between the site access and Charlton Road where there is space for two large vehicles to pass.
- Risk of head-on collisions or side-swipe collisions due to inadequate carriageway width on Woolard Lane.

HDC are not satisfied with the some of the proposed off-site highways works (Locations no. 2) Charlton Road/ Charlton Field Lane, 3) Woollard Lane/ Highwall Lane/ Charlton Road and 5) Pensford) due to the impact they are expected to have on safety, air quality, noise and maintenance.

HDC also have remaining concerns about the increase in the heaviest OGV2 vehicles on pedestrians, equestrians and cyclist's amenity and safety on the haul route where the speed limit is 60mph, there are no segregated facilities and widths are in places too narrow for two vehicles to pass.

Finally, HDC have remaining concerns that there is inadequate space for vehicles to wait

between the highway and weighbridge which could lead to development traffic queueing on the highway at peak times.

The proposal is therefore considered to be contrary to Policy ST7 and Policy ST1 of the Bath & North East Somerset Placemaking Plan and the National Planning Policy Framework.

The proposal is also considered to be contrary to JWCS policy 12 given that the policy states that planning permission for waste related development will be granted provided it can be demonstrated that any impacts of the proposed development would not significantly adversely affect people, land, infrastructure, resources and the environment. Here the proposal adversely affects the highways infrastructure and road safety for people.

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

To accompany this planning application, a Flooding and Drainage Assessment has been undertaken by Plandescil.

This assessment highlights that the development is located in fluvial and tidal Flood Zone 1 and is at a very low risk of flooding. There is potential risk from surface water, and groundwater flooding, however, the proposal includes on-site mitigation measures to address these.

With regard to surface water, this runoff will discharge into a drainage system, it is noted in the drainage strategy that attenuation will be provided to prevent flooding for all events up to and including the 1:100 year event with an allowance for climate change. The proposal involves laying a new pipe along Charlton Road which will connect into a watercourse. The Drainage and Flooding Team have found this to be acceptable.

Further information was requested relating to the storage volume and discharge rate which have been provided over the course of the application. Following information submitted by the agent dated 24 March 2021, the objections previously raised by the Drainage & Flooding Team have been resolved.

Three elements are still outstanding, but the information submitted thus far is acceptable for this stage of the planning process. Further information relating to final sizing and design of the on-site surface water attenuation features will be required. Further detail relating to the pipe design in Charlton Road will also be required. The ownership and maintenance liability for the pipe in Charlton Road is also required. The Drainage and Flooding Team have recommended these are dealt with via condition to ensure that the drainage system will operate as designed.

As such, the proposed development is considered to comply with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as the NPPF.

CONTAMINATED LAND:

Policy PCS5 has regard to Contamination. A number of contaminated land reports have been submitted with the application and the Contaminated Land Officer has been consulted on the scheme.

Taking account of the findings and conclusions of the investigation and risk assessment reports provided, the Contaminated Land Officer has no objection subject to conditions to ensure that the remedial measures and further monitoring as recommended in the ground investigation and gas risk assessment reports are implemented and verified on site. The proposal is considered acceptable in terms of policy PCS5 of the Placemaking Plan.

TREES:

Policy NE6 has regard to trees and woodland conservation. It states development will only be permitted if it is demonstrated that adverse impact on trees is unavoidable to allow for development, and that compensatory measures will be made in accordance with guidance in the Planning Obligations SPD.

The application is supported by an Arboricultural Impact Assessment which indicates that seven individually identified trees and sections of two groups of trees would require removal to enable the expansion of the site. These trees are confined to the row growing between the current structures and quarry to the south and include a number of Ash which are already exhibiting signs of Ash Dieback.

No objection is raised to the proposed felling since the red line boundary for the site has been extended to incorporate the quarry which accommodates significant new planting including woodland creation.

The Arboricultural report also includes a Tree Protection Plan and Arboricultural Method Statement which incorporates all necessary steps to protect retained trees and incorporates arboricultural supervision.

Overall, the proposal is considered to comply with policy NE6 of the Placemaking Plan regarding trees.

ECOLOGY:

Policy NE3 has regards to Sites, Species and Habitats, it states that development that would adversely affect internationally or nationally protected species and/or habitats will not be permitted unless in certain exceptional circumstances. In all cases the policy seeks that any harm to nature conservation is minimised and mitigation and compensation is provided otherwise.

Additionally, policy D8 of the Placemaking plan has regard to lighting and states 'Development will be expected to reduce or at best maintain existing light levels to protect or improve the darkness of rivers, watercourse or other ecological corridors in particular to

protect or provide a functional dark route for European protected species. New lighting facilities with light spill to these features must be dimmable'.

The quarry and the eastern part of the proposed AD site is designated as a Site of Nature Conservation Interest known as the Wooscombe complex (the rest of the AD site area is not designated). The SNCI also bounds the site in every direction and spreads an area of 0.56km². The SNCI is designated for its 'Unimproved and semi-improved neutral and calcareous grassland, broadleaved woodland, scrub and running water with protected fauna and notable plants, including club rush *Scirpus sylvaticus*. The SNCI also supports a diversity of butterflies. Wooscombe Complex SNCI is considered to be of County Importance.

Additionally, there are seven other SNCIs within 1km of the proposed development site. The site is located some distance from the Bath & Bradford on Avon Bats Site of Conservation (SAC) but forms part of the habitat area on which the bats associated with the SAC depend. Protected species locally include bat species, a range of insects, great crested newts, and skylark.

As discussed previously, the baseline of the site should be considered as a greenfield, given that the existing AD plant development on site is unauthorised. The ES attempts to describe, to the best available knowledge, the likely ecological conditions present at the site assuming the existing development had not taken place. There is a large, inherent amount of uncertainty with this given the unpredictability of wildlife behaviour and responses to changes in their environment. Nevertheless, it is considered unlikely that, under the re-baselined scenario, any other protected/notable species or habitats other than those currently encountered would be present at the site which could be impacted by this proposal.

Sites:

The proposal will result in the loss of a small part of the Wooscombe Complex SNCI. This area of the wider SNCI is an area of unimproved grassland being encroached by scrub growth, adjacent to the broadleaved woodland. This likely represents the remnant grassland habitat contributing to the Wooscombe Complex SNCI in the AD plant zone. It is representative of a local priority habitat and contributes to the overall designation of Wooscombe Complex SNCI.

To compensate for the loss of SNCI land which would be developed, a comprehensive soft landscape strategy has been developed. A proposed Landscape Ecological Management Plan (LEMP) and Habitat Restoration Outline Method Statement have been submitted with the application. The soft landscaping strategy proposed for the site seeks to compensate for the loss of SNCI land by providing a grassland/woodland/scrub mosaic habitat of high species and structural diversity, along with many other mitigation measures.

The Council Ecologist has welcomed the submission of this detail. The ecologist concludes that due to the content of stockpiled materials on the site and therefore uncertainty of the outcomes of habitat creation, additional compensation (including potentially off-site contribution) needs to remain a possible requirement if future monitoring finds that the scheme is failing to create habitat with ecological value, and where this

cannot be sufficiently remediated on site. The implementation of habitat creation scheme and its long-term maintenance would therefore need to be secured by condition and legal agreement (S106) - any necessary future remediation or other contingencies would need to be secured this way as well.

Some minor issues remain with proposed details which the council Ecologist considers could be addressed via condition. For example, the LEMP refers to use of sycamore within the proposed tree planting species mix, this is ecologically less preferable at this site, it should be replaced with native species such as English oak or others.

Overall, the proposal will result in adverse impacts to an SNCI through the direct loss of part of that SNCI. Policy NE3 requires that proposals causing adverse impacts on an SNCI may only be approved "where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site".

This is discussed further in the planning balance section of the report below.

Species and Habitats:

Woodland:

The woodland lies adjacent to the site and the proposals would not result in direct loss of this habitat, with the possible exception of one semi-mature ash tree at the northern edge of the woodland (T34 - refer to AIA), which has been recommended for removal on arboricultural grounds.

Bats:

Bat surveys were carried out using a combination of transects and data gathered by static recorders. These show use of the site in 2019 by at least 10 species of bat, including both greater and lesser horseshoe bat. The surveys were comprehensive but were not designed specifically to meet the "full season" survey effort and methodology required to survey for horseshoe bats. A precautionary approach is therefore necessary with regard to assessment of potential impacts and mitigation requirements for horseshoe bats.

The development proposals would result in the removal of four sections of hedgerow H4, in order to facilitate the construction of digestate storage and removal structures, gas flare, and additional access. This would result in the removal of a total of 46m of this hedgerow (covering an area of 322m²).

Section 9.7.7 describes a net loss that will result to H2 the northern boundary hedgerow. It also states that this hedgerow "has been shown to be of demonstrably low importance to the majority of bat species using the site, and no significant impact resulting from fragmentation of this hedgerow is anticipated for most bat species." However, Appendix F of the Ecological Report (within Appendix 9.1 of the EIA) states (and as shown in F5): "the highest levels of bat activity were associated with the detector placed in the centre of the northern site boundary on Hedgerow H2" The proposed landscape layout does not appear to show hedgerow removal within the northern boundary hedgerow (H2).

The information relating to hedgerows is conflicting.

There is extensive new lighting proposed on site, in some places the proposed lighting columns are 8m and 6m in height. The lighting requirements described in the ES are not considered to be "limited" as stated but would be substantial and likely to impact significantly on boundary vegetation and adjacent habitats, and on wildlife using affected habitats, including bats. This includes likely effects on light sensitive lesser and greater horseshoe bats that are known to utilise the site and its boundary hedgerows.

Light spill substantially exceeds required thresholds, and the lighting strategy and predicted light spill modelling are not in accordance with standards of current guidance in particular ILP Guidance Note 08/18 "Bats and artificial lighting in the UK".

This ILP guidance document 08/18 is included in the submitted lighting report only by being listed within the list of references but other than this, any specific consideration of the impacts of lighting on ecology and bats, or details of measures and design to avoid and minimise impacts of lighting on ecology and bats, and how the scheme meets required standards for this, appear to be completely absent from the submitted lighting details.

Further information has been requested by the council ecologist over the course of the application, The summary response regarding this issue and previous B&NES Ecology comments in the submitted Clarkson & Woods document is not accepted - not only does it fail to provide proposed mitigation and demonstrate measures that have been fully incorporated into the scheme and that they will be sufficiently effective, it does not address or mention the absence of light spill modelling on the vertical plane and the failure of the scheme to show how impacts on ecology and bats have been fully considered within sensitive lighting design, or to show that the scheme and light spill modelling are in accordance with and meet the standards described by the relevant good practice guidance note (ILP 08/18).

Predicted light spill continues to have been modelled on the horizontal plane only, and only at increments of 0.5 lux. Information is not been provided to show predicted light spill levels on the vertical plane, nor in smaller increments below 0.5 lux down to zero. This additional information is essential to fully inform and understand the likely impacts of the proposal and its lighting on protected species, and adjacent habitats and features of value to protected species (in particular bats, including bats associated with local "bat" SACs) and other ecology, and on adjacent land beyond the red line boundary.

Even without the full level of detail required regarding predicted light spill levels, the modelling provided so far (on the horizontal plane only) shows in any case that there are areas supporting important habitat and use by protected species where lux levels far exceed the thresholds required to avoid ecological harm. For example, there are locations in the north west of the site where the 5 lux contour extends into and beyond the adjacent hedgerow. Given the 8m and 6m heights of proposed lamps, predicted lux level modelling on the vertical plane is likely to indicate lux levels that will be higher still onto and above sensitive habitat features of this nature, and over a wider area of impact.

The site is located within an area of existing dark landscape and is central to connective habitats including hedgerows, woodlands, species rich grasslands and watercourses that collectively are likely to provide an important function for bats in contributing to bat flight

lines and foraging resource, as well as being of value to a range of other wildlife (for example, barn owl). The submitted lighting report provides further evidence of the existing very dark landscape across a wide area. On balance the available data shows that the proposed lighting will change this, in a way that will be ecologically unacceptable and will be capable of causing harm to bats as a protected species and to their habitats.

Habitats Regulation Assessment:

Given the above, the risk of a "likely significant effect" on bats associated with local "bat" Special Areas of Conservation (SACs), or on habitats on which they may depend, cannot therefore be ruled out. A screening stage Habitats Regulations Assessment documenting this in more detail has been undertaken by the Council Ecologist.

The Council Ecologist concludes that an appropriate assessment will be required but has not yet been completed (an appropriate assessment is for the Local Planning Authority to undertake). At present, it would not be possible to favourably conclude an Appropriate Assessment due to the likely impacts of the proposed lighting on light-sensitive bats associated with the SACs and on habitats known to be used by bats including greater and lesser horseshoe bats that are likely to be associated with the SACs.

Barn Owl:

There are also records for barn owl in this area and the proposed lighting, as described above, would have the potential to cause harm to barn owl activity when passing through / near to the site. The harm to barn owls as a protected species therefore cannot be ruled out.

Badgers:

No setts were identified within the site boundary; however, four badger setts were identified within the area of broadleaved woodland to the south east of the site, in addition to badger latrines and foraging pits. The sett entrances were a minimum of 30m from where re-profiling works in the quarry zone are due to occur, whilst construction of the AD plant would occur at least 120m from the nearest sett entrance. No damage to setts or disturbance to badgers therein are therefore anticipated as a result of the works.

Dormice:

No detailed surveys for dormice have been undertaken at the site therefore the presence of this species has been assumed applying the Precautionary Principle.

The hedgerow network and adjacent woodland at the site offers suitable habitat (albeit of varying quality) for dormice and is connected to areas of optimal habitat in the form of woodland in the wider landscape. Incidental mortality of dormice may occur therefore during the removal of hedgerow, the extent of hedgerow loss is not considered to harm the overall habitat for dormice in the locality.

The ES proposes that in order to avoid this potential impact, an ecologist would be present in a watching brief role during the removal of the habitat. However, the Council Ecologist considers that that ecological supervision is not going to be able to prevent harm

to dormouse if the species is present in or using an affected stretch of hedgerow. Furthermore, any harm to dormouse or their habitat would first require an EPS licence and appropriate mitigation scheme to be in place.

As such, there is currently insufficient information to rule out the risk of harm to dormouse as a protected species.

Great Crested Newt:

Great Crested Newts are a European protected species. There are potentially suitable habitats on site for this species. There are waterbodies present on site. Whilst the ES considers the water bodies are highly unlikely to have great crested newts present, no surveys or testing has actually been undertaken to empirically confirm this view.

There is insufficient certainty regarding absence of this species on the site or using its water bodies. DNA testing of potentially suitable water bodies on the site is requested to provide sufficient certainty.

There is currently insufficient information to rule out the risk of harm to Great Crested Newt as a protected species.

Other Species:

A number of other species were assessed including hedgehogs, the proposal was not considered (once mitigation was in place) to adversely impact other species.

Associated ecological issues with potential for additional / indirect ecological impacts:

The scheme will require substantial traffic & HGV movements which could have long term impacts on ecology including ecology of the lanes and verges, and hedgerows. Following the request for additional information a Road Verges Report was submitted, the report is welcome and also broadly accepted. Additional measures to compensate for long term cumulative impacts of increased HGV movements on the ecology of road verges beyond the measures proposed so far would still be appropriate but any further details could be secured by condition.

Biodiversity Net Gain:

The NPPF sets out that planning policies and decisions 'should contribute to and enhance the natural and local environment by minimising impact on and providing net gains for biodiversity...', while the forthcoming Environment Bill proposes to introduce a 10% mandatory requirement for biodiversity net gain within development. Policy NE3 does also require on site 'enhancements. However, there is currently no statutory requirement for developments to achieve a Biodiversity Net Gain, or to undertake BNG assessments.

An appropriate Net Gain calculation has not been submitted in support of this application. Whilst the council ecologist considers that given the extent of mitigation ecological enhancement taken place within the LEMP it is likely that Net Gain or at best no net loss could be achieved, this has not been substantiated, and as such there is insufficient information to conclude no net loss/ net gain.

Ecology Conclusion:

The proposal results in harm to protected species including bats and barn owls, contrary to policy NE3 of the Placemaking Plan, partly as a result of the proposed lighting which is contrary to policy D8 of the Placemaking Plan. Additionally, the council cannot rule out the risk of a "likely significant effect" on bats associated with local "bat" Special Areas of Conservation (SACs) based on the information provided, as such the proposal is contrary to the policies within the Placemaking Plan, National Policy and the Wildlife Act and Habitats Regulations. The loss of the SNCI is discussed in the planning balance section below.

OTHER MATERIAL CONSIDERATIONS

Emissions:

The NPPF states at paragraph 152 that the planning system should support the transition to a low carbon future in a changing climate. The NPPF is clear that the planning system should ensure that places are shaped in ways which 'contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'.

Additionally, the Climate Change Act 2008 was amended in June 2019 to set out a pathway to achieve a reduction in carbon emissions of at least 100% by 2050 compared to 1990 levels. This statutory target was amended from the previous target which sought an 80% reduction in the same time period. It is important to note that the Core Strategy and Placemaking Plan were adopted in the context of the previous target.

It is therefore considered prudent that the renewable energy contribution should also be considered alongside the emissions of the proposal, which would come from construction, operation and associated transport.

The Environmental Statement (ES) sets out that the proposal will take approximately 18 months to construct. Table 10-20 of the ES sets out that 81,868 tonnes of Co2 emissions (tCo2e) are predicted from the construction of proposal (note, it is unclear from the table if this is the complete 18-month total or the 12-month total for construction).

The ES sets out that in terms of operation and associated transport the proposal will result in a total of 18,874 tCo2e emissions, this will come from road vehicle movements, fugitive methane losses, and Co2 emissions from CHP units (combined heat and power emissions (from biogenic CO2 sources)). In terms of road vehicle movements and fugitive methane losses alone this would result in 6,490 tCo2e emissions.

The ES then goes on to set out the overall emissions as a result of the proposed development annually. As mentioned, the proposal site has the capacity for the provision 2.2MW of electricity as renewable energy to the grid annually, this converts to a saving of 3,323 tonnes of Co2 emissions. This is a direct carbon saving as a result of the proposal. Additionally, the ES suggests that the proposal will save 9,404 tCo2e from the avoidance of food waste going to landfill.

Table 10-23 of the ES sets out that there will be a net proposed saving of 6,236 tCo2e annually as a result of the development. Table 10-23 has been re-created below as follows for clarity:

Source: Co2e emissions (Tonnes)

Annual GHG Emissions as a Contribution to the Global System: +6,490

Emission Savings from the Provision of Renewable Electricity: -3,323

Emission Savings from the Avoidance of Landfilled Food Waste: -9,404

'Net Effect' of the Proposed Development: -6,236

If table 10-23 of the ES is taken at face value then the annual emission from the site would be double that which was saved by the creation of renewable energy from the site, however when accounting for the savings from the avoidance of food waste to landfill the overall development would save 6,236 tCo2e emissions annually.

However, the savings from the provision of renewable energy and avoidance of food waste to landfill has only been offset against the road vehicle movements and fugitive methane losses alone, it has not included the 81,868 tCO2e from construction or the annual 12,384 tCo2e emissions for CHP units. It is unclear why these figures have been omitted, no justification is provided within the ES.

It is also noted that there is a reliance on 'emissions savings from the avoidance of landfilled food waste', totalling -9,404 tCO2e, in order for the net emissions effect to be considerably negative (i.e. less emissions). However, without certainty that this proposed development will be the source of preventing these landfill emissions (for example it is unclear if some of this food waste is already going to other nearby anaerobic digestors), the 'net effect' of the proposed development cannot be solely relied upon.

If the CHP units were included the table would read as follows:

Source: Co2e emissions (Tonnes)

Annual GHG Emissions as a Contribution to the Global System: +18,874

Emission Savings from the Provision of Renewable Electricity: -3,323

Emission Savings from the Avoidance of Landfilled Food Waste: -9,404

'Net Effect' of the Proposed Development: +6,147

Additionally, given that the construction phase would produce 81,868 tCo2e emissions and the proposal saves 3,323 tCo2e emissions from renewable energy production this would mean that it would take 24 years to for the site to offset the level of Co2 emissions associated with its construction, this would be well beyond 2030 which is the point at which BANES has pledged to become carbon neutral.

The proposal would in this scenario result in the addition of 6,147 tCo2e annually into the atmosphere, along with the estimated 81,868 tCO2e from construction.

Whilst there may be some discrepancies between overall figures what is clear is that the proposal will not save more emissions from renewable energy generation than it creates from its annual operation alone.

Planning History:

Permission was granted for an AD plant on the site of a similar size in terms of built form in 2014, the principle of an AD plant in this location was previously considered acceptable. This is therefore a material planning consideration.

However, the permission was not implemented according to plans and has now lapsed and does not represent a fall-back position. Given the length of time since permission (8 years) there have been significant changes to planning policy and it is necessary to reassess the principle of development against the current policy context.

Heritage:

In terms of the historic environment the proposal site does not have any designations in regard to heritage assets. The nearest conservation area is Queen Charlton Conservation Area which is approximately 900m away, this is also the location of the nearest listed building. The nearest Scheduled Ancient Monument is a section of the Wansdyke which is around 1.4km away. There is no known archaeology on the site. Given the distances the proposal is not considered to impact on the historic environment.

Enforcement:

There is a live enforcement appeal at the application site which is subject to a separate process.

PLANNING BENEFITS:

It is necessary to consider the planning benefits arising from the scheme. The submission considers the following as benefits of the scheme:

- The need for renewable energy and waste facilities within the District and wider region and the contribution that this facility will make to meeting targets
- The development plan support for renewable energy and waste schemes
- Opportunity to drive the treatment of waste up the waste hierarchy and help implement targets for diverting waste from landfill
- Lack of other suitable sites for renewable energy development within the District and wider region
- Limited impact on openness and visual impact of the Green Belt
- Limited traffic impact and well located in relation to sources of waste
- Ecological, landscape and visual improvements to the Queen Charlton Quarry
- Satisfactory drainage strategy for the site
- The supply of biofertiliser and soil improver for agriculture; and
- The creation of jobs in the locality both during and post construction.

Each is discussed in turn.

Need for Renewable Energy, Contribution to Targets and Development Plan Support:

As above, policy CP3 sets generation targets to achieve 110 MWe and 165 MWth by 2029. There is currently a renewable energy installed capacity of 21.7 MWe within the

district. As such, the Council is currently 88.3MWe behind its target of 110MWe - this is a significant shortfall. A significant increase in the development of renewable energy is needed to achieve the policy targets and this can and should be given weight in the determination of planning applications.

Furthermore, BaNES declared a climate change emergency in March 2019 and pledged to be carbon neutral by 2030. As part of the pledge, 'increase in local renewable energy generation' was one of the three priority areas.

As such there is a need for renewable energy generation, whilst the plan sets a target (i.e. an aim not a requirement) clearly the intention is to try to achieve this target. According to the Renewable Energy Delivery Assessment submitted with the application the proposal site will have the approximate capacity for producing 2.2MWe of renewable energy. This would contribute towards the council meeting its overall target by a further 2%.

Renewable energy generation and contribution to this target is considered to be a benefit of the scheme which is given moderate weight. In terms of development plan support, the plan must be read as a whole.

Need for Waste Facilities and the Proposal's Contribution to Targets

As discussed above, policy 2 of the JCWS has regard to non-residual waste treatment facilities, which this application has been found contrary to.

The NPPW sets out that when determining waste planning applications, waste planning authorities should: 'only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;'

The JCWS strategy does not allocate any sites for non-residual waste treatment facilities like it does for other types of waste. This in part appears to be because at the time of publishing (2011) capacity for dealing with non-residual waste was well above the local requirement. The JCWS does indicate that an additional 46,000 tonnes of capacity of non-residual waste treatment is required by 2025/26 (the plan period) across the collective 4 authority areas which the plan covers (BANES, Bristol City, North Somerset and South Gloucestershire). This figure covers municipal, commercial and industrial non-residual waste.

As previously set out, the AD plant processes feedstock, the feedstock is composed of food waste and crops. Food waste is 'diverted' from landfill and crops are purpose grown to become feed. The application submission sets out the composition of feedstock will be 25,000 tonnes from food waste the rest of the feedstock will come from crops and agricultural waste.

The latest monitoring figures published monitoring the JCWS show that there is currently 1,227,500 tonnes of operation capacity across the four districts with 92,500 tonnes of capacity permitted but not currently operational. While the indicative requirement is not considered a cap, this means that in terms of operational capacity there is 369,500 tonnes

of capacity above the 2025/26 indicative target. Therefore, there is no direct need for additional non-residual waste facilities.

In addition, the Council's Waste Team have confirmed that BANES food waste is currently processed at GENCo Anaerobic digester plant in Avonmouth, therefore the food waste would not be 'diverted from landfill' as suggested by the submission but simply from another AD facility.

Overall, whilst the proposal would contribute to non-residual waste capacity targets, these targets have already been far surpassed and as such there is no direct need for an additional non-residual waste treatment facility, and there is particularly no need for one that is not in line with the up to date policies of the JCWS. The provision of a waste facility in itself is therefore not considered a benefit that can be attributed any meaningful weight in the planning balance.

Lack of Other Suitable Sites for Renewable Energy Development within the District and Wider Region:

There is no identified need for additional sites for non-residual waste treatment facilities, there is however a target to achieve 110 MWe from renewable energy generation.

