

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **8th May 2013**

AGENDA
ITEM
NUMBER

--

RESPONSIBLE OFFICER: Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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

INDEX

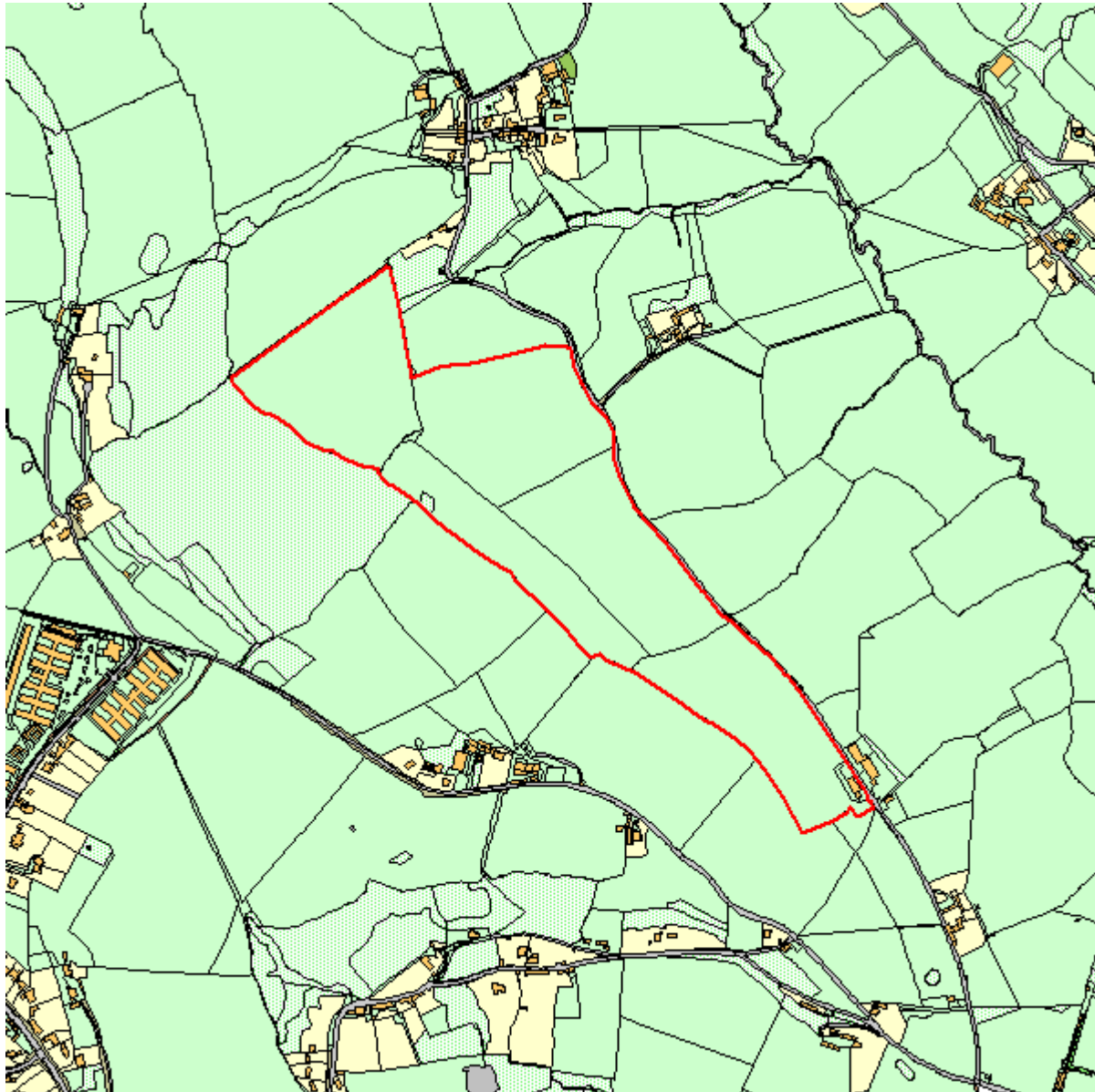
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	13/00376/FUL 26 March 2013	Mr And Mrs C & J Linegar The Chase, Rectory Lane, Compton Martin, Bristol, Bath And North East Somerset Erection of extensions including a first floor extension to create a 1.5 storey dwelling (Revised proposal)	Chew Valley South	Heather Faulkner	Defer
02	12/05660/FUL 6 May 2013	Golden Valley Paddocks Limited Parcel 2866, Woolley Lane, Charlcombe, Bath, Bath And North East Somerset Alterations and extension to existing agricultural building; alterations to access; formation of hardstanding and farm track; construction of stock pond; siting of 2no. feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years.	Bathavon North	Gwilym Jones	REFUSE
03	12/05661/FUL 22 March 2013	Golden Valley Paddocks Limited Parcel 2866, Woolley Lane, Charlcombe, Bath, Bath And North East Somerset Erection of general purpose agricultural building	Bathavon North	Gwilym Jones	REFUSE
04	12/05662/FUL 30 April 2013	Golden Valley Paddocks Limited Parcel 2866, Woolley Lane, Charlcombe, Bath, Bath And North East Somerset Siting of 4no. mobile poultry units (Retrospective)	Bathavon North	Gwilym Jones	REFUSE

05	12/05663/FUL 22 March 2013	Golden Valley Paddocks Limited Parcel 0005 South, Woolley Lane, Charlcombe, Bath, Bath And North East Somerset Siting of 3no. mobile poultry units (Retrospective)	Bathavon North	Gwilym Jones	REFUSE
06	12/05664/FUL 26 April 2013	Golden Valley Paddocks Limited Parcel 0005 South, Woolley Lane, Charlcombe, Bath, Bath And North East Somerset Siting of 3no. mobile poultry units (Retrospective)	Bathavon North	Gwilym Jones	REFUSE
07	12/05315/OUT 6 March 2013	Crest Nicholson (South West) Ltd Parcel 8966, Manor Road, Saltford, , Erection of up to 99no. dwellings and associated parking on Parcel 8966 and Parcel 0064, 1 no vehicular access from Manor Road and separate pedestrian access to Manor Road, associated engineering works and the construction of 2no. car parking lay-bys on Manor Road.	Saltford	Sarah James	REFUSE
08	12/04597/OUT 11 January 2013	Robert Hitchins Ltd Fields North Of Orchard Park, Staunton Lane, Whitchurch, Bristol, Residential development (up to 295 dwellings) including infrastructure, ancillary facilities, open space, allotments and landscaping. Construction of two new vehicular accesses from Stockwood Lane (Resubmission)	Publow And Whitchurch	Sarah James	REFUSE
09	12/05546/OUT 4 April 2013	Strategic Land Partnerships Parcel 5400, Fosseyway South, Westfield, Midsomer Norton, Outline planning permission for up to 164 residential dwellings (C3), a 60 bed care home (C2), 200 sq m of retail/business/community space (A1/A3/B1/D1) along with 2 points of access and public open space.	Midsomer Norton Redfield	Daniel Stone	Delegate to PERMIT
10	13/00127/OUT 15 April 2013	Strategic Land Partnerships Parcel 5400, Fosseyway South, Westfield, Midsomer Norton, Outline planning permission for up to 165 residential dwellings (C3) and 60 bed care home (C2), 2 points of access and public open space.	Midsomer Norton Redfield	Daniel Stone	Delegate to PERMIT
11	12/04590/OUT 14 February 2013	Taylor Wimpey Parcel 0025, Monger Lane, Welton, Midsomer Norton, Residential development comprising up to 135 dwellings, vehicular access from Monger Lane, public open space, and other associated infrastructure	Midsomer Norton North	Rachel Tadman	PERMIT

12	13/00689/FUL 11 April 2013	Mr R P Hooke The Glebe, Church Hill, High Littleton, Bristol, Bath And North East Somerset Conversion and extension of garage for form family room, new entry hall, bathroom, garage and attic storage following removal of carport and provision of a pitched roof to existing open oil storage tank.	High Littleton	Heather Faulkner	REFUSE
13	13/00690/FUL 12 April 2013	John Scott Builders (Somerset) Ltd The Hay Barn, Camerton Hill, Camerton, Bath, BA2 0PS Increase in roof pitch and ridge height, insertion of 5no. conservation rooflights, new door and window opening on the South West elevation and internal reorganisation to provide 4no. bedroomed holiday accommodation (Retrospective).	Bathavon West	Heather Faulkner	PERMIT
14	13/00691/LBA 16 May 2013	John Scott Builders (Somerset) Ltd The Hay Barn, Camerton Hill, Camerton, Bath, BA2 0PS Internal and external alterations for the increase in roof pitch and ridge height, insertion of 5no. conservation rooflights, new door and window opening on the South West elevation and internal reorganisation to provide 4no. bedroomed holiday accommodation (Regularisation).	Bathavon West	Heather Faulkner	CONSENT
15	12/04318/OUT 31 January 2013	The Executors Of The Estate Of The Late Miss M R James Land Between Old Lane And Conygre Brook, Old Lane, Farmborough, Bath, Erection of 12no dwellings and construction of vehicular and pedestrian accesses following demolition of bungalow	Farmboroug h	Jonathan Fletcher	Delegate to PERMIT
16	12/05105/FUL 26 February 2013	Mr David Baron Parcel 0087, Walley Lane, Chew Magna, Bristol, Change of use of field from agriculture to equestrian and erection of block of 4no stables (Resubmission)	Chew Valley North	Richard Stott	REFUSE
17	12/05281/FUL 28 February 2013	Hesketh Ventures Ltd Bubblers Dytych, High Street, Wellow, Bath, Bath And North East Somerset Erection of 2no detached two storey houses with attached garages following demolition of existing single storey house (Resubmission).	Bathavon South	Tessa Hampden	PERMIT

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

Item No: 02
Application No: 12/05660/FUL
Site Location: Parcel 2866 Woolley Lane Charlcombe Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Gabriel Batt Councillor Geoff Ward
Application Type: Full Application

Proposal:	Alterations and extension to existing agricultural building; alterations to access; formation of hardstanding and farm track; construction of stock pond; siting of 2no. feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years.
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Article 4, Greenbelt, Sites of Nature Conservation Imp (SN), Tree Preservation Order,
Applicant:	Golden Valley Paddocks Limited
Expiry Date:	6th May 2013
Case Officer:	Gwilym Jones

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application has generated a significant level of objection on a range of grounds and in the light of the planning and enforcement history on this site it is appropriate that the applications are reported to Committee.

DESCRIPTION OF SITE

The site is an agricultural holding located along the western side of Woolley Lane, a single-track road leading northwards from Charlcombe Lane to Woolley. Situated just beyond the north-east edge of the built up area of Bath, the site comprises 20.5 hectares of land that extends from approximately 200m north of residential properties to the south, to the edge of Soper's Wood to the north. The site is in an elevated position on the western side of a valley and the land slopes down towards Woolley Lane and beyond to Lam Brook, with the land rising to the east towards the A46 and Charmy Down/Little Solsbury Hill. The village of Upper Swainswick is located on the eastern side of the valley and overlooks the site. The village of Woolley is on higher ground to the north of the application site.

Access to the site can be gained at two points on Woolley Lane although the northern access (opposite the access to Crossleaze Farm) is currently closed. As a consequence all vehicular access is from the southern access located opposite an entrance to agricultural buildings on the eastern side of Woolley Lane.

The site is located in the Green Belt, Cotswold Area of Outstanding Natural Beauty (AONB) and the setting of the Bath World Heritage Site. The site is also the subject of an Article 4 Direction (confirmed in 1992) that removes agricultural permitted development rights over a wider area of Swainswick Valley.

The site was acquired by the current owners (Golden Valley Paddocks Ltd - 'GVP') in 2005 and at that time included a partly enclosed agricultural building measuring approximately 29m by 11.5m. The site is currently used principally for the housing of ducks for egg laying and subsequent processing and despatch. GVP have other operations at Doynton and Bitton that together with operations at Woolley form a duck egg incubation/hatching, rearing, laying and processing enterprise.

PLANNING HISTORY

The site has been the subject of a number of applications between 2008 and 2012. In summary these are:

08/02397/FUL - Erection of agricultural building, alterations to access, formation of track and hardstanding, siting of temporary timber-clad mobile home for an agricultural worker. REFUSED 22 August 2008

09/01020/FUL - Erection of extension to agricultural building, siting of temporary agricultural workers mobile home, formation of track and alterations to access (retrospective) (resubmission). REFUSED 21 May 2009

09/04403/FUL - Siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access (Revised proposal). REFUSED 31 March 2010

10/04188/FUL - Retention of 15m x 12m stock pond. PERMITTED 21 January 2011*

11/00678/COND - Discharge of condition 2 of application 10/04188/FUL APPROVED 28 March 2011*

11/00854/FUL - Siting of temporary timber-clad mobile home for an agricultural worker, erection of dog kennel and alterations to access (Revised proposal). WITHDRAWN

11/02081/FUL - Construction of farm track and siting of 2no. feed hoppers (Retrospective) WITHDRAWN

11/02085/COND - Discharge of condition 1 of application 10/04188/FUL WITHDRAWN

* quashed by High Court (July 2012)

Notwithstanding the Article 4 Direction that applies to the land development has taken place at the site, none with the benefit of planning permission other than for the stock pond (retrospectively) and which was subsequently quashed following a High Court challenge (see below). These works have led to significant objection from local residents and a number of enforcement investigations have taken place since 2008. On 22 April 2010 a Planning Contravention Notice was issued seeking information regarding activities on the site, and on 23rd April 2010 a Temporary Stop Notice (TSN) was served following evidence that ponds were being created on the site without planning permission. The TSN prohibited the excavation of soil and surface materials from the land and the alteration of the levels of the land. The TSN ceased to have effect on the 20th May 2010.

An Enforcement Report in May 2010 assessed the various operations and development at the site. At that time the Council determined that the poultry sheds on the land did not constitute development and were therefore not susceptible to enforcement action. This led to a legal challenge against that decision and ultimately to judicial review in the High Court of a) the decision of the Council not to take enforcement action against the poultry sheds, and b) not considering whether an Environmental Impact Assessment was required.

The High Court challenge was successful, the judge concluding that the Council had taken too narrow an approach to the meaning of 'development' in UK law; and that the poultry units were capable of being an 'intensive livestock installation' under Schedule 2 of the EIA Regulations. A summary of the judgment is contained in the Annex to this report.

In the light of the judgement Officers have:

1. Re-assessed whether the poultry units constitute development under s.55 of the 1990 Act.

2. Assessed whether the installation and operation of the poultry units represent an 'intensive livestock installation' and therefore fall within the ambit of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("The EIA Regulations").

3. Undertaken a Screening Assessment of the poultry units and stock pond, together with other activities and development to determine whether individually or cumulatively they constitute a project requiring an EIA.

PLANNING APPLICATIONS

Five separate but inter-related planning applications have been submitted to the Council. These comprise:

Application 1 (12/05660/FUL) - Alterations and extension to existing agricultural building; alterations to access; formation of hard-standing, farm track and concrete path adjacent to existing building; construction of stock pond; siting of 2no. feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years

Application 2 (12/05661/FUL) - Erection of a general purpose agricultural building

Applications 3-5 (12/05662/FUL, 12/05663/FUL, 12/05664/FUL) - Siting of 2 x 3no. and 1 x 4 no. mobile poultry units on the land

OVERVIEW OF CURRENT OPERATIONS

Land Use

The site is an agricultural holding and the use of the land for agricultural purposes does not, of itself, constitute development requiring planning permission. The farm operations currently comprise the housing of ducks for egg production, and the processing and packing of eggs from the site. It is proposed that eggs from other sites owned by GVP are also processed and despatched at the application site. Subject to vehicle movements arising from this activity it is considered that the importation of eggs to the site would not of itself change the character or nature of the use of the land from agriculture to mixed agriculture and B1/B2.