The Planning statement lists the lack of other suitable alternative sites for renewable energy in the district as a very special circumstance, however officers cannot find anything within the submission to substantiate this point.

Whilst it is noted that the authority does have some constraints to contend with in terms of renewable energy provision it is not considered that there are no other alternative sites in which renewable energy provision, including for example solar and wind site, could be located. The district has plenty of greenfield and brownfield sites where such development could be located. Therefore, this unsubstantiated claim is given no weight.

Limited Impact on Openness and Visual Impact of the Green Belt:

As described in the Green Belt section of the report above the proposal is considered to impact on the openness of the green belt both visually and spatially. That fact that the applicant considers this harm to be 'limited' is not considered to equate to it being a benefit of the scheme. Officers do not concur that limited harm can be considered a benefit.

Ecological, Landscape and Visual Improvements to the Queen Charlton Quarry:

The proposal results in the loss of SNCI (as well as harm to protected species), the loss of which is mitigated by measure within the LEMP which in part take place on the quarry site. It cannot be concluded that the mitigation measure required resulting in the harm caused by the development are a benefit of the scheme. Officers therefore do not concur with this point.

As discussed elsewhere, previously permission has been granted on the quarry element of the site to restore the ground levels to a maximum of 124m AOD. The height has actually been built up to a level of 130m (AOD) which is unauthorised. This application

proposes to reduce the height to 128m (AOD) at its highest point softly sloping to ground level of 118m AOD. No landscape objection is raised, and the proposal is considered to comply with the relevant policies in regard to landscape. This policy compliance is not considered to result in a benefit of the scheme. Officers therefore do not concur with this point.

The quarry site could currently be described as a visual eyesore due to the lack of successful planting, viability of rubbish and general unkempt state of the site. The proposed releveling and planting scheme will provide some visual enhancement. It is noted at present that the quarry has not been restored as per the previous permission requirements on the site, as such its proper restoration could be brought forward under enforcement action. As such this visual enhancement is considered to be a benefit of limited weight.

Satisfactory Drainage Strategy for the Site:

As described in the Drainage and flooding section of the report the proposal will result in adequate drainage on site, subject to condition. The proposal is not contrary to policy in this regard. The site should be treated as a greenfield site, where drainage is not a known issue and the proposal will not result in a local betterment in terms of drainage. As such this policy compliance is not considered to be a planning benefit, rather it is simply not a harm, and therefore is neutral.

The Supply of Biofertiliser and Soil Improver for Agriculture:

As described in the background section of this report the AD plant will result in a byproduct called digestate which can be used as a biofertilizer. It is understood this will be sold to farmers to be spread on agricultural land. Officers are not aware of any current shortages of fertilizer, traditional or bio. Therefore, the creation of this commodity is given no weight as a planning benefit of the proposal.

The Creation of Jobs in the Locality Both During and Post Construction:

The proposal will result in the creation of 7 number of full-time equivalents on the site. It is also noted that there will be jobs created as a result of the construction of the proposed development. This is considered a benefit of the scheme, given the number and fact that construction jobs will be temporary and short term, this is given a minor amount of weight.

Summary:

In summary the benefits arising from the scheme, and their weight, are considered to be as follows:

- Contribution to renewable energy targets - moderate weight
- Visual enhancement of the quarry site - limited weight
- Job creation - minor weight

PLANNING BALANCE:

Loss of SNCI Vs Material Considerations:

As discussed above, policy NE3 of the Placemaking Plan requires that material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the SNCI.

The SNCI is designated due to its flora (as opposed to fauna) value. The site is not considered to have direct community and amenity value as it is not possible to be accessed by the public.

The proposal submission sets out an appropriate mitigation through a LEMP and Habitats Restoration Statement which has been amended in line with the Council Ecologist requests during the application and is accepted by the Council Ecologist. The mitigation will result in the improvement and management of the existing SNCI, and the restoration and create of areas of species rich grassland on the quarry area. Some of the SNCI is at risk of loss due to the unmanaged nature of the site and scrub takeover. The future management of the site is therefore welcomed.

The mitigation along with the benefits of the scheme outlined above (contribution to renewable energy targets - moderate weight; visual enhancement of the quarry site - limited weight; and job creation - minor weight) is, in this case, considered to be sufficient to outweigh the small loss of the part of the wider SNCI.

Green Belt Harm Vs Very Special Circumstances:

As indicated in the report above, the proposal is inappropriate development in the Green Belt and in accordance with the NPPF should only be approved if very special circumstances exist. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

The NPPF says at paragraph 148 that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'

The harms arising from the proposal are identified as follows:

- Harm by reason of inappropriate development in the Green Belt, and as such failure to comply with NPPF and Policy CP8 of the PMP - this harm is considered to be substantial
- Harm to openness of the Green Belt, particularly on the spatial element, and as such failure to comply with NPPF and Policy CP8 of the PMP - this harm is considered to be substantial
- Harm from confliction with the purposes of including land within the Green Belt, particularly the purpose to assist in safeguarding the countryside from encroachment, and as such failure to comply with NPPF and Policy CP8 of the PMP - this harm is considered to be substantial
- Harm by reason of failure to comply with policy 2 of the JWCS in being an unacceptable location in principle for a non-residual waste treatment facility - this harm is considered to be substantial

- Harm resulting from severe impact to highways network and highways safety and as such failure to comply with policy ST7 of the PMP as well as the NPPF and JCWS policy 12 - this harm is considered to be substantial
- Harm arising from lighting on night-time landscape - this harm is considered to be limited given that there is not a direct conflict with Policy NE2 to sustain a residual on that ground alone
- Harm resulting in loss of SNCI - this harm is considered to be limited given that it is accepted harm (as outlined above) in terms of policy NE3.
- Harm to protected species as a result of the on-site lighting contrary to policy NE3 and D8 of the Placemaking Plan - this harm is considered to be substantial
- Harm resulting from the potential for "likely significant effect" on bats associated with local "bat" Special Areas of Conservation contrary to Policy NE3 and national policy - this harm is considered to be substantial and cannot be ruled out based on the evidence provided by the applicant.

There are several matters which weigh in favour of the application which must be considered in this balance. These are listed in the benefits section above, to reiterate these are:

- Contribution to renewable energy targets - moderate weight
- Visual enhancement of the quarry site - limited weight
- Job creation - minor weight

In this instance it is considered that the benefits of the scheme do not amount to very special circumstances that would outweigh the cumulative harm identified above. The proposal is therefore considered inappropriate development in the Green Belt contrary to policy CP8 and the NPPF.

Additionally, the proposal is also considered contrary to policy 11 the JWCS given that it states that planning permission will not be granted for waste related development where this would endanger or have a significant adverse impact including on Green Belt, except where very special circumstances are justified. Very special circumstances are not justified.

CONCLUSION:

The proposal has been found contrary policy 2 of the JWCS in being an unacceptable location in principle for a non-residual waste treatment facility.

The proposal has been found to fail to comply with policy ST7 of the Placemaking Plan due to its severe highways impacts.

The proposal has been found to fail to comply with policy NE3 and D8 of the Placemaking Plan due to the harm to protected species from the proposed lighting and potential for 'significant likely effects' on the SAC.

On balance the proposal has been found contrary to policy CP8 of the Core Strategy and the NPPF resulting in inappropriate development in the Green Belt and harm to openness.

Overall, there are no material considerations, including public benefits, which outweigh the development's numerous and substantial conflicts with planning policy, indeed a number of material considerations, including the development's questionable carbon emission credentials, weigh against the proposal adding further weight to the case to resist this development. The proposal is contrary to the development plan and in the absence of any material considerations outweighing that conflict, the proposal is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal for a non-residual waste treatment facility is not located in a location deemed acceptable for such a facility by Policy 2 of the Joint Core Waste Strategy. Therefore by reason of its inappropriate siting the proposal is unacceptable in principle. The proposal is therefore contrary to Policy 2 of the Joint Core Waste Strategy.

2 The proposal would result in an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would be severe. The proposal fails to promote sustainable travel. The proposal is therefore contrary to Policy ST7 and ST1 of the Placemaking Plan, Policy 12 of the Joint Waste Core Strategy, and the NPPF.

3 The proposal results in harm to protected species including bats and barn owls, contrary to policy NE3 of the Placemaking Plan, partly as a result of the proposed lighting which is contrary to policy D8 of the Placemaking Plan. Additionally, the council cannot rule out the risk of a "likely significant effect" on bats associated with local "bat" Special Areas of Conservation (SACs) based on the information provided, as such the proposal is contrary to the policies within the Placemaking Plan, National Policy and the Wildlife Act and Habitats Regulations.

4 The proposal results in inappropriate development within the Green Belt which would be harmful by definition, the proposal results in harm to the openness of the Green Belt, as well as conflicts with the purposes of the Green Belt. The proposal is therefore contrary to policy CP8 of the Core Strategy, Part 13 of the NPPF, and Policy 11 of the Joint Core Waste Strategy.

PLANS LIST:

1 This decision relates to the following plans:

29 Jan 2021	440-Pa-051 F	Proposed Landscape - Layout
29 Jan 2021	440-Pa-102 A	Proposed Landscape - Sections D & E
09 Feb 2021	Sk40 Rev A	Gas Compound Representative Aerial Layou..
05 Aug 2021		External Isoline Contours For Artificial...
22 Oct 2021	001 Rev B	Existing Site Plan
22 Oct 2021	011 Rev H	Proposed Site Access Levels Layout
22 Oct 2021	012 Rev G	Proposed Containment Area Levels Layout
22 Oct 2021	013 Rev J	Proposed Silage Clamps Levels Layout
22 Oct 2021	025 Rev G	Visibility Splay & Site Access Detai...
22 Oct 2021	026 Rev D	Visibility Splay Reprofiled Embankment C...

22 Oct 2021	1056 Rev C	Proposed Site Layout With 2014 Planning ..
22 Oct 2021	1057 Rev C	Proposed Site Sections With 2014 Plannin...
22 Oct 2021	1060 Rev N	Proposed Cross Sections
22 Oct 2021	1061 Rev F	Retained Existing Plant & Structure ...
22 Oct 2021	1062 Rev D	Proposed Plant & Structure Elevation...
22 Oct 2021	1063 Rev B	Typical Fencing, Cctv & Lighting Sup...
22 Oct 2021	1064 Rev B	Proposed Cng Station Elevations
22 Oct 2021	155 Rev H	Detailed Site Location Plan
22 Oct 2021	350 Rev D	Proposed Cctv & Lighting Layout
22 Oct 2021	440-Pa-051 G	Proposed Landscape - Layout
22 Oct 2021	440-Pa-102 B	Proposed Landscape - Sections D & E
22 Oct 2021	550 Rev E	Stockpile Volume Analysis & Quarry S...
22 Oct 2021	650 Rev C	Ad Plant Drainage Location Plan
22 Oct 2021	700 Rev C	Existing Site Plan (Re-Baselined Scenari
22 Oct 2021	701 Rev F	Proposed Site Plan
22 Oct 2021	Pb9021-Rhd-Pd-Xx-Dr-E-0002 P03	External Isoline Contours For Artificial...
22 Oct 2021	Sk100 Rev A	Proposed Staff Welfare Plan
22 Oct 2021	Sk101 Rev A	Proposed Internal Circulation Plan
22 Oct 2021	Sk31 Rev G	Proposed Site Layout Process Area
22 Oct 2021	Sk32 Rev G	Proposed Site Layout Overall Drainage
22 Oct 2021	Sk33 Rev E	Proposed Silage Clamps Drainage Layout
22 Oct 2021	Sk45 Rev E	Proposed Vehicle Tracking Routes
22 Oct 2021	Sk46 Rev E	Indicative Tractor Trailer Positioning
22 Oct 2021	Sk50 Rev L	Site Location Plan
22 Oct 2021	Sk55 Rev E	Land Ownership And Visibility Splay Over

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

This page is intentionally left blank

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	9th March 2022
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
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 Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

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

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

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

INDEX

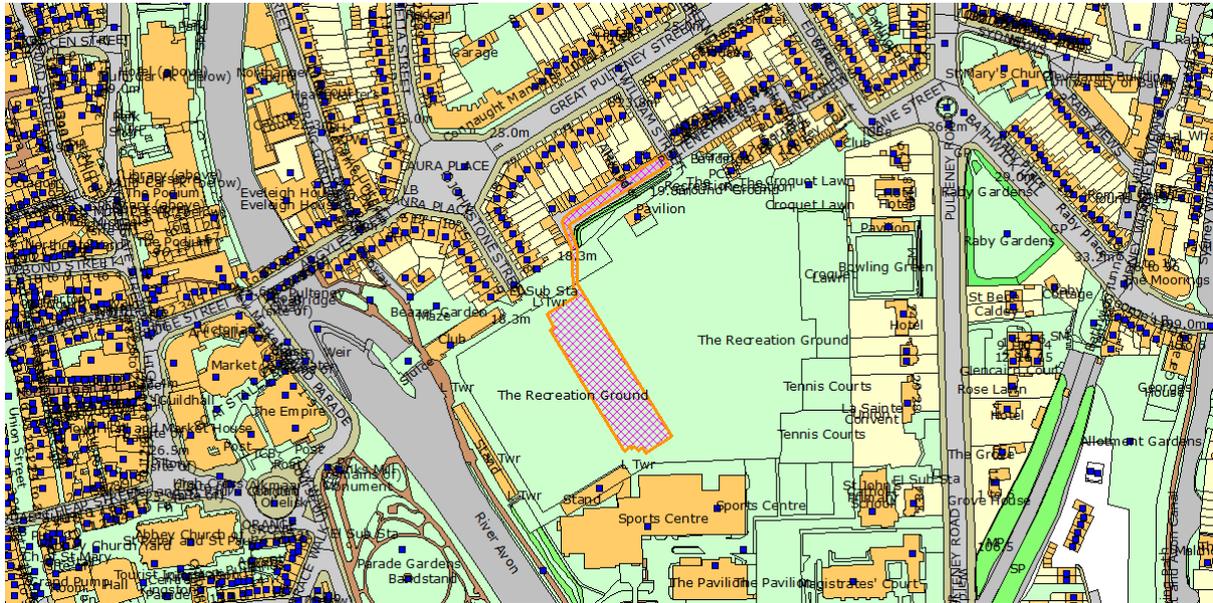
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	21/05528/VAR 8 February 2022	Mr Alex Cohen (Bath Rugby) Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick, Bath Variation of condition 1 of application 20/00135/VAR (Variation of conditions 1 and 2 of application 17/01637/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) and the retention of the east stand during summer 2020 (Erection of temporary spectator stand along the eastern side of the playing field including associated works and ancillary facilities comprising floodlighting, toilets, food and bar facilities within structure. (Amended location 3 metres to the east of stand granted planning permission 12th February 2016 (LPA ref. 15/05237/FUL). Structure and capacity to remain as approved.))).	Bathwick	Chris Griggs-Trevarthen	PERMIT

02	21/05529/VAR 8 February 2022	Mr Alex Cohen (Bath Rugby) Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick, Bath Variation of condition 1 of application 20/00136/VAR (Variation of condition 1 of application 15/05235/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) (Part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilets and food and bar facilities within temporary stand (temporary application for a period of up to four years).)).	Bathwick	Chris Griggs- Trevarthen	PERMIT
03	21/05530/VAR 15 March 2022	Mr Alex Cohen (Bath Rugby) Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick, Bath Variation of condition 1 of application 20/00137/VAR (Variation of condition 1 of application 15/05237/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) (Erection of temporary spectator stands along the north and eastern sides of the playing field; erection of hospitality boxes to either side of the retained south stand; erection of control box and screen/scoreboard between north and east stands including fence enclosure. Associated works and ancillary facilities comprising floodlighting, and toilets, food and bar facilities within temporary north and east stands (temporary application for period of up to four years)).	Bathwick	Chris Griggs- Trevarthen	PERMIT
04	21/03682/FUL 10 March 2022	The Trustees of the Jones Family Settlement Church Farm, Church Lane, Priston, Bath, Bath And North East Somerset Erection of two dwellings and associated works, to follow demolition of existing equestrian related barns.	Bathavon South	Samantha Mason	PERMIT

05	21/03965/FUL 21 October 2021	Mr & Mrs David Oliver Manor House, Watery Lane, Burnett, Keynsham, Bristol Installation of solar PV panels and ground source heat pump pipe work to eastern paddock to provide renewable energy sources for manor house. Connection of pipework to existing lower ground floor plant room.	Saltford	Dominic Battrick	PERMIT
06	21/03966/LBA 21 October 2021	Mr & Mrs David Oliver Manor House, Watery Lane, Burnett, Keynsham, Bristol Internal and external alterations for the installation of solar PV panels and ground source heat pump pipe work to eastern paddock to provide renewable energy sources for manor house. Connection of pipework to existing lower ground floor plant room.	Saltford	Dominic Battrick	CONSENT
07	21/05364/FUL 15 March 2022	Skuse 16 Broadlands Avenue, Keynsham, Bristol, Bath And North East Somerset, BS31 2DU Erection of front, side and rear extension. Provision of attic conversion and garden room.	Keynsham North	Isabel Daone	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 21/05528/VAR
Site Location: Bath Rugby Club Bath Recreation Ground Pulteney Mews Bathwick Bath



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Dr Kumar Councillor Manda Rigby
Application Type: Application for Variation of Condition

Proposal: Variation of condition 1 of application 20/00135/VAR (Variation of conditions 1 and 2 of application 17/01637/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) and the retention of the east stand during summer 2020 (Erection of temporary spectator stand along the eastern side of the playing field including associated works and ancillary facilities comprising floodlighting, toilets, food and bar facilities within structure. (Amended location 3 metres to the east of stand granted planning permission 12th February 2016 (LPA ref. 15/05237/FUL). Structure and capacity to remain as approved.))).

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, Public Right of Way, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Mr Alex Cohen (Bath Rugby)
Expiry Date: 8th February 2022

Case Officer: Chris Griggs-Trevarthen

To view the case click on the link [here](#).

REPORT REASON FOR REPORTING TO COMMITTEE

Councillor Rigby has objected to the application and, in line with the scheme of delegation, the application has been referred to the chair of the Planning Committee. The chair has decided that the application should be determined by the planning committee and has given the following reasons:

Given the importance of this site in the heart of Bath, and the fact that a second (and in this case, third) extension of temporary permission can only be granted in exceptional circumstances, I believe that this proposal should be debated in a public forum. I therefore refer this application to the committee for a decision.

DESCRIPTION

The site is located in the heart of the city, within the City of Bath Conservation Area and the UNESCO World Heritage Site. The site is identified as part of a safeguarded sports and recreational facilities designation. The site lies adjacent to the River Avon which is a designated Site of Nature Conservation Interest (SNCI) which is also used as functional habitat for the Bath and Bradford on Avon Bats Special Area of Conservation (SAC).

The Recreation Ground is framed by and contributes to the setting of a number of listed building/heritage assets in the vicinity including:

- o Pulteney Bridge, Johnstone Street and Great Pulteney Street (all Grade I listed) to the north
- o Parade Gardens (Registered Park and Garden of Special Historic Interest), Grand Parade
- o (Grade II listed) and Bath Abbey to the west
- o North Parade bridge (Grade II listed) to the south
- o Villas along Pulteney Road (Grade II listed) to the east

The Recreation Ground itself contains three Grade II listed buildings, a former lime kiln that is located within the Club's operational area (referred to as 'The President's Lounge'), an Entrance Kiosk and gates to the Recreation Ground at the end of William Street, and the Pavilion on North Parade Road. The Recreation Ground may also contain archaeological features of interest.

Planning permission 17/01637/FUL was granted in 2017 for the erection of a temporary spectator stand along the eastern side of the playing field including associated works and ancillary facilities comprising floodlighting, toilets, food and bar facilities within structure. (Amended location 3 metres to the east of stand granted planning permission 12th February 2016 (LPA ref. 15/05237/FUL). Structure and capacity to remain as approved.) It was a resubmission of 15/05237/FUL which had been granted in 2016 but sought to move the siting of the east stand 3m to the east.

Condition 1 of 17/01637/FUL relates to the east stand within the 1.58 hectare ground and states the following:

This permission shall expire on 30th May 2020 after which the temporary seating and other structures hereby approved shall be removed from the site and the land/premises reinstated on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority prior to the expiry date.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

A variation to the temporary planning permission was granted in May 2020 (ref: 20/00135/VAR) which extended the date in condition 1 until May 2022 to allow the temporary stand to stay in-situ for a further two years.

This current application seeks a further variation of condition 1 to allow the stands and related development at the Bath Recreational Ground to remain in situ for an additional 4 years (until 30th May 2026).

PLANNING HISTORY

There is a significant and lengthy history of applications related to Bath Rugby's use of the Recreation Ground including a number for temporary Stands and structures over the last 10-15 years. In the case of the east stands, planning permission for temporary stands in various forms were originally approved in 2005 and have been subsequently renewed with the current permission expiring in May 2020.

ENVIRONMENT IMPACT ASSESSMENT

This application proposal has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that the application does not represent EIA development and that an Environmental Statement is not required.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below.

CANAL AND RIVERS TRUST: No comment received

ENVIRONMENT AGENCY: No comment received

ENVIRONMENTAL HEALTH: No objection

HISTORIC ENGLAND: No objection

Historic England acknowledge that the rugby club had previously been developing proposals for a new, permanent, stadium on their existing site. However, a combination of legal complications and the Coronavirus pandemic have led to the cancellation of these plans.

Historic England had reservations about the previous plans for a permanent stadium, in particular its increased height compared to the present arrangements and consequent adverse effect on the Conservation Area and World Heritage Site. While granting consent to retain the existing stands for a further four years will prolong the existence the ground's negative aspects, they acknowledge that this length of time should be sufficient for the club to design, and hopefully build, a new stadium which is sympathetic to the character and appearance of the Bath Conservation Area and the Outstanding Universal Value of the Bath World Heritage Site.

PULTENEY ESTATE RESIDENTS' ASSOCIATION: Objection

The Pulteney Estate Residents Association (PERA) have made the following requests:

1. That the planning applications are made lawful by properly completing the 'Ownership' Certificate.
2. That a new EIA Screening Opinion for the whole stadium is required due to changes in noise levels, pedestrian flows, and traffic since the previous applications and that this is needed before any planning decisions are made.
3. That the applications are limited to a two-year temporary permission expiring 30.05.2024, to better expedite plans for a stadium which respects the values of the World Heritage Site.
4. That Condition 2 is retained for the removal of the East Stand each summer and that all other existing conditions are also retained.
5. That new conditions are imposed in respect of noise, relocating the TV screen/scoreboard, the Travel Plan, and making good surfaces.

To the extent any of PERA's requests are not met and changes to Conditions are not adopted by Bath and North East Somerset Council as set out above, they object to the applications and request their refusal on the grounds set out.

FRIENDS OF BATH RECREATION GROUND: Objection

The Friends of Bath Recreation Ground suggest that the applications to extend the temporary planning permissions are in breach of the terms of the 1956 Disposal of the Rec to which the Council is signatory.

They also take issue with the applicant's position regarding its plans for permanent stadium proposals as justification for the proposed extension to the temporary consents.

The association suggests that proposals are contrary to policy B2 of the Core Strategy and that the unique legal issues relating to the Bath Recreation Ground have not been resolved. It is also suggested that policies B2b and SB2 are unsound.

They do not consider it appropriate for a further temporary permission to be granted.

COUNCILLOR Manda Rigby: Objection and Call-in request

Cllr. Rigby wishes to object to this application stating that it is best practice not to extend temporary permissions and although this has been done again and again to allow for a permanent application to be made, this still has not happened. National legislation is clear on best practice, that temporary permissions should not be extended in a way that, by default, makes them appear permanent.

Cllr. Rigby asks for this application to come to committee should officer be minded to approve it because it is such an important issue and she wishes to be able to express her objections more fully.

THIRD PARTIES/NEIGHBOURS: 9 letters of Objection have been received. The main points raised were:

There were suggestions that a further temporary permission should not be granted as it is contrary to planning policy in the NPPF. Some felt this was a distortion of the planning process.

There was concern that allowing the temporary stands to remain for a further 4 years would destroy views of this central green area within Bath to the detriment of residents and visitors. Some suggested that it should be limited to a two year temporary permission to better expedite plans for a permanent stadium.

Several comments refer to legal issues around the ownership and conveyancing issues surrounding the Recreational Ground and consider that these were not reasons to delay consideration of the permanent proposals. Some consider that the planning applications would conflict with the 1922 and 1956 covenants on the Bath Recreation Ground.

Many comments considered that the proposals would be harmful to the Bath World Heritage Site, the Conservation Area and the setting of various listed buildings. There was concern about the lack of UNESCO's involvement in the application and the potential for the proposals to put Bath's WHS status at risk.

One comment did not want any structures erected that would rise above the end of Johnstone Street blocking the view of surrounding areas.

A couple of the comments suggested that the Recreational Ground should be opened up and made available to the public and other amateur sports clubs.

There was concern about any proposals to make the East Stand permanent and comments wanted it to be removed in the summer. (Officer note: The application does not propose making the east stand permanent)

It is suggested that a new EIA screening opinion is required due to changes in noise levels, pedestrian flows and traffic since the previous applications.

Others referred to the following changes in circumstances since 2015 including; the introduction of the Clean Air Zone (CAZ), advice from Avon and Somerset Police regarding terrorism risks in Bath, the declaration of a Climate Emergency, the closure of Milsom Street and traffic management on Queen Square and the covid pandemic.

There were requests for new conditions to be imposed in respect of noise, travel plans, making good surfaces and the location of TV screens/scoreboards.

There were concerns about the additional pollution (both noise and air) associated with traffic on match days.

A Noise Assessment (MAS Environmental) has been submitted by a third party which undertook noise monitoring at two properties on Great Pulteney Street between 3rd May and 3rd June 2019. It sought to establish the baseline environmental sound levels and compare them to noise generated by events from Bath Rugby. The report recorded a high level of noise during match days and other events.

There were concerns raised about the planning and consultation process.

The status of policy SB2 was questioned in light of the Local Plan Partial Update where it is being challenged by third parties.

Some felt that the applications clearly fail to comply with the sustainable transport sections of the NPPF, especially paragraphs 104, 110, 112 and 113. The temporary proposals need to address sustainable travel now.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - o Policy GDS.1 Site allocations and development requirements (policy framework)
 - o Policy GDS.1/K2: South West Keynsham (site)
 - o Policy GDS.1/NR2: Radstock Railway Land (site)
 - o Policy GDS.1/V3: Paulton Printing Factory (site)
 - o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

RELEVANT CORE STRATEGY POLICIES

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- SD1 Presumption in favour of sustainable development
- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B2 Bath Central Area
- B4 Bath World Heritage Site
- CP6 Environmental Quality

RELEVANT PLACEMAKING PLAN POLICIES

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- SB2 Central Riverside and Recreation Ground
- SU1 Sustainable Drainage
- D1 General Urban Design Principles
- D2 Local Character and Distinctiveness
- D5 Building Design
- D6 Amenity
- D8 Lighting
- D10 Public Realm
- NE1 Development and Green Infrastructure
- NE2 Conserving and Enhancing the Landscape and Landscape Character
- PCS2 Noise and vibration
- PCS3 Air Quality
- PCS5 Contamination
- PCS7A Foul Sewage Infrastructure
- ST1 Promoting Sustainable Travel
- ST7 Transport Requirements for Managing Development

NATIONAL POLICY

National Planning Policy Framework and the National Planning Practice Guidance be awarded significant weight.

CLIMATE EMERGENCY

The Council declared a climate emergency in March 2019 and this is considered to be a material consideration in the determination of this application.

LEGISLATION

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

There is also a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are whether an extension of the temporary planning permission is justified, and, if so, what impacts this might have upon the following matters:

1. Temporary Planning Permission
2. Landscape and Visual Impact
3. Highways and Traffic
4. Air Quality
5. Noise and Disturbance
6. Flood Risk
7. Conclusion

1. TEMPORARY PLANNING PERMISSION

Temporary stands have been approved at the Recreation Ground over a significant number of years and have previously been renewed in anticipation of a final resolution regarding the Club's future at the Recreation ground.

The NPPG provides guidance on the use of temporary permissions and states:

"It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently."

The east stand in its current form has had temporary planning permission since 2017 (ref: 17/01637/FUL and 20/00135/VAR).

The reason given for condition 1 of both planning permission 17/01637/FUL and 20/00135/VAR is as follows:

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

The design and construction of the temporary east stand remains unchanged. It is therefore necessary to consider whether there is a clear rationale for a 4 year extension to the 'limited period allowed for a permanent solution for the future of the recreation ground to be resolved' taking into account the fact that the temporary permission has already been in place for 5 years.

There is currently no permission or application for a new permanent stadium on the site. The last temporary permission (ref: 20/00135/VAR) was granted in May 2020 which was during the initial stages of the covid-19 pandemic. Part of the reason for granting that temporary consent was related to the uncertainty arising from the pandemic that existed at the time. The club had paused its redevelopment project at the time due to the impact of the pandemic and, whilst it was acknowledged that there was no guarantee that a permanent solution would be found within the two years temporary period, it was

considered to be reasonable to allow a degree of flexibility and breathing space during this time of national uncertainty.

In addition, one of the reasons the applicant previously indicated that proposals had not progressed was a delay in the resolution of legal issues relating to the Recreation Ground. A recent Court of Appeal decision in December was determined in favour of Bath Rugby and the applicant is now confident that legal barriers to the permanent redevelopment have now been dealt with.

The combination of the impacts of the pandemic over the last two years and the uncertainty surrounding legal issues provide sufficient justification as to why the permanent redevelopment proposals have not advanced further since the grant of the previous temporary consent.

Comments received from residents and third parties dispute that the legal issues were a significant cause for delay and argue that circumstances do not exist to justify any further delay by the applicant. Whilst these legal issues are not planning matters in and of themselves, it stands to reason that the applicant would quite rationally not wish to advance what will likely be a complicated and expensive scheme for a permanent redevelopment whilst such uncertainty remained.

Some of the uncertainty around the pandemic and the legal issues has now reduced and the rugby club have indicated that they are moving forward again with the redevelopment project for a permanent stadium.

In terms of progress towards a permanent solution for the future of the Recreation Ground, the applicant had previously undertaken significant work in preparation for a planning application prior to the pandemic. The applicant had engaged in several rounds of public consultation in 2018 and has also engaged in multiple pre-application discussions with the Local Planning Authority about proposals for a new permanent stadium on the site. Furthermore, a scoping opinion has been requested (ref: 19/03133/SCOPE) by the applicant and a response provided by the Local Planning Authority.

The applicant has also recently sought to re-engage with the Council in respect of pre-application discussions. Given the significant amount of work that has previously been undertaken, it seems reasonably likely that a planning application could be prepared, submitted and determined within the next two years. An additional two year period on top of this would also seem a reasonable timeframe for the implementation of any potential planning permission granted. A four year extension to the temporary permission would therefore support the objectives of policies SB2 by allowing time for the permanent redevelopment proposals to come forward without causing significant disruption to the current operations taking place on the site.

Furthermore, the NPPG states that:

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').

If the temporary permission is not extended then this would likely result in considerable disruption to the operation of Bath Rugby on the site. It would also create further uncertainty about the future and use of the site as some elements of the existing stadium are permanent whereas others are temporary. In this regard, continued use of the temporary stands prior to the resolution of a permanent solution for the Recreation Ground can be considered a suitable 'meanwhile use' which provides certainty and continuity.

In conclusion, the uncertainty caused by the pandemic in the last two years has meant that the permanent proposals for redevelopment have not yet come forward. However, the applicant has now indicated that they are moving forward again and have sought to re-engage with pre-application discussions. Furthermore, the applicant now has greater confidence about the legal issues relating to the site. An extension to the temporary permission for a further 4 years would therefore provide a suitable period for the longer-term proposals to come forward.

Furthermore, the continued meanwhile use of the site as a stadium with temporary stands is considered appropriate and serves to provide certainty and continuity whilst a permanent resolution for the site is found. It is therefore considered that an extension to the grant of temporary permission for a period of four years is considered acceptable in these circumstances.

2. LANDSCAPE AND VISUAL IMPACT

The site's location within the Bath World Heritage Site, Conservation Area and near to a number of listed buildings makes the visual impact of the development within its landscape very sensitive.

Application 20/00135/VAR (and application 17/01637/FUL before that) was determined to result in less than substantial harm to the Outstanding Universal Value ("OUV") of the World Heritage Site, character and appearance of the Conservation Area and setting of the nearby listed buildings. However, it was concluded that the public benefits of the proposal outweighed this harm.

The current application proposes extending the temporary permission for the north and south stands for an additional 4 years (30th May 2026). The design and appearance of the temporary stand would be unchanged. As such, the scale of the development remains the same and the likely landscape and visual impact is no greater than the existing situation.

The primary additional impact of the proposed application is temporal. Extending the temporary permission by 4 years means that the harm identified to the World Heritage Site, Conservation Area and Listed Buildings arising from its landscape and visual impact would persist for a longer period of time rather than coming to an end on the 30th May 2022.

This landscape and visual harm to these heritage assets has previously been identified as 'less than substantial' and, even taking into account the cumulative impact of the previous 5 years of temporary consents in combination with the proposed 4 year extension, this assessment of this level of harm has not significantly changed.

Where harm is identified to a heritage asset and that harm is classified as 'less than substantial' the NPPF requires that the harm is balanced against the public benefits of the proposals. The NPPF is also clear that great weight should be given to the conservation of heritage assets and that World Heritage Sites are a heritage asset of the highest significance.

Furthermore, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area.

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

In accordance with both these duties the harm identified is given considerable importance and weight.

It was previously considered under 20/00135/VAR (and 17/01637/FUL before that) that the harm caused by the east stand was outweighed by the public benefits of the proposal, namely the contribution to the local economy arising from the rugby club. It is considered that the 4 year extension to the temporary permission, although resulting in the harm persisting for a longer period of time, does not significantly affect this balance of this previous judgement, as the stand would remain temporary rather than permanent, and it is therefore considered that the 'less than substantial harm' identified to these heritage assets is outweighed by the public benefits of the proposal.

3. HIGHWAYS AND TRANSPORT

The Recreation Ground is located in the centre of Bath and readily accessible by a variety of means. It has previously been concluded (ref: 20/00135/VAR, 17/01637/FUL and 15/05237/FUL) that the ground is in a sustainable location and that the operation of the club with these temporary facilities, and subject to a travel plan, would not give rise to significant congestion or highways safety issues.

The main impacts of the current application are temporal. Since the previous temporary consent was granted the Bath Clean Air Zone (CAZ) has been introduced. However, the operation of the club on this same basis for an additional 4 years is unlikely to give rise to any additional traffic or highways safety impacts beyond those previously identified and found acceptable.

4. AIR QUALITY

The recreation ground falls within the area identified as part of the Clean Air Zone (CAZ). Roads across the river and within the city centre are also identified as part of an Air Quality Monitoring Area (AQMA). The current temporary permission has been identified as

giving rise to car trips into the city, including along routes within the AQMA. However, these are dispersed along a number of different routes into the city and given the relatively few occasions that the club plays at the ground each year (15-16 games per season) this was not considered to have a significant impact upon air quality.

The main impacts of the current application are temporal. The operation of the club on this same basis for an additional 4 years is unlikely to give rise to additional air quality or emissions impacts beyond those previously identified and found acceptable.

5. NOISE AND DISTURBANCE

The closest neighbouring properties to the ground are located in Johnstone Street and they are directly affected by the development on match days. A copy of a noise report from 2019 has been submitted by third parties. Noise emanating from the ground and fans approaching or leaving the ground has the potential to be disruptive to residential amenity. However, given the relatively few occasions that the club plays at the ground each year (15 - 16 games per season) and the implementation of the crowd management measures, it was previously considered that there would not be sustained harm to the amenities of the neighbouring residents as a result of the current temporary permission.

The main impacts of the current application are temporal. The operation of the club on this same basis for an additional 4 years is unlikely to give rise to additional noise or disturbance impacts beyond those previously identified and found acceptable.

6. FLOOD RISK

The Recreation Ground falls within Zone 3 of the Environment Agency Flood Zone Map, with part designated as Zone 3b 'functional floodplain'. In the NPPG (Table 2: Flood risk vulnerability classification) the proposed Stands represent sports and recreation and essential or ancillary facilities and are considered to be 'water compatible' development. The Flood Risk Assessment originally submitted (ref: 15/05235/FUL) was considered to be acceptable and current application does not propose to alter this.

The main impacts of the current application are temporal. The operation of the club on this same basis for an additional 4 years is unlikely to give rise to additional flood risk impacts beyond those previously identified and found acceptable.

7. CONCLUSION

In conclusion, the uncertainty caused by the pandemic in the last two years has meant that the permanent proposals for redevelopment have not yet come forward. However, the applicant has now announced that they are moving forward again and have sought to re-engage with pre-application discussions. Furthermore, the applicant now has greater confidence about the legal issues relating to the site. An extension to the temporary permission for a further 4 years would therefore provide a suitable period for the longer-term proposals to come forward.

Furthermore, the continued meanwhile use of the site as a stadium with temporary stands is considered appropriate and serves to provide certainty and continuity whilst a permanent resolution for the site is found. It is therefore considered that an extension to the grant of temporary permission for a period of four years is considered acceptable in these circumstances.

It is therefore considered that an extension to the grant of temporary permission for a further period of four years is considered acceptable in these circumstances.

RECOMMENDATION

PERMIT

CONDITIONS

1 Temporary Planning Permission (Compliance)

This permission shall expire on 30th May 2026 after which the temporary seating and other structures hereby approved shall be removed from the site and the land/premises reinstated on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority prior to the expiry date.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

2 Temporary East Stand (Compliance)

The construction of the temporary East Stand seating and associated facilities including access stairs shall not commence more than 4 weeks before the first Home game of each rugby Premiership season. With the exception of summer 2020, the East Stand shall not be used for more than 39 weeks from the date it is first brought into use each season and the East Stand structures and associated facilities including access stairs shall be entirely removed from the site not later than 3 weeks after the last Home game of the rugby Premiership season.

Reason: In the interests of the use, character and appearance of the site as recreational open space within the Conservation Area and World Heritage Site and the setting of listed buildings. The exception of summer 2020 is due to the unprecedented circumstances relating to the COVID-19 crisis and the need to retain flexibility during this period of uncertainty.

3 Reinstatement (Compliance)

The reinstatement scheme for the grass underneath the East Stand shall be implemented in accordance with details submitted to and approved under application 18/00445/COND. The reinstatement scheme shall be implemented as approved within 7 days of the Stand being removed pursuant to Condition 2.

Reason: In order to ensure that the land under the area covered by the stand is capable of being reinstated to an appropriate condition in order to ensure the continued use of the Recreation Ground for all of its users and in the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

4 Fabric Screen (Compliance)

The East Stand hereby approved shall only be used with the green double layered screen fabric in place on the rear of the stand.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

5 Seating Colour (Compliance)

Only green coloured seating shall be installed in the temporary Stands hereby approved.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

6 Construction Work (Compliance)

Construction work associated with the erection and dismantling of the temporary Stands shall be in accordance with the submitted Construction Method Statement (Revision 03 December 2015). Works will only be carried out between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturday with no works undertaken on Sundays or Bank Holidays. No noisy operations shall take place other than between the hours of 8am and 4pm Monday to Friday and 8am to 1pm on Saturday and not on Sundays or on Bank Holidays.

Reason: In order to protect the amenity of adjoining properties and ensure that site access and management arrangements are satisfactory.

7 Flood Risk Assessment (Compliance)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Black and Veatch, and AWW Technical Note dated March 2017 and in particular the following mitigation measures:

- Access shall be provided to the Environment Agency for a crane (up to 100T) to access Pulteney Radial Gate through the recreation ground in an emergency.
- Ground levels and structures allowing the flow of flood water between the river and the ground are to remain unchanged.
- There are no structures or changes to ground levels between the river and the new West stand.

Reason: To ensure unimpeded access for the Environment Agency to the Pulteney Gate structure in the event of an emergency; to allow flood water to be stored and thereby ensuring flood risk downstream is not increased; and to maintain conveyance flows next to the river during a flood.

8 Travel Plan (Compliance)

The development hereby permitted shall be occupied only in accordance with the submitted Travel Plan dated August 2014, the measures set out in correspondence from IMA Transport Planning dated 25 January 2016 or such other measures submitted to and approved in writing by the Local Planning Authority arising from the implementation of the Travel Plan.

Reason: In the interests of promoting the take up of sustainable transport methods and to minimise impacts on the highway network.

9 Unexpected Contamination (Compliance)

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. Contamination may be indicated by soils that have unusual characteristics such as: unusual colour, odour, texture or containing unexpected foreign material.

Reason: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

10 Archaeology Watching Brief (Compliance)

The development shall take place in accordance with the Written Scheme of Investigation for an Archaeological Watching Brief (Cotswold Archaeology dated 17 June 2010).

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

11 East Stand (Compliance)

This permission relates only to the East Stand as shown on the submitted drawings and does not convey consent for any other development or advertising.

Reason: In order to clarify the terms of the permission

12 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to drawing nos 1865_98 / 10, 11 and 12 received 4th April 2017.

2 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

3 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

5 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before commencing any**

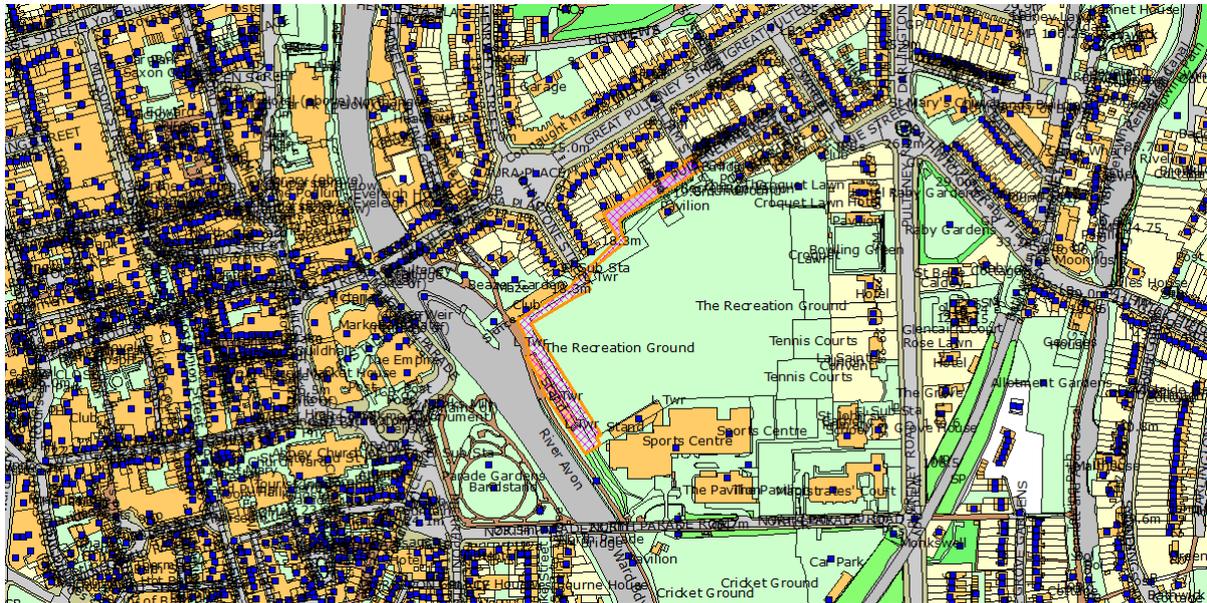
development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

6 EIA BASELINE

The Local Planning Authority considers that the grant of a 4 year extension to this temporary planning permission does not materially alter the baseline of the site for the purposes any Environmental Impact Assessment.

Item No: 02
Application No: 21/05529/VAR
Site Location: Bath Rugby Club Bath Recreation Ground Pulteney Mews Bathwick Bath



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Dr Kumar Councillor Manda Rigby
Application Type: Application for Variation of Condition

Proposal: Variation of condition 1 of application 20/00136/VAR (Variation of condition 1 of application 15/05235/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) (Part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilets and food and bar facilities within temporary stand (temporary application for a period of up to four years).)).

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Listed Building, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, All Public Rights of Way Records, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Mr Alex Cohen (Bath Rugby)

Expiry Date: 8th February 2022

Case Officer: Chris Griggs-Trevarthen

To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING TO COMMITTEE

Councillor Rigby has objected to the application and, in line with the scheme of delegation, the application has been referred to the chair of the Planning Committee. The chair has decided that the application should be determined by the planning committee and has given the following reasons:

Given the importance of this site in the heart of Bath, and the fact that a second (and in this case, third) extension of temporary permission can only be granted in exceptional circumstances, I believe that this proposal should be debated in a public forum. I therefore refer this application to the committee for a decision.

DESCRIPTION

The site is located in the heart of the city, within the City of Bath Conservation Area and the UNESCO World Heritage Site. The site is identified as part of safeguarded sports and recreational facilities designation. The site lies adjacent to the River Avon which is a designated Site of Nature Conservation Interest (SNCI) which is also used as functional habitat for the Bath and Bradford on Avon Bats Special Area of Conservation (SAC).

The Recreation Ground is framed by and contributes to the setting of a number of listed building/heritage assets in the vicinity including:

- o Pulteney Bridge, Johnstone Street and Great Pulteney Street (all Grade I listed) to the north
- o Parade Gardens (Registered Park and Garden of Special Historic Interest), Grand Parade (Grade II listed) and Bath Abbey to the west
- o North Parade bridge (Grade II listed) to the south
- o Villas along Pulteney Road (Grade II listed) to the east

The Recreation Ground itself contains three Grade II listed buildings, a former lime kiln that is located within the Club's operational area (referred to as 'The President's Lounge'), an Entrance Kiosk and gates to the Recreation Ground at the end of William Street, and the Pavilion on North Parade Road. The Recreation Ground may also contain archaeological features of interest.

Planning permission 15/05235/FUL was granted in 2016 for the part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside

path, provision of toilets and food and bar facilities within temporary stand (temporary application for a period of up to four years).

Condition 1 of 15/05235/FUL relates to the west stand within the 1.58 hectare ground and states the following:

This permission shall expire four years from commencement of the development hereby approved or 30th May 2020 which ever is the earlier after which the temporary seating and other structures hereby approved shall be removed from the site.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

A variation to the temporary planning permission was granted in May 2020 (ref: 20/00136/VAR) which extended the date in condition 1 until May 2022 to allow the temporary stand to stay in-situ for a further two years.

This current application seeks a further variation of condition 1 to allow the stands and related development at the Bath Recreational Ground to remain in situ for an additional 4 years (until 30th May 2026).

PLANNING HISTORY

There is a significant and lengthy history of applications related to Bath Rugby's use of the Recreation Ground including a number for temporary Stands and structures over the last 10-15 years.

ENVIRONMENT IMPACT ASSESSMENT

This application proposal has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that the application does not represent EIA development and that an Environmental Statement is not required.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below.

CANAL AND RIVERS TRUST: No comment received

ENVIRONMENT AGENCY: No comment received

ENVIRONMENTAL HEALTH: No objection

HISTORIC ENGLAND: No objection

Historic England acknowledge that the rugby club had previously been developing proposals for a new, permanent, stadium on their existing site. However, a combination of

legal complications and the Coronavirus pandemic have led to the cancellation of these plans.

Historic England had reservations about the previous plans for a permanent stadium, in particular its increased height compared to the present arrangements and consequent adverse effect on the Conservation Area and World Heritage Site. While granting consent to retain the existing stands for a further four years will prolong the existence of the ground's negative aspects, they acknowledge that this length of time should be sufficient for the club to design, and hopefully build, a new stadium which is sympathetic to the character and appearance of the Bath Conservation Area and the Outstanding Universal Value of the Bath World Heritage Site.

PULTENEY ESTATE RESIDENTS' ASSOCIATION: Objection

The Pulteney Estate Residents Association (PERA) have made the following requests:

1. That the planning applications are made lawful by properly completing the 'Ownership' Certificate.
2. That a new EIA Screening Opinion for the whole stadium is required due to changes in noise levels, pedestrian flows, and traffic since the previous applications and that this is needed before any planning decisions are made.
3. That the applications are limited to a two-year temporary permission expiring 30.05.2024, to better expedite plans for a stadium which respects the values of the World Heritage Site.
4. That Condition 2 is retained for the removal of the East Stand each summer and that all other existing conditions are also retained.
5. That new conditions are imposed in respect of noise, relocating the TV screen/scoreboard, the Travel Plan, and making good surfaces.

To the extent any of PERA's requests are not met and changes to Conditions are not adopted by Bath and North East Somerset Council as set out above, they object to the applications and request their refusal on the grounds set out.

FRIENDS OF BATH RECREATION GROUND: Objection

The Friends of Bath Recreation Ground suggest that the applications to extend the temporary planning permissions are in breach of the terms of the 1956 Disposal of the Rec to which the Council is signatory.

They also take issue with the applicant's position regarding its plans for permanent stadium proposals as justification for the proposed variations.

The association suggest that proposals are contrary to policy B2 of the Core Strategy and that the unique legal issues relating to the Bath Recreation Ground have not been resolved. It is also suggested that policies B2b and SB2 are unsound.

They do not consider it appropriate for a further temporary permission to be granted.

COUNCILLOR Manda Rigby: Objection and Call-in request

Cllr. Rigby wishes to object to this application stating that it is best practice not to extend temporary permissions and although this has been done again and again to allow for a permanent application to be made, this still has not happened. National legislation is clear on best practice, that temporary permissions should not be extended in a way that, by default, makes them appear permanent.

Cllr. Rigby asks for this application to come to committee should officer be minded to approve it because it is such an important issue and she wishes to be able to express her objections more fully.

THIRD PARTIES/NEIGHBOURS: 9 letters of Objection have been received. The main points raised were:

There were suggestions that a further temporary permission should not be granted as it is contrary to planning policy in the NPPF. Some felt this was a distortion of the planning process.

There was concern that allowing the temporary stands to remain for a further 4 years would destroy views of this central green area within Bath to the detriment of residents and visitors. Some suggested that it should be limited to a two year temporary permission to better expedite plans for a permanent stadium.