Poultry Units

The poultry units (of which there are currently 10 on site) each measure approximately 20m by 6m by 3.5m high. Each unit has an associated fenced paddock of approximately 0.5ha and capable of housing up to 750 ducks. The units are constructed of metal hoops, metal skids, with slatted floors and green polythene fabric cover. All the units are supplied with mains water from a hosepipe connected to standpipes and internal lighting is powered by a mobile electricity generator. The units are not fixed to the ground (other than in extreme weather) and are capable of being moved.

In the light of the approach set out in the High Court judgement it is considered that the size, weight and substantial construction of the poultry units weigh in favour of them being "structures" and hence buildings. In terms of the permanence of the poultry units, whilst they are capable of being moved, and have on occasion been moved within the holding, this does not remove the significance of their presence in planning terms because they are permanently in the field, even if their position within the field may change. Accordingly

it is considered that the poultry units constitute development and by virtue of the Article 4 Direction that applies to the land express planning permission is required for their siting/retention. Any excavations to level ground for the siting of the units is also likely to involve an engineering operation requiring planning permission.

The retention of these units is covered by Applications 3-5.

Alterations and Extension to Existing Agricultural Building

The existing building on the site was a partly enclosed storage barn previously used to provide shelter for cattle. In late 2009 GVP commenced works to infill the sides of the building with blockwork and fit out the interior for use as an office and for egg processing and packing. Whilst the building remains in agricultural use, the Article 4 Direction includes 'alterations' as works requiring planning permission and it is considered that the alterations (involving the infilling of the open sides of the building) amount to a material change in the appearance of the building. An extension, located on the western side of the existing building (approximately 2m by 10m by 3m high), constructed of masonry with part timber cladding and profiled roof to match the main building has been added to the building amounting to a building operation. Accordingly planning permission is required for both these works.

The retention of these works is covered by Application 1.

Track, Hardstanding, Concrete Path and Site Access

The track is approximately 1km long and 3.5m wide and runs along the eastern and northern edge of fields that form the boundary of the site with Woolley Lane. The track is made up of compacted stone chippings/hardcore and involved the removal of grass and topsoil in its construction. The track was originally constructed in two sections in mid-2008 and mid-2010 and since that time further works have been undertaken. The area of hardstanding around the existing agricultural building made up of compacted stone chippings/hardcore has been laid down and extended over a number of years and now extends to approximately 350m². Whilst initial works to form the track and hardstanding were commenced over four years ago they have only recently been substantially completed. Further excavation and engineering operations involving the removal of grass and topsoil in their construction and amounting to an engineering operation have been undertaken since and therefore require planning permission. The concrete path is approximately 25m long and located between the existing building and hedge along Woolley Lane.

The site access was altered in mid-late 2008 with the provision of a 7m wide concrete apron extending 4m into the site and the erection of 2m high wooden gates and fencing. These works constitute development requiring planning permission however as they were carried out more than four years ago they are immune from enforcement action.

The retention of these works is covered by Application 1.

Feed Hoppers

The two hoppers are feed storage containers each approximately 2.85m by 5.4m high. They are supported by a metal frame that is fixed to a concrete base and sited within an area of hardstanding adjacent to the existing agricultural building. They are an erection or

structure within the definition of a building (see above) and permanently installed, and accordingly constitute development requiring planning permission.

The retention of these structures is covered by Application 1.

Caravan/Mobile Home

A caravan (approximately 17m by 5.7m by 3.5m high) is located adjacent to the main entrance to the site. Whilst caravans are not generally classified as buildings, this caravan is a large static caravan and permanently sited on the land. The caravan (and its proposed replacement by a chalet for use as an agricultural workers dwelling) is considered to be a building. Accordingly planning permission is required for its siting/retention on the land. Even if the caravan were not a building in planning terms, it is considered that its residential use would still require planning permission on the basis of a material change of use of the land.

The provision of a timber clad building to replace the caravan is covered by Application 1.

Shed/Dog Kennel

The shed (approximately 3m by 2m by 3m high) and dog kennel (approximately 1.5m by 1.5m by 2m high) are of timber construction and located adjacent to the caravan/mobile home. By virtue of their size and permanence they are considered to be structures, and by definition a building requiring planning permission.

These buildings would be removed should planning permission be granted for the timber cabin (part of Application 1).

'Lambing Shed'

The shed comprises plastic sheeting spread over metal hoops and measures approximately 4m by 5m by 3m high. The shed is fixed to the ground by pegs and it has been in place for over 2 years. Although relatively lightweight in construction it is considered to be similar to a large polytunnel. Given its size and relative permanence it cannot reasonably be considered a temporary structure and therefore constitutes development requiring planning permission.

This structure would be removed should planning permission be granted for the general purpose agricultural building (Application 2).

Storage Tanks and Shipping Container

Within the area of hardstanding there are various storage tanks and a shipping container. Two plastic tanks are used to store diesel for farm vehicles and the shipping container provides general storage space.

Although the diesel storage tanks are not mobile and are set on a concrete base it is considered given their nature and limited size, that they do not fall within the definition of a building and their siting on the land does not involve an engineering operation. Neither are they an 'other operation'. Accordingly planning permission is not required for their retention. The shipping container has been placed on the site and is considered to be a structure placed permanently on the land and falls within the definition of a building. Planning permission is required for retention of the container.

The shipping container would be removed should planning permission be granted for the general purpose agricultural building (Application 2).

Electricity Generator

The electricity generator measures approximately 1m by 1m by 1m high. It is a free-standing item (i.e. not plant or equipment within a building) located in a field and connected by cables to each of the poultry sheds. The generator is not fixed to the ground but is positioned on a hardcore base and would need to be loaded onto a trailer or similar for moving.

Given its limited size it is considered that it is not a building, structure, erection or 'other operation' and its siting on the land does not involve an engineering operation. Accordingly planning permission is not required for its retention.

Pipework and Standpipes

Each poultry shed is provided with water from standpipes connected by plastic pipework that are served from a supply close to the main agricultural building. The standpipes are spaced approximately every 100m alongside the track and are approximately 1m in height. In some locations the pipework from the standpipes to the poultry sheds is buried, in others it is laid on the surface.

The standpipes and pipework are of a small scale and the pipework could generally be removed without the need for engineering operations. In the circumstances it is considered that the pipework and standpipes do not constitute development requiring planning permission.

Vehicles/Equipment/Trailers

Within the area of hardstanding there are various vehicles, pieces of farm equipment and a 'mobile office' trailer.

These items are all mobile and do not constitute buildings. Furthermore they are being used in a way that is ancillary to the agricultural use of the land. Accordingly planning permission is not required for their retention.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

A total of 255 representations have been received in respect of the five planning applications of which 254 are objections and 1 in support. As the applications are inter-related a number of objections have been made to all five collectively. 164 of the responses list the following 10 grounds of objection:

1. This is an exceptionally beautiful valley on the outskirts of Bath in the Green Belt and Cotswolds AONB. The unauthorised developments are extremely harmful to the tranquillity and visual amenity of the valley.
2. The very special quality of the Woolley Valley is confirmed by the Article 4 Direction which removes permitted development rights. This is the only agricultural land within the whole of B&NES to have this additional protection.

3. The pre-existing open stock barn which has now been converted, without permission, into an enclosed egg packing facility with office attached, is totally out of place in this rural location. It has the appearance of a light industrial unit.

4. The application for a temporary agricultural worker's dwelling has already been refused 3 times. There can be no justifiable requirement for a temporary dwelling since the site is only a few hundred yards from large areas of housing in Larkhall.

5. The proposed additional agricultural building is of a significantly greater height than the existing light industrial unit, will be clearly visible and will detract from the rural character and natural beauty of the Green Belt and AONB.

6. There is no practical requirement for the stock pond, which is not a natural feature in the landscape and which already appears to have fallen into disrepair. Far from enhancing the local ecology, it is likely to harm it.

7. The farm track, which runs the length of the site, is claimed to be covered with soil and grass to make it blend into the landscape. It is not. This track, the large additional area of hardstanding created adjacent to the egg packing facility and the two feed silos add significantly to the overall visual harm.

8. The site has generated a great deal of additional traffic involving huge lorries which are totally unsuited to Woolley Lane, a narrow single track rural lane.

9. Worst of all is the harm caused by the 10 "mobile" chicken sheds. These huge structures are highly visible from all points around the valley and are an eyesore. One single unit on its own would be insupportable, but the combined harm caused by the 10 units is completely unacceptable.

10. This sensitive valley is suited to grazing of cattle and sheep, as was the practice before GVP acquired the land. It is a totally inappropriate location for an intensive livestock installation involving thousands of ducks.

91 other objections raise similar issues as well as the following points:

11. The site forms part of the Gateway to the Bath World Heritage Site.

12. The site is approached from the city boundary via a residential area that contains many families with young children and a number of schools.

13. The site is in an amenity area used extensively by walkers, cyclists and horse and bike riders including many tourists. Intensive rearing of domestic fowl has brought increased numbers of rats, flies, and foul water run off onto the highway coupled with a bad stench in warm weather and is a health and safety hazard.

14. The roadway and the verges are being destroyed by traffic from the site, much of it large lorries, wider than the carriageway. In some parts there is no place left to move safely out of the way of oncoming traffic if you are on foot or with a bicycle or a pushchair. It has become dangerous for family outings with children and it is surely only a matter of

time before there is a fatality on Woolley Lane caused by the increase in the volume and the size of the traffic associated with this enterprise.

15. If the new barn is treated like the old then the site will soon have the appearance of an industrial estate. The land was farmed without buildings other than rudimentary shelter for grazing animals for decades. Alterations to the existing building amount to a change in use to light industrial.

16. Works to construct the hardstandings, farm tracks and stock pond have been heavy handed with total disregard for the land and traditional methods.

17. Drainage of the site is inadequate and results in damage to the adjacent road surface.

18. Damage to the flora of the area from the poultry units due to their infrequent relocation within the holding and lack of alternative land resulting in heavy poaching and overgrazing of the land, and resultant poor ground condition and insufficient time for the land to regenerate as pasture.

19. The stock pond impedes natural drainage with knock on effects for the local ecology including the loss of local habitat for protected species.

20. The Stock Pond is likely to pose a major flooding threat to nearby properties.

21. The agricultural building has the appearance of an industrial unit, is not a sensitive design for a sensitive area, not suitable for its intended use and not required given other suitable buildings either owned by or available to the operators.

22. The financial case set out in the appraisal in support of the proposed agricultural workers dwelling is flawed and fails to accurately record the finances of the operation, and the functional need is not demonstrated.

23. Impact of lighting of the existing agricultural building.

24. Loss of hedgerows, change to endangered landscape through drainage works and overgrazing.

25. Potential expansion of egg packing to 24 hour operation.

In addition evidence has been submitted or statements made that seek to demonstrate that there are numerous inaccuracies in the planning history of the site and application documents.

Whilst objecting to the applications, one respondent noted that while it is a good idea to allow development to generate economic advantage & employment, particularly in a recession, the Council also has a duty to protect the rural heritage on the edge of the city for future generations and the Woolley Valley is one good example of where it is important to strike a balance between these competing objectives.

One letter fully supports all the planning applications on the grounds that farming is changing. They state that it is nice to see the land being used and not just for hay; the

sheds for the chickens are large but are not an eyesore and are moveable; the track that has been put in is excellent as instead of deep ruts in the land the farm workers stay on the track mostly so less damage is done to the land when they are checking livestock; the stock pond needs to stay as they have seen an increase in bats since its construction and if it were to be removed it would be taking away a food and water source for these protected species; a farm needs a building for its livestock and feed stores and the workers hut is needed as animals can need help day or night and protection from predators; the lane up to the entrance of the land is clear, the lane past the entrance is muddy and the verge is often damaged by all the delivery vans and lorries going to Woolley village itself which cause endless problems as most of the drivers are not used to the lanes that were originally for farm machinery and livestock not modern delivery vans and lorries.

Charlcombe Parish Council

The Parish Council objects in principle most strongly to these 5 planning applications, raising objections to them as a single entity on the grounds that they are interlinked and all form part of the same development and supported by the same application documents. It is essential to consider the various elements of the planning applications as a whole in terms of their cumulative impact and not in isolation. They refer to the Article 4 Direction and the purpose for its designation, highlighting its specific relevance and reference to the land covered by the current applications and the exceptional beauty of this part of the Cotswolds AONB, the special character of the historic city of Bath and the beneficial use of land in this urban fringe area to provide an amenity for the residents of Bath. They also cite the NPPF and consider that the GVP development at Woolley is extremely harmful to the Green Belt and that the NPPF requires the Planning Authority to give substantial weight to this harm. They consider that the cumulative effect of all the unauthorised developments on the site has a huge impact on this sensitive location. Whilst individually, the developments each have a detrimental visual impact, and a number have been refused more than once on these grounds, when viewed in totality the combined effect is completely unacceptable in this especially sensitive location. It is essential that the cumulative effect is addressed as a key element of the decision process.

They note that the Parish Council has no objection to appropriate agricultural enterprises which do not cause harm. However it is not a suitable location for a poultry enterprise of this type (classified by B&NES as an intensive livestock installation) requiring the use of a large number of specialist buildings, hardstandings and track. It is quite simply a case of the wrong activity in the wrong location.

The Parish Council considers that the EIA Screening Assessment is clearly inconsistent with previous assessments of the impact of development on the site and the cumulative effect of the current proposals, failing to present any substantial reasons for the conclusions that are drawn and repeatedly downplaying the effects, particularly on the local population. They conclude that the EIA screening assessment is flawed and that it should have concluded that an EIA is required.

In terms of the applications they raise the following objections:

The alterations to the existing building have changed its structure and nature of this turning it into a fully enclosed light industrial unit with office extension with a visual appearance more suited to an industrial estate than to open countryside within an AONB. It is an eyesore and is inappropriate development in this sensitive location contrary to

policy GB.2 and NE.2. They also state that the works, including the creation of the hardstanding around the building do require planning permission and were not completed more than four years ago and have a significantly detrimental visual impact on the Green Belt and AONB.

They note that the unauthorised alterations to the site access, which were twice refused planning permission, have now become permitted by default under the 4-year rule, especially as Highways have consistently opposed the entrance on highway safety and usage grounds, contrary to Policy T.24. They note that GVP regularly bring Heavy Goods Vehicles to the site which, due to their size and weight, are totally unsuited to narrow single track roads such as Woolley Lane, Charlcombe Lane and Colliers Lane, the only means of access to the site contrary to policy T.24 (vi) which prohibits the introduction of traffic of excessive volume, size or weight onto an unsuitable road system or into an environmentally sensitive area.