Several comments refer to legal issues around the ownership and conveyancing issues surrounding the Recreational Ground and consider that these were not reasons to delay consideration of the permanent proposals. Some consider that the planning applications would conflict with the 1922 and 1956 covenants on the Bath Recreation Ground.

Many comments considered that the proposals would be harmful to the Bath World Heritage Site, the Conservation Area and the setting of various listed buildings. There was concern about the lack of UNESCO's involvement in the application and the potential for the proposals to put Bath's WHS status at risk.

One comment did not want any structures erected that would rise above the end of Johnstone Street blocking the view of surrounding areas.

A couple of the comments suggested that the Recreational Ground should be opened up and made available to the public and other amateur sports clubs.

It is suggested that a new EIA screening opinion is required due to changes in noise levels, pedestrian flows and traffic since the previous applications. Its

Others referred to the following changes in circumstances since 2015 including; the introduction of the Clean Air Zone (CAZ), advice from Avon and Somerset Police regarding terrorism risks in Bath, the declaration of a Climate Emergency, the closure of Milsom Street and traffic management on Queen Square and the covid pandemic.

There were requests for new conditions to be imposed in respect of noise, travel plans, making good surfaces and the location of TV screens/scoreboards.

There were concerns about the additional pollution (both noise and air) associated with traffic on match days.

A Noise Assessment (MAS Environmental) has been submitted by a third party which undertook noise monitoring at two properties on Great Pulteney Street between 3rd May and 3rd June 2019. It sought to establish the baseline environmental sound levels and compare them to noise generated by events from Bath Rugby. The report recorded a high level of noise during match days and other events.

There were concerns raised about the planning and consultation process.

The status of policy SB2 was questioned in light of the Local Plan Partial Update where it is being challenged by third parties.

Some felt that the applications clearly fail to comply with the sustainable transport sections of the NPPF, especially paragraphs 104, 110, 112 and 113. The temporary proposals need to address sustainable travel now.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - o Policy GDS.1 Site allocations and development requirements (policy framework)
 - o Policy GDS.1/K2: South West Keynsham (site)
 - o Policy GDS.1/NR2: Radstock Railway Land (site)
 - o Policy GDS.1/V3: Paulton Printing Factory (site)
 - o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

RELEVANT CORE STRATEGY POLICIES

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- SD1 Presumption in favour of sustainable development
- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B2 Bath Central Area
- B4 Bath World Heritage Site
- CP6 Environmental Quality

RELEVANT PLACEMAKING PLAN POLICIES

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

SB2 Central Riverside and Recreation Ground
SU1 Sustainable Drainage
D1 General Urban Design Principles
D2 Local Character and Distinctiveness
D5 Building Design
D6 Amenity
D8 Lighting
D10 Public Realm
NE1 Development and Green Infrastructure
NE2 Conserving and Enhancing the Landscape and Landscape Character
PCS2 Noise and vibration
PCS3 Air Quality
PCS5 Contamination
PCS7A Foul Sewage Infrastructure
ST1 Promoting Sustainable Travel
ST7 Transport Requirements for Managing Development

NATIONAL POLICY

National Planning Policy Framework and the National Planning Practice Guidance be awarded significant weight.

CLIMATE EMERGENCY

The Council declared a climate emergency in March 2019 and this is considered to be a material consideration in the determination of this application.

LEGISLATION

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

There is also a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are whether an extension of the temporary planning permission is justified, and, if so, what impacts this might have upon the following matters:

1. Temporary Planning Permission
2. Landscape and Visual Impact
3. Highways and Traffic
4. Air Quality
5. Noise and Disturbance
6. Flood Risk
7. Conclusion

1. TEMPORARY PLANNING PERMISSION

Temporary stands have been approved at the Recreation Ground over a significant number of years and been renewed in anticipation of a final resolution regarding the Club's future at the Recreation ground.

The NPPG provides guidance on the use of temporary permissions and states:

"It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently."

The west stand in its current form has had temporary planning permission since 2016 (ref: 15/05235/FUL and 20/00136/VAR).

The reason given for condition 1 of both planning permission 15/05235/FUL and 20/00136/VAR is as follows:

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

The design and construction of the temporary west stand remains the same. It is therefore necessary to consider whether there is a clear rationale for a 4 year extension to the 'limited period allowed for a permanent solution for the future of the recreation ground to be resolved' taking into account the fact that the temporary permission has already been in place for 5 years.

There is currently no permission or application for a new permanent stadium on the site. The last temporary permission (ref: 20/00136/VAR) was granted in May 2020 which was during the initial stages of the covid-19 pandemic. Part of the reason for granting the temporary consent was related to the uncertainty arising from the pandemic that existed at the time. The club had paused its redevelopment project due to the impact of the pandemic and, whilst it was acknowledged that there was no guarantee that a permanent solution would be found within the two years temporary period, it was considered to be reasonable to allow a degree of flexibility and breathing space during this time of national uncertainty.

In addition, one of the reasons the applicant previously indicated that proposals had not progressed was a delay in the resolution of legal issues relating to the Recreation Ground. A recent Court of Appeal decision in December was determined in favour of Bath Rugby and the applicant is now confident that legal barriers to the permanent redevelopment have now been dealt with.

The combination of the impacts of the pandemic over the last two years and the uncertainty surrounding legal issues provide sufficient justification as to why the permanent redevelopment proposals have not advanced further since the grant of the previous temporary consent.

Comments received from residents and third parties dispute that the legal issues were a significant cause for delay and argue that circumstances do not exist to justify any further delay by the applicant. Whilst these legal issues are not planning matters in and of themselves, it stands to reason that the applicant would quite rationally not wish to advance what will likely be a complicated and expensive scheme for a permanent redevelopment whilst such uncertainty remained.

Some of the uncertainty around the pandemic and the legal issues has now reduced and the rugby club have indicated that they are moving forward again with the redevelopment project for a permanent stadium.

In terms of progress towards a permanent solution for the future of the Recreation Ground, the applicant had previously undertaken significant work in preparation for a planning application prior to the pandemic. The applicant had engaged in several rounds of public consultation in 2018 and has also engaged in multiple pre-application discussions with the Local Planning Authority about proposals for a new permanent stadium on the site. Furthermore, a scoping opinion has been requested (ref: 19/03133/SCOPE) by the applicant and a response provided by the Local Planning Authority.

The applicant has also recently sought to re-engage with the Council in respect of pre-application discussions. Given the significant amount of work that has previously been undertaken, it seems reasonably likely that a planning application could be prepared, submitted and determined within the next two years. An additional two year period on top of this would also seem a reasonable timeframe for the implementation of any potential planning permission granted. A four year extension to the temporary permission would therefore support the objectives of policies SB2 by allowing time for the permanent redevelopment proposals to come forward without causing significant disruption to the current operations taking place on the site.

Furthermore, the NPPG states that:

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').

If the temporary permission is not extended then this would likely result in considerable disruption to the operation of Bath Rugby on the site. It would also create further uncertainty about the future and use of the site as some elements of the existing stadium are permanent whereas other are temporary. In this regard, continued use of the

temporary stands prior to the resolution of a permanent solution for the Recreation Ground can be considered a suitable 'meanwhile use' which provides certainty and continuity.

In conclusion, the uncertainty caused by the pandemic in the last two years has meant that the permanent proposals for redevelopment have not yet come forward. However, the applicant has now indicated that they are moving forward again and have sought to re-engage with pre-application discussions. Furthermore, the applicant now has greater confidence about the legal issues relating to the site. An extension to the temporary permission for a further 4 years would therefore provide a suitable period for the longer-term proposals to come forward.

Furthermore, the continued meanwhile use of the site as a stadium with temporary stands is considered appropriate and serves to provide certainty and continuity whilst a permanent resolution for the site is found. It is therefore considered that an extension to the grant of temporary permission for a period of four years is considered acceptable in these circumstances.

2. LANDSCAPE AND VISUAL IMPACT

The site's location within the Bath World Heritage Site, Conservation Area and near to a number of listed buildings makes the visual impact of the development within its landscape very sensitive.

Application 20/00136/VAR (and application 15/05235/FUL before that) was determined to result in less than substantial harm to the OUV of the World Heritage Site, character and appearance of the Conservation Area and setting of the nearby listed buildings. However, it was concluded that the public benefits of the proposal outweighed this harm.

The current application proposes extending the temporary permission for the north and south stands for an additional 4 years (30th May 2026). The design and appearance of the temporary stand would be unchanged. As such, the scale of the development remains the same and the likely landscape and visual impact is no greater than the existing situation.

The primary additional impact of the proposed application is temporal. Extending the temporary permission by 4 years means that the harm identified to the World Heritage Site, Conservation Area and Listed Buildings arising from its landscape and visual impact would persist for a longer period of time rather than coming to an end on the 30th May 2022.

This landscape and visual harm to these heritage assets has previously been identified as 'less than substantial' and, even taking into account the cumulative impact of the previous 5 years of temporary consents in combination with the proposed 4 year extension, this assessment of this level of harm has not significantly changed.

Where harm is identified to a heritage asset and that harm is classified as 'less than substantial' the NPPF requires that the harm is balanced against the public benefits of the proposals. The NPPF is also clear that great weight should be given to the conservation of heritage assets and that World Heritage Sites are a heritage asset of the highest significance.

Furthermore, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area.

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

In accordance with both these duties the harm identified is given considerable importance and weight.

It was previously considered under 20/00136/VAR (and 15/05235/FUL before that) that the harm caused by the west stand was outweighed by the public benefits of the proposal, namely the contribution to the local economy arising from the rugby club. It is considered that the 4 year extension to the temporary permission, although resulting in the harm persisting for a longer period of time, does not significantly affect this balance of this previous judgement, as the stand would remain temporary rather than permanent. It is therefore considered that the 'less than substantial harm' identified to these heritage assets is outweighed by the public benefits of the proposal.

3. HIGHWAYS AND TRANSPORT

The Recreation Ground is located in the centre of Bath and readily accessible by a variety of means. It has previously been concluded (ref: 20/00136/VAR and 15/05235/FUL) that the ground is in a sustainable location and that the operation of the club with these temporary facilities, and subject to a travel plan, would not give rise to significant congestion or highways safety issues.

The main impacts of the current application are temporal. Since the previous temporary consent was granted the Bath Clean Air Zone (CAZ) has been introduced. However, the operation of the club on this same basis for an additional 4 years is unlikely any additional traffic or highways safety impacts beyond those previously identified and found acceptable.

4. AIR QUALITY

The recreation ground falls within the area identified as part of the Clean Air Zone (CAZ). Roads across the river and within the city centre are also identified as part of an Air Quality Monitoring Area (AQMA). The current temporary permission has been identified as giving rise to car trips into the city, including along routes within the AQMA. However, these are dispersed along a number of different routes into the city and given the relatively few occasions that the club plays at the ground each year (15-16 games per season) this was not considered to have a significant impact upon air quality.

The main impacts of the current application are temporal. The operation of the club on this same basis for an additional 4 years is unlikely to give rise to additional air quality or emissions impacts beyond those previously identified and found acceptable.

5. NOISE AND DISTURBANCE

The closest neighbouring properties to the ground are located in Johnstone Street and they are directly affected by the development on match days. A copy of a noise report from 2019 has been submitted by third parties. Noise emanating from the ground and fans approaching or leaving the ground has the potential to be disruptive to residential amenity. However, given the relatively few occasions that the club plays at the ground each year (15 - 16 games per season) and the implementation of the crowd management measures, it was previously considered that there would not be sustained harm to the amenities of the neighbouring residents as a result of the current temporary permission.

The main impacts of the current application are temporal. The operation of the club on this same basis for an additional 4 years is unlikely to give rise to additional noise or disturbance impacts beyond those previously identified and found acceptable.

6. FLOOD RISK

The Recreation Ground falls within Zone 3 of the Environment Agency Flood Zone Map, with part designated as Zone 3b 'functional floodplain'. In the NPPG (Table 2: Flood risk vulnerability classification) the proposed Stands represent sports and recreation and essential or ancillary facilities and are considered to be 'water compatible' development. The Flood Risk Assessment originally submitted (ref: 15/05235/FUL) was considered to be acceptable and current application does not propose to alter this.

The main impacts of the current application are temporal. The operation of the club on this same basis for an additional 4 years is unlikely to give rise to additional flood risk impacts beyond those previously identified and found acceptable.

7. CONCLUSION

In conclusion, the uncertainty caused by the pandemic in the last two years has meant that the permanent proposals for redevelopment have not yet come forward. However, the applicant has now announced that they are moving forward again and have sought to re-engage with pre-application discussions. Furthermore, the applicant now has greater confidence about the legal issues relating to the site. An extension to the temporary permission for a further 4 years would therefore provide a suitable period for the longer-term proposals to come forward.

Furthermore, the continued meanwhile use of the site as a stadium with temporary stands is considered appropriate and serves to provide certainty and continuity whilst a permanent resolution for the site is found. It is therefore considered that an extension to the grant of temporary permission for a period of four years is considered acceptable in these circumstances.

It is therefore considered that an extension to the grant of temporary permission for a further period of four years is considered acceptable in these circumstances.

RECOMMENDATION

PERMIT

CONDITIONS

1 Temporary Planning Permission (Compliance)

This permission shall expire on 30th May 2026 after which the temporary seating and other structures hereby approved shall be removed from the site.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

2 Materials Sample Panel (Compliance)

The development shall be constructed in accordance with the sample panel of all external wall and roofing materials approved under application reference 16/01303/COND.

Reason: To ensure that the details of the building preserve or enhance the character and appearance of the Conservation Area.

3 Material Details (Compliance)

The materials approved under application reference 16/01303/COND shall be used in the construction of the Temporary Stand.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

4 Seating Colour (Compliance)

The colour of the temporary seating hereby approved shall be dark grey or match the existing green seating which is in use elsewhere on the site.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

5 Construction Method Statement (Compliance)

Construction work associated with the erection and dismantling of the temporary Stand shall be in accordance with the submitted Construction Method Statement (Revision 03 December 2015). Works will only be carried out between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturday with no works undertaken on Sundays or Bank Holidays. No noisy operations shall take place other than between the hours of 8am and 4pm Monday to Friday and 8am to 1pm on Saturday and not on Sundays or on Bank Holidays.

Reason: In order to protect the amenity of adjoining properties and ensure that site access and management arrangements are satisfactory.

6 Flood Risk Measures (Compliance)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Black and Veatch, subsequent letter dated 12 January 2016, accompanying 'Bath Rugby 100T Crane Access' note dated 08 January 2016 and in particular the following mitigation measures:

- Access shall be provided to the Environment Agency for a crane (up to 100T) to access Pulteney Radial Gate through the recreation ground in an emergency.
- Ground levels and structures allowing the flow of flood water between the river and the ground are to remain unchanged.
- There are no structures or changes to ground levels between the river and the new West stand.

Reason: To ensure unimpeded access for the Environment Agency to the Pulteney Gate structure in the event of an emergency, to allow flood water to be stored and thereby ensuring flood risk downstream is not increased, to maintain conveyance flows next to the river during a flood.

7 Construction Environmental Management Plan (Compliance)

The works shall be carried out in accordance with the Construction and Environmental Management Plan (Construction Management Plan - West Stand Redevelopment January 2016 Revision 04) approved under application reference 16/01303/COND..

Reason: To protect the environment from construction activities.

8 Travel Plan (Compliance)

The development hereby permitted shall be occupied only in accordance with the submitted Travel Plan dated August 2014, the measures set out in correspondence from IMA Transport Planning dated 25 January 2016 or such other measures submitted to and approved in writing by the Local Planning Authority arising from the implementation of the Travel Plan.

Reason: In the interests of promoting the take up of sustainable transport methods and to minimise impacts on the highway network.

9 Arboricultural Compliance Certificate (Compliance)

No development or other operations shall take place except in complete accordance with the Detailed Arboricultural Method Statement (Greenman ref. BRWS_DAMS_17032016_JP_v1 received 30th March 2016) approved under application reference 16/01303/COND.

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

10 Plans List (Compliance)

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 PL101, PL102, PL104, PL105, PL106, PL107, PL108, PL110, PL111, PL112, PL113B, PL114, PL116, PL117

2 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

3 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

5 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are

familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

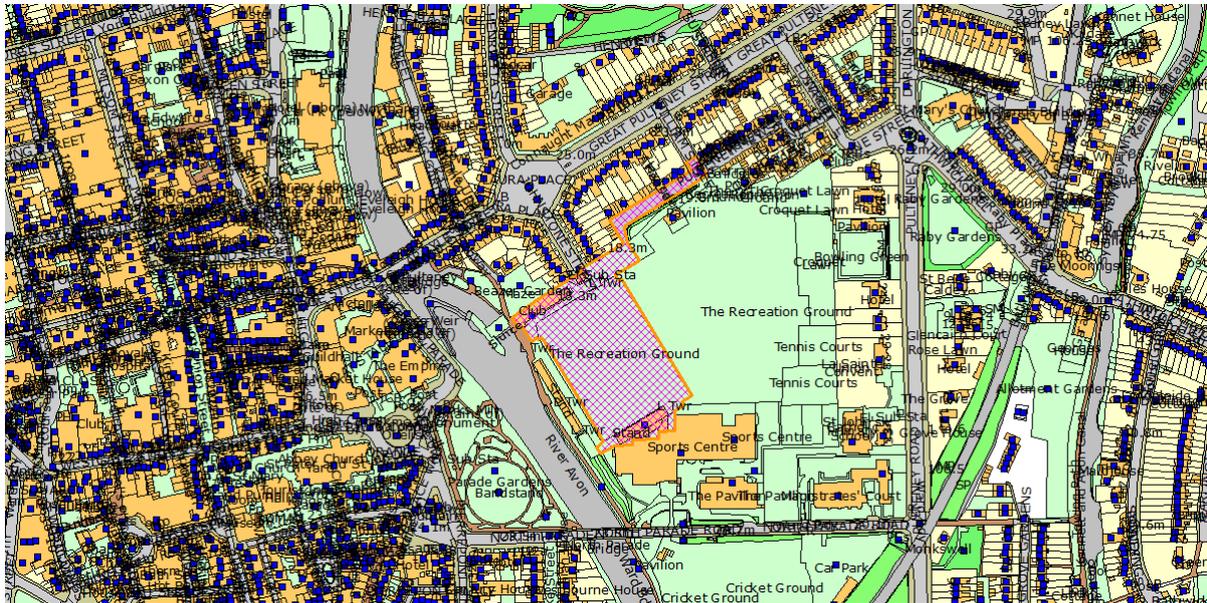
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

6 EIA BASELINE

The Local Planning Authority considers that the grant of a 4 year extension to this temporary planning permission does not materially alter the baseline of the site for the purposes any Environmental Impact Assessment.

Item No: 03
Application No: 21/05530/VAR
Site Location: Bath Rugby Club Bath Recreation Ground Pulteney Mews Bathwick Bath



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Dr Kumar Councillor Manda Rigby
Application Type: Application for Variation of Condition

Proposal: Variation of condition 1 of application 20/00137/VAR (Variation of condition 1 of application 15/05237/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) (Erection of temporary spectator stands along the north and eastern sides of the playing field; erection of hospitality boxes to either side of the retained south stand; erection of control box and screen/scoreboard between north and east stands including fence enclosure. Associated works and ancillary facilities comprising floodlighting, and toilets, food and bar facilities within temporary north and east stands (temporary application for period of up to four years)).

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Listed Building, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, All Public Rights of Way Records, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Mr Alex Cohen (Bath Rugby)
Expiry Date: 15th March 2022

Case Officer: Chris Griggs-Trevarthen

To view the case click on the link [here](#).

REPORT REASON FOR REPORTING TO COMMITTEE

Councillor Rigby has objected to the application and, in line with the scheme of delegation, the application has been referred to the chair of the Planning Committee. The chair has decided that the application should be determined by the planning committee and has given the following reasons:

Given the importance of this site in the heart of Bath, and the fact that a second (and in this case, third) extension of temporary permission can only be granted in exceptional circumstances, I believe that this proposal should be debated in a public forum. I therefore refer this application to the committee for a decision.

DESCRIPTION

The site is located in the heart of the city, within the City of Bath Conservation Area and the UNESCO World Heritage Site. The site is identified as part of safeguarded sports and recreational facilities designation. The site lies adjacent to the River Avon which is a designated Site of Nature Conservation Interest (SNCI) which is also used as functional habitat for the Bath and Bradford on Avon Bats Special Area of Conservation (SAC).

The Recreation Ground is framed by and contributes to the setting of a number of listed building/heritage assets in the vicinity including:

- o Pulteney Bridge, Johnstone Street and Great Pulteney Street (all Grade I listed) to the north
- o Parade Gardens (Registered Park and Garden of Special Historic Interest), Grand Parade
- o (Grade II listed) and Bath Abbey to the west
- o North Parade bridge (Grade II listed) to the south
- o Villas along Pulteney Road (Grade II listed) to the east

The Recreation Ground itself contains three Grade II listed buildings, a former lime kiln that is located within the Club's operational area (referred to as 'The President's Lounge'), an Entrance Kiosk and gates to the Recreation Ground at the end of William Street, and the Pavilion on North Parade Road. The Recreation Ground may also contain archaeological features of interest.

Planning permission 15/05237/FUL was granted in 2016 for the erection of temporary spectator stands along the north and eastern sides of the playing field, the erection of hospitality boxes to either side of the retained south stand, the erection of control box and screen/scoreboard between north and east stands, including a fence enclosure and associated works and ancillary facilities comprising floodlighting, and toilets, food and bar facilities within the temporary north and east stands.

Condition 1 of 15/05237/FUL relates to the north and east stands within the 1.58 hectare ground and states the following:

This permission shall expire on 30th May 2022 after which the temporary seating and other structures hereby approved shall be removed from the site and the land/premises reinstated on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority prior to the expiry date.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

A variation to the temporary planning permission was granted in May 2020 (ref: 20/00137/VAR) which extended the date in condition 1 until May 2022 to allow the temporary stand to stay in-situ for a further two years.

This current application seeks a further variation of condition 1 to allow the stands and related development at the Bath Recreational Ground to remain in situ for an additional 4 years (until 30th May 2026).

PLANNING HISTORY

There is a significant and lengthy history of applications related to Bath Rugby's use of the Recreation Ground including a number for temporary Stands and structures over the last 10-15 years.

ENVIRONMENT IMPACT ASSESSMENT

This application proposal has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that the application does not represent EIA development and that an Environmental Statement is not required.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below.

CANAL AND RIVERS TRUST: No comment received

ENVIRONMENT AGENCY: No comment received

ENVIRONMENTAL HEALTH: No objection

HISTORIC ENGLAND: No objection

Historic England acknowledge that the rugby club had previously been developing proposals for a new, permanent, stadium on their existing site. However, a combination of legal complications and the Coronavirus pandemic have led to the cancellation of these plans.

Historic England had reservations about the previous plans for a permanent stadium, in particular its increased height compared to the present arrangements and consequent adverse effect on the Conservation Area and World Heritage Site. While granting consent

to retain the existing stands for a further four years will prolong the existence the ground's negative aspects, they acknowledge that this length of time should be sufficient for the club to design, and hopefully build, a new stadium which is sympathetic to the character and appearance of the Bath Conservation Area and the Outstanding Universal Value of the Bath World Heritage Site.

ENVIRONMENTAL HEALTH: No objection

PULTENEY ESTATE RESIDENTS' ASSOCIATION: Objection

The Pulteney Estate Residents Association (PERA) have made the following requests:

1. That the planning applications are made lawful by properly completing the 'Ownership' Certificate.
2. That a new EIA Screening Opinion for the whole stadium is required due to changes in noise levels, pedestrian flows, and traffic since the previous applications and that this is needed before any planning decisions are made.
3. That the applications are limited to a two-year temporary permission expiring 30.05.2024, to better expedite plans for a stadium which respects the values of the World Heritage Site.
4. That Condition 2 is retained for the removal of the East Stand each summer and that all other existing conditions are also retained.
5. That new conditions are imposed in respect of noise, relocating the TV screen/scoreboard, the Travel Plan, and making good surfaces.

To the extent any of PERA's requests are not met and changes to Conditions are not adopted by Bath and North East Somerset Council as set out above, they object to the applications and request their refusal on the grounds set out.

FRIENDS OF BATH RECREATION GROUND: Objection

The Friends of Bath Recreation Ground suggest that the applications to extend the temporary planning permissions are in breach of the terms of the 1956 Disposal of the Rec to which the Council is signatory.

They also take issue with the applicant's position regarding its plans for permanent stadium proposals as justification for the proposed variations.

The association suggest that proposals are contrary to policy B2 of the Core Strategy and that the unique legal issues relating to the Bath Recreation Ground have not been resolved. It is also suggested that policies B2b and SB2 are unsound.

They do not consider it appropriate for a further temporary permission to be granted.

COUNCILLOR Manda Rigby: Objection and Call-in request

Cllr. Rigby wishes to object to this application stating that it is best practice not to extend temporary permissions and although this has been done again and again to allow for a permanent application to be made, this still has not happened. National legislation is clear on best practice, that temporary permissions should not be extended in a way that, by default, makes them appear permanent.

Cllr. Rigby asks for this application to come to committee should officer be minded to approve it because it is such an important issue and she wishes to be able to express her objections more fully.

THIRD PARTIES/NEIGHBOURS: 9 letters of Objection have been received. The main points raised were:

There were suggestions that a further temporary permission should not be granted as it is contrary to planning policy in the NPPF. Some felt this was a distortion of the planning process.