They object to the farm track on the basis of both functional need and visual impact from Woolley lane and from the surrounding hills, including from the A46 which is one of the main gateways into the World Heritage city. They note that the Design & Access Statement claims that the track has been covered with 25 mm of soil and seeded with grass to make it blend in and to reduce its visual impact however in practice, the very thin layer applied has been rapidly worn away by vehicles using the track and there is now no grass covering at all. Additional hardcore has been applied since without any addition of soil and the applicant has demonstrated no serious intent to make the track blend in. The resulting visual impact is unacceptable in this very sensitive location within the Green Belt and Cotswold AONB. It is contrary to Policies GB.2 and NE.2

In terms of the temporary agricultural worker's dwelling they note that this is the fourth application to be submitted, each of the previous three (identical in detail with the current application) having been refused. They state that there are no changes in this latest application to any of the circumstances or arguments put forward by the applicant to justify the need for the mobile home, and on the basis of no new information or arguments, the application should be refused. They state that the application fails to demonstrate why appropriate accommodation for the worker could not be provided elsewhere within the neighbourhood and that the proposed siting of the dwelling is not within sight and sound of the majority of the site, in particular the poultry units being located at the extreme southern end of a linear site approximately 1 kilometre long, and will be significantly screened by the topography of the land and by the former stock barn/light industrial unit. There is therefore no substance to the GVP claim that a worker in the mobile home "would, by his presence, deter foxes and be able to hear any disturbance and act immediately...". They state that there can be no question of permission for a permanent dwelling being granted in this sensitive Green Belt/AONB location citing an appeal decision in Chew Magna, previous enforcement action to remove an unauthorised dwelling in Woolley Valley and the Council's previous reasons for refusal of a dwelling on the site. The siting of the mobile home in this location would detract from the appearance and openness of the Green Belt and from the natural beauty and rural character of this very special part of the Cotswold AONB. They note that the site is clearly visible from a number of viewpoints including the main A46 approach road to Bath and the adjacent public footpath and that the visual harm is demonstrated by the presence of the smaller unauthorised and unlicensed metal-clad mobile home which has been on this site for over 3 years, and the

visual harm would be exacerbated by the presence of a much larger timber-clad mobile home more than twice the size, 17.8m long by 6.1m wide with a height of 4m.

The Parish Council also questions numerous statements in the Agricultural Appraisal, the lack of evidence to substantiate claims made regarding the enterprise, its financial viability and the operational requirement for a worker to be on site permanently.

In respect of the feed hoppers, at a height of 5.4 m they are significantly higher than the hedge bordering the lane and as a result they are an eyesore, even more so in the winter months when there is no foliage on the hedgerow. The visual impact is unacceptable in such a sensitive location. They note that the applicant has stated that he is more than willing to move the feed hoppers within the site and undertake further landscaping if required. The parish Council request that if the hoppers should be given planning permission, they are relocated to a less conspicuous site, for example tucked behind the converted stock barn, although also suggest it would be appropriate to investigate whether there is actually a functional need for the hoppers and if there is, whether that need could be met by some other more appropriate and less visible arrangement which does not rely on hoppers 5.4 m high.

Regarding the stock pond the Parish Council notes the disregard for the ecology of this specially protected land in the Woolley valley through their extensive unauthorised building works, excavations and alteration of levels of the land, particularly in the field at the northern end of the site in which the stock pond is situated which the previous owner described as the most ecologically valuable field on the holding. They therefore attribute little weight in the ecological appraisal to the purported good intentions of the applicant. They question the need for the stock pond and which they consider does not represent good farming practice. The pond is not a natural feature in the land, and contrary to what the applicant claims, there has never been a stock pond in this location. The pond is visually intrusive and adversely affects the natural beauty of the landscape in this specially protected area of the Cotswold AONB. The stock pond has also caused silting up and pollution to adjacent farm holdings. Further work to dig out and re-profile the pond to remedy the recent neglect will cause further pollution. They note that the Swainswick Valley is a known habitat of the White Clawed Crayfish, now an endangered species, and the excavation work, both past and proposed, has an adverse effect on the ecology of the valley. Development of the Stock Pond neither conserves nor enhances the character, amenity or wildlife value of local watercourses and their corridors and, as noted in the submitted Ecological Report, it is not expected that the pond will be used by breeding amphibians. The Parish Council conclude that the pond will not make any contribution whatsoever to the local ecology, contrary to Policy NE.15 of the Local Plan. They also note that the pond is situated on unstable ground delineated as an 'active shallow translational landslide'. Accordingly, once full, the combination of the additional weight of landscaped soil and water coupled with the hydration of the crystalline elements within the underlying Fuller's Earth shear layers has the potential to destabilise the ground and put at risk any livestock, attending humans and adjacent land in the fall line of the slope, which includes both a dwelling (Homestead) and Woolley Lane public highway. This should be investigated to establish whether the presence of this stock pond on land which is known to be unstable poses a risk to the health and safety of the public.

In respect of the proposed new agricultural building the Parish Council notes that a previous application for a building in this location was refused planning permission on

Green Belt and AONB grounds and whilst the currently proposed building is smaller it would be significantly higher than existing stock barn/light industrial unit and be prominent and highly visible in this location. Moreover, it would add further to the existing clutter of buildings and installations at this end of the site, with the cumulative effect being extremely harmful to the visual appearance of this very sensitive location.

Regarding the 10 mobile poultry units the Parish Council states that they represent the single most visually intrusive element of the whole development and are completely inappropriate in this sensitive location. They dispute the conclusions of the LVIA, stating that the 10 poultry sheds form a very prominent and unnatural feature visible from many points in the valley and from the local lanes, especially Woolley Lane with a highly detrimental visual impact on the landscape. They state that one single poultry unit has a very harmful effect and on its own would be contrary to Green Belt and AONB policies and the combined impact of all 10 is totally unacceptable. They also note that the LVIA addresses the poultry units under the heading of "Temporary Impacts" and states that the adverse effects associated with the poultry units will last for the duration of the temporary development whereas the poultry units will have a permanent impact, citing the High Court judgement in respect of the permanence of the buildings in planning terms.

The Parish Council notes that there has been persistent discharge of polluted effluent onto Woolley Lane which apart from the smell must surely be a health hazard. Whilst some temporary work may have been undertaken subsequently to alleviate the situation, the fact that the 10 poultry units are sited on sloping ground directly above Woolley Lane makes it highly probable that further pollution of the lane will occur unless an adequate drainage system is installed. The applicant has not addressed this in the planning submission.

In respect of the revised plan (which shows a concrete path along the side of the existing building) the Parish Council note that the path has recently been created and the application is therefore retrospective. This typifies the applicant's blatant disregard for the planning regulations and the Parish Council is in little doubt that, having observed concrete being delivered to site, had the issue not been raised with the Planning Authority, the applicant would not have submitted a revised planning application. They note that the GVP agent claims that the concrete path replaces a previous hardcore path and that this work has been undertaken for health and safety reasons. However no further information is provided. There is no justification given for the path, no explanation as to what purpose it serves, and no explanation as to which particular health and safety issue has required the replacement of the pre-existing hardcore path. Whilst recognising that the path itself is relatively trivial in the overall context of the totality of the unauthorised development on site which is the subject of this and the 4 associated planning applications, it is yet another piece of concrete laid on what should be an open Green Belt/Cotswolds AONB hillside, but which now resembles an ugly industrial facility. The path simply adds yet more to the cumulative impact which is totally unacceptable in this highly sensitive and very special location. The concrete path, for which the applicant has failed to provide any satisfactory justification, is unacceptable development and contravenes policies GB.2, NE.1 and NE.2. This additional element of the application should therefore be refused.

Swainswick Parish Council

The Parish Council notes that the Article 4 Direction removes permitted development rights and the circumstances behind the designation to provide additional safeguards to

the Valley following enforcement action to remove an unauthorised building that had been erected despite planning permission having been refused. They consider the specific reasons for the Article 4 Direction are still relevant today which show that the Council places great importance on maintaining the rural character and openness of the Green Belt. In terms of the applications the Parish Council object most strongly on the grounds that the area is covered by an Article 4 Direction which signifies the very special qualities of the Swainswick/Woolley valley; all the works are in contravention to Green Belt and Environmental policies in the Local Plan; the developments are in the AONB and entirely detrimental contrary to Local Plan policies and the NPPF.

In respect of the individual elements of the applications they note that the alterations to the building were not carried out more than four years ago and so not immune from enforcement action. They also question the viability of the business (which is currently operating at less than full capacity) and note that the operation at Woolley is described as the 'administrative centre' which implies a change of use. They consider the gates and access are unsuitable and inappropriate, and the track and hardstanding unlawful. They question statements made in the application about the existence of a silted up stock pond where the new stock pond is proposed, and note that works to create the stock pond has resulted in pollution and silting to adjoining land. They contend that the stock pond was created to accommodate material removed from elsewhere on the site and is an eyesore disturbing rather than enhancing local habitats contrary to Local Plan policies NE.9, NE.11 and NE.12. They note that the feed hoppers are clearly visible above the hedge and shine brightly in sunlight contrary to Local Plan policy GB.2. They note that the location of the agricultural workers dwelling is hidden from the duck houses and some distance from them, there is plenty of suitable housing nearby, GVP must prove the mobile home has been lived in continuously since it has been on site, the proposed mobile home is more than twice the size of the dwelling that has been previously refused permission, a mobile home would detract from the openness of the Green Belt in a sensitive part of the AONB and would scar a highly sensitive area which is visible from the main approach to Bath from the motorway. They object to the erection of the general purpose agricultural building as they consider very special circumstances do not exist and that an additional building would have a considerable impact on this beautiful and highly protected area. The Parish Council notes that due to the sloping ground it was necessary to dig in the poultry units to make them level and are large, shining structures which blot the landscape contrary to policies Local Plan GB.1, GB.2 and NE.3.

The Parish Council also consider that the EIA Screening is deeply subjective and the conclusions misguided. In conclusion they consider that although the applications are presented independently the cumulative effect of the applications should be a major consideration. They consider there no very special circumstances have been advanced as to why the buildings allegedly required for a new, unproven, endlessly changing agricultural venture should be permitted. They note that all elements of the application have either been previously refused or have been carried out without planning permission, or (in the case of the stock pond) were given permission erroneously that has since been quashed by the High Court. Nothing has changed to make these various developments any more acceptable, in fact the cumulative effect is much worse.

Natural England

Impact on Landscape - the applications fall within the Cotswolds Area of Outstanding Natural Beauty. Whilst we recognise that the proposals have an impact on the local

landscape, Natural England has no comments to make on this proposal at this stage as we do not believe that this development is likely to impact on the purposes of designation of the Cotswolds AONB. I should emphasise that the temporary and agricultural nature of the proposed development has been a factor in this conclusion. Given the location of the development, however, the local planning authority should seek the views of the AONB Partnership prior to determining this planning application, as they may have comments to make on the location, nature or design of this development.

Impacts on Ecology - both the Ecological Appraisal document and the LVIA contain recommendations for measures which have been identified to mitigate the adverse effects on ecology which the proposed development may have. At this stage, however, the recommendations are not worded in enough detail to form mitigation proposals. Prior to determination and before I am able to respond formally on these proposals, the applicant will need to submit actual mitigation proposals for review and will need to demonstrate that these will be feasible and will work to mitigate adverse impacts. In particular, more detail is needed on hedgerow planting and the establishment of wildlife corridors to provide connectivity.

Cotswold AONB Board

The Board objects to these related applications on the grounds that the proposals adversely affect the landscape and scenic beauty of the Cotswolds AONB. This is contrary to paragraph 115 of the National Planning Policy Framework and to Policy NE2 of the Bath and North East Somerset Local Plan. The Board would also contend that the proposal is not in accordance with Policy DTP1 of the Cotswolds AONB Management Plan 2008-13 which was formally endorsed by the Council as supplementary guidance for local development framework preparation and development control decision making on 21st April 2009.

The Board notes that the application for the temporary workers dwelling is essentially the same as application ref 09/04403/FUL to which the Board objected and was subsequently refused by the Council in March 2010. The case officer's report with respect to that application includes clear reasoning as to why the temporary agricultural workers dwelling would be harmful to the AONB in this location, and why the current access arrangements which are subject to this application are also harmful to the AONB. As there has been no change of local policy with respect to the development being applied for since refusal of 09/04403/FUL, the Board would strongly support the refusal of the current, virtually identical application. The Board is of the view that the poultry units by virtue of their scale, design and materials are harmful to the landscape and scenic beauty of the Cotswolds AONB, and the access track by virtue of its materials and design. The Board is of the view that the duck pond is an incongruous feature in the landscape and is harmful to the landscape and scenic beauty of the AONB. The Board considers that the cumulative effect of all these applications is to cause harm to the landscape and scenic beauty of this part of the Cotswolds AONB contrary to national and local policy. The Board therefore objects to these applications.

English Heritage

No comments. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

The National Trust

Note that the site is highly visible from the Trust's land at Solsbury Hill and it is clear that the landscape is being destroyed as a result of this development. They support the ten reasons for objection listed above and add the following grounds of objection: GVP have had several planning applications refused but appear to be carrying on regardless with the destruction of this important landscape in an AONB; the views from the National Trust's land at Solsbury Hill are severely impacted by this development; the creation of tracks and earthmoving is destroying flower rich grassland; species rich grassland and lowland meadows are a high priority in the local Biodiversity Action Plan; the local plan seeks to protect the landscape by not permitting development that does not either conserve or enhance the character and local distinctiveness of the landscape and in an AONB development should be even more tightly control; the local plan prevents development that would adversely affect the nature conservation value of Sites of Nature Conservation Importance and prevents development that would adversely affect a species of importance to BANES or the habitat of such species. They conclude that this site is highly important both for its landscape value and its wildlife. The National Trust therefore supports the views of the Parish Council and urges BANES to refuse the applications and through enforcement ensure that the site is returned to its original condition.

Bath Society

Object to development as inappropriate blot on the landscape and highlight changes to Draft Core Strategy policy B1 in respect of sustaining and enhancing the significance of Bath's heritage assets including its setting and giving great weight to conserving landscape and scenic beauty in the Cotswold AONB.

Bath Preservation Trust

Raise concerns at the piecemeal applications and EIA Screening Assessment procedure. Have objected to previous applications for the farm track, pond and mobile home/cabin and continue to object as there has been no change in approach or impact and the extent of harm remains the same. The proposed alterations and extensions to the existing agricultural building would be an overdevelopment of the site and by virtue of its siting, design and appearance is inappropriate development and visually intrusive in this sensitive location. The access track and hardstanding has visually and physically scarred the open landscape and has a detrimental effect on the natural and rural character of the Valley. The pond is visible from an adjacent footpath is artificial and not a natural feature of the landscape, and its appearance neither preserves or enhances the character and local distinctiveness of the Valley and has an adverse impact on the natural beauty of the AONB. The feed hoppers are significantly higher than the hedge and detract from the visual amenity of the open countryside and harms the AONB and World Heritage Site setting. It would be possible to locate the feed hoppers in a less visible site. The proposal for the mobile home/cabin has not been adequately justified, particularly in such close proximity to a residential neighbourhood and it has not been demonstrated that any very special circumstances exist to allow development in the Green Belt. The proposed developments individually and collectively represent inappropriate development in the Green Belt, detract from the openness of the Green Belt and adversely affect the natural beauty of the AONB and landscape setting of the World Heritage Site.

Councillor Ward

1. The development severely affects the openness of the AONB and Greenbelt. It has a severe visual impact from all directions across the valley.