There was concern that allowing the temporary stands to remain for a further 4 years would destroy views of this central green area within Bath to the detriment of residents and visitors. Some suggested that it should be limited to a two year temporary permission to better expedite plans for a permanent stadium.

Several comments refer to legal issues around the ownership and conveyancing issues surrounding the Recreational Ground and consider that these were not reasons to delay consideration of the permanent proposals. Some consider that the planning applications would conflict with the 1922 and 1956 covenants on the Bath Recreation Ground.

Many comments considered that the proposals would be harmful to the Bath World Heritage Site, the Conservation Area and the setting of various listed buildings. There was concern about the lack of UNESCO's involvement in the application and the potential for the proposals to put Bath's WHS status at risk.

One comment did not want any structures erected that would rise above the end of Johnstone Street blocking the view of surrounding areas.

A couple of the comments suggested that the Recreational Ground should be opened up and made available to the public and other amateur sports clubs.

It is suggested that a new EIA screening opinion is required due to changes in noise levels, pedestrian flows and traffic since the previous applications. Its

Others referred to the following changes in circumstances since 2015 including; the introduction of the Clean Air Zone (CAZ), advice from Avon and Somerset Police regarding terrorism risks in Bath, the declaration of a Climate Emergency, the closure of Milsom Street and traffic management on Queen Square and the covid pandemic.

There were requests for new conditions to be imposed in respect of noise, travel plans, making good surfaces and the location of TV screens/scoreboards.

There were concerns about the additional pollution (both noise and air) associated with traffic on match days.

A Noise Assessment (MAS Environmental) has been submitted by a third party which undertook noise monitoring at two properties on Great Pulteney Street between 3rd May and 3rd June 2019. It sought to establish the baseline environmental sound levels and compare them to noise generated by events from Bath Rugby. The report recorded a high level of noise during match days and other events.

There were concerns raised about the planning and consultation process.

The status of policy SB2 was questioned in light of the Local Plan Partial Update where it is being challenged by third parties.

Some felt that the applications clearly fail to comply with the sustainable transport sections of the NPPF, especially paragraphs 104, 110, 112 and 113. The temporary proposals need to address sustainable travel now.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - o Policy GDS.1 Site allocations and development requirements (policy framework)
 - o Policy GDS.1/K2: South West Keynsham (site)
 - o Policy GDS.1/NR2: Radstock Railway Land (site)
 - o Policy GDS.1/V3: Paulton Printing Factory (site)
 - o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

RELEVANT CORE STRATEGY POLICIES

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- SD1 Presumption in favour of sustainable development
- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B2 Bath Central Area
- B4 Bath World Heritage Site
- CP6 Environmental Quality

RELEVANT PLACEMAKING PLAN POLICIES

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- SB2 Central Riverside and Recreation Ground
- SU1 Sustainable Drainage

D1 General Urban Design Principles
D2 Local Character and Distinctiveness
D5 Building Design
D6 Amenity
D8 Lighting
D10 Public Realm
NE1 Development and Green Infrastructure
NE2 Conserving and Enhancing the Landscape and Landscape Character
PCS2 Noise and vibration
PCS3 Air Quality
PCS5 Contamination
PCS7A Foul Sewage Infrastructure
ST1 Promoting Sustainable Travel
ST7 Transport Requirements for Managing Development

NATIONAL POLICY

National Planning Policy Framework and the National Planning Practice Guidance be awarded significant weight.

CLIMATE EMERGENCY

The Council declared a climate emergency in March 2019 and this is considered to be a material consideration in the determination of this application.

LEGISLATION

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

There is also a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are whether an extension of the temporary planning permission is justified, and, if so, what impacts this might have upon the following matters:

1. Temporary Planning Permission
2. Landscape and Visual Impact

3. Highways and Traffic
4. Air Quality
5. Noise and Disturbance
6. Flood Risk
7. Conclusion

1. TEMPORARY PLANNING PERMISSION

Temporary stands have been approved at the Recreation Ground over a significant number of years and been renewed in anticipation of a final resolution regarding the Club's future at the Recreation ground.

The NPPG provides guidance on the use of temporary permissions and states:

"It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently."

The north and east stands in its current form has had temporary planning permission since 2016 (ref: 15/05237/FUL and 20/00137/VAR).

The reason given for condition 1 of both planning permission 15/05237/FUL and 20/00137/VAR is as follows:

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

The design and construction of the temporary north and east stand remains the same. It is therefore necessary to consider whether there is a clear rationale for a 4 year extension to the 'limited period allowed for a permanent solution for the future of the recreation ground to be resolved' taking into account the fact that the temporary permission has already been in place for 5 years.

There is currently no permission or application for a new permanent stadium on the site. The last temporary permission (ref: 20/00137/VAR) was granted in May 2020 which was during the initial stages of the covid-19 pandemic. Part of the rationale for granting the temporary consent was related to the uncertainty arising from the pandemic that existed at the time. The club had paused its redevelopment project due to the impact of the pandemic and, whilst it was acknowledged that there was no guarantee that a permanent solution would be found within the two years temporary period, it was considered to be reasonable to allow a degree of flexibility and breathing space during this time of national uncertainty.

In addition, one of the reasons the applicant previously indicated that proposals had not progressed was a delay in the resolution of legal issues relating to the Recreation Ground. A recent Court of Appeal decision in December was determined in favour of Bath Rugby

and the applicant is now confident that legal barriers to the permanent redevelopment have now been dealt with.

The combination of the impacts of the pandemic over the last two years and the uncertainty surrounding legal issues provide sufficient justification as to why the permanent redevelopment proposals have not advanced further since the grant of the previous temporary consent.

Comments received from residents and third parties dispute that the legal issues were a significant cause for delay and argue that circumstances do not exist to justify any further delay by the applicant. Whilst these legal issues are not planning matters in and of themselves, it stands to reason that the applicant would quite rationally not wish to advance what will likely be a complicated and expensive scheme for a permanent redevelopment whilst such uncertainty remained.

Some of the uncertainty around the pandemic and the legal issues has now reduced and the rugby club have indicated that they are moving forward again with the redevelopment project for a permanent stadium.

In terms of progress towards a permanent solution for the future of the Recreation Ground, the applicant had previously undertaken significant work in preparation for a planning application prior to the pandemic. The applicant had engaged in several rounds of public consultation in 2018 and has also engaged in multiple pre-application discussions with the Local Planning Authority about proposals for a new permanent stadium on the site. Furthermore, a scoping opinion has been requested (ref: 19/03133/SCOPE) by the applicant and a response provided by the Local Planning Authority.

The applicant has also recently sought to re-engage with the Council in respect of pre-application discussions. Given the significant amount of work that has previously been undertaken, it seems reasonably likely that a planning application could be prepared, submitted and determined within the next two years. An additional two year period on top of this would also seem a reasonable timeframe for the implementation of any potential planning permission granted. A four year extension to the temporary permission would therefore support the objectives of policies SB2 by allowing time for the permanent redevelopment proposals to come forward without causing significant disruption to the current operations taking place on the site.

Furthermore, the NPPG states that:

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').

If the temporary permission is not extended then this would likely result in considerable disruption to the operation of Bath Rugby on the site. It would also create further uncertainty about the future and use of the site as some elements of the existing stadium are permanent whereas other are temporary. In this regard, continued use of the temporary stands prior to the resolution of a permanent solution for the Recreation Ground can be considered a suitable 'meanwhile use' which provides certainty and continuity.

In conclusion, the uncertainty caused by the pandemic in the last two years has meant that the permanent proposals for redevelopment have not yet come forward. However, the applicant has now indicated that they are moving forward again and have sought to re-engage with pre-application discussions. Furthermore, the applicant now has greater confidence about the legal issues relating to the site. An extension to the temporary permission for a further 4 years would therefore provide a suitable period for the longer-term proposals to come forward.

Furthermore, the continued meanwhile use of the site as a stadium with temporary stands is considered appropriate and serves to provide certainty and continuity whilst a permanent resolution for the site is found. It is therefore considered that an extension to the grant of temporary permission for a period of four years is considered acceptable in these circumstances.

2. LANDSCAPE AND VISUAL IMPACT

The site's location within the Bath World Heritage Site, Conservation Area and near to a number of listed buildings makes the visual impact of the development within its landscape very sensitive.

Application 20/00137/VAR (and application 15/05237/FUL before that) was determined to result in less than substantial harm to the OUV of the World Heritage Site, character and appearance of the Conservation Area and setting of the nearby listed buildings. However, it was concluded that the public benefits of the proposal outweighed this harm.

The current application proposes extending the temporary permission for the north and south stands for an additional 4 years (30th May 2026). The design and appearance of the temporary stand would be unchanged. As such, the scale of the development remains the same and the likely landscape and visual impact is no greater than the existing situation.

The primary additional impact of the proposed application is temporal. Extending the temporary permission by 4 years means that the harm identified to the World Heritage Site, Conservation Area and Listed Buildings arising from its landscape and visual impact would persist for a longer period of time rather than coming to an end on the 30th May 2022.

This landscape and visual harm to these heritage assets has previously been identified as 'less than substantial' and, even taking into account the cumulative impact of the previous 5 years of temporary consents in combination with the proposed 4 year extension, this assessment of this level of harm has not significantly changed.

Where harm is identified to a heritage asset and that harm is classified as 'less than substantial' the NPPF requires that the harm is balanced against the public benefits of the proposals. The NPPF is also clear that great weight should be given to the conservation of heritage assets and that World Heritage Sites are a heritage asset of the highest significance.

Furthermore, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the

preservation or enhancement of the character or appearance of the surrounding conservation area.

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

In accordance with both these duties the harm identified is given considerable importance and weight.

It was previously considered under 20/00137/VAR (and 15/05237/FUL before that) that the harm caused by the north and east stands was outweighed by the public benefits of the proposal, namely the contribution to the local economy arising from the rugby club. It is considered that the 4 year extension to the temporary permission, although resulting in the harm persisting for a longer period of time, does not significantly affect this balance of this previous judgement, as the stand would remain temporary rather than permanent, and it is therefore considered that the 'less than substantial harm' identified is outweighed by the public benefits of the proposal.

3. HIGHWAYS AND TRANSPORT

The Recreation Ground is located in the centre of Bath and readily accessible by a variety of means. It has previously been concluded (ref: 20/00137/VAR and 15/05237/FUL) that the ground is in a sustainable location and that the operation of the club with these temporary facilities, and subject to a travel plan, would not give rise to significant congestion or highways safety issues.

The main impacts of the current application are temporal. Since the previous temporary consent was granted the Bath Clean Air Zone (CAZ) has been introduced. However, the operation of the club on this same basis for an additional 4 years is unlikely any additional traffic or highways safety impacts beyond those previously identified and found acceptable.

4. AIR QUALITY

The recreation ground falls within the area identified as part of the Clean Air Zone (CAZ). Roads across the river and within the city centre are also identified as part of an Air Quality Monitoring Area (AQMA). The current temporary permission has been identified as giving rise to car trips into the city, including along routes within the AQMA. However, these are dispersed along a number of different routes into the city and given the relatively few occasions that the club plays at the ground each year (15-16 games per season) this was not considered to have a significant impact upon air quality.

The main impacts of the current application are temporal. The operation of the club on this same basis for an additional 4 years is unlikely to give rise to additional air quality or emissions impacts beyond those previously identified and found acceptable.

5. NOISE AND DISTURBANCE

The closest neighbouring properties to the ground are located in Johnstone Street and they are directly affected by the development on match days. A copy of a noise report from 2019 has been submitted by third parties. Noise emanating from the ground and fans approaching or leaving the ground has the potential to be disruptive to residential amenity. However, given the relatively few occasions that the club plays at the ground each year (15 - 16 games per season) and the implementation of the crowd management measures, it was previously considered that there would not be sustained harm to the amenities of the neighbouring residents as a result of the current temporary permission.

The main impacts of the current application are temporal. The operation of the club on this same basis for an additional 4 years is unlikely to give rise to additional noise or disturbance impacts beyond those previously identified and found acceptable.

6. FLOOD RISK

The Recreation Ground falls within Zone 3 of the Environment Agency Flood Zone Map, with part designated as Zone 3b 'functional floodplain'. In the NPPG (Table 2: Flood risk vulnerability classification) the proposed Stands represent sports and recreation and essential or ancillary facilities and are considered to be 'water compatible' development. The Flood Risk Assessment originally submitted (ref: 15/05237/FUL) was considered to be acceptable and current application does not propose to alter this.

The main impacts of the current application are temporal. The operation of the club on this same basis for an additional 4 years is unlikely to give rise to additional flood risk impacts beyond those previously identified and found acceptable.

7. CONCLUSION

In conclusion, the uncertainty caused by the pandemic in the last two years has meant that the permanent proposals for redevelopment have not yet come forward. However, the applicant has now announced that they are moving forward again and have sought to re-engage with pre-application discussions. Furthermore, the applicant now has greater confidence about the legal issues relating to the site. An extension to the temporary permission for a further 4 years would therefore provide a suitable period for the longer-term proposals to come forward.

Furthermore, the continued meanwhile use of the site as a stadium with temporary stands is considered appropriate and serves to provide certainty and continuity whilst a permanent resolution for the site is found. It is therefore considered that an extension to the grant of temporary permission for a period of four years is considered acceptable in these circumstances.

It is therefore considered that an extension to the grant of temporary permission for a further period of four years is considered acceptable in these circumstances.

RECOMMENDATION

PERMIT

CONDITIONS

1 Temporary Planning Permission (Compliance)

This permission shall expire on 30th May 2026 after which the temporary seating and other structures hereby approved shall be removed from the site and the land/premises reinstated on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority prior to the expiry date.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

2 East Stand (Compliance)

The construction of the temporary East Stand seating and associated facilities including access stairs shall not commence more than 4 weeks before the first Home game of each rugby Premiership season. The East Stand shall not be used for more than 39 weeks from the date it is first brought into use each season and the East Stand structures and associated facilities including access stairs shall be entirely removed from the site not later than 3 weeks after the last Home game of the rugby Premiership season.

Reason: In the interests of the use, character and appearance of the site as recreational open space within the Conservation Area and World Heritage Site and the setting of listed buildings.

3 Reinstatement (Bespoke Trigger)

The reinstatement scheme for the grass underneath the East Stand shall be implemented in accordance with the details approved under application references 16/02012/COND. The reinstatement scheme shall be implemented as approved within 7 days of the Stand being removed pursuant to Condition 2.

Reason: In order to ensure that the land under the area covered by the stand is capable of being reinstated to an appropriate condition in order to ensure the continued use of the Recreation Ground for all of its users and in the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

4 North and East Stand (Compliance)

The North and East Stand hereby approved shall only be used with the green double layered screen fabric in place on the rear of the stand.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

5 Seat Colour (Compliance)

Only green coloured seating shall be installed in the temporary Stands hereby approved.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

6 Construction Method Statement (Compliance)

Construction work associated with the erection and dismantling of the temporary Stands shall be in accordance with the submitted Construction Method Statement (Revision 03 December 2015). Works will only be carried out between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturday with no works undertaken on Sundays or Bank Holidays. No noisy operations shall take place other than between the hours of 8am and 4pm Monday to Friday and 8am to 1pm on Saturday and not on Sundays or on Bank Holidays.

Reason: In order to protect the amenity of adjoining properties and ensure that site access and management arrangements are satisfactory.

7 Flood Risk Measures (Compliance)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Black and Veatch, subsequent letter dated 12 January 2016, accompanying 'Bath Rugby 100T Crane Access' note dated 08 January 2016 and in particular the following mitigation measures:

- Access shall be provided to the Environment Agency for a crane (up to 100T) to access Pulteney Radial Gate through the recreation ground in an emergency.
- Ground levels and structures allowing the flow of flood water between the river and the ground are to remain unchanged.
- There are no structures or changes to ground levels between the river and the Recreation ground.

Reason: To ensure unimpeded access for the Environment Agency to the Pulteney Gate structure in the event of an emergency, to allow flood water to be stored and thereby ensuring flood risk downstream is not increased, to maintain conveyance flows next to the river during a flood.

8 Travel Plan (Compliance)

The development hereby permitted shall be occupied only in accordance with the submitted Travel Plan dated August 2014, the measures set out in correspondence from IMA Transport Planning dated 25 January 2016 or such other measures submitted to and approved in writing by the Local Planning Authority arising from the implementation of the Travel Plan.

Reason: In the interests of promoting the take up of sustainable transport methods and to minimise impacts on the highway network.

9 Clarification of Permission (Compliance)

This permission relates only to the East Stand, North Stand, South Stand hospitality boxes, Control Room and TV Screen as shown on the submitted drawings and does not convey consent for any other development including any flags/advertising.

Reason: In order to clarify the terms of the permission.

10 Scoreboard (Compliance)

The screen/scoreboard hereby permitted shall only be operated on Home rugby Premiership match days. The screen/scoreboard shall be operated for a maximum of two hours before or after a rugby Premiership Home game and no later than 10-00pm.

Reason: To safeguard the amenities of nearby residents and in the interests of safeguarding the character and appearance of this part of the Conservation Area and the World Heritage Site.

11 TV Screen (Compliance)

The treatment of the rear of the TV screen shall be in accordance with the details approved under application reference 16/02012/COND.

The works shall be completed as approved prior to the first Home game of the rugby Premiership 2016/17 season.

Reason: To protect the amenities of nearby residents and in the interests of safeguarding the character and appearance of this part of the Conservation Area and the World Heritage Site.

12 Plans List (Compliance)

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 15.1646.PL101, PL102, PL107, PL108, PL109, PL110, PL111, PL112, PL113, PL114, PL116, PL117, PL118, PL119

2 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

3 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

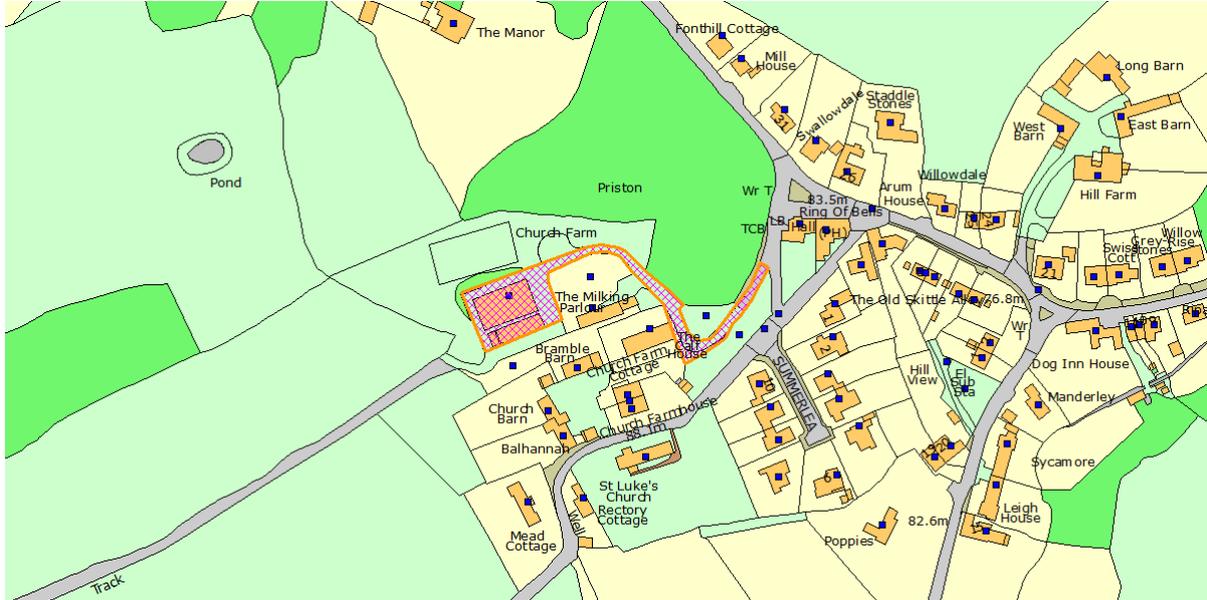
4 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

5 EIA BASELINE

The Local Planning Authority considers that the grant of a 4 year extension to this temporary planning permission does not materially alter the baseline of the site for the purposes any Environmental Impact Assessment.

Item No: 04
Application No: 21/03682/FUL
Site Location: Church Farm Church Lane Priston Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** Priston **LB Grade:** N/A

Ward Members: Councillor Neil Butters Councillor Matt McCabe

Application Type: Full Application

Proposal: Erection of two dwellings and associated works, to follow demolition of existing equestrian related barns.

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones, Tree Preservation Order,

Applicant: The Trustees of the Jones Family Settlement

Expiry Date: 10th March 2022

Case Officer: Samantha Mason

To view the case click on the link [here](#).

REPORT

REASON FOR GOING TO COMMITTEE:

The Parish Council object to the scheme and the officer is minded to permit, as such the application was referred to the Chair of the Committee as per the Council's Scheme of Delegation. The Chair recommended the application be heard at committee, stating: 'I have reviewed this application carefully and have read all the comments and objections. The officer has worked with applicant to address most of the issues raised however concerns remain, both about the presence of new development on this plot and the size of the footprint it will occupy, which have been articulated by CPRE, Priston Parish Council

and a number of 3rd parties. For this reason, I believe it would benefit from being debated in a public forum by the planning committee.' The Vice Chair concurred.

DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY:

The application refers to a site located on the western edge of the village of Priston. The site is located outside of the Housing Development Boundary and within the Green Belt.

Planning permission is sought for the erection of two dwellings and associated works, to follow demolition of existing equestrian related barns.

RELEVANT PLANNING HISTORY:

DC - 04/02734/FUL - WD - 27 October 2004 - New horse riding arena

DC - 04/03636/CLEU - PERMIT - 12 August 2005 - DIY livery stable for 7 horses

DC - 05/02355/FUL - PERMIT - 6 December 2005 - Construction of a manege with 2 lighting columns, in association with adjacent livery stables

DC - 10/05135/COND - DISCHG - 22 July 2011 - Discharge of condition 6 of application 05/02355/FUL (Construction of a manege with 2 lighting columns, in association with adjacent livery stables)

DC - 20/02819/FUL - WD - 10 May 2021 - Demolition of existing equestrian related barn and erection of three dwellings and associated works.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

ARBORICULTURE:

14th Sept 2021: No objection subject to conditions

ARCHAEOLOGY:

24 August 2021: No objection

CONSERVATION:

28th Sept 2021: Scope for revision. The scheme has been significantly reduced in scale and the design altered to address concerns previously raised. The general revised design and scale is acceptable. However, there are no details of material finishes to comment on.

16th Nov 2021: More info requested on materials.

CONTAMINATED LAND:

13 August 2021: No objection subject to conditions

DRAINAGE AND FLOODING:

24 August 2021: Scope for revision. The Drainage and flooding team require more information as to how surface water will be managed on site.

26th Jan 2022: No objection subject to condition.

ECOLOGY:

6 Sept 2021: Scope for revision. An assessment of all buildings/habitat features within the red line boundary needs to be provided. The surveyed area in the ecology report and red line boundary of the site differ.

4th Dec: No objection subject to conditions

HIGHWAYS:

31 August 2021: additional information required on large vehicle access. Otherwise, no objection subject to conditions

4th Nov: No objection subject to conditions

HISTORIC ENGLAND:

26 August 2021: We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

PRISTON PARISH COUNCIL:

9th Sept 2021: Objection. Summary as follows.

1. The site cannot be considered previously developed land and does not qualify as one of the exceptions prohibiting the development of land within the Green Belt listed in para 145 of the NPPF. The Applicant claims (a) that the site is previously developed land, (b) that this has been recognized by BANES and (c) that this application deals with contested issues of inappropriate materials and modern design which rendered the previous scheme unacceptable. Priston Parish Council disputes these claims by referring to compelling evidence presented in Appendix 1.

2. The site lies outside the Housing Development boundary and does not constitute infill and in the absence of exceptional factors is therefore contrary to policy GB2 of the Core Strategy.

3. Despite the claim that the footprint and volume of the proposed development is smaller than the barns it would replace, it does not follow that there is lesser impact on the openness of the Green Belt. As discussed in the guidance to the NPPF, openness has a visual aspect as well as a spatial. Recent cases have emphasized the negative impact on the Green Belt of urban paraphernalia, suburban layout, boundary walls and fences etc.

Replacing an agricultural barn with residential development would diminish the openness of the Green Belt in contradiction to the requirements of para 145 of the NPPF.

4. Policies RA1 and RA2 of the Core Strategy guides development towards villages which have the facilities to make it sustainable. Priston is a village with few amenities and very poor links to other settlements, so is unsuited to further unsupported and substantial development.

5. In contravention of BANES guidance on the preparation of Planning Applications, the drawings provided contain no dimensions or levels which makes it very difficult to assess or to challenge some of the Applicant's assertions, such as that height of the proposed dwellings has been significantly reduced to ensure that the proposed dwellings are lower in height than the existing barn structures to be demolished and in scale with the surrounding buildings (para 5.3 of the Planning Statement). The proposed development extends substantially beyond the eastern boundary of the barns (contrary to the assertion in the Planning Statement) and covers an area greater than the two barns, which is difficult to see because of the lack of drawing dimensions. The footprint of the development is also considerably greater than that of the previous application.