2. Given that the valley is of the highest order in respect to Bath Greenbelt and has Article 4 status, I have been surprised that such an industrial, intensive farm has been allowed to become established.
3. The nature of this industrial farming operation is unsuitable for the location as there are access issues given the very narrow lanes. The type of plant, vehicles and other equipment needed to sustain an intensive operation has caused damage to verges and consequential excessive erosion from soil dislodged from the verges, resulting in blocked drainage and surface water ponding. This has led to a lack of amenity to other lane users including local families, walkers and especially the blind resident which walk the lane regularly before the industrialisation of the site.
4. There has been a direct public health risk created from runoff of poultry and sheep faecal matter. The runoff from the poultry houses has lodged itself in the lane in part because of blocked surface water drainage. This matter will no doubt contain strains of bacteria which will be pathogenic to humans at extremely low infective dose, E Coli, Campylobacter are examples. Salmonella spp are also a likely contaminant especially from poultry. The mixed grazing from sheep in amongst the poultry houses will have added to the risk of multiple types of disease producing organisms. These pathogenic bacteria are directly transferable to walkers using the lanes and without the benefit of hand washing facilities on walks. They are further transferable on the wheels of pushchairs, bicycles and cars. (the recent Godstone Farm E Coli outbreak as an example of what could happen here).
5. The site has caused numerous odour and fly complaints last summer since poultry arrived and from the intensive nature of the operation. I do not consider the operation has been particularly well managed in this respect but such intensive operations in close proximity to rural dwellings, it's not unexpected but it could have been foreseen!
6. It seemed obvious from the start that there would be creeping industrialisation and that more paraphernalia would be necessary including feed hoppers, water storage vessels, internal roadways, a pond and mobile facilities including a dwelling etc adding to the visual damage to the hillside.
7. The nature of the farming (large numbers of birds in the open field) cause obvious visual impact from the scaring of the land, causing severe visual impairment and causing runoff with the consequences described above.
8. This is part of an intensive farming operation and it's cumulative effect causes damage to the openness of the AONB and Greenbelt.
9. The narrow lanes in the vicinity of the operation have been damaged by plant and large vehicle movements. The verges have been excessively eroded causing soil to block drainage and causing ponding of mud, damaging the lanes amenity for walkers and residents.
10. Odour nuisance have been complained of by residents and walkers in the vicinity of the intensive farm. Waste management and removal have been a local issue complained about since the operation started.
11. The location and nature of this operation is unsuitable for this location, should it be allowed to continue it will continue to generate nuisance complaints and health challenge to its neighbours. There is a health risk caused by the fundamental nature of farming and the topography, causing the lane to be continually soiled with mud and faecal matter runoff.
12. These developments severely affect the openness of the AONB and Greenbelt. The area has Article 4 status and I do not believe it should be used for this nature of farming operation. These developments constitute an intensive poultry farm. Each contributes to

an increasing amount of visual impact which is evident from all aspects within the Woolley valley area.

13. The nature of the operation is causing excessively large vehicle/plant movements on narrow lanes which are not readily able to take movements from such large vehicles. It has and will continue to cause damage to verges and excessive soil erosion. This has led to blocked drainage and consequential ponding of muddy pools. This has reduced the amenity for walkers and residents. Numerous complaints about this loss of amenity have been received by me as Ward Councillor.

14. There has been creeping development on the site for some years, the cumulative effect of which has led to odour nuisance, health risk and harm to the amenity of residents. It is an unsuitable location for the scale of the operation. If a professional Environmental Impact Assessment would have been carried out from the start, this location would have been identified as unsuitable for such an operation. There is evidence that it's nature has been modified from that which it was originally considered.

15. The buildings have led to light emission issues though the late evenings and hours of darkness, resulting in complaints from residents.

It strikes me that a professionally undertaken Environmental Impact Assessment would rule out this site for the type of operation currently undertaken.

Councillor Chorley

Objects to the five applications on the grounds 1-10 above. They also note that it is not clear what is meant by a 'temporary' dwelling, either the dwelling is required or it is not. This would appear to be a method of progressively moving towards the construction of a permanent 'agricultural worker's dwelling', or residential property development as it is generally known. They also question why ducks need such substantial industrial infrastructure and question what 'stock' are the intended users of the stock pond. They conclude that this sensitive valley is suited to grazing of cattle and sheep, as was the practice before GVP acquired the land. It is a totally inappropriate location for an intensive livestock installation involving thousands of ducks, and the associated roads, feed silos, chicken sheds, offices, accommodation, large lorries and other industrial scale facilities. They most strongly urge B&NES to refuse all 5 applications and to follow refusal with swift enforcement action to have the chicken sheds, mobile home and associated paraphernalia removed and the site returned to its former condition.

B&NES Highways

The proposed development would appear to represent an intensification in use of the site. However, no attempt has been made to quantify this situation, the Design and Access Statement looking collectively at 5 applications and giving the applicants 'opinion' rather than making justified statements.

The applicants agent considers there is a need for one worker to be on site at all times, yet the proposed residential unit is a 3 bed roomed, family sized dwelling, which inevitably will result in a potential intensification in use of the site over and above the agricultural use. However (in mitigation?), the application includes alteration to the access. This has not been quantified or demonstrated, the only plan being of the existing access. At the very least, if there is to be an intensification in use of the site I would wish to see reduction in access gradient, improved visibility and some squaring off of the access to the highway carriageway, to improve ease of use for southbound traffic, with further setting back of the existing gates. This has all been set out in previous highway consultation

responses regarding development proposals for the site. Regarding the farm track, details are very sketchy. Taking into account the above, I fail to be satisfied regarding the development proposals and highway impact - compliance with Policy T24 has not been demonstrated.

Bearing in mind the above, the highway response is open of OBJECTION in the interests of highway safety. I have drawn attainable visibility at the proposed access onto the submitted plan using the minimum acceptable set-back ('x' distance) of 2.4 metres. Not allowing for any growth of the boundary hedge, attainable visibility scales at 7.0 metres in a southerly direction and 5.0 metres in a northerly direction (see attached plan extract). Whilst Woolley Lane does not equate to a Street, as per Manual for streets, even by the visibility standards set out in that document, which are less than the requirements of the Design Manual for Roads and Bridges, the attainable visibility falls below the requirement of 11 metres for a main road speed of traffic of 10mph. This is totally unacceptable and contrary to the interests of highway safety. Despite previous comments regarding failure to justify figures/assumptions in the Design and Access Statement, no further information has been received. Further, no justification has been given for the size of the proposed residential unit and no details have been submitted with regards alterations to the vehicular access previously referred to. Bearing the above in mind, the highway response remains open of OBJECTION in the interests of highway safety, the proposed development being contrary to Policy T24 of the adopted Bath and North East Somerset Local Plan.

B&NES Transportation and Highways (Drainage)

Not acceptable in the current form. The proposed means of drainage for surface water from the proposed development is via soakaways. In principle we support this approach, however further detail of the infiltration capacity of the soil is needed to ensure that soakaways will operate without causing flood risk. Therefore the applicant should carry out and submit calculations and infiltration testing to BRE Digest 365 standards, to demonstrate that the proposed soakaways are appropriately designed.

B&NES Environmental Health (Environmental Protection)

If planning consent is granted for this development, the applicant will need to apply to the council for a site license under the Caravan sites and control of Development Act 1960. I note that the site already has a temporary dwelling for which no license has been issued, furthermore in a consultation document submitted by this service for a prior application (09/04403/FUL) this service made reference to the need for a license and the need for adequate provision for foul drainage. I must therefore reiterate that it is usual in such circumstances where a connection cannot be made to a public sewer, that foul drainage is required to be provided in the form of a septic tank or small package treatment plant where the discharge is subject to a consent granted by the Environment Agency. I would therefore urge that advice is sought from both Building Control and the Environment Agency with regard to the suitability of the present arrangements of a sealed tank for foul drainage, both for the temporary dwelling and the extension to existing agricultural building.

B&NES (Public Rights of Way)

There are no public rights of way affected by the proposal.

B&NES Landscape

This is a complex series of planning applications containing a number of elements. Each application must be a material consideration in the determination of the other. They do not exist in isolation of each other and their uses are clearly inter-linked. At the same time as looking at the individual elements, I think that a single and unified scheme of longer term planting and management should have been prepared. In the D&AS, p9, for example, the applicant mentions the 'scores of trees' that have been planted. There is no record of what or where these are.

In terms of the Tyler Grange LVIA I am concerned that the LVIA does not appear to mention the World Heritage Site of Bath even though their own photographs (specifically 15 and 16) show how close and how inter-related they are. The setting of the WHS is clearly much wider than its physical boundary and whilst the (overall) site may be 'tucked away' in a side valley, this is a steeply sloping site that is clearly visible to large numbers of people visiting the city. With the exception of the farm track and possibly the pond, all of these units will clearly be visible to these receptors. I am also concerned that there are a number of the elements mentioned in the LVIA that do not appear on a drawing (that I can find) - woodland planting near the pond and loss of hedgerow to facilitate the access track are two examples. I would suggest that the application is incomplete without this drawing. I am also concerned that the 'mitigation measures' identified in the report (p22-23) do not appear to have been incorporated. To be of use, an LVIA needs to be done at the early stages of a project where the findings can then be incorporated. As a number of the mitigation measures cover on going planting and management, then a Landscape Management Plan would also be required. Nonetheless, my general comments are as follows -

12/05660/FUL

1. Alterations and extension to existing agricultural building; Taken on its own, I do not think these alterations or the small extension would have a noticeable or detrimental effect. 2. Alterations to access; formation of hardstanding and farm track; I have no issue with the need for a track and I think that the move to soften its appearance with topsoil and seeding would be welcomed. I also welcome the opportunity to improve the appearance of the gate to one with a more traditional and 'open' nature.

3. Construction of stock pond; I have no issues with regard to the pond.

4. Siting of 2no feed hoppers and ancillary works (Retrospective). I refer to my previous comments (application ref 11/02081/FUL) in respect of the actual hoppers where I noted that 'it would have been better to locate these two hoppers at the slightly lower level and beside the main building. Their siting should be reviewed in light of the additional proposed development in the vicinity.

5. Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years. Should matters of policy be overcome, then I would say that the current iteration is an improvement on the previous.

12/05661/FUL

Erection of general purpose agricultural building. I would object to the siting and design of this new building. I am concerned with the general location as it is adding yet further development along the valley side. Should there be a need for this building (i.e. should wider matters of policy be overcome) then I would rather see it moved more closely towards the existing building and the yard developed as a single unified cluster and as part of a single masterplan. The feed hoppers should form part of this plan. Irrespective of

location, I would also ask for the materials to be amended to soften their appearance. I would expect to see timber cladding as opposed to metal sheeting and a dark (preferably green) roof as the primary views are from more elevated positions.

12/05662/FUL

Siting of 4 Poultry Units. It is unfortunate that these are retrospective as they should have also formed part of a well-considered Masterplan. It is clear that 10 of these units spread out along the valley side now appear as incongruous features in a landscape that is characterised by small clusters of houses and farm buildings. I would object to the configuration and siting of these units in this specific landscape. Likewise, whilst they may be temporary in that they may be able to be physically moved within the existing field pattern this does not reduce the visual impact or the change in landscape character when viewed from across the valley. A person viewing these units from across the valley would be unaware of whether they could be moved or even whether they were part of a number of different applications. The route along the A46 is one of the key routes into the City of Bath and clearly does form an important part of the setting of the WHS. They are also clearly visible from a number of PROW's in the area. The view across this valley and from nearby landmark places such as Little Solsbury Hill, are well known and enjoyed by large numbers of people - people focussing on the landscape.

12/05663/FUL

Siting of 3 Poultry Units. I repeat the comments as per 12/05662/FUL above.

Given the importance and sensitivity of this location in terms of the AONB and more especially the setting of the WHS, I do not think it is appropriate to treat this as a series of separate and disjointed applications. Nonetheless, bearing in mind that it is possible to see what the actual impact is like, I would conclude as follows -

1. World Heritage Site status attracts a very high level of protection. The LVIA does not appear to have assessed the relationship and impact that the development has on the WHS despite the relationship being clearly visible in photographs 15 & 16 (for example). I find it extraordinary therefore that the WHS is not mentioned anywhere in the LVIA.

2. I accept there will be little physical impact on the AONB (i.e. trees, walls or hedges to be removed).

3. Impact on Character - the layout and configuration of the 10 mobile poultry units is now at odds with the clusters of buildings in the surrounding landscape and is unacceptable. Photo 9 for example, shows the 'pastoral landscape of the valley sides gives a rural appearance' and highlights the linear nature of the mobile units compared to the clusters of existing stone buildings. Furthermore, the undulating nature of the lane and the fields also means that these units are very visible at certain locations along the lane. I conclude that the units also have a detrimental and adverse affect on the character of the wider AONB and, more specifically, on the lane itself.

4. Visual impact. The mobile poultry units are clearly visible from the opposite side of the valley as well as from a number of PROW's within it - users of these are highly sensitive receptors. I disagree that the units are not 'prominent, discernible or easily visible' elements in photo viewpoints 11, 12, 13, 14, 15 & 16. It is my opinion that there is a demonstrable adverse visual impact.

There is no specific mention of the potential impact of lighting and this needs to be taken into account as it would be a significant additional impact on the landscape character, views, the Area of Outstanding Natural Beauty and on the World Heritage Site (and its setting). Again each of the elements cumulatively raises the impact level i.e. temporary dwelling with light spillage from windows and external lighting, lighting of the yard(s) etc. In general, I conclude that the proposals noticeably conflict with and are at odds with the local landscape. They have an adverse impact on a landscape of recognised quality and on vulnerable and important characteristics, features or elements. They have a detrimental impact on the setting of the WHS and this overall affect can be classified as 'moderate adverse'. There is no evidence to show that any of these impacts can be mitigated to an acceptable degree.

B&NES Ecology

The site is partly within part of the "Langridge - Woolley Complex" Site of Nature Conservation Interest (SNCI). Historically, some activities at the proposal site has damaged ecological interest and this has previously been acknowledged. The findings of the ecological assessment are not indicative of an appropriate management regime within the field labelled F1 in the ecological report (drawing ref 1081_2010/20), as required by condition 1 of consent 10/04188/FUL retention of the stock pond.

An ecological appraisal of the ecological impacts of the applications, collectively, has been submitted. More detail of species present would be useful, as comprehensive species lists do not currently appear to have been provided for the areas of grassland within the SNCI boundary, nor for hedgerows of the site. Such information would help to provide confidence in the conclusions of the assessment of likely ecological impacts of the proposal.

I note the initial response of Natural England in relation to Ecology, for the submitted applications 12/05660/FUL, 12/05662/FUL, 12/05663/FUL and 12/05664/FUL. I also note the consultation response of the Landscape Architect and the points made about the need for a unified masterplan, and for correct and complete drawings. This is true also to enable confidence in an ecological assessment, collectively and/or individually, of any proposals. I agree with the issues raised by both the Landscape Architect and Natural England and consider that the information currently submitted in this format under multiple applications is inappropriate. This approach does not allow confidence in the assessment of ecological impacts nor in the ability of the scheme/s to successfully avoid and mitigate ecological harm and for long term operations to be ecologically acceptable.

The proposal/s must incorporate all necessary ecological mitigation and enhancement measures into the scheme and measures should be shown on plans and drawings as appropriate, with sufficient detail to demonstrate that they can be implemented. Without the above issues being fully addressed I do not consider any of the schemes to be satisfactory in their current form. However, if the recommendations of the ecological report were to be incorporated into the scheme and could be demonstrated as feasible, and the application could demonstrate intent for implementation of an appropriate wildlife management plan for the whole site, there is potential for ecological issues to be satisfactorily addressed.

POLICIES/LEGISLATION

Development Plan

The statutory development plan is the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) October 2007 and the following policies are of relevance:

GB1: Control of development in the Green Belt;
GB2: Visual amenities of the Green Belt
NE.1: Landscape character
NE2: Areas of Outstanding Natural Beauty
NE.3: Important hillsides - Bath and Radstock
NE9: Locally important wildlife sites
NE.4: Trees & woodland conservation
NE.10: Nationally important species and habitats
NE.11: Locally important species and habitats
NE.12: Natural features: retention, new provision and management
BH.1: Impact of development on World Heritage Site of Bath or its setting
BH.6: Development within or affecting Conservation Areas
ET.6: Agricultural development
D.2: General design and public realm
D.4: Townscape considerations
HG.10: Housing outside settlements - agricultural and other essential dwellings
T.24: General development control and access policy
T.26: On-site parking and servicing provision
NE.14: Flood Risk
ES.5: Foul and surface water drainage
ES.9: Pollution and nuisance
ES.10: Air quality

Core Strategy

The Core Strategy when adopted will provide the strategic framework for the management and development of land up to 2026. Of particular relevance to the site are B1 (The World Heritage Site and its setting); CP6 (Environmental Quality) and CP8 (Green Belt). The Core Strategy is now at an advanced stage and Annex 1 of the NPPF advises that decision-takers may also give weight to relevant policies in emerging plans (unless other material considerations indicate otherwise) commensurate with the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

National Planning Policy Framework

The NPPF (March 2012) states that there is a presumption in favour of sustainable development with a commitment to building a strong, competitive economy and to ensuring that the planning system does everything it can to support sustainable economic growth. Specifically, planning should operate to encourage and not act as an impediment to sustainable growth.

In respect of protecting Green Belt land the NPPF states that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate, however exceptions to this include buildings for agriculture and forestry. The NPPF sets out the Government's support for a prosperous rural economy, stating that planning

policies should support economic growth in rural areas in order to create jobs and prosperity, by taking a positive approach to sustainable new development.

In respect of conserving and enhancing the natural environment the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. Specifically, great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty that (with National Parks and the Broads) have the highest status of protection in relation to landscape and scenic beauty. The NPPF also states that conservation of wildlife and cultural heritage are important considerations in all these areas, and when determining planning applications local planning authorities should aim to conserve and enhance biodiversity.

With regard to conserving and enhancing the historic environment the NPPF states that the objective is to avoid or minimise conflict between the conservation of a heritage asset and any aspect of the proposal. Specifically, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.

More generally local planning authorities should approach decision taking in a positive way, to foster the delivery of sustainable development and should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

It is relevant to note that the NPPF (which replaced PPS7) removed the provision in that earlier document that where an Article 4 Direction was in place then development in the Green Belt was inappropriate and an applicant needed to demonstrate very special circumstances. Accordingly, a very special circumstances case does not need to be made for agricultural buildings. Notwithstanding this change, consideration still has to be given to the purposes of including land in the Green Belt and whether development achieves the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open. The NPPF confirms that the essential characteristics of Green Belts are their openness and their permanence.

Environmental Impact Assessment Screening

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("The EIA Regulations") include in Schedule 2 descriptions of development (and applicable thresholds and criteria) for the purpose of classifying development for environmental impact assessment purposes. Under the heading "Agriculture and aquaculture" the table includes the carrying out of development to provide ... (c) Intensive livestock installations. The applicable threshold criteria for such projects is 500m² of new floorspace (in a building or buildings) although in a 'sensitive area' (such as an AONB) the applicable threshold criteria do not apply. The floorspace of the poultry units amount to approximately 1,200m² and it is considered that the poultry units do constitute an intensive livestock installation under Schedule 2 of the EIA Regulations. Accordingly a Screening Assessment of the proposed developments (separately and cumulatively with other activities on the site) has been undertaken to assess whether an environmental impact assessment of the development is required.

Having considered all the relevant factors, the Screening concluded that the development is not likely to give rise to significant environmental effects and therefore an environmental impact assessment is not required.

OFFICER ASSESSMENT

Although five separate applications have been submitted to cover the range of development and operations at the site the applications are linked, with development covered in one application being functionally related to development covered by the other applications. The applications are also supported by a single Design and Access Statement, Landscape and Visual Assessment and Ecological Appraisal that assess the various elements covered by the applications as a single entity. Given this interdependence each application is a material consideration in the determination of the others and it is appropriate that the applications are considered cumulatively as well as individually.

A number of the elements covered by the current applications have previously been considered by the Council either through planning applications or in enforcement reports. Whilst it is necessary to consider each of the current applications on their individual merits, previous decisions by the Council in respect of operations and development at the site are material considerations in their determination. Accordingly, should the Council reach a different conclusion from that made previously then it would need to explain why it was taking a different view.

Application 1

This comprises:

- alterations and extension to existing agricultural building;
- alterations to access;
- formation of hard-standing and farm track;
- construction of stock pond;
- siting of 2no. feed hoppers and ancillary works (Retrospective) and
- siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years.

Alterations and extension to existing agricultural building

The alterations to the agricultural building (that existed on the site prior to GVP acquiring the land) has involved the infilling of the open sides of the barn with rendered blockwork, and internal works to allow its use for egg processing activities, and office and staff facilities. The applicant's agent contends that the alterations do not amount to development however this is not accepted by Officers as a) the construction of the walls and infilling of the sides of the building amount to an engineering or other operation and b) result in a material alteration to the appearance of the building. Accordingly the works do constitute development and by virtue of the Article 4 Direction require planning permission.

In terms of the works themselves the building (and extension) is used for agricultural purposes and therefore does not constitute inappropriate development in the Green Belt. In terms of other Green Belt considerations the Local Plan identifies six purposes of including land in the Green Belt, of which the following are considered relevant to the

current applications: checking the unrestricted sprawl of Bath and Bristol; assisting in safeguarding the countryside from encroachment; preserving the setting and special character of Bath; and preserving the individual character, identity and setting of Keynsham and the villages and hamlets within the Green Belt. Local Plan policy GB.2 is also relevant and states that permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction.

In this case whilst the appearance of the building has been altered from an open barn to an enclosed building, the footprint is essentially as originally built, it remains part timber-clad and retains the original low-pitched roof. The extension to the building is located away from Woolley Lane and constructed of materials to match those of the existing building. The existing hedge between the building and Woolley Lane largely screens the building in short distance views although the upper part can be seen above the boundary fence/entrance gates when viewed on Woolley Lane from the south and from the footpath leading from Colliers Lane to Woolley Lane. The existing hedge and local topography mean that the alterations and extension to the building are not readily visible in longer distance views. To the east, tree planting around the adjacent agricultural buildings (on land not controlled by GVP or the subject of this application) have an additional screening effect so obscuring views from more distant viewpoints from the other side of the valley.

It is considered that, given that the works are largely contained within the existing building and the extension does not materially encroach into open countryside, the works do not materially impact on the openness of the Green Belt nor conflict with the purposes of including land in the Green Belt. In terms of impact on the AONB and local landscape it is considered that given the nature and scale of the alterations and extension the character and local distinctiveness of the landscape will be conserved. Whilst the building is visible from Woolley Lane the works do not adversely affect the natural beauty of the landscape of the AONB. The works do not impact on local habitats or sites of ecological importance and do not, of themselves, give rise to significant impacts to local residents or the public. In the circumstances it is considered that the alterations and extension to the existing building are acceptable.

Objection has been raised to these works on the grounds that the building is out of place in this rural location, is not a sensitive design for a sensitive area and has the appearance of a light industrial unit. Objection has also been raised on the grounds that the building is not appropriate for its intended use and not required given other suitable buildings either owned by or available to the operators. Officers consider that whilst the infilling of the sides of the building have materially altered its appearance, the building maintains its agricultural function and the works do not give rise to harm to the Green Belt, AONB or World Heritage Site setting nor to local residents or those using Woolley Lane.

Internally the building has been fitted out to permit egg hatching and packing of eggs from the site and others controlled by GVP and this is considered to be an agricultural use of the building. Objection has also been raised on the grounds that the egg packing at the site could become a 24-hour operation. At the current scale of operation it is considered that there has not been a material change in the use of the site. However should activities at the site expand resulting in a material increase in the impact of the use (including off-site impacts) then planning permission may be required and the operation could be controlled through enforcement or conditions on any permission for a change of use were

permission to be granted. Concern has also been expressed about lighting from the building. Given the importance of the area as a feeding area for bats and lack of other local lighting (other than houses and villages) then if planning permission were to be granted for the alteration works, it would be reasonable to impose a condition controlling external lighting.

Alterations to access

Alterations to the access to the site from Woolley Lane were undertaken in mid-2008 to form an enlarged vehicular entrance to the site involving the laying of a 7m wide concrete apron and erection of 2m high solid timber gates. The concrete apron extends 4m into the site. These works were the subject of three planning applications in 2008 and 2009, all of which were refused planning permission. The Reasons for Refusal were:

1. The works to the entrance to the site and the new gates installed are of an inappropriate design for this rural location and detract from the character of this part of Woolley Lane as a narrow rural lane, to the detriment of the appearance and rural character of this part of Woolley Lane and contrary to Policy NE.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.
2. Woolley Lane by reason of its restricted width, poor alignment and sub-standard junctions is inadequate to serve as the sole means of highway access to the proposed development. The application site therefore would not have an adequate means of vehicle access providing a high standard of highway safety, contrary to Policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.
3. The vehicle access to the site by reason of its steep gradient downwards towards the highway is likely to result in a road safety hazard and inconvenience to users of the adjoining highway, contrary to Policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

The current site access arrangements are as previously proposed and the Council's Highway Officer has reiterated their objection to the access on highway safety grounds. They have also noted that the information submitted with the applications does not provide evidence for the trip generation from the site and they consider that the proposed use (including the proposed temporary dwelling) will result in a potential intensification in use of the site over and above the agricultural use. They recommend a reduction in access gradient, improved visibility and some squaring off of the access to the highway carriageway, to improve ease of use for southbound traffic, with further setting back of the existing gates.

Works recommended by Highways to address the inadequate visibility splays require the removal of a significant section of the existing hedge on Woolley Lane however this would be resisted on landscape and habitat grounds. There is also a suggestion in the application documents that the solid gates will be replaced by bar field gates when security issues at the site have been resolved, however no timescale has been given for this. As there have been no material changes in circumstances since the previous applications were refused it remains the case that the alterations to the access and erection of gates are contrary to policies T.24 (highway safety) and NE.1 (landscape

character). The previous refusals of planning permission referred to policy NE.2 (AONB) however it is considered that the impacts of the site access works are of a more local nature affecting the character of Woolley Lane and that the overall scenic beauty of the landscape in the AONB will not be adversely affected by these works. It should be noted that were planning permission to be refused for this element of the development the works could be retained as built as they were substantially completed more than four years ago and therefore immune from enforcement action.

Formation of hard-standing, farm track and concrete path

The formation of hard-standing around the existing building and farm track commenced in mid-2008 and has been extended, widened and re-laid over the intervening years, involving the further excavation of soil and laying of stone chippings. The concrete path was laid in 2013. The applicant states that the track will be covered with topsoil and seeded so that once the grass has grown only the ruts caused by the wheels of vehicles using the track will be evident. In March 2010 the Council considered a planning application (09/04403/FUL) for the siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access. Although planning permission was refused, there was no objection to the hardstanding or track. In respect of the hardstanding the case officer's report noted that it "is within the fenced compound of the farmyard, and its visual effect on the landscape would be reduced by its proximity to the existing modern barn in the farmyard ... Overall it is considered that this track would not affect the openness of the area or have a significant impact on the appearance of this part of the Green Belt." In respect of the track to the north of the farmyard, to be constructed in a similar manner to the current application the officer's report noted that "the track is to be sited close to the edge of the field, and this combined with the grass covering would mean that the track would not be prominent in the landscape or damaging to the appearance of this part of the Cotswold Area of Outstanding Natural Beauty or the Green Belt." In view of these comments, when considering an Enforcement Report in May 2010 it was concluded that although the track required planning permission it was not expedient to take enforcement action.

The current application proposes the same extent and method of construction for the hardstanding and track. Local Plan policy ET6 relates to agricultural development, including the construction of access roads where regard shall be had to any adverse environmental impact (including any conflict with other policies in the Plan). Where there is harm or conflict, regard shall be had to the need for or the benefits to the enterprise or the rural economy. Objection has been raised to the track on the grounds that measures to make it blend into the landscape have not been implemented or successful and together with the large additional area of hardstanding add significantly to the overall visual harm. Although marginally wider than when originally constructed, the track is located adjacent to the hedge and so not readily visible, other than from selected locations along Woolley Lane and from elevated positions to the north such as the public footpath north of Soper's Wood. From site visits and photographic evidence (including aerial photos) it is apparent that the track has been constructed and then seeded as described in the application. Whilst the appearance of the track when first constructed (and without topsoil and grass) is highly visible, with the light coloured chippings contrasting with the grass in the fields, once seeded and the grass has grown the appearance has softened. The area of hardstanding is adjacent to and largely screened by the existing building and, with the concrete path, not readily visible from outside the site. Subject to the track being

covered in topsoil and seeded it is considered that the hardstanding, track and concrete path will not have a significant impact on the openness or appearance of this part of the Green Belt, the character and landscape qualities of the AONB or local landscape, or the setting of Bath and are considered acceptable.

Construction of stock pond

In January 2011 the Council granted planning permission for a retrospective application for the construction of the stock pond at the northern end of the holding. It was concluded that it was agricultural development and would not harm the openness of the Green Belt nor have any visual harm. The proposals were also considered not to conflict with Local Plan policies in respect of landscape quality and character of the AONB, ecology, drainage and flooding, land stability, pollution and health, and highways. A condition of the planning permission relating to a wildlife enhancement and management scheme was discharged in 2012 however the original planning permission was the subject of a successful legal challenge and the planning permission quashed.

Objection has been raised to the stock pond on the grounds that there is no practical requirement for it, it is not a natural feature in the landscape and is in an area where land stability is a potential hazard. Objectors state that it impedes natural drainage and is likely to harm rather than enhance local ecology as well as posing a major flood threat to nearby properties. Concern has also been raised about the manner in which the stock pond (as well as the track and hardstanding) have been constructed, with a total disregard for the land and traditional methods. It is acknowledged that the undertaking of these works had a temporary impact on the landscape until natural or planned re-vegetation occurred however the planning considerations and impact of the development have not materially changed since 2010. On balance and subject to conditions to control any future work (to address land slippage that has occurred and address potential future hazards) and the submission and approval of a wildlife enhancement and management scheme it is considered that the proposals are acceptable.

Siting of 2no. feed hoppers and ancillary works

Application 1 also includes the retention of two feed hoppers located to the north of the existing building, and adjacent to the existing hedge that forms the eastern boundary of the site with Woolley Lane. The hoppers are approximately 5.4m tall, and taller than the existing hedge. Although not readily visible from Woolley Lane due to the levels of the site and road, they are visible in longer distance views from the east. In the Landscape and Visual Impact Assessment submitted with the application it is contended that views of the hoppers will be limited and viewed in context with existing agricultural development and set amongst existing vegetation. This conclusion is not shared by Officers. The hoppers are located approximately 40m from the existing building and it is considered that they appear as discrete standalone structures rather than being read with the existing buildings on the site, and their visibility is accentuated by their colour. Whilst the retention of the feed hoppers is not considered to harm the openness of the Green Belt it is considered that in their current position they do not conserve or enhance the character and local distinctiveness of the local landscape and AONB, which is generally characterised by open fields free of buildings and structures and where there are buildings they are generally in small clusters. As proposed therefore the retention of the hoppers is considered unacceptable and contrary to Local Plan policy NE.1 and NE.2, and Draft Core

Strategy policy CP6 which seeks to conserve or enhance the distinctive character and quality of the landscape. Repositioning the hoppers closer to the existing building could reduce their visual impact and if Members were minded to grant planning permission for the development then this could represent an acceptable balance between the operational needs of the holding and conserving and enhancing the local landscape. The applicant has indicated that in principle this would be feasible although the detailed siting would need to be agreed.

Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years

The sixth element of this application is the provision of a timber cabin on a temporary basis of up to 3 years to house an agricultural worker on the site, with a view to the building becoming permanent if the business was financially sustainable. At present there is a caravan located on the site and the current application seeks to replace this (and associated shed/dog kennel). The applicant has submitted a statement in support of the current application setting out their justification for the proposed building based on the operational needs of GVP's activities. This has been independently reviewed for the Council by an agricultural appraisal specialist in the light of the NPPF (which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside) and Local Plan policy HG.10 (which sets out a number of tests for housing in the open countryside). In summary these tests are:

- i) there is a clearly established existing functional need and financial justification for a worker to live on the holding;
- ii) the need is for accommodation for a full-time worker;
- iii) the functional need could not be fulfilled by another existing dwelling in the holding, or other existing accommodation in the area or through re-use of an existing building on the holding;
- iv) it is sited within a hamlet or existing group of dwellings or buildings, or elsewhere in the countryside;
- v) it is restricted in size commensurate with the functional requirements of the enterprise;
- vi) occupancy is restricted to agricultural workers.

In terms of the tests, if the poultry buildings are approved and fully stocked then there may well be sufficient need generated from this site given the substantial number of birds generating sufficient additional welfare needs to require a worker to be present at most times. Specifically a large number of poultry might well require a permanent on site presence to identify (by sight and sound) and address (by immediate proximity) sudden changes in welfare conditions that could otherwise have catastrophic welfare and business impacts. A dwelling further away may well answer much of that potential need but not all, and as the number of stock increases the level of potential incident that could not adequately be dealt with from a dwelling in the nearby settlement would also increase. However although there might be a functional need at Woolley if the poultry units were fully stocked, GVP's enterprise operates over three sites and it is not clear that there is a specific and established functional need at Woolley, nor that any need could not be located and satisfied at Doynton or Bitton. Furthermore the financial information submitted with the application is generalised, unsubstantiated and considered insufficient to demonstrate that there is a financial justification for the dwelling proposed at the site in Woolley and as part of GVP's enterprise across its three sites. There are no balance

sheets, actual or budgeted, so it is not possible to assess to any meaningful degree whether (and certainly impossible to be satisfied that) the submission demonstrates a clearly established justification for a worker to live on the holding at Woolley. Accordingly, based on the evidence submitted the application fails the functional need and financial justification tests.

In terms of the need for a permanent worker, no specific evidence has been submitted on this point but on the basis of the total existing enterprise this test is likely to be passed. Regarding alternative accommodation no assessment is included with the application to demonstrate that none is available nearby and no assessment of existing buildings on the site at Woolley has been offered either, although it is noted that the existing building is currently fully utilised for activities associated with the enterprise. As noted above, it may be possible to reorganise labour and enterprise locations to allow the area of need to focus on one or other or both of Doynton and Bitton. Whilst no dwellings with permission exist there either, there are other buildings and other settlements to then take into account and evidence is required to show why this could not reasonably be done. Whilst there are poultry buildings at Woolley, they are not permitted so there appears no compelling reason why the livestock could not be centred at one of the other two sites and any need generated then being satisfied from those locations. The proposed dwelling is located adjacent to the existing building and is considered to be of a size commensurate with the requirements of the operation and so the fourth and fifth tests could be met. Were permission to be granted then a condition and/or s.106 obligation would be required limiting the use of the dwelling to agricultural workers and requiring the removal of the dwelling if the enterprise failed or the functional justification changed.

The proposed temporary dwelling would be located at the southern end of the site. Soil has been excavated to form a flat surface to accommodate the building, which means the dwelling would be partially screened from the public footpath linking Colliers Lane and Woolley Lane. However the site is at a higher level than Woolley Lane and although there is a hedge and trees along the boundary that will partially screen local views, the building would be visible from Woolley Lane particularly during the winter months. The LVIA submitted with the application states it is the intention to replace the existing solid timber gates with a bar field gate and whilst this would be welcome in terms of its appearance on Woolley Lane, it would have the effect of opening up local views of the building. The site is also in a prominent position on an east-facing slope and the building would be visible, particularly from the northeast and east. While there are some trees on the east boundary of the site and screen planting on adjoining land these would only partially screen the application site.

Based on the evidence submitted with the current planning application the functional need and financial justification for a worker to live on the holding has not been demonstrated and accordingly the proposed dwelling must be considered as a new building in the Green Belt for which a very special circumstances case must be made. No evidence has been submitted on this matter contrary to policy GB.1 of the Local Plan, policy CP8 of the Draft Core Strategy which seeks to protect the openness of the Green Belt from inappropriate development, and para. 55, 87 and 88 of the NPPF. The dwelling would also harm the openness of the Green Belt. In terms of its impact on the local landscape and scenic beauty of the AONB and the character and landscape setting of Bath consideration has been given to the local topography, existing planting in the vicinity of the building, its dimensions and location within the site. The building would be visible particularly from

viewpoints to the east, and although it would generally be viewed in the context of the existing building on the site and those adjoining given the particular sensitivities and qualities of the local landscape set out in the case for the Article 4 Direction it is considered that the building would have an adverse impact on the local landscape contrary to policies NE.1 and NE.3 of the Local Plan and policy CP6 of the Draft Core Strategy.

In conclusion, for all of these reasons, it is considered that permission for the temporary dwelling should be refused.

Application 2 - Erection of a general purpose agricultural building

The general purpose agricultural building is intended to be used to store hay, feed, tools, implements, chemicals, etc and provide a building to lamb the sheep, calve the Longhorn cattle or to provide shelter for sick, injured or nursing livestock. At the present time these activities are undertaken within shipping containers and a plastic covered structure located on the site. The intention is that the proposed building will replace these structures and will also be used to house items presently stored outside. The building would be located to the north of the existing building and would measure 18m by 12m and would have a low-pitch roof with an eaves height of 4m and ridge height of 5m. The building would be constructed of concrete blocks and profiled steel sheet with a fibre cement roof. This compares with the existing building, which is 3.5m to the ridge and now constructed of rendered blockwork and timber cladding with a fibre cement roof.

The use of the building would be for agricultural purposes and Local Plan policy ET6 states that when considering such development regard will be had to, amongst other matters, any adverse environmental impact (including any conflict with other policies in the Plan). Given the use of the existing building on the site principally for egg processing it is accepted that there is little space within that building to accommodate the activities that are currently undertaken in other structures on the site. The containment of these activities within an enclosed building would reduce their current dispersed and ad hoc nature and it is considered that the provision of an appropriately sized and located building constructed of suitable materials could be justified were the overall operation approved.

The NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This however needs to be balanced with other considerations including the statement in the NPPF that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, noting that great weight should be given to conserving landscape and scenic beauty, including in AONBs which have the highest status of protection in relation to landscape and scenic beauty. Local Plan policies, in particular those relating to conserving and enhancing the landscape are also of relevance. Objection has been raised to the building on the grounds that it is of a significantly greater height than the existing building, will be clearly visible and will detract from the rural character and natural beauty of the Green Belt and AONB.

Given the location and height of the building it would be visible above the hedge line particularly when viewed from the east and would appear as a freestanding structure, separate from the existing building on the site. It is considered that the building would

harm the openness of the Green Belt, and by virtue of its siting, scale and materials would not conserve or enhance the character and local distinctiveness of the landscape. The applicant has indicated that the height of the building could be reduced (although to compensate for the reduced capacity a larger footprint of building would be required) and could be moved south towards the existing building. However it is considered that the effect of these changes would not reduce the visual impact of the building to a significant degree. Accordingly the general agricultural purpose building is considered to conflict with Local Plan policies GB.2, NE.2, NE.3 and ET.6 and Draft Core Strategy policy CP6.

Applications 3-5 - Siting of 2 x 3no. and 1 x 4 no. mobile poultry units

These applications cover the siting of a total of 10 poultry units on the land with each unit occupied by a flock of about 750 ducks. These measure approximately 20m x 6m x 3.5m high and comprise a metal frame mounted on skids, clad with brown plastic planks and the upper parts with dark green plastic over insulation. In addition, each of the 10 units has a paddock formed by 1m high demountable electric fencing. By day the ducks are free to roam the paddocks, and at night are shut in the units. Water is supplied via a hose that is connected to a series of standpipes sited alongside the farm track and electricity to the units (for lighting) is provided by battery packs and a mobile generator. Approximately 80% of the droppings fall through the slatted floor into the void underneath each unit and are collected and sold as fertilizer. The operation involves an approximately 12 month laying period with a rotation of new ducks replacing old flocks and the poultry units being emptied, cleaned and then re-stocked. As a consequence not all units will necessarily be fully occupied at all times.

The units are capable of being moved to allow them to be cleaned out and to provide fresh grazing for the ducks however although described as 'mobile', and they have been moved since they were first erected in 2010, they have been moved only infrequently and their size and weight means that this is a relatively significant undertaking. The application proposes that the units will be confined to the two fields alongside Woolley Lane and sited on the lower part of the fields, towards the hedgerow along Woolley Lane. The applicant contends that this would allow for ease of access along the farm track and is intended to reduce their visual impact. The remainder of the holding will be used mainly for the grazing of cattle and sheep.

The Landscape and Visual Impact Assessment (LVIA) submitted with the application notes that the existing landscape and residents of properties in the local area are receptors of high sensitivity to change, although motorists using the A46 and Gloucester Road are considered to be of low sensitivity. The proposed buildings are described as "characteristic of built elements in the landscape" although the report also acknowledges that the materials, form and distribution of the mobile poultry units do not reflect those of the farm buildings and properties in the area. The report also suggests that limiting the heights and scale of new buildings on the site (including the poultry units) and the use of appropriate materials and colours to reflect that of adjoining development and local agricultural vernacular would minimise visual prominence. Noting the temporary and mobile nature of the poultry units the LVIA assesses the impact of the development on the landscape and AONB as "local, temporary, and minor adverse". With tree and hedgerow planting (referred to in the report but not specifically proposed in the application) the LVIA assesses the overall impact as having a long term minor beneficial effect on these features. The LVIA concludes that there is a temporary, minor neutral effect on the

pattern of scattered agricultural farmsteads with a generally temporary, local minor adverse effect on local residents and users of public footpaths in the locality. The impact on users of Woolley Lane is assessed as temporary, localised and moderate adverse, with the development being visually intrusive and adversely affecting the visual experience for users on Woolley Lane.

Objection has been raised to the poultry units in terms of their detrimental visual impact on the area, the AONB and gateway to the City of Bath World Heritage Site.

The ten poultry units proposed for the site are covered by three separate applications and so subject to approval of any or all of them there could be three, six, seven or ten units on the site. In assessing the proposals the applications have been considered individually but given the inter-related nature of the poultry units with the other elements of the development it is also appropriate that they are considered cumulatively. In terms of the visual impact of the poultry units the fact that they can be moved within the site is not considered to remove the significance of their presence, and their impact on the landscape is not affected to any material extent by periodic changes to their position, particularly as this will take place within a relatively narrow zone within the fields. Therefore whilst the poultry units are capable of being moved, and occasionally have been, they are effectively permanent features in the landscape. Given their design, materials and siting within the fields they are clearly visible from a number of locations and appear as incongruous elements within the otherwise generally pastoral landscape of small open fields divided by hedgerows. Buildings in the landscape outside the villages such as Upper Swainswick and Woolley are generally clustered (such as those at Crossleaze Farm to the east of Woolley Lane) whereas the proposals for the application site will involve a line of buildings extending across open fields, introducing a highly visible and unfamiliar form of development. They are particularly visible from the east from Innox lane, Tadwick Lane and Gloucester Road as well as from local viewpoints such as Little Solsbury Hill. It is considered that the poultry units will introduce new buildings into the landscape that will harm the openness of the Green Belt and by virtue of their siting and materials would be visually detrimental to the Green Belt contrary to policy GB.2 of the Local Plan. The units will also have an adverse impact on the AONB and character of the local landscape contrary to policy NE.1, NE.2 and NE.3 of the Local Plan and policy CP6 of the Draft Core Strategy.

The Statement of Outstanding Universal Value upon which Bath is designated as a World Heritage Site includes the green setting of the city in a hollow in the hills. Key aspects of the setting include the distinctive character provided by the topography, the townscape and land-use including the green undeveloped farmland, green spaces and trees and woodland, and the intangible qualities such as tranquillity that characterise the surroundings of the city. This includes the views afforded from the city to the green hillsides, woodland and open spaces, and conversely the opportunities provided by the surroundings to view the city and the quality and character of the environs and views to and from routes into and out of the city. Whilst the poultry units in particular are visible from the A46 which is one of the key gateway routes into the city, given the wider context of the valley within which the development is sited and the broad sweep of the vista from the north and east it is considered that the development does not significantly affect the landscape qualities that contribute to the setting of the World Heritage Site.

Objection has also been raised to the damage caused to the site through the intensive nature of the operation, the infrequent relocation of the units and lack of alternative land, as well as the effects of run-off due to inadequate drainage on the site particularly during wet weather and flies and odour during hot weather. In terms of the damage to the site, the units have been moved within the holding as part of the cycle of stocking, egg-laying and re-stocking of the flock and there is evidence that where the units have been sited the land has regenerated after they have been moved. The natural slope of the land and local topography on which the poultry units are situated, together with run-off from land above the units and seasonal springs on the land, means that there have been occasions when there has been run-off from the site onto Woolley Lane. Weather conditions in 2012 were exceptional and resulted in high levels of run-off, the effect of which has been investigated by the Environment Agency and the Council's Highways Drainage team. They have recommended remedial action to contain run-off within the site and prevent discharge onto the public highway however as the installation of drainage on the site would involve engineering operations requiring planning permission (and do not form part of the current applications) it would be premature to determine the acceptability or effectiveness of any such measures. The issue of odour and flies from the site is a matter of animal welfare as well as public amenity however investigations by the Council and Environment Agency have not identified any significant problems with operations at the site.

Other Considerations

The GVP enterprise comprising operations at Woolley Bitton and Doynton employs around 20 staff, of whom 12 are employed at Woolley. The Local Plan notes that agriculture plays an important role in the local economy and provides the basis for other economic activities. Policy ET.6 sets out criteria for assessing development proposals. The NPPF highlights the Government's commitment to building a strong and competitive economy and to securing economic growth in order to create jobs and prosperity. It states that the planning system should do everything it can to support sustainable economic growth and should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. This includes supporting a prosperous rural economy with plans supporting economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. These objectives need to be balanced with the need to conserve landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. Also of relevance is the location of the development with the Green Belt and the presumption against inappropriate development as set out in the NPPF and Local Plan policy GB.1, the purposes of including land within the Green Belt and the appearance of the Green Belt set out in Local Plan policy GB.2. In the circumstances of these applications and the particular characteristics of this site it is considered that whilst the development is an agricultural use of the land and employs a number of people, the nature and impact of the use involving the siting of poultry units within the fields results in a degree of harm that outweighs the employment benefits. If the current operations at Woolley ceased and another agricultural operation took place on the site then there would be some continuing employment at the site associated with that use.

The Council's Highways Officer has expressed the view that the combination of activities on the site results in an intensification of the use of the land amounting to a material change of use. The intensity of use of the land is greater than the previous grazing of sheep and cattle, and the number of vehicles accessing the site is greater than before

GVP started operating from the site. However it is considered that the primary use of the land remains agricultural and that the off-site impacts in terms of vehicle movements from the site, whilst of a greater number and occasionally involving larger vehicles, do not amount to a volume or impact that amount to a change in use of the land. Whilst there is egg packing on the site, including the importation of eggs from other GVP sites, the use of the land remains agricultural rather than industrial or mixed agricultural and industrial.