6. The application form states that sewage disposal is to be handled by septic tanks which is contrary to Policy PCS 7A (3). No details have been supplied, yet the results of soakaway tests show that septic tanks are not viable, to which is added the difficulty of locating and servicing such tanks on this restricted site while conforming to stringent current regulations.

7. The Parish Council support BANES Drainage and Flood Team who have identified that major issues have not been addressed requiring a full drainage strategy. The fact that the existing bund, which protects the Milking Parlour and the Orchard from flooding, is in the garden of Plot 1, is surely not acceptable.

8. There is generally a lack of detail in this Application, for example in external lighting (Priston is a 'dark' village), the provision of services, construction materials, heating and ventilation etc.

Priston Parish Council requests that, should the Case Officer be minded to recommend acceptance of this application despite the Parish Council's objections, the matter should be raised at the Planning Committee.

Representations Received :

8 objections have been received from third parties, the following is a summary of the points raised:

- Not previously developed land
- Unclear what will be retained
- The menage should be returned to normal
- Some documents old or incorrect
- Ecological appraisal is lacking
- Application missing details on materials etc

- Concern over construction traffic
- Impact on green belt openness
- Impact on landscape
- Dangerous precedent
- Outside of housing development boundary
- No reference to village design statement
- Increase in traffic movements
- Drainage, flooding and sewerage concerns
- Ecology concerns
- Climate change concerns
- Out of scale and character with surroundings
- Loss of agricultural land
- Turning circle cannot be kept clear of obstruction due to neighbours right of access

CPRE: objection. Firstly, it does not conform to Policy GB2 of the BANES Core Strategy, which requires that residential development in villages washed over by the Green Belt be confined to infill sites. This proposal is outside the Housing Development Boundary and is not infill.

Secondly, while para 145 of the NPPF does allow for residential development on previously developed land within the Green Belt, examination of the previous planning history of the site does not support the view that the agricultural barns which it is proposed to develop actually lie within the curtilage of an area established for equestrian use by a certificate of lawful use (04/03636/CLEU). The area cannot therefore be considered to be previously developed land and the Application is not supported by the NPPF.

Thirdly, even if the land were established as previously developed (which it is not), the NPPF requires that there should be no detrimental effect on the openness of the Green Belt. As pointed out in our previous response, CPRE emphasises the visual as well as the spatial aspects of openness. The fact that the existing barns to be demolished comprise a lesser volume than the 2 houses intended to replace them takes no account of the fact that barns are much more fitted to a Green Belt than the urban residential development with its separate curtilages, garages and small gardens. The openness of the Green Belt would therefore be harmed both from the standpoint of Priston residents as well as impinging on the near and distant views from the various approaches to the village.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP2: Sustainable Construction
CP6: Environmental Quality
CP8: Green Belt
CP10: Housing Mix
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.5: Building design
D.6: Amenity
D7: Infill and backland development
GB1: Visual amenities of the Green Belt
GB2: Development in Green Belt villages
HE1: Historic environment
NE2A: Landscape setting of settlements
NE3: Sites, species and habitats
NE5: Ecological networks
NE6: Trees and woodland conservation
RA1: Development in the villages meeting the listed criteria
RA2: Development in villages outside of the Green Belt not meeting Policy RA1 criteria
ST7: Transport requirements for managing development
H7: Housing accessibility
SCR1: On-site renewable energy requirement
SCR5: Water efficiency
SU1: Sustainable drainage policy
LCR9: Increasing the provision of local food growing
PC55: Contamination

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development in the Green Belt
- Design and heritage
- Archaeology
- Trees
- Residential amenity
- Highways matters
- Flooding and drainage
- Contaminated land
- Ecology
- Sustainable construction and renewable energy

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

Planning permission is sought for the demolition of an existing equestrian related barn and the erection of two dwellings and associated works. The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

The NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. It goes on, however, to set out a number of exceptions to this, including exception g:

'Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development'.

The NPPF defines previously developed land as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings'.

In 2004 a Certificate of Lawful use was granted on the site for the use of the building as a livery stable for 7 horses. It is understood the Parish Council have concerns over which part of the site the certificate of lawfulness pertains to.

Officers have looked back over the site history. There appears to be 6 plan drawings on the file for 04/03636/CLEU, one of which is in colour and 5 of which are in black and white.

The application description is for 'DIY livery stable for 7 horses'. The officer report states under the section 'Details of the Proposal' that the application relates to a 'modern farm building... 7 loose horse boxes have been formed with the remainder of the barn used as a hay store...'. The report later in the officer's assessment advises that the stables being 'applied' for were built into the barn in 1992. The second to last plan is marked with the application reference and dated on the 25th Nov 2004 (prior to the applications decision date) this plan shows the barns clearly outlined with a distinct line. The last plan then shows the location of the stables in the barn and is entitled 'stables', presumably this marked out the floor plan for the site.

Seven years have passed since the Certificate of Lawful use was granted. Whilst there may be some ambiguity over the Certificate of Lawfulness officers have visited the site and following a site visit it is clear that the stables are located in the modern barn along with storage of equestrian paraphernalia. There is a menage on site. There were horses in the fields. The Dutch barn had hay stored within it. There was also a horse box vehicle on site. The entire site was in equestrian use. The council is satisfied that the site is in established equestrian use rather than agricultural and therefore is considered to be previously developed land.

Therefore, the proposal is appropriate in the first instance in the Green Belt in accordance with exceptions G. To reiterate exception G goes on to say that the proposal will only be appropriate if it would not have a greater impact on the openness of the Green Belt than the existing development'

The build form of proposed plot one is T shaped and plot 2 is L shaped. Much of the bulk of the built form will be located on the southern and eastern footprint of the Modern barn and part of the Dutch barn. The footprint will spread slightly wider than the existing footprint but much less in other places. Overall, the built form footprint is comparable to the existing footprint. The heights of the proposed dwellings are much reduced than the height of the existing barns. The dwellings will read as single storey with elements of altering heights which breaks up the massing. Open gaps are maintained around the buildings where parking is located. Physically and visually the proposal is not considered to have a greater impact on openness than the existing built form.

Overall, the proposal is therefore considered to be appropriate development in the Green Belt and accords with policy CP8 of the Core Strategy and NPPF.

PRINCIPLE OF DEVELOPMENT IN COUNTRYSIDE LOCATION:

The Placemaking Plan identifies Priston as one of the villages where Policy GB2 (Development in Green Belt Villages) applies. GB2 states that development in villages in the Green Belt will not be permitted unless it is limited to infilling and in the case of residential development the proposal is within the defined Housing Development Boundary.

It is recognised that the land is outside of, but adjoining, the Housing Development Boundary of Priston and therefore does not directly comply with policy GB2. Whilst the Housing Development Boundary should not be viewed simply as some arbitrary line it is noted that in the High Court Decision of Wood v Secretary of State (Feb 2015) the judge

considered that an assessment of the 'village on the ground' was also required. The site is surrounded on three sides by development (houses, roads and the riding arena). When driving to the site it doesn't seem as though one has yet left the village when arriving at it. The built form of the village is readily visible in views from and into the site. Even some objectors have made comment that the site is 'within the village'. As such this is a material consideration.

Policy DW1 of the Core Strategy sets out a district-wide spatial strategy. It seeks an increase in the supply of housing by around 13,000 homes. It sets out the focus of new housing, jobs and community facilities will be in Bath, Keynsham and the Somer Valley. In the rural area, it seeks to ensure that development is located at settlements with a good range of local facilities and with good access to public transport. The village benefits from daily public transport, and facilities including a pub, church, village hall, and cricket ground. The parish has a population of around 232 people.

The proposal must also be considered in accordance with paragraph 80 of the NPPF which seeks to avoid introducing new, isolated homes within the countryside. The proposal is closely related to other buildings and located adjoining the development boundary. As such, the proposal cannot be considered to be isolated.

Section 11 of the NPPF has regard to making effective use of land, it states at paragraph 120 that substantial weight must be given in decision making to the value of using suitable brownfield land within settlements for homes. The site is considered to be previously developed land (brownfield land). As such in this instance it is considered that a departure from policy GB2 is acceptable to accord with the development plan and NPPF as a whole.

On balance therefore, the location of housing in this location can be supported in principle.

DESIGN, CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness.

The proposal will replace a set of existing barns as previously discussed in this report. The loss of the existing buildings is acceptable. The application proposal two dwellings in their place, plot 1 is roughly T shaped and plot 2 is roughly L Shaped. The two plots are set in the south west of the site, with the site entrance and parking in the north west of the site. Both plots have amenity space. A field access remains in place to the south. The proposed layout is considered acceptable and the quantum of development is not considered to result in overdevelopment.

The proposed dwellings could be described as bungalows in nature, they will have a mainly single storey appearance with some elements being taller, reading as 1 and a half stories. The overall height and massing is comparable to surrounding buildings in the village and is less than the existing buildings on site. This is considered acceptable.

In terms of design detail, the buildings are now of a quiet, more traditional design that are not offensive. During the course of the application the agent has confirmed that the proposed materials used will be:

Roof - Clay roof tiles

Walls - Natural coursed rubble stone in lime mortar

Windows and doors - Timber windows and doors, natural stain

Rainwater goods - Black metal rainwater goods

Fascia and soffit - Timber

These materials are considered to be acceptable as they follow the local palate of materials and are appropriate within the sites sensitive local setting. A material schedule and samples will be conditioned.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

HERITAGE:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

The current building is a modern barn and there are no concerns with its demolition.

Immediately adjacent to the application site is Church Farmhouse and associated barn conversions. The main farmhouse is grade II listed together with a granary adjacent, whilst the barns are not individually listed, these are clearly important heritage assets. In addition, the grade I listed Church of St Luke and St Andrew is in close proximity.

Historic England have been consulted and have not raised an objection or specific concerns with the revised drawings.

The Conservation Officer has been consulted. The scheme has been significantly reduced in scale and the design altered to address concerns previously raised. The general revised design and scale is acceptable. The officer has no longer raised an objection.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting.

The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

ARCHEALOGY:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting. South West Heritage Trust have been consulted on the scheme in regard to archaeology and have raised no objection. The proposed new dwellings lie within the core of the medieval settlement of Priston and in close proximity to the medieval church and possible manor, as such condition have been recommended including an archaeological watching brief and publication of any results. As such these will be attached to the decision.

TREES:

Policy NE6 has regard to trees and woodland conservation. It states development will only be permitted if it is demonstrated that adverse impact on trees is unavoidable to allow for development, and that compensatory measures will be made in accordance with guidance in the Planning Obligations SPD.

The application is supported by an arboricultural report which includes a tree survey, impact assessment and method statement.

The red line boundary which has been identified excludes all trees and provides insufficient space to contain construction activities. This means that tree protection measures are essential to control the spread of these activities as outlined in the Arboricultural report. A condition will be included to ensure compliance with the report.

No objection is raised to the proposed tree pruning and tree removals. Ash Dieback is widespread in the district and the likely requirement to remove those trees affected is acknowledged.

The proposal is considered acceptable and accords with policy NE6 of the Placemaking Plan.

RESIDENTIAL AMENITY:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance.

The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

Accessibility / Public Transport / Walking / Cycling:

The site has limited opportunities for sustainable travel due to the distance to most local services and lack of dedicated cycling and walking facilities. There is limited public transport links in the locality and as a result the development is likely to be dependent on the private car. However, it is noted that this is previously developed land where car trips would already be generated. The site is located in proximity to the housing development boundary with some local facilities within the village. As such, an objection on the grounds of sustainability would not be justifiable in this instance.

Access/ Traffic:

The site is accessed via a shared access from Church Farm Lane which also serves a number of existing dwellings including The Orchard, The Milking Parlour and The Calf House. The proposed development is unlikely to significantly increase the number of vehicular trips compared to the existing use. There might be an additional benefit of removing the need for large, slow-moving vehicles to access the site if the equestrian use of the barns is ceased.

The red line boundary of the application on the Site Location Plan has been updated to include the area labelled as 'existing turning area'. This enables the turning area which would be required for any large vehicles accessing the proposed dwellings to be secured by planning. Neighbours have raised concerns over the right of access to turn into the site. Certificate A has been submitted with the application. Any easements or covenants are a civil matter which would not preclude the granting of planning permission.

Car Parking /Cycle Parking/ EV charging:

Each of the proposed residential dwellings requires the provision of a minimum of two secure covered cycle parking spaces, plus 3 car parking spaces per four-bed dwelling. Based on the proposed floorplans, that equates to 6 parking spaces. The provision shown within the application submission meets with the standards set out in the Placemaking Plan.

In the case of new development proposals, facilities for charging plug-in and other ultra-low emission vehicles will be sought where practicable as set out in Policy ST7 of the Placemaking Plan. The BANES Parking Strategy says that Electric vehicle charging should be provided residential developments with individual parking - passive provision within each property.

Passive provision requires the enabling work to be undertaken, including ensuring sufficient capacity in the connections and providing cabling to the parking spaces. This will be conditioned.

Waste:

The Waste Management Plan states that the refuse collection vehicles currently enter the shared private lane to collect waste rather than collecting from the Church Farm Lane which is the nearest adopted highway. The proposal for an additional 2 dwellings to have similar collection arrangements is acceptable.

Construction Management Plan:

Due to the nature of the local highway the introduction of construction vehicles may cause harm to road safety and residential amenity. Therefore a demolition and construction management plan should be required prior to commencement of the development.

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

The Drainage and flooding team have been consulted on the application and additional information has been submitted over the course of the application. A General Arrangement Drainage Plan has now been submitted. The proposed plans now show an acceptable drainage system. A condition will be required confirming capacity of the onward system or an alternative method of drainage.

As such, the proposed development is considered to comply with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as the NPPF.

CONTAMINATED LAND:

Policy PCS5 has regard to Contamination. The Contaminated Land Officer has been consulted on the application. Taking account of the sensitive nature of the development (i.e. residential), conditions are recommended in regard to reporting unexpected contamination.

The proposal is considered acceptable in terms of policy PCS5 of the Placemaking Plan.

ECOLOGY:

Policy NE3 has regards to Sites, Species and Habitats, it states that development that would adversely affect protected species and habitats will not be permitted unless in certain exceptional circumstances. In all cases the policy seeks that any harm to nature conservation is minimised and mitigation and compensation is provided otherwise.

The Council's ecologist has been consulted on the scheme. There is no ecological objection in principle to the proposals.

Previous ecology comments have been provided (Sarah Dale 6th Sept 21) raising the issue of a

discrepancy between the site boundaries of the submitted planning application and the site boundary used for the ecological survey and assessment. A revised ecological survey and assessment has been submitted which now includes the whole site. Appropriate recommendations are made regarding avoidance of harm to nesting birds, and provision of replacement habitats, nesting sites and ecological enhancements.

In relation to the northern barn and associated hardstanding and scrub, the assessment and its findings are accepted. The site supports limited wildlife value, although the building does have nest boxes and signs of use by nesting birds; swallow nests were also noted. Appropriate recommendations are made regarding provision of replacement and new habitat, and measures to avoid harm to wildlife and to provide additional benefits for wildlife. These include provision of bird and bat boxes and landscape planting, sufficient to achieve net gain for biodiversity (in accordance with Policies NE3 and D5e and the NPPF) which could be provided through a wildlife friendly landscape and planting scheme to be secured by condition. This must also include provision of replacement swallow nesting sites within a suitable sheltered location such as beneath an overhang, within porches or within an open building.

Sensitive lighting design would be necessary in this location in accordance Policy D8, and best practice to avoid harm to wildlife including bats. A condition will be attached accordingly.

A detailed mitigation scheme is also required, the Council's ecologist has confirmed this can be sought by condition.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy CP2 of the Placemaking Plan has regard to Sustainable construction. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

For minor new build development a 19% reduction in CO2 emissions is required by sustainable construction. In this case the submitted SCC shows that a 48% CO2 emissions reduction has been achieved from energy efficiency and/or renewables. Therefore the proposed development is compliant with policy CP2 in this instance.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). These matters can be secured by a relevant planning condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g. border planting, window boxes, vertical planting, raised beds etc.).

CONCLUSION:

The location of housing in this location is contrary to Policy GB2 of the PMP, however on balance, as set out in the report above, given its siting 'within' the village, it meeting the objectives of policy DW1 and its non-isolated location, it is considered the development can be supported in principle. As such, in this particular case, it is considered that a departure from policy GB2 is acceptable. The proposal complies with all other the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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 permission

2 Arboricultural Compliance (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement and Tree Protection Plan (Tim Pursey 29th July 2021)

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan.

3 Archaeology Watching Brief (Pre-commencement)

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

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because

archaeological remains and features may be damaged by the initial development works.

4 Archaeology Post Excavation and Publication (Pre-occupation)

No occupation of the development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation 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 has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

5 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

6 Sample Panel - Walling (Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

7 Reporting of Unexpected Contamination (Bespoke Trigger)

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 soils or materials with unusual colour, odour, texture or containing unexpected foreign material.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

8 Parking and Turning (Compliance)

The areas allocated for parking and turning, as indicated in the Site Location Plan 001 Rev.A and Ground Floor Plan 111B, 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: To ensure adequate car parking and turning areas are always retained, in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

9 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

10 Electric Vehicle Charging Points (Pre-occupation)

No building shall be occupied until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

11 Surface Water Drainage (Pre-Commencement)

No development shall commence, except ground investigations, until written confirmation of the capacity of the onward system can take the flow of 13.4 l/sec as proposed by the Drawing 101P3 is submitted and approved by the LPA if this is not the case an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan

12 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme that is in accordance with Section 5 of the approved Ecological Appraisal (Engain, 8th November 2021) have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all

necessary protection and mitigation measures, including, where applicable, proposed precommencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;

(ii) Detailed proposals for implementation of the wildlife mitigation measures and recommendations

of the approved ecological report, including suitable replacement nesting provision for swallow;

wildlife-friendly planting / landscape details; and provision of bat and bird boxes. Proposed specifications, numbers, models, materials, species, sizes, and positions (as applicable) shall

be provided and shown on a plan; for fencing shall include provision of gaps to allow movement

of wildlife such as hedgehog through and around the site.

All works within the scheme shall be carried out in accordance with the approved details and

completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan.

NB The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

13 Ecology Follow-up Report (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by the ecologist) confirming and demonstrating, using photographs, adherence to and completion of the Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the Wildlife Protection and Enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3, NE5 and D5e of the Bath and North East Somerset Local Plan.

14 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; and details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Local Plan

15 Sustainable Construction (Pre-Occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- o Table 2.4 (Calculations);
- o Building Regulations Part L post-completion documents

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

16 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

17 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

18 Plans List (Compliance)

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:

01 Oct 2021	001 A	SITE LOCATION PLAN
01 Oct 2021	002 B	TOPOGRAPHICAL SURVEY
01 Oct 2021	110 E	GROUND FLOOR PLAN
09 Nov 2021	109 E	SITE PLAN - ROOF PLAN
09 Nov 2021	111 C	FIRST FLOOR PLAN
09 Nov 2021	112 E	ELEVATIONS
09 Nov 2021	113 F	SITE ELEVATIONS
25 Nov 2021	114	SITE PLAN - EXISTING BARN FOOTPRINT ROOF PLAN
06 Jan 2022	101 P3	DRAINAGE SYSTEM - GENERAL ARRANGEMENT

2 Informative

Desk Study and Walkover Survey

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended.

It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey should be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation would provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment should be required

3 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

5 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

6 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges,

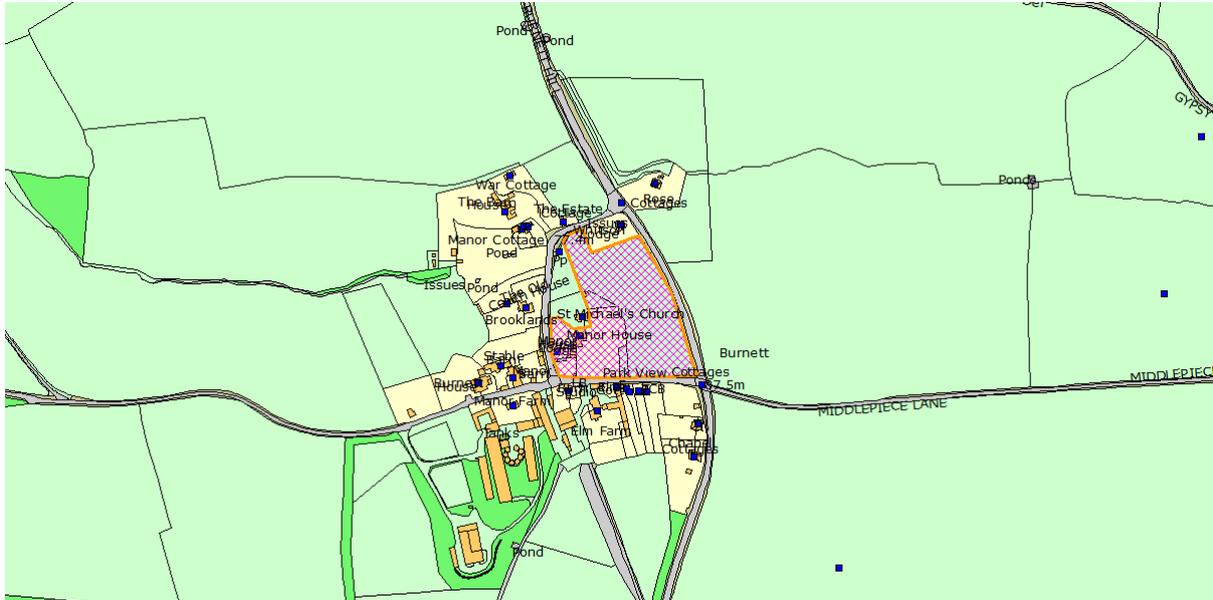
interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

Item No: 05
Application No: 21/03965/FUL
Site Location: Manor House Watery Lane Burnett Keynsham Bristol



Ward: Saltford **Parish:** Compton Dando **LB Grade:** II
Ward Members: Councillor Duncan Hounsell Councillor Alastair Singleton

Application Type: Full Application

Proposal: Installation of solar PV panels and ground source heat pump pipe work to eastern paddock to provide renewable energy sources for manor house. Connection of pipework to existing lower ground floor plant room.

Constraints: Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs David Oliver

Expiry Date: 21st October 2021

Case Officer: Dominic Battrick

To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. A formal objection has been lodged by Compton Dando Parish Council, with planning policy reasons for the objection comments. The officer recommendation is contrary to this objection.

The Vice Chair, Cllr Sally Davis, has made the following comments:

"I have studied the application carefully & note the comments from both statutory & third party consultees, some comments object while others support the proposal as is the case with CDPC & the Ward Cllr. who have differing views.

The proposal is clearly controversial & therefore I recommend the application be determined by the planning committee so the impact on the Green Belt & very special circumstances can be debated fully in the public arena."

The Chair, Cllr Sue Craig, has considered the application and the recommendation of the Vice Chair and decided that the application will be determined at Planning Committee, commenting as follows:

"I have reviewed this application and note the opposing comments from the ward councillor and parish council, plus the comments from other 3rd parties. Notwithstanding the fact that all applications are judged on their own merits, I believe that this case provides an opportunity to debate, in a public forum, a degree of harm to a listed building vs climate change mitigation. I therefore refer this application to the planning committee for a decision.

DESCRIPTION OF SITE AND APPLICATION:

Manor House is a residential property comprising a Grade II listed house and its curtilage, and a large paddock field located to the east and northeast of the house. The field is adjacent to Old Burnett Lane to the south and Burnett Hill to the east. The site is within the small village of Burnett, which is part of the parish of Compton Dando.

Planning permission is sought for the proposed installation of solar PV panels and ground source heat pipework within the eastern end of the paddock to provide renewable energy sources for Manor House. The solar array is to be bordered with a security fence and hedging. An application for listed building consent accompanies this planning application under reference number 21/03966/LBA, seeking consent for works associated with the connecting the installation to the plant room in the basement of Manor House.

RELEVANT PLANNING HISTORY:

AP - 04/00036/RF - DISMIS - 5 November 2004 - Repositioned access and driveway

DC - 02/02067/FUL - RF - 17 December 2002 - Repositioned access and new driveway

DC - 02/02208/LBA - RF - 15 November 2002 - Repositioned access and new driveway to existing house

DC - 03/02654/FUL - RF - 10 December 2003 - Repositioned access and driveway

DC - 05/03121/FUL - RF - 17 November 2005 - Change of use of land from agricultural to domestic curtilage (extension of existing garden)

DC - 07/01705/FUL - PERMIT - 11 July 2007 - Replacement covered structure for the oil tanker and associated works

DC - 07/01706/LBA - CON - 20 July 2007 - Replacement covered structure for the oil tanker and associated works

DC - 19/03436/FUL - PERMIT - 23 September 2019 - Erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works.

DC - 19/03437/LBA - CON - 23 September 2019 - Internal and external alterations to include the erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works.

DC - 19/04808/CONDLB - DISCHG - 6 December 2019 - Discharge of condition 3 of application 19/03437/LBA (Internal and external alterations to include the erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The following comments received during the consultation process are summarised only. Please view the online case file for full comments.