The site is partly within part of Site of Nature Conservation Interest (SNCI) referred to as the 'Langridge - Woolley Complex' and is also within the bat feeding zone associated with the Bath & Bradford-on-Avon Bats Special Area of Conservation (SAC). The SNCI covers the field within which the stock pond is located, but not the fields containing the poultry units, nor the track and hardstanding or other development at the southern end of the site. When the previous planning application for the stock pond was determined in 2011 and subject to the approval and implementation of a Wildlife Management and Enhancement Scheme no objection was raised to the development on ecological grounds in terms of both the SNCI within the site and Lam Brook approximately 700m to the east. The current planning applications do not involve works that have a significant effect on any European sites or protected species, nor require a licence from Natural England. It is considered that the proposals do not significantly adversely affect the nature conservation value of the area (Local Plan policy NE.9), nor species which are internationally or nationally protected or the habitat of such species (Local Plan policy NE.10).

Upper Swainswick is designated as a conservation area and Local Plan policy BH.6 seeks to preserve or enhance the character or appearance of the area by controlling development within or affecting it. In this case it is considered that Upper Swainswick is sufficiently distant from the application site that whilst the site is clearly visible from the village and has an impact on the landscape it does not impact on the character of the conservation area itself.

Conclusion

In determining the applications a balance has to be struck between the objectives of supporting sustainable development and a prosperous rural economy, and the need to protect the Green Belt and conserving the scenic beauty of the AONB and local landscape. The particular landscape quality of the Woolley Valley and the need to protect it from development is highlighted by the Article 4 Direction that removes permitted development rights for agricultural development. Designated in 1992, the Direction remains in force and the reasons for its establishment have not changed materially since then.

Whilst some elements of the development covered by the five applications are considered generally acceptable, the installation of the poultry units and proposed construction of a general purpose building on the land are considered to result in an unacceptable degree of harm to the landscape and to the openness of the Green Belt. In the absence of a proven agricultural need, the dwelling constitutes inappropriate development in the Green Belt.

The five planning applications cover a range of development that together comprises the agricultural operation at Woolley Lane. Whilst each element and each application has been considered separately, together they form the agricultural enterprise at the site and it is considered that in addition to the impact of the individual elements, cumulatively the

operation has an adverse impact on the Green Belt, AONB and local landscape. In addition the applications are inter-dependent because they either form part of a single application, or the justification for one aspect of the operation is dependent on others that are covered by a separate application(s). So whilst the provision of the stock pond, hardstanding and track are considered acceptable they form part of a wider application (Application 1) including the provision of a dwelling on the site. The case for the dwelling is predicated on there being an agricultural need and that arises from the housing of approximately 7,500 ducks on the site. Therefore if the agricultural need for the dwelling is not substantiated (either by failing the tests set out in HG10 or because permission is not granted for the poultry units), then the stock pond, hardstanding and track could not be approved. Whilst it is possible for the LPA to issue a 'split decision' and grant planning permission for something less than what was applied for, that should not be done if the permission granted would represent a "substantial alteration" of what had been proposed in the application so as to deprive those who should have been consulted of the opportunity of consultation. In this case, as noted above, it is considered that the 5 planning applications are all inter-dependent and effectively cover one single agricultural operation. For that reason, officers consider that to grant permission for only some elements of an application would constitute a substantial alteration of what has been applied for and therefore a split decision would not be appropriate.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 The functional need and financial justification for a temporary dwelling for an agricultural worker has not been demonstrated and the building would therefore constitute inappropriate development within the Green Belt and open countryside contrary to Policy GB.1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007, policy CP8 of the Draft Core Strategy, and para. 55 and 87 of the National Planning Policy Framework.

2 The siting of the proposed temporary dwelling in this location would detract from the appearance and openness of this part of the Green Belt and from the natural beauty and rural character of this part of the Cotswold Area of Outstanding Natural Beauty contrary to policies GB.2 and NE.1 and NE.3 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

3 The works to the entrance to the site and the new gates installed are of an inappropriate design for this rural location and detract from the character of this part of Woolley Lane as a narrow rural lane, to the detriment of the appearance and rural character of this part of Woolley Lane and contrary to Policy NE.1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

4 The vehicle access to the site by reason of its steep gradient downwards towards the highway and inadequate visibility is likely to result in a road safety hazard and inconvenience to users of the adjoining highway, contrary to Policy T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

PLANS LIST:

1 This decision relates to Drawings 2028/002A (Plans and Elevations of Proposed Agricultural Storage Building), 2028/02 (Existing Entrance), 2028/22 (Proposed Temporary Mobile Home Floor Plans), 2028/500/A (Site Plan), 2028/501 (Section Through Stock Pond), 2028/201E (Plan and Elevations as Existing)

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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 choose 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 Annex

Members will recall that in this case a group of local residents had formed a limited company, SWVAG Ltd, and brought judicial review challenges against two interlinked decisions of the LPA namely:

- a challenge to the Council's conclusion, as set out in its Enforcement Delegated Report of 21 May 2010, that the poultry units, installed on the site by GVP Ltd, were not 'development' susceptible to planning control, and did not require environmental impact assessment ('EIA'); and
- a challenge to the Council's decision that an EIA assessment of the stock pond was not required. Planning permission for this development was granted, in accordance with a resolution of the DC Committee, on 21 January 2011.

The case was heard over three days at the High Court in London, between 3-5 July 2012. Members will be aware that in a judicial review the High Court is performing a supervisory role and will only interfere with an LPA's decision if it is wrong in law or irrational. In this case the Court did not agree with the Council's interpretation of the law and found in favour of SWVAG. The Secretary of State was also a party to the proceedings.

Background

So far as is relevant to the Court's decision, the background is as follows.

Following complaints about various activities on the site including substantial unauthorised earth moving, and visits by the Council's officers, on 22 April 2010 the Council served a planning contravention notice on GVP seeking information about the activities that had occurred. Having received a detailed response to the PCN, on 23 April 2010 the Council served a Temporary Stop Notice on GVP which prohibited the excavation of soil and surface materials from the land and the alteration of levels of the land.

On 21 May 2010, having taken advice from a senior barrister, the Council issued an Enforcement Delegated Report. It concluded that some of the activities that had taken place at the site did constitute breaches of planning control, however, the Council decided that the placing of the poultry units on the land did not constitute development. The

Council therefore concluded that no environmental impact assessment of that activity was required and no enforcement action could be taken.

The reasoning of the Council was set out as follows in the delegated report:

"Over the past few weeks ten prefabricated mobile poultry units have been delivered and assembled on site. Each one measures about 20m x 6m x 3.5 metres in height and will house 1,000 birds (known as a flock). This will provide for a free range egg production operation in which each flock will be free to roam over the land during daylight hours and return naturally [to] their unit at dusk to roost.

Each unit consists of a series of 10 metal hoops which slot into metal skids. They are delivered to the site in kit form and assembled on site in a matter of a couple of days. Once assembled for the first time, the whole unit can be moved within the site in one operation. They can also be dismantled and loaded onto a flatbed lorry in a matter of 3-4 hours and re-erected on another site in a similar amount of time. The owners claim that no foundations or levelling of the land is required. However, observations on site showed that when assembling the units, an area of land had been levelled specifically for the purpose of assembly. The units were then moved and can be placed on sloping land.

The lower sides are uPVC which slot into the metal hoops and are covered by two layers of green polythene with insulation between them. A slatted floor is inserted internally. They weigh about 2 tonnes and, when occupied by the birds, would weigh an estimated 4 tonnes. This is sufficient to stay on the ground under its own weight although they can be held down with metal spikes in extreme winds. Each unit has a hose pipe connection to mains water and solar panels/batteries to power internal lighting.

It is proposed to site the units in fenced paddocks of between 1-2 hectares and to move them around the respective paddock approximately every 8 weeks or so. The units are mounted on skids which move easily over grass by using a tractor or 4x4 vehicles and have demonstrated this to enforcement officers. They have also filmed the operation for moving the units and supplied a DVD which shows that the unit can be towed with a tractor.

It is well-established in law that there are three primary factors which are relevant to the question of what is a building: The question of whether these chicken units are buildings involves making a planning judgment based on their size, permanence and physical attachment to the ground. This is very much an area of fact and degree. There have been numerous reported cases on what constitutes a building in planning terms, however ultimately each case turns on its own facts.

Factors weighing against the sheds being buildings are their lack of attachment to the ground and ability to be moved around the site. However weighing in favour of them being buildings are their sheer size, weight and bulk, a recent planning appeal decision against the refusal of a Certificate of Lawful Use or Development dated December 2009 supplied by the owner's agent concluded that a mobile poultry unit measuring 9.5m x 5.5m x 3.2m high did not constitute a building for the purposes of s.55 of the Act. In this case, only one unit was proposed. It housed 465 laying hens, was delivered as a flat pack and assembled on site by 2 no. unqualified people in two days. It was not anchored to the ground nor required a hard standing, could be moved by a tractor and was expected to be moved every 15 months.

In the current case there would be at least 10 units, some 20 metres long and they would be moved every 2-3 months. These would therefore be larger and heavier but moved more frequently and assembled on site in the same way as the appeal case. It is also worth noting that the dimensions of each unit are almost the same as the dimensions of a twin-unit caravan as defined in section 13 of the Caravan Sites Act 1968 which are: 20 metres long, 6.8 metres wide and 3.05 metres high. Although attached to a water point, several points of connection have been established on the site so the units could be moved.

On the basis of the information to date and as a matter of fact and degree, the mobile poultry units would appear to be 'chattels' capable of being moved around the site by a 4x4 vehicle. Furthermore, once assembled they can be dismantled and loaded onto a flatbed lorry in a matter of hours and transported to other sites.

On this basis officers have concluded that these units do not constitute development.

It has been suggested by solicitors acting for objectors to the development that the chicken units require an Environmental Impact Assessment ('EIA') because they are part of an intensive agricultural operation. However, officers are of the view that there is no requirement to undertake an EIA unless the chicken sheds constitute development and fall within one of the classes for which an EIA can be required. In this case neither the chicken sheds nor their use constitutes development and therefore no EIA is required.

It is therefore considered that no enforcement action can be taken against the chicken sheds."

The Council decided that it was not expedient to take enforcement action in respect of some of the other forms of development that had occurred, but it did issue an Enforcement Notice and Stop Notice, both dated 21 May 2010, in respect of the excavation of soil and surface materials from the site, including the digging of pits and trenches and the alteration of levels of the site. The prohibition in these Notices extended to the stock pond. A planning application was made in respect of the stock pond on 27 September 2010. Various objections were raised. There was a dispute as to whether there had previously been a pond on the same site which had become silted up, but the Council was satisfied that the pond had been newly engineered. A screening opinion was carried out which concluded that an EIA was not required. On 21 January 2011, the Council granted retrospective planning permission for the retention of a 15m x 12m stock pond on the site, subject to conditions.

SWVAG sought to challenge the Council's decisions by way of judicial review, having unsuccessfully sought an injunction against GVP to prevent any chickens being delivered to the site.

Grounds for judicial review in respect of the poultry units
SWVAG's grounds for judicial review raised the following issues:

A Did the Council make a material error of fact or fail to have regard to relevant considerations?

The Court found in favour of the Council on this point.

B Did the Council misdirect itself in law in deciding that the poultry units were not development requiring planning permission under English law?

The Council argued that it had to make a planning judgment which was a matter of fact and degree and had applied a test which is well established in English law that involved considering the poultry units' size, permanence and degree of physical attachment to the land. For the reasons set out above, the Council decided the units were not development. However the Court found that the Council had erred in law in taking too narrow an approach to the meaning of 'development' because it:

- should have considered whether a poultry unit was an 'erection' or 'structure';
- did not have regard to the relevant authorities when it concluded that the units were chattels not buildings since they were capable of being moved around the site;
- did not direct itself correctly in law on the issue of permanence - the units were permanently in their field, and there was no limit on the length of time they would remain there; and
- failed to consider whether the construction of the poultry units came within the residual category in s.55(1), namely, 'other operations in, on, over or under land'.

C Were the poultry units capable of constituting "intensive livestock installations" within the scope of the EIA Directive and/or the EIA Regulations 1999?

The primary issue between the parties was whether the Council had misdirected itself in law by failing to interpret the definition of "development" in English law so as to give effect to the EIA Directive. In its defence, the Council contended that the poultry units did not fall within the scope of the EIA Directive or the EIA Regulations 1999, and so this point was academic.

The Court examined the European and English law and concluded that the poultry units were "capable" of being an "intensive livestock installation" under the EIA Directive and therefore the issue was not academic. However the Court did not rule on whether the poultry units actually were intensive livestock installations.

D Did the Council misdirect itself in law by failing to interpret the meaning of 'development' in English law so as to give effect to the EIA Directive?

The Council submitted that once it had decided that the poultry units were not 'development', it had no further duty to consider their environmental impact, since the EIA regime is given effect in the UK through the system of planning control. However, the Secretary of State and SWVAG argued that an English court is required to interpret national law, so far as possible, in the light of the wording and the purpose of the EIA Directive in order to achieve the result sought by the Directive. The judge accepted that argument and stated that:

"In my judgment, the definition of 'development' in s.55 TCPA 1990 can, and should, be interpreted broadly by planning authorities so as to include, wherever possible, projects which require EIA under the EIA Directive, or developments which require EIA under the EIA Regulations 1999. Otherwise the Directive will not be effectively implemented into UK law.

In this case, the Council misdirected itself in law by failing to have regard to the obligation to interpret the meaning of "development" in s. 55 TCPA 1990 in this way. I am satisfied that, if the Council concludes that the poultry units are a project which requires EIA under the EIA Directive, or a development which requires EIA under the EIA Regulations, the meaning of "development" in s.55 is sufficiently broad to be capable of encompassing the poultry units."

E If it is not possible to interpret the meaning of 'development' in English law so as to give effect to the EIA Directive, was there a failure to transpose the EIA Directive into UK law?

The judge decided that in light of her other findings she did not need to make a ruling on this point.

Grounds for judicial review in respect of the stock pond

SWVAG argued that the EIA screening opinion obtained in respect of the stock pond should have considered the cumulative effect of the other activities and works on the site and that the failure to do so meant that there was no consideration of the overall environmental impact at the site. The judge concluded that the "screening opinion only considered the cumulative impact of traffic, and not any of the other 'development' within the meaning of s.55 which the Council found had taken place at the site. It did not treat the poultry units as 'development', on the basis of the Council's earlier decision to that effect. In my judgment, the screening opinion was inadequate, and thus the Council acted unlawfully by granting planning permission without having carried out a lawful screening opinion. The screening opinion needs to be carried out afresh, once the Council has re-considered its decision in relation to the poultry units."

Conclusion

For the above reasons, both claims for judicial review were allowed.

Item No: 03
Application No: 12/05661/FUL
Site Location: Parcel 2866 Woolley Lane Charlcombe Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Gabriel Batt Councillor Geoff Ward

Application Type: Full Application
Proposal: Erection of general purpose agricultural building
Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,
Applicant: Golden Valley Paddocks Limited
Expiry Date: 22nd March 2013
Case Officer: Gwilym Jones

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application has generated a significant level of objection on a range of grounds and in the light of the planning and enforcement history on this site it is appropriate that the applications are reported to Committee.

DESCRIPTION OF SITE

The site is an agricultural holding located along the western side of Woolley Lane, a single-track road leading northwards from Charcombe Lane to Woolley. Situated just beyond the north-east edge of the built up area of Bath, the site comprises 20.5 hectares of land that extends from approximately 200m north of residential properties to the south, to the edge of Soper's Wood to the north. The site is in an elevated position on the western side of a valley and the land slopes down towards Woolley Lane and beyond to Lam Brook, with the land rising to the east towards the A46 and Charmy Down/Little Solsbury Hill. The village of Upper Swainswick is located on the eastern side of the valley and overlooks the site. The village of Woolley is on higher ground to the north of the application site.

Access to the site can be gained at two points on Woolley Lane although the northern access (opposite the access to Crossleaze Farm) is currently closed. As a consequence all vehicular access is from the southern access located opposite an entrance to agricultural buildings on the eastern side of Woolley Lane.