CONSULTATIONS AND REPRESENTATIONS:

Compton Dando Parish Council: objection. (Comments received 22/09/21)

- The proposed solar panels are located in a sensitive area and will harm the historic open parkland setting of Manor House
- Adverse visual impact on the Green Belt
- Impact on wildlife
- Concerns over highway safety
- Hedging should be mixed native species
- The installation of the ground source heat pump is supported, subject to an archaeological watching brief during excavations
- The PC would like to have supported the application due to the Climate Emergency, but the location of the solar panels is considered inappropriate, and an alternative siting would be more acceptable

Conservation: no objection. (Revised comments received 12/01/22)

Archaeology: No objection, subject to conditions for archaeological monitoring for all groundworks and publication of the results. (Comments received 5/10/21)

Arboriculture: No objection, subject to conditions to secure tree protection measures and mitigation planting. (Comments received 25/10/21)

Ecology: No objection, subject to conditions to secure a wildlife protection and enhancement scheme and an ecological follow-up report. An informative for great crested newt is advised.

Highways: No objection. (Comments received 23/09/21)

OTHER REPRESENTATIONS / THIRD PARTIES:

24 representations received from the public, including 21 in objection, 1 in support and 2 neutral comments. The comments made are summarised as follows:

- Renewable energy should be supported in addressing the Climate Emergency
- Siting appears to maximise solar efficiency by avoiding trees
- Harm to Green Belt
- Renewable energy is supported in principle, but solar panels should be relocated to a more discreet location
- The installation is excessive for a domestic property, generating 24kw, 6 times that of a typical domestic installation
- The site contains 2.9 acres of land to choose an alternative location for the array
- The south-facing roof slope of Manor House or a curtilage outbuilding should be used to provide the PV panels instead
- The solar panels are unsightly and will be prominent in views from Whitson Lodge, particularly during winter when leaves are shed from the tree and hedge. The array should be re-sited
- It will take years for the screen hedging to mature, exposing the development
- Harm to character of historic parkland and rural setting of village
- Burnett has retained its historic charm should have conservation area status
- Harm to setting of the Victorian-period house of Whitson Lodge
- The submitted heritage statement has not assessed the impact on Whitson Lodge
- The solar panels will be prominent from the road
- The panels will be surrounded by a hedge of the same height and will not be visible from the road
- Concerns over highway visibility and safety due to PV array disrupting sightlines causing a distraction and reflective glare for motorists
- The adjacent road (B3116) is prone to accidents near this location
- The panels are angled away from the road, mitigating reflection towards the road
- Harm to wildlife
- Concerns over impact of groundworks for the ground source heat pump on local archaeology
- Neighbours were not consulted by the applicant prior to submission, contrary to application information
- The application form incorrectly states that the development cannot be seen from a highway or public land
- Devaluation of neighbouring property

Cllr Alastair Singleton, ward member for Saltford, has commented in support of the application, with a request for referral to planning committee in the event that case officers recommend refusal. The comments are as follows:

"I wish these applications be determined at the planning committee should the case officer recommend refusal. The applications refer to a well conceived and very professionally designed renewable energy scheme combining a ground source heat pump and ground-mounted solar panels to provide significant energy to the house - with surplus potentially available for other consumers. The project is sympathetic to the local environment and

ecology and entirely in keeping with the Ambitions exemplified in the B&NES Council Climate Emergency policy. It has my full support."

A representation was received from the Campaign to Protect Rural England (CPRE) after the consultation period but has been considered as part of this assessment. The comments are summarised as follows:

- Objection, endorsing the comments of Compton Dando Parish Council.
- Burnett is a "very special village" and the proposed panels would have an adverse visual impact on the Green Belt and local buildings of historical importance.
- CPRE does not object in principle and supports non-carbon sources of energy but more consideration should be given to their location so they are not visually intrusive.

POLICIES/LEGISLATION

POLICY CONTEXT:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

DW1: District Wide Spatial Strategy
CP3: Renewable Energy
CP6: Environmental Quality
CP7: Green Infrastructure
CP8: Green Belt

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

SCR3: Ground-mounted Solar Arrays
D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D6: Amenity
GB1: Visual Amenities of the Green Belt
HE1: Historic Environment
RE5: Agricultural Land

SPDs:

The following supplementary planning documents are also relevant in the determination of this application:

Energy Efficiency & Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings (2013)

National policy and guidance:

The National Planning Policy Framework (NPPF) was updated in July 2021 and is a material consideration.

Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

Conservation Areas

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

Listed Buildings

In addition, there is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Low Carbon and Sustainable Credentials

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT PLANNING ISSUES:

The main issues to consider are:

- Principle of development
- Green Belt impact
- Impact on character, including setting of the village and listed buildings
- Impact on residential amenity
- Highway safety
- Ecology
- Arboriculture
- Archaeology

OFFICER'S ASSESSMENT:

Principle of Development:

The applications are seeking to install a solar photovoltaic (PV) panel array and ground source heat pump to provide renewable energy for the property of Manor House, located within the small village of Burnett. The proposed development is located within a parkland area adjacent to the B3116 to the east and northeast of the house. The parkland, referred to as the paddock in the application, is private land forming part of the estate of Manor House, but is outside the recognised domestic curtilage of the house. Burnett has no Housing Development Boundary and is within the Bristol and Bath Green Belt.

Renewable energy development is broadly acceptable in principle, in accordance with policy CP3 of the B&NES Core Strategy (subject to assessment against policy CP6 and environmental impacts) and paragraph 158 of the National Planning Policy Framework (NPPF). The latter recognises that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

Ground-mounted solar arrays are more directly addressed under policy SCR3 of the B&NES Placemaking Plan and are supported in principle, and should seek to minimise visual impact, respect nationally and locally protected landscapes and biodiversity. Proposals should be focused on non-agricultural land or land of lower agricultural quality. In all cases, proposals will be expected to be consistent with the relevant design, heritage, and landscape policies. These matters are addressed separately below.

The site is located within the Green Belt. National and local planning policy places substantial weight on the protection of the Green Belt, the aim of protecting their openness and permanence. Inappropriate development is, by definition, harmful to the Green Belt and should

not be approved except in very special circumstances, as stated by paragraph 147 of the NPPF.

Paragraph 151 directly addresses renewable energy developments, stating that elements of many such projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

A statement from GeoEnergy Design (dated 19 August 2021) outlines the justification for the development.

Manor House currently burns 8000 litres of heating oil per year to provide for heating and hot water, producing roughly 20,160 kg of CO² per year. Space heating and domestic water provision attributes to over 80% of annual CO² production.

Steps have already been undertaken to draught-proof the windows and improve the insulation at Manor House; however, scope for further energy efficiency measures are limited by the listed building status of the building and the applicants are keen to utilise available land for renewable energy provision, given the CO² output of the property.

The proposed solar PV installation will generate 32,217 kWh of electricity p.a., offsetting the GSHP consumption of 20,901 kWh p.a. and providing a net production of 11,316 kWh available for domestic use, while a surplus can be fed back to the grid for use by other local properties. The statement estimates that the combined GSHP and PV system would result in a p.a. saving of 21,332 kg CO².

This is a substantial reduction in carbon production for a domestic property. Given the Climate Emergency, it is considered that the outlined energy benefits of the proposals outweigh the in-principle harm to the Green Belt, subject to consideration of openness, in accordance with Policy CP8 of the Placemaking Plan and paragraph 151 of the NPPF.

Impact on Green Belt openness:

The Solar PV array is to be located at the northeast corner of the paddock, occupying 6% of its 2.9 acres. The parkland south of the PV array site will be kept undeveloped above ground, maintaining its open and rural character throughout most of this land. By positioning the PV array at the northern boundary, the screen hedging will enclose the compound while minimising its intrusion into the parkland. It is considered that the siting and design adequately mitigates harm to the openness and amenity of the Green Belt, taking into account the very special circumstances for the development which are accepted.

The GHSP will be housed inside Manor House and the ground collector pipes will be buried below ground, negating any visual impact on the Green Belt. The engineering operations will not harm Green Belt openness.

The proposals therefore comply with policy GB1 of the Placemaking Plan and paragraph 150 of the NPPF.

Character and appearance:

The development is located at the edge of the small village of Burnett, adjacent to the B3116 which runs past the village. While Burnett does not have a conservation area designation, it has well-preserved historic rural character, and this is reflected in the listed buildings that form focal points within the village. These include St Michael's Church and the nearby Manor House to the south, both of which are Grade II listed. The estate benefits from a large area of parkland (referred to in the application as the paddock) to the east and north of the domestic curtilage.

Due to the scale of this land, its undeveloped and leafy appearance, and its open boundaries to the east and south fronting the B3116 and Old Burnett Lane respectively, the parkland contributes to the rural character of the village.

The proposed siting of the development has been chosen to maximise solar gain while attempting to mitigate and limit harm to the landscape and heritage assets.

It is acknowledged that, by siting the PV array close to the highway, the development will be prominent externally, at least in terms of its security fencing and screen hedging, and this will encroach into some of the visible parkland. However, positioning the installation adjacent to the northern boundary and the hedge that runs along it is considered the least intrusive location within the parkland, factoring in its open viewpoints from the public realm and the setting of listed buildings.

Upon site inspection, it was observed that the northeast corner of the parkland is largely obscured from view from Manor House by its dense trees and soft landscaping within the curtilage of the house. The siting of the PV installation minimises its visual impact both on views from the listed building and views to the building from the public realm. The setting of the Grade II listed St Michael's Church will also be safeguarded, although the development will be visible in the background from part of the churchyard. Harm may be adequately mitigated from the proposed hedging which will screen the installation.

One of the primary concerns raised in public objections relates to the impact on Whitson Lodge, located immediately beyond the development site to the north. Whitson Lodge is a 19th Century building with elegant, well preserved Victorian character and is understood to have originally been a school building. The building is not listed but due to its local heritage value and its architectural value is considered to be a non-designated heritage asset.

The heritage statement provides limited consideration over the impact on the setting of Whitson Lodge, although it does highlight that the perimeter hedge, if adequately implemented, will screen the installation from ground level and should appear indistinct from the existing hedge at the boundary of Whitson Lodge.

The PV installation and associated enclosure will nonetheless appear visible at close range from Whitson Lodge within its immediate setting, particularly when viewed above ground level. This results in less than substantial harm to the setting of this non-designated heritage asset. Great weight should be given to the assets' conservation (para 199 NPPF) however, non-designated assets are not afforded the same level of protection as designated assets and paragraph 201 requires a balanced judgement, having regard to

the scale of harm and the significance of the asset. In this instance, it is concluded that the sustainability benefits of the development outweigh this harm.

The Council's Conservation Officer was consulted to consider the application, including the additional heritage statement and supporting information received in November 2021, and is satisfied that the proposed development and its siting has been appropriately considered and justified.

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Taking account of the above, in this instance the proposed works will on balance preserve the setting of the listed building and as such this proposal would meet this requirement.

Subject to conditions ensuring the implementation and retention of appropriate hedging, it is considered that the siting and design of the proposed development will sufficiently safeguard the character and appearance of the site and its surroundings, including the setting of listed buildings. The proposed development is therefore in accordance with policies D1, D2, HE1 and NE2 of the Placemaking Plan, policy CP6 of the Core Strategy and sections 12 and 16 of the NPPF.

Residential amenity:

The proposed solar array is positioned to face south, which, while maximising solar gain, also mean that the panels face away from the adjacent property of Whitson Lodge to the north, preventing any issues of reflective light glare. The array, by virtue of their height relative to the existing and proposed boundary vegetation, will not result in any overbearing or overshadowing impacts.

The PV installation will be visible from upper floor south-facing windows of Whitson Lodge, as demonstrated with photographs supporting neighbour objections. However, this is a matter of private views which cannot be given significant weight.

The proposals do not raise any other concerns relating to residential amenity and are in accordance with policy D6 of the Placemaking Plan.

Highway safety:

Public representations raised concerns over the potential impact of the solar PV panels on highway safety, due to concerns of obstruction of visibility, distraction, and reflective glare.

The nearby highway junction Watery Lane and Burnett Lane (B3116) is separated from the site by the intervening property of Whitson Lodge, which provides an obstruction of visibility immediately south of the junction. The PV array is set back from the highway and separated from the existing fence by the proposed fence and hedge, limiting its prominence from the highway. The panels are angled in a directly due south and are therefore angled slightly away from the adjacent road running southeast to northwest, minimising any residual risks of glare.

There is no compelling evidence that the proposed development will impact an existing highway safety concern.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts will be severe. Highways DC are unable to provide evidence that the development will result in unacceptable harm in this respect.

Highways are satisfied that the proposed development will not result in an adverse impact on the existing vehicular access to Manor House and will not result in a loss of existing parking.

The proposed development is therefore in accordance with policy ST7 of the Placemaking Plan.

Ecology:

The submitted bat survey is acceptable and demonstrates that the basement and Leyland cypress offer negligible roosting opportunity. While the horse chestnut supports preliminary roost features, a tree climbing inspection found that no roosts or evidence of bats were found. Measures to protect bats in the event they are discovered during works are proposed and supported.

The Council's ecologist has expressed disappointment that the assessment has not detailed procedures to protect nesting birds, hedgehogs, or badgers, but measures can be appropriately controlled via condition.

Subject to conditions securing the submission and implementation of a wildlife protection and enhancement scheme, the proposals comply with policies NE1, NE3, NE5, D5e and D8 of the Placemaking Plan and policies CP6 and CP7 of the Core Strategy.

Arboriculture:

The Council's Arboriculturist has considered the submitted arboricultural impact assessment and has no objection to the removal of the T4 oak tree, subject to the planting of two trees in compliance with policy NE6. A condition is recommended to secure the necessary replacement planting. The indicative tree protection plan satisfactorily demonstrates how retained trees can be protected during construction.

Subject to conditions securing the submission and implementation of a detailed arboricultural method statement and a soft landscaping scheme concerning the replacement trees, the proposed development is in accordance with policy NE6 of the Placemaking Plan.

Archaeology:

The Council's Archaeologists were consulted to consider any archaeological issues associated with the proposals, including, most significantly, the extensive groundworks and excavation associated with the proposed ground source heat pump.

The proposed development lies close to St Michael's Church in an area where Roman material indicative of settlement activity has been recovered. Conditions are therefore recommended to secure archaeological monitoring of groundworks and publication of the results.

Subject to conditions, the proposed development is in accordance with policy HE1 of the Placemaking Plan.

Other matters:

Public representations have highlighted inaccuracies in the application, including the suggestion that the proposed development cannot be seen from highway or the public realm; this matter is noted. Local residents have raised disappointment that they were not consulted prior to the application. While this is regrettable, this matter does not influence the assessment that led to the officer's recommendation, which has taken into account comments received during the formal public consultation process.

Devaluation of property is not a matter that may be afforded weight in the assessment of a planning application.

CONCLUSION:

While the proposed development is inappropriate development in the Green Belt, very special circumstances are considered to apply that outweigh harm to the Green Belt.

The proposals will cause some limited harm to the landscape and character of the village and result in less than substantial harm to a non-designated heritage asset of Whitson Lodge adjacent to the site. However, the harm is sufficiently mitigated in the siting and design of the proposals.

In applying the planning balance, the officer's conclusion is that the substantial renewable energy benefits of the proposals in addressing the climate emergency outweigh the harm identified, and it is recommended that the application is approved, subject to the conditions referred to in this report.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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 permission.

2 Archaeology Watching Brief (Pre-commencement)

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

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

3 Archaeology Post Excavation and Publication (Pre-occupation)

No occupation of the development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation 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 has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

4 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, service run locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

5 Arboriculture - Compliance with Arb Method Statement (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed compliance statement shall be provided by the appointed arboriculturist to the local planning authority within 28 days of completion.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE6 of the Placemaking Plan.

6 Soft Landscaping Scheme (Bespoke Trigger)

Within two months of the commencement of works a soft landscape scheme with plan and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority showing the species, planting size and location of two replacement trees and the proposed perimeter hedging for the PV array.

Reason: To secure replacement tree planting on site and appropriate landscaping to screen the PV array and security fence in accordance with policies D2, NE2 and NE6 of the Placemaking Plan and the fixed number tree replacement policy within the Planning Obligations Supplementary Planning Document.

7 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the solar photovoltaic array being brought into use or in accordance with the programme of implementation agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

8 Wildlife Protection and Enhancement Scheme (Pre-commencement)

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 be in accordance with (but not limited to) the recommendations and proposed mitigation measures described in the Recommendations sections of the approved PEA report 26.08.21 together with the Bat Survey & Assessment report 19.11.21 both produced by Alder Ecology UK Ltd including:

- i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, protection of the rows of trees & beech hedgerow, translocation of 5 x fruit trees, compensatory tree planting and where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds, hedgehog, badger and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works; and
- ii) Detailed proposals for implementation of the enhancement measures and recommendations of the approved ecological reports, including a new native hedgerow, creation of habitat piles, installation of bat and bird boxes and conservation grassland

management, with specifications and proposed numbers and positions to be shown on plans as applicable.

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan. The condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

9 Ecological Follow-up Report (Pre-occupation)

No occupation of the development hereby approved shall commence until an Ecological Follow-up Report has been submitted to and approved in writing by the Local Planning Authority. The report shall be produced by a suitably experienced professional ecologist and shall confirm and demonstrate, based on a post-construction ecologist's site inspection and using photographs, the completion and implementation of all measures of the approved ecological mitigation and compensation schemes in accordance with approved details.

Reason: To demonstrate adherence to the approved ecological mitigation and compensation schemes and to prevent ecological harm, in accordance with NPPF and policies NE3 & D5e of the Bath and North East Somerset Local Plan.

10 Plans List (Compliance)

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:

Existing Block & Location Plan - SMH/16/19/18-20 - received 23/08/2021
Existing Basement Plan - SMH/16/19/18-06 - received 23/08/2021
Proposed North & East Elevation - SMH/16/19/18-40 - received 23/08/2021
Proposed Basement Plan - SMH/16/19/18-41 - received 23/08/2021
Topographical Survey - SMH/16/19/18-50 - received 23/08/2021
Proposed PV Layouts - MH1001-GEO-EE-00-02-DR-PV-1401 - received 26/08/2021
Proposed Block & Location Plan - SMH/16/19/18-51 - received 26/08/2021
PV Enclosure Cross Section - SMH/16/19/18-52 - received 19/11/2021

2 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

4 Please note that great crested newts are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes individual newts, breeding ponds and terrestrial habitat. If great crested newts are unexpectedly found during works, all works must cease, and a suitably qualified ecologist and Natural England should be contacted for advice. Precautionary measures such as storage of materials and waste on pallets or in skips and fitting excavations with an escape board/plank should be followed.

5 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

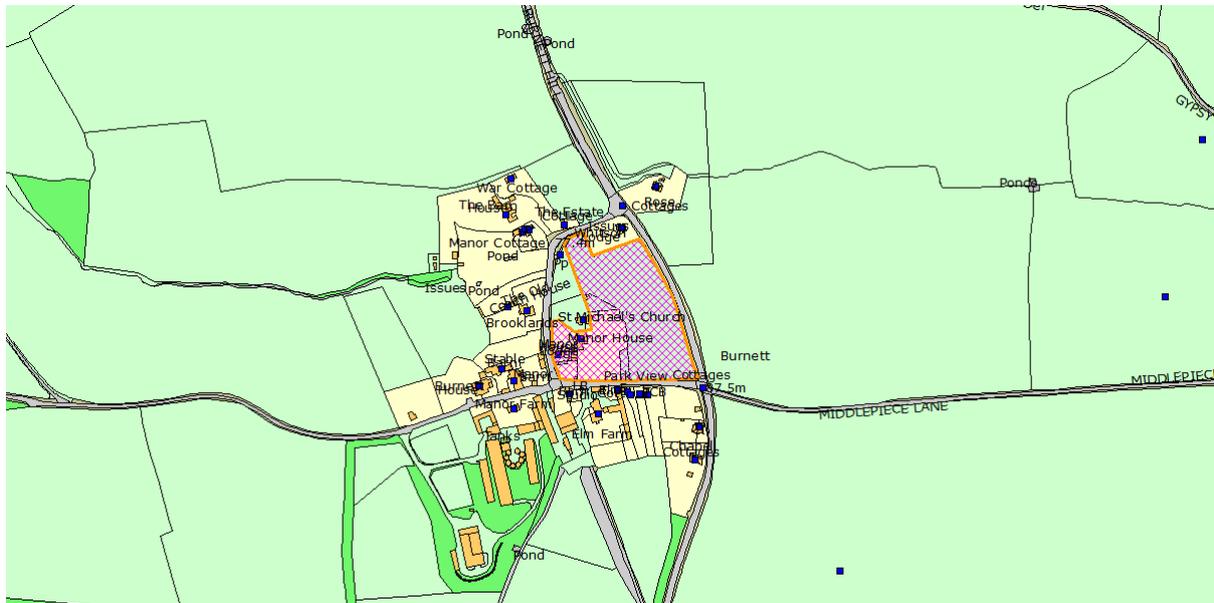
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

6 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Item No: 06
Application No: 21/03966/LBA
Site Location: Manor House Watery Lane Burnett Keynsham Bristol



Ward: Saltford **Parish:** Compton Dando **LB Grade:** II
Ward Members: Councillor Duncan Hounsell Councillor Alastair Singleton

Application Type: Listed Building Consent (Alts/exts)

Proposal: Internal and external alterations for the installation of solar PV panels and ground source heat pump pipe work to eastern paddock to provide renewable energy sources for manor house. Connection of pipework to existing lower ground floor plant room.

Constraints: Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs David Oliver

Expiry Date: 21st October 2021

Case Officer: Dominic Battrick

To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. A formal objection to the objection has been lodged by Compton Dando Parish Council, with planning policy reasons for the objection comments. The officer recommendation is contrary to this objection.

The Vice Chair, Cllr Sally Davis, has made the following comments:

"I have studied the application carefully & note the comments from both statutory & third party consultees, some comments object while others support the proposal as is the case with CDPC & the Ward Cllr. who have differing views.

The proposal is clearly controversial & therefore I recommend the application be determined by the planning committee so the impact on the Green Belt & very special circumstances can be debated fully in the public arena."

The Chair, Cllr Sue Craig, has considered the application and the recommendation of the Vice Chair and decided that the application will be determined at Planning Committee, commenting as follows:

"I have reviewed this application and note the opposing comments from the ward councillor and parish council, plus the comments from other 3rd parties. Notwithstanding the fact that all applications are judged on their own merits, I believe that this case provides an opportunity to debate, in a public forum, a degree of harm to a listed building vs climate change mitigation. I therefore refer this application to the planning committee for a decision.

DESCRIPTION OF SITE AND APPLICATION:

Manor House is a residential property comprising a Grade II listed house and its curtilage, and a large paddock field located to the east and northeast of the house. The field is adjacent to Old Burnett Lane to the south and Burnett Hill to the east. The site is within the small village of Burnett, which is part of the parish of Compton Dando.

The application is seeking listed building consent for internal and external alterations to Manor House to facilitate the installation of a solar photovoltaic array and ground source heat pump within the adjoining field. Consent is required for works associated with the connecting the installation to the plant room in the basement of Manor House. Planning application 21/03965/FUL accompanies this application, seeking planning permission for the installations.

RELEVANT PLANNING HISTORY:

AP - 04/00036/RF - DISMIS - 5 November 2004 - Repositioned access and driveway

DC - 02/02067/FUL - RF - 17 December 2002 - Repositioned access and new driveway

DC - 02/02208/LBA - RF - 15 November 2002 - Repositioned access and new driveway to existing house

DC - 03/02654/FUL - RF - 10 December 2003 - Repositioned access and driveway

DC - 05/03121/FUL - RF - 17 November 2005 - Change of use of land from agricultural to domestic curtilage (extension of existing garden)

DC - 07/01705/FUL - PERMIT - 11 July 2007 - Replacement covered structure for the oil tanker and associated works

DC - 07/01706/LBA - CON - 20 July 2007 - Replacement covered structure for the oil tanker and associated works

DC - 19/03436/FUL - PERMIT - 23 September 2019 - Erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works.

DC - 19/03437/LBA - CON - 23 September 2019 - Internal and external alterations to include the erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works.

DC - 19/04808/CONDLB - DISCHG - 6 December 2019 - Discharge of condition 3 of application 19/03437/LBA (Internal and external alterations to include the erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The following comments received during the consultation process are summarised only. Please view the online case file for full comments.

CONSULTATIONS AND REPRESENTATIONS:

Compton Dando Parish Council: objection. (Comments received 22/09/21)

- The proposed solar panels are located in a sensitive area and will harm the historic open parkland setting of Manor House
- Adverse visual impact on the Green Belt
- Impact on wildlife
- Concerns over highway safety
- Hedging should be mixed native species
- The installation of the ground source heat pump is supported, subject to an archaeological watching brief during excavations
- The PC would like to have supported the application due to the Climate Emergency, but the location of the solar panels is considered inappropriate, and an alternative siting would be more acceptable

Conservation: no objection. (Revised comments received 12/01/22)

Archaeology: No objection, subject to conditions for archaeological monitoring for all groundworks and publication of the results. (Comments received 5/10/21)

Arboriculture: No objection, subject to conditions to secure tree protection measures and mitigation planting. (Comments received 25/10/21)

Ecology: No objection, subject to conditions to secure a wildlife protection and enhancement scheme and an ecological follow-up report. An informative for great crested newt is advised.

Highways: No objection. (Comments received 23/09/21)

OTHER REPRESENTATIONS / THIRD PARTIES:

21 representations received from the public during the consultation period, including 17 in objection, 1 in support and 3 neutral comments. The comments made reiterate the comments made on the accompanying planning application and are summarised as follows:

- Renewable energy should be supported in addressing the Climate Emergency
- Siting appears to maximise solar efficiency by avoiding trees
- Harm to Green Belt
- Renewable energy is supported in principle, but solar panels should be relocated to a more discreet location
- The installation is excessive for a domestic property, generating 24kw, 6 times that of a typical domestic installation
- The site contains 2.9 acres of land to choose an alternative location for the array
- The south-facing roof slope of Manor House or a curtilage outbuilding should be used to provide the PV panels instead
- The solar panels are unsightly and will be prominent in views from Whitson Lodge, particularly during winter when leaves are shed from the tree and hedge. The array should be re-sited
- It will take years for the screen hedging to mature, exposing the development
- Harm to character of historic parkland and rural setting of village
- Burnett has retained its historic charm should have conservation area status
- Harm to setting of the Victorian-period house of Whitson Lodge
- The submitted heritage statement has not assessed the impact on Whitson Lodge
- The solar panels will be prominent from the road
- The panels will be surrounded by a hedge of the same height and will not be visible from the road
- Concerns over highway visibility and safety due to PV array disrupting sightlines causing a distraction and reflective glare for motorists
- The adjacent road (B3116) is prone to accidents near this location
- The panels are angled away from the road, mitigating reflection towards the road
- Harm to wildlife
- Concerns over impact of groundworks for the ground source heat pump on local archaeology
- Neighbours were not consulted by the applicant prior to submission, contrary to application information
- The application form incorrectly states that the development cannot be seen from a highway or public land
- Devaluation of neighbouring property

Cllr Alastair Singleton, ward member for Saltford, has commented in support of the application, with a request for referral to planning committee in the event that case officers recommend refusal. The comments are as follows:

"I wish these applications be determined at the planning committee should the case officer recommend refusal. The applications refer to a well conceived and very professionally designed renewable energy

scheme combining a ground source heat pump and ground-mounted solar panels to provide significant energy to the house - with surplus potentially available for other consumers. The project is sympathetic to the local environment and ecology and entirely in keeping with the Ambitions exemplified in the B&NES Council Climate Emergency policy. It has my full support."

A representation was received from the Campaign to Protect Rural England (CPRE) after the consultation period but has been considered as part of this assessment. The comments are summarised as follows:

- Objection, endorsing the comments of Compton Dando Parish Council.
- Burnett is a "very special village" and the proposed panels would have an adverse visual impact on the Green Belt and local buildings of historical importance.
- CPRE does not object in principle and supports non-carbon sources of energy but more consideration should be given to their location so they are not visually intrusive.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council, together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

B4: The World Heritage Site
CP6: Environmental Quality

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D2: Local Character and Distinctiveness
HE1: Historic Environment

NPPF:

The adopted National Planning Policy Framework (NPPF) was revised in July 2021 and is a material consideration due significant weight. The following sections of the NPPF are of particular relevance:

Section 12: Achieving well-designed places
Section 16: Conserving and enhancing the historic environment

Due consideration has also been given to the provisions of the Planning Practice Guidance (PPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

OFFICER'S ASSESSMENT:

This application is for the works which physically impact the listed building, however for completeness matters covered in the accompanying planning application in respect of the setting of heritage assets are also reviewed here.

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

The development is located at the edge of the small village of Burnett, adjacent to the B3116 which runs past the village. While Burnett does not have a conservation area designation, it has well-preserved historic rural character, and this is reflected in the listed buildings that form focal points within the village. These include St Michael's Church and the nearby Manor House to the south, both of which are Grade II listed.

The proposed siting of the development has been chosen to maximise solar gain while attempting to mitigate and limit harm to the landscape and heritage assets.

It is acknowledged that, by siting the PV array close to the highway, the development will be prominent externally, at least in terms of its security fencing and screen hedging, and this will encroach into some of the visible parkland. However, positioning the installation adjacent to the northern boundary and the hedge that runs along it is considered the least intrusive location within the parkland, factoring in its open viewpoints from the public realm and the setting of listed buildings.

Upon site inspection, it was observed that the northeast corner of the parkland is largely obscured from view from Manor House by its dense trees and soft landscaping within the curtilage of the house. The siting of the PV installation minimises its visual impact both on views from the listed building and views to the building from the public realm. The setting of the Grade II listed St Michael's Church will also be safeguarded, although the development will be visible in the background from part of the churchyard. Harm may be adequately mitigated from the proposed hedging which will screen the installation (subject to conditions recommended under planning application 21/03965/FUL).

The plant is located within the Grade II listed Manor House at basement level and cabling and pipework is required to connect the services.

The equipment is freestanding and will be installed within an existing plant room. Pipework will pass through two 100mm diameter holes in the external wall below ground level and run across the open ceiling of the plant room. The proposals minimise harm to the historic fabric of the listed building and will not detract from its character and significance.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Conservation Officer is satisfied that the physical and visual impact on the listed building as a result of the installation of the associated services is now demonstrated to be negligible for the reasons set out in the supporting documentation: minimal aperture required for the pipework within below ground rubble stonework and an area of the house within the basement already the location for, and compromised by, existing services. It is concluded that the proposed PV installation and associated works will not harm the setting of the host listed building, nor the setting of the adjacent Grade II listed St Michael's Church.

It is concluded that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The development would preserve the significance of the listed building. The proposal accords with policy HE1 of the Bath and North East Somerset Placemaking Plan and part 16 of the NPPF.

Other Matters:

A number of issues and concerns have been raised during public consultation which relate to planning matters. These have been addressed under the committee report for the accompanying planning application 21/03965/FUL.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Plans List (Compliance)

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:

Existing Block & Location Plan - SMH/16/19/18-20 - received 23/08/2021
Existing Basement Plan - SMH/16/19/18-06 - received 23/08/2021
Proposed North & East Elevation - SMH/16/19/18-40 - received 23/08/2021
Proposed Basement Plan - SMH/16/19/18-41 - received 23/08/2021
Topographical Survey - SMH/16/19/18-50 - received 23/08/2021
Proposed PV Layouts - MH1001-GEO-EE-00-02-DR-PV-1401 - received 26/08/2021
Proposed Block & Location Plan - SMH/16/19/18-51 - received 26/08/2021
PV Enclosure Cross Section - SMH/16/19/18-52 - received 19/11/2021

2 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

4 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

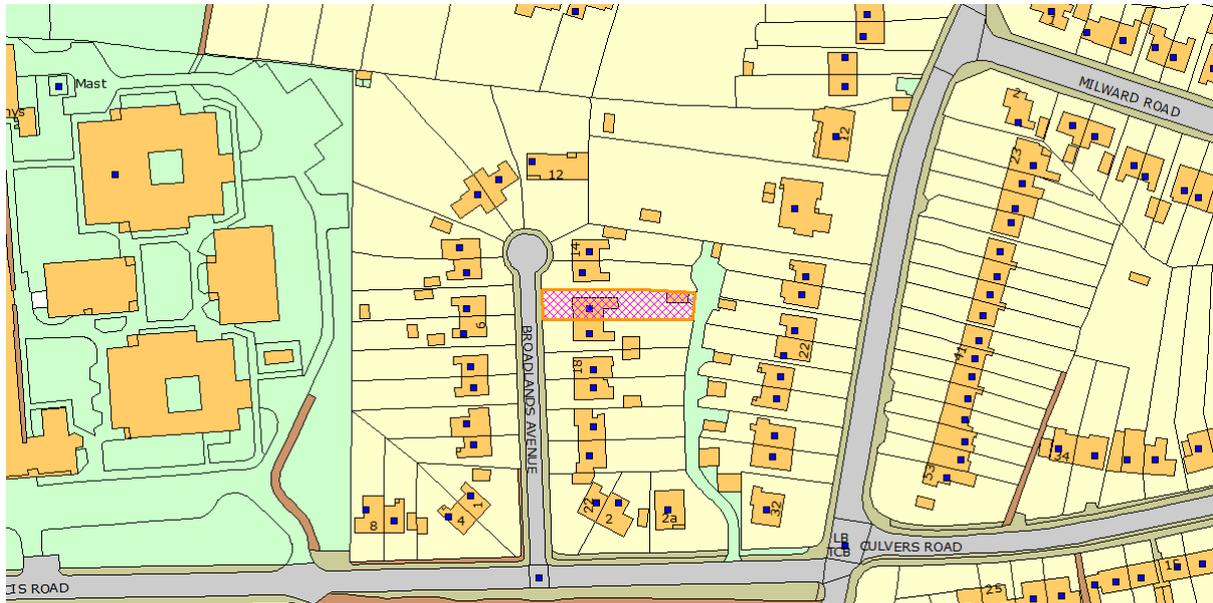
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

5 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Item No: 07
Application No: 21/05364/FUL
Site Location: 16 Broadlands Avenue Keynsham Bristol Bath And North East Somerset BS31 2DU



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Brian Simmons Councillor Vic Clarke
Application Type: Full Application
Proposal: Erection of front, side and rear extension. Provision of attic conversion and garden room.
Constraints: Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Skuse
Expiry Date: 15th March 2022
Case Officer: Isabel Daone
To view the case click on the link [here](#).

REPORT

The application was referred to the Chair and Vice Chair of the Planning Committee as the Town Council's comment were contrary to the officer's recommendation. Councillor Simmons had also called the application to committee; however this did not trigger the referral process as this was done outside of the time period for ward councillor call in. However, the comments of the Town Council did trigger the process. The Chair and Vice Chair's decisions and reasons are as follows:

CHAIR: Committee

I have reviewed this application and note the objections from Keynsham Town Council, the ward Councillor and other third parties. The officer has worked with the applicant to

modify various aspects of the proposal during the application process, but concerns remain due to the overall volume of change and size of the development. For this reason, I believe it would benefit from being debated at committee.

VICE CHAIR: Committee

I have studied this application carefully noting objection comments from both third party & statutory consultees, the Officer has negotiated some amendments to the application as it has progressed through the planning process, but concerns remain regarding parking & size.

These concerns have been assessed against relevant planning policies & some issues e.g. parking adhere to policy as the report explains however it also states the changes are seen as significant therefore I recommend the application be determined by the planning committee so it can be debated in the public arena whether it leads to an overdevelopment of the host dwelling.

Details of location and proposal and Relevant History:

The application refers to a semi-detached, two-storey property which is located within the Keynsham Housing Development Boundary.

Planning permission is sought for the erection of a front, side and rear extensions, the installation of a dormer and the erection of a garden room.

Relevant Planning History:

No relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

KEYNSHAM TOWN COUNCIL:

Original comments received 14th December 2021:

Object - Keynsham Town Council object on the following grounds:

- (i) The proposal is incongruous with the street scene and would dominate this section of the road.
- (ii) The extension proposed would constitute overdevelopment of the site.
- (iii) The amenity of neighbours' light would not be preserved.
- (iv) The proposed conversion to the rear of the garden is also considered as an overdevelopment of the site.

The application is contrary to Policies D2, D3 and D6 of the Bath and North East Somerset Placemaking Plan.

Re-consultation response comments received 8th February 2022:

Object - Keynsham Town Council reiterate their objections with a few additions on the following grounds:

- (i) The proposal is incongruous with the street scene and would dominate this section of the road.
- (ii) The extension proposed would constitute overdevelopment of the site.
- (iii) The amenity of neighbours' light would not be preserved, and the development would create overlooking into neighbouring properties.
- (iv) The proposed conversion to the rear of the garden is also considered as an overdevelopment of the site.
- (v) Keynsham Town Council support the objections of local residents that parking in this location will be exacerbated by this development and agree with Highways that the applicant has failed to demonstrate that access on to the public highway can be achieved satisfactorily.

The application is contrary to Policies D2, D3 and D6 of the Bath and North East Somerset Placemaking Plan.

HIGHWAYS:

Highways have provided comments on both the original and revised scheme. Their latest comments are summarised below, received 8th February:

- Revised proposals propose three no. policy compliance parking spaces at the front of the property
- Wall will be removed
- Dropped kerb will need permission through a S184 Licence
- The proposed garage is not permissible as a parking space as it has insufficient internal dimensions
- Not clear whether the garage is accessible from the rear lane to the east of the property's boundary
- Submitted information does not demonstrate that visibility can be achieved
- It needs to be demonstrated that a 2m by 25m visibility splay can be provided between either the side of the access, and the back edge of the footway within land owned by the applicant or under the control of the Local Highway Authority
- The submitted information does not demonstrate that adequate pedestrian visibility can be achieved. The applicant should therefore demonstrate that a 2m x 2m visibility splay can be provided between either side of the access, and the back edge of the footway within land owned by the applicant or under the control of the Local Highway Authority.

COUNCILLOR BRIAN SIMMONS:

I wish to have the application 21/05364/FUL dealt with by the committee if the officer recommends to permit for the reasons stated in the Keynsham Town Council Planning Committee Meeting on 7/02/2022

Representations Received :

17 objections have been received and this includes objections to the original scheme and revisions. All comments have been assessed in full by the case officer and a summary of the main points is given below:

- Increase in traffic
- Impact to tranquil environment
- Increase in air pollution due to traffic
- Bungalow in rear garden
- Potentially going to turn property into an HMO
- Overdevelopment of the site
- Will cause disruption during construction
- Change the appearance of the street
- Overlooking
- Impact to privacy
- Overbearing and overshadowing
- Back lane is not fit for purpose
- Construction will block the rear lane for residents
- Access issues to the land after construction
- Parking issues

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6: Environmental Quality

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D5: Building design
D6: Amenity
ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are:

- Character and appearance
- Residential amenity
- Parking and highway safety
- Other matters

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

There are a number of elements to the scheme which will be assessed separately for clarity.

Two storey side and single storey front extension:

The proposed two-storey side extension will be approximately 1.5m in width. The proposed front extension will be a lean-to. It is considered subservient to the host dwelling. The materials have been amended to be painted cement render, rather than the cladding previously proposed. Officers consider that this will better reflect the character of the street scene. A number of properties in the street have had extensions to the side and as such, the principle of the side and front extensions is considered acceptable. Officers consider that these elements of the scheme reflect the character of the host dwelling and the materials maintain the character of the street scene and they are considered to be acceptable.

Hip-to-gable and dormer loft conversion:

The roof height is not raising above the existing ridge but will go from a hip to a gable. There are other hip-to-gable conversions in the street, and this is considered acceptable in principle. The proposed dormer has been revised so that it is a similar size to that previous approved at no.18. Although still large, it is considered subservient to the roof scape.

Single storey rear extension:

A flat-roof, single storey extension is also proposed to the rear, and this will be clad. Cladding is not a common material within the street scene, however as this is on the rear and single storey, visibility is limited.

Conclusion on these elements:

It is noted that these changes together are significant. However, they are not considered to be an overdevelopment of the host building. Each element is considered to compliment and respect the host dwelling. The material palette is considered to be appropriate given the existing dwelling and surrounding developments.

Garden Room:

The proposal also includes the provision of a garden room. The garden room will replace the existing garage and shed; there is no objection to the loss of these structures. There are a number of outbuildings located along this rear lane and the principle of such a building is again, considered acceptable. The building will have a flat roof and be finished in painted block work to the lane elevation, which will also include a garage door. The garden facing elevation will be finished in cladding which will match the single storey extension. The overall appearance of the garden room is considered appropriate.

Conclusion:

Overall, the proposals are considered acceptable in terms of their character and appearance. They are not considered an overdevelopment of the site. Although garden

space will be lost, the property benefits from a long plot and sufficient garden space will remain. The development will not appear cramped. Officers accept that the proposals will change the appearance of the street scene, as noted by third parties. However, other similar developments have been approved in the locality, most notably no.18 which has a hip-to-gable loft conversion. It is not considered that the proposals would be incongruous.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

A number of objections have been received from third parties and the Town Council pertaining to residential amenity issues.

The matter to consider is whether the development will result in a loss of privacy to neighbours, as a result of overlooking from the property. The proposed side window on the first floor of the side extension will be obscurely glazed and this will be secured by condition. This will therefore not result in additional overlooking.

The proposed dormer will introduce windows at third floor level. The windows at second floor level provide views in the gardens of the neighbouring properties and the new windows will not exacerbate the current situation to a level which would warrant a refusal. Concerns have been raised that the dormer will provide views in the rears of the properties on St Ladoc Road, which are located on the opposite side of the lane to the host dwelling. The proposed dormer is located around 30m from the rear boundaries of the properties on St Ladoc Road, measured from the site layout plan. This is considered a sufficient distance so that the impacts of overlooking are not severe, and it is not considered reasonable to sustain an objection on this basis. There is already some overlooking from other neighbouring dormers and a degree of overlooking in a built-up residential area can be expected.

It has been raised that the windows of the garden room will allow views into the neighbouring garden and property. These windows are at ground floor level and will provide no greater views than standing in the garden and looking up the garden. The proposed situation is not considered to create a significantly greater impact than the existing arrangement. The garden room is around 15m from the neighbouring property's rear elevation which is considered a sufficient separation distance.

Consideration has also been given to overbearing, overshadowing and loss of light as a result of the proposals. The proposed two storey extension will result in built form being closer to the neighbour. However, there will still be separation between the two dwellings and the two-storey element does not extend to the rear of the existing rear elevation. It is

not considered that it will appear significantly overbearing or create significant overshadowing which would justify a refusal on this basis.

The proposed single storey rear extension is of a height and depth which is also not considered to cause significant harm in these regards. It will extend slightly beyond the neighbouring built form, but only by around 2m which is not considered to be significant.

The proposed garden room is also a single storey and around 3m in height. As such, it is not anticipated that it would create significant overshadowing and loss of light.

Matters of noise and disturbance during construction have also been raised. However, these are temporary and can be reasonably expected for householder developments. It is not a valid reason for refusal.

Overall, it is not considered that the proposal would cause a significant impact to the neighbouring residents and a refusal on this basis would not be justified.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

In order to address the concerns of highways, and local residents, the applicant will provide three policy compliant car parking spaces to the front of the property. There is no objection to this, and the dwelling would have a policy compliant number of parking spaces.

The proposed garden room will feature a garage. However, the garage does not have sufficient internal dimensions to count towards the parking provision. The garage would be accessed via a lane which runs to the rear of Broadlands Avenue and St Ladoc Road. A number of residents have garages and parking areas accessed via this lane.

The Highways Officer has objected to the scheme and has requested visibility splays and pedestrian visibility splays for the proposed garage. However, as this lane is not part of the adopted highway, it is not considered reasonable to request these in this case. The garden room would be constructed within the applicant's land and would be accessible by a vehicle. The lane is not a right of way and is used by the occupiers of the dwellings which back onto it.

The NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Given that the property will have sufficient parking space without the garage, which is not policy compliant, and the lane is already accessed by a number of residents and that there is an existing garage on the site, it is not considered that there would be an unacceptable impact upon highway safety. Users of the lane are not generally the general public, and it serves as access to the rear of these dwellings. Officers consider that on balance, the failure to provide this information in this case is not a reason for refusal.

It has also been raised that construction traffic should not block the lane. The scale of the development does not warrant a Construction Management Plan; however the applicant should not block access to neighbouring properties with construction traffic. Construction is temporary and this will not be a permanent issue.

It has also been raised that the back lane is not fit for purpose. However, it is already used by a number of vehicles and is considered to be accessible by a vehicle.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

OTHER MATTERS:

It has been raised that the dwelling may become an HMO. The dwellinghouse is not within the district's Article 4 area and therefore, planning permission would not be required to change the use from C3 to C4. The site is currently a C3 dwellinghouse. Should the applicant wish to change the use to a C4 property, it could be done under permitted development in this location.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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 permission.

2 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

3 Ancillary Use (Compliance)

The garden room hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 16 Broadlands Avenue, Keynsham, Bristol Bath And North East Somerset, BS31 2DU; and shall not be occupied as an independent dwelling unit.

Reason: The garden room is not capable of independent occupation without having a detrimental impact to the residential amenity of the neighbouring occupiers and highway safety.

4 Parking (Pre-occupation)

Prior to the first use of the development hereby approved, 3no. parking spaces shall be provided in accordance with plan reference 16BA.P03 Revision B. The parking spaces shall be permanently retained for the parking of vehicles thereafter.

Reason: To ensure sufficient off-street car parking in accordance with policy ST7.

5 Bound/Compacted Vehicle Access (Compliance)

The vehicular access/driveway shall be constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed first-floor window on the side elevation of the two-storey side extension shall be obscurely glazed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1 This decision relates to the following plans:

16BA.P01 Revision B. Location Plan & Site Layout Plan. Received 16th February 2022

16BA.P02 Revision A. As Existing. Received 18th January 2022

16BA.P03 Revision B. As Proposed. Received 15th February 2022

2 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

3 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

5 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

6 Highways Access Advice Note

The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk 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.

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	9th March 2022
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

AGENDA ITEM NUMBER

APPEALS LODGED

App. Ref: 21/04078/FUL
Location: 73 Uplands Road Saltford Bristol Bath And North East Somerset BS31 3HN
Proposal: Erection of prefabricated garage.
Decision: REFUSE
Decision Date: 28 October 2021
Decision Level: Delegated
Appeal Lodged: 31 January 2022

App. Ref: 21/03864/AR
Location: Bath Honda Prior Park Road Widcombe Bath Bath And North East Somerset
Proposal: Display of 1 no. non-illuminated totem 'Customer Parking' directional totem (Sign A), 1 no. non-illuminated 'Welcome' totem sign, (Sign B), and 1 no. non illuminated 'MG Motor' fascia sign (Sign C) (Resubmission).
Decision: REFUSE
Decision Date: 29 September 2021
Decision Level: Delegated
Appeal Lodged: 1 February 2022

Case Ref: 21/00079/UNAUTH

Location: Site Of Old Colliery Fry's Bottom Chelwood Bristol Bath And North East Somerset

Breach: Without planning permission, the material change of use of the land from woodland site (sui generis) to a use for motorcycle trials (practice, recreation and events) and camping (sui generis).

Notice Issued Date: 15 December 2021

Appeal Lodged: 02 February 2022

APPEALS DECIDED

App. Ref: 19/05534/FUL
Location: Telecommunication Mast 54146 Woolley Lane Charlcombe Bath
Proposal: Erection of 20 metre-high telecommunications monopole accommodating 6no antenna apertures, 4no transmission dishes and 8no ground-based equipment cabinets
Decision: REFUSE
Decision Date: 17 December 2020
Decision Level: Planning Committee
Appeal Lodged: 28 September 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 4 February 2022
Officer Recommendation: PERMIT

App. Ref: 21/01722/FUL
Location: New Farm Marksbury Lane Priston Bath Bath And North East Somerset
Proposal: Change of use of agricultural land to a mixed agricultural and sui generis use for the training of canines (Resubmission).
Decision: REFUSE
Decision Date: 14 June 2021
Decision Level: Chair Referral - Delegated
Appeal Lodged: 4 October 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 4 February 2022

App. Ref: 21/01200/OUT
Location: 2 Ellsbridge Close Keynsham Bristol Bath And North East Somerset BS31 1TB
Proposal: Outline application (with all matters reserved) for the erection of 1no. detached house with a private driveway and 2 parking spaces on land to rear of 2 Ellsbridge Close.
Decision: REFUSE
Decision Date: 27 August 2021
Decision Level: Planning Committee
Appeal Lodged: 29 November 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 10 February 2022
Officer Recommendation: REFUSE

App. Ref: 20/01219/FUL
Location: Fairways Middle Street East Harptree Bristol Bath And North East Somerset
Proposal: Erection of 1no bungalow dwelling to land of existing dwelling.
Decision: REFUSE
Decision Date: 15 May 2020
Decision Level: Delegated
Appeal Lodged: 22 February 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 15 February 2022

App. Ref: 21/00982/LBA
Location: 146 High Street Bathford Bath Bath And North East Somerset BA1 7TN
Proposal: Internal and external alterations for the installation of new double window to first floor bedroom.
Decision: REFUSE
Decision Date: 15 June 2021
Decision Level: Delegated
Appeal Lodged: 1 December 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 15 February 2022

App. Ref: 21/01555/FUL
Location: Midford Castle Access Road To Midford Castle Midford Bath Bath And North East Somerset
Proposal: Construction of agricultural barn and the installation of a stand-alone solar array system to service the Midford Castle Estate.
Decision: REFUSE
Decision Date: 23 September 2021
Decision Level: Delegated
Appeal Lodged: 6 December 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 17 February 2022

App. Ref: 21/01863/FUL
Location: 10 Upper Lansdown Mews Lansdown Bath Bath And North East Somerset BA1 5HG
Proposal: Erection of single storey timber orangery
Decision: REFUSE
Decision Date: 9 June 2021
Decision Level: Delegated
Appeal Lodged: 6 December 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 17 February 2022

App. Ref: 21/01864/LBA
Location: 10 Upper Lansdown Mews Lansdown Bath Bath And North East Somerset BA1 5HG
Proposal: External alterations for erection of single storey timber orangery
Decision: REFUSE
Decision Date: 9 June 2021
Decision Level: Delegated
Appeal Lodged: 6 December 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 17 February 2022

This page is intentionally left blank