The site is located in the Green Belt, Cotswold Area of Outstanding Natural Beauty (AONB) and the setting of the Bath World Heritage Site. The site is also the subject of an Article 4 Direction (confirmed in 1992) that removes agricultural permitted development rights over a wider area of Swainswick Valley.

The site was acquired by the current owners (Golden Valley Paddocks Ltd - 'GVP') in 2005 and at that time included a partly enclosed agricultural building measuring approximately 29m by 11.5m. The site is currently used principally for the housing of ducks for egg laying and subsequent processing and despatch. GVP have other operations at Doynton and Bitton that together with operations at Woolley form a duck egg incubation/hatching, rearing, laying and processing enterprise.

PLANNING HISTORY

The site has been the subject of a number of applications between 2008 and 2012. In summary these are:

08/02397/FUL - Erection of agricultural building, alterations to access, formation of track and hardstanding, siting of temporary timber-clad mobile home for an agricultural worker. REFUSED 22 August 2008

09/01020/FUL - Erection of extension to agricultural building, siting of temporary agricultural workers mobile home, formation of track and alterations to access (retrospective) (resubmission). REFUSED 21 May 2009

09/04403/FUL - Siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access (Revised proposal). REFUSED 31 March 2010

10/04188/FUL - Retention of 15m x 12m stock pond. PERMITTED 21 January 2011*

11/00678/COND - Discharge of condition 2 of application 10/04188/FUL APPROVED 28 March 2011*

11/00854/FUL - Siting of temporary timber-clad mobile home for an agricultural worker, erection of dog kennel and alterations to access (Revised proposal). WITHDRAWN

11/02081/FUL - Construction of farm track and siting of 2no. feed hoppers (Retrospective) WITHDRAWN

11/02085/COND - Discharge of condition 1 of application 10/04188/FUL WITHDRAWN

* quashed by High Court (July 2012)

Notwithstanding the Article 4 Direction that applies to the land development has taken place at the site, none with the benefit of planning permission other than for the stock pond (retrospectively) and which was subsequently quashed following a High Court challenge (see below). These works have led to significant objection from local residents and a number of enforcement investigations have taken place since 2008. On 22 April 2010 a Planning Contravention Notice was issued seeking information regarding activities on the site, and on 23rd April 2010 a Temporary Stop Notice (TSN) was served following evidence that ponds were being created on the site without planning permission. The TSN prohibited the excavation of soil and surface materials from the land and the alteration of the levels of the land. The TSN ceased to have effect on the 20th May 2010.

An Enforcement Report in May 2010 assessed the various operations and development at the site. At that time the Council determined that the poultry sheds on the land did not constitute development and were therefore not susceptible to enforcement action. This led to a legal challenge against that decision and ultimately to judicial review in the High Court of a) the decision of the Council not to take enforcement action against the poultry sheds, and b) not considering whether an Environmental Impact Assessment was required.

The High Court challenge was successful, the judge concluding that the Council had taken too narrow an approach to the meaning of 'development' in UK law; and that the poultry units were capable of being an 'intensive livestock installation' under Schedule 2 of the EIA Regulations. A summary of the judgment is contained in the Annex to this report.

In the light of the judgement Officers have:

1. Re-assessed whether the poultry units constitute development under s.55 of the 1990 Act.
2. Assessed whether the installation and operation of the poultry units represent an 'intensive livestock installation' and therefore fall within the ambit of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("The EIA Regulations").
3. Undertaken a Screening Assessment of the poultry units and stock pond, together with other activities and development to determine whether individually or cumulatively they constitute a project requiring an EIA.

PLANNING APPLICATIONS

Five separate but inter-related planning applications have been submitted to the Council. These comprise:

Application 1 (12/05660/FUL) - Alterations and extension to existing agricultural building; alterations to access; formation of hard-standing, farm track and concrete path adjacent to existing building; construction of stock pond; siting of 2no. feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years

Application 2 (12/05661/FUL) - Erection of a general purpose agricultural building

Applications 3-5 (12/05662/FUL, 12/05663/FUL, 12/05664/FUL) - Siting of 2 x 3no. and 1 x 4 no. mobile poultry units on the land

OVERVIEW OF CURRENT OPERATIONS

Land Use

The site is an agricultural holding and the use of the land for agricultural purposes does not, of itself, constitute development requiring planning permission. The farm operations currently comprise the housing of ducks for egg production, and the processing and packing of eggs from the site. It is proposed that eggs from other sites owned by GVP are also processed and despatched at the application site. Subject to vehicle movements arising from this activity it is considered that the importation of eggs to the site would not of itself change the character or nature of the use of the land from agriculture to mixed agriculture and B1/B2.

Poultry Units

The poultry units (of which there are currently 10 on site) each measure approximately 20m by 6m by 3.5m high. Each unit has an associated fenced paddock of approximately 0.5ha and capable of housing up to 750 ducks. The units are constructed of metal hoops, metal skids, with slatted floors and green polythene fabric cover. All the units are supplied with mains water from a hosepipe connected to standpipes and internal lighting is powered by a mobile electricity generator. The units are not fixed to the ground (other than in extreme weather) and are capable of being moved.

In the light of the approach set out in the High Court judgement it is considered that the size, weight and substantial construction of the poultry units weigh in favour of them being "structures" and hence buildings. In terms of the permanence of the poultry units, whilst they are capable of being moved, and have on occasion been moved within the holding, this does not remove the significance of their presence in planning terms because they are permanently in the field, even if their position within the field may change. Accordingly it is considered that the poultry units constitute development and by virtue of the Article 4 Direction that applies to the land express planning permission is required for their siting/retention. Any excavations to level ground for the siting of the units is also likely to involve an engineering operation requiring planning permission.

The retention of these units is covered by Applications 3-5.

Alterations and Extension to Existing Agricultural Building

The existing building on the site was a partly enclosed storage barn previously used to provide shelter for cattle. In late 2009 GVP commenced works to infill the sides of the building with blockwork and fit out the interior for use as an office and for egg processing and packing. Whilst the building remains in agricultural use, the Article 4 Direction

includes 'alterations' as works requiring planning permission and it is considered that the alterations (involving the infilling of the open sides of the building) amount to a material change in the appearance of the building. An extension, located on the western side of the existing building (approximately 2m by 10m by 3m high), constructed of masonry with part timber cladding and profiled roof to match the main building has been added to the building amounting to a building operation. Accordingly planning permission is required for both these works.

The retention of these works is covered by Application 1.

Track, Hardstanding, Concrete Path and Site Access

The track is approximately 1km long and 3.5m wide and runs along the eastern and northern edge of fields that form the boundary of the site with Woolley Lane. The track is made up of compacted stone chippings/hardcore and involved the removal of grass and topsoil in its construction. The track was originally constructed in two sections in mid-2008 and mid-2010 and since that time further works have been undertaken. The area of hardstanding around the existing agricultural building made up of compacted stone chippings/hardcore has been laid down and extended over a number of years and now extends to approximately 350m². Whilst initial works to form the track and hardstanding were commenced over four years ago they have only recently been substantially completed. Further excavation and engineering operations involving the removal of grass and topsoil in their construction and amounting to an engineering operation have been undertaken since and therefore require planning permission. The concrete path is approximately 25m long and located between the existing building and hedge along Woolley Lane.

The site access was altered in mid-late 2008 with the provision of a 7m wide concrete apron extending 4m into the site and the erection of 2m high wooden gates and fencing. These works constitute development requiring planning permission however as they were carried out more than four years ago they are immune from enforcement action.

The retention of these works is covered by Application 1.

Feed Hoppers

The two hoppers are feed storage containers each approximately 2.85m by 5.4m high. They are supported by a metal frame that is fixed to a concrete base and sited within an area of hardstanding adjacent to the existing agricultural building. They are an erection or structure within the definition of a building (see above) and permanently installed, and accordingly constitute development requiring planning permission.

The retention of these structures is covered by Application 1.

Caravan/Mobile Home

A caravan (approximately 17m by 5.7m by 3.5m high) is located adjacent to the main entrance to the site. Whilst caravans are not generally classified as buildings, this caravan is a large static caravan and permanently sited on the land. The caravan (and its proposed replacement by a chalet for use as an agricultural workers dwelling) is considered to be a building. Accordingly planning permission is required for its siting/retention on the land. Even if the caravan were not a building in planning terms, it is

considered that its residential use would still require planning permission on the basis of a material change of use of the land.

The provision of a timber clad building to replace the caravan is covered by Application 1.

Shed/Dog Kennel

The shed (approximately 3m by 2m by 3m high) and dog kennel (approximately 1.5m by 1.5m by 2m high) are of timber construction and located adjacent to the caravan/mobile home. By virtue of their size and permanence they are considered to be structures, and by definition a building requiring planning permission.

These buildings would be removed should planning permission be granted for the timber cabin (part of Application 1).

'Lambing Shed'

The shed comprises plastic sheeting spread over metal hoops and measures approximately 4m by 5m by 3m high. The shed is fixed to the ground by pegs and it has been in place for over 2 years. Although relatively lightweight in construction it is considered to be similar to a large polytunnel. Given its size and relative permanence it cannot reasonably be considered a temporary structure and therefore constitutes development requiring planning permission.

This structure would be removed should planning permission be granted for the general purpose agricultural building (Application 2).

Storage Tanks and Shipping Container

Within the area of hardstanding there are various storage tanks and a shipping container. Two plastic tanks are used to store diesel for farm vehicles and the shipping container provides general storage space.

Although the diesel storage tanks are not mobile and are set on a concrete base it is considered given their nature and limited size, that they do not fall within the definition of a building and their siting on the land does not involve an engineering operation. Neither are they an 'other operation'. Accordingly planning permission is not required for their retention. The shipping container has been placed on the site and is considered to be a structure placed permanently on the land and falls within the definition of a building. Planning permission is required for retention of the container.

The shipping container would be removed should planning permission be granted for the general purpose agricultural building (Application 2).

Electricity Generator

The electricity generator measures approximately 1m by 1m by 1m high. It is a free-standing item (i.e. not plant or equipment within a building) located in a field and connected by cables to each of the poultry sheds. The generator is not fixed to the ground but is positioned on a hardcore base and would need to be loaded onto a trailer or similar for moving.

Given its limited size it is considered that it is not a building, structure, erection or 'other operation' and its siting on the land does not involve an engineering operation. Accordingly planning permission is not required for its retention.

Pipework and Standpipes

Each poultry shed is provided with water from standpipes connected by plastic pipework that are served from a supply close to the main agricultural building. The standpipes are spaced approximately every 100m alongside the track and are approximately 1m in height. In some locations the pipework from the standpipes to the poultry sheds is buried, in others it is laid on the surface.

The standpipes and pipework are of a small scale and the pipework could generally be removed without the need for engineering operations. In the circumstances it is considered that the pipework and standpipes do not constitute development requiring planning permission.

Vehicles/Equipment/Trailers

Within the area of hardstanding there are various vehicles, pieces of farm equipment and a 'mobile office' trailer.

These items are all mobile and do not constitute buildings. Furthermore they are being used in a way that is ancillary to the agricultural use of the land. Accordingly planning permission is not required for their retention.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

A total of 255 representations have been received in respect of the five planning applications of which 254 are objections and 1 in support. As the applications are inter-related a number of objections have been made to all five collectively. 164 of the responses list the following 10 grounds of objection:

1. This is an exceptionally beautiful valley on the outskirts of Bath in the Green Belt and Cotswolds AONB. The unauthorised developments are extremely harmful to the tranquillity and visual amenity of the valley.
2. The very special quality of the Woolley Valley is confirmed by the Article 4 Direction which removes permitted development rights. This is the only agricultural land within the whole of B&NES to have this additional protection.
3. The pre-existing open stock barn which has now been converted, without permission, into an enclosed egg packing facility with office attached, is totally out of place in this rural location. It has the appearance of a light industrial unit.
4. The application for a temporary agricultural worker's dwelling has already been refused 3 times. There can be no justifiable requirement for a temporary dwelling since the site is only a few hundred yards from large areas of housing in Larkhall.

5. The proposed additional agricultural building is of a significantly greater height than the existing light industrial unit, will be clearly visible and will detract from the rural character and natural beauty of the Green Belt and AONB.

6. There is no practical requirement for the stock pond, which is not a natural feature in the landscape and which already appears to have fallen into disrepair. Far from enhancing the local ecology, it is likely to harm it.

7. The farm track, which runs the length of the site, is claimed to be covered with soil and grass to make it blend into the landscape. It is not. This track, the large additional area of hardstanding created adjacent to the egg packing facility and the two feed silos add significantly to the overall visual harm.

8. The site has generated a great deal of additional traffic involving huge lorries which are totally unsuited to Woolley Lane, a narrow single track rural lane.

9. Worst of all is the harm caused by the 10 "mobile" chicken sheds. These huge structures are highly visible from all points around the valley and are an eyesore. One single unit on its own would be insupportable, but the combined harm caused by the 10 units is completely unacceptable.

10. This sensitive valley is suited to grazing of cattle and sheep, as was the practice before GVP acquired the land. It is a totally inappropriate location for an intensive livestock installation involving thousands of ducks.

91 other objections raise similar issues as well as the following points:

11. The site forms part of the Gateway to the Bath World Heritage Site.

12. The site is approached from the city boundary via a residential area that contains many families with young children and a number of schools.

13. The site is in an amenity area used extensively by walkers, cyclists and horse and bike riders including many tourists. Intensive rearing of domestic fowl has brought increased numbers of rats, flies, and foul water run off onto the highway coupled with a bad stench in warm weather and is a health and safety hazard.

14. The roadway and the verges are being destroyed by traffic from the site, much of it large lorries, wider than the carriageway. In some parts there is no place left to move safely out of the way of oncoming traffic if you are on foot or with a bicycle or a pushchair. It has become dangerous for family outings with children and it is surely only a matter of time before there is a fatality on Woolley Lane caused by the increase in the volume and the size of the traffic associated with this enterprise.

15. If the new barn is treated like the old then the site will soon have the appearance of an industrial estate. The land was farmed without buildings other than rudimentary shelter for grazing animals for decades. Alterations to the existing building amount to a change in use to light industrial.

16. Works to construct the hardstandings, farm tracks and stock pond have been heavy handed with total disregard for the land and traditional methods.

17. Drainage of the site is inadequate and results in damage to the adjacent road surface.

18. Damage to the flora of the area from the poultry units due to their infrequent relocation within the holding and lack of alternative land resulting in heavy poaching and overgrazing of the land, and resultant poor ground condition and insufficient time for the land to regenerate as pasture.

19. The stock pond impedes natural drainage with knock on effects for the local ecology including the loss of local habitat for protected species.

20. The Stock Pond is likely to pose a major flooding threat to nearby properties.

21. The agricultural building has the appearance of an industrial unit, is not a sensitive design for a sensitive area, not suitable for its intended use and not required given other suitable buildings either owned by or available to the operators.

22. The financial case set out in the appraisal in support of the proposed agricultural workers dwelling is flawed and fails to accurately record the finances of the operation, and the functional need is not demonstrated.

23. Impact of lighting of the existing agricultural building.

24. Loss of hedgerows, change to endangered landscape through drainage works and overgrazing.

25. Potential expansion of egg packing to 24 hour operation.

In addition evidence has been submitted or statements made that seek to demonstrate that there are numerous inaccuracies in the planning history of the site and application documents.

Whilst objecting to the applications, one respondent noted that while it is a good idea to allow development to generate economic advantage & employment, particularly in a recession, the Council also has a duty to protect the rural heritage on the edge of the city for future generations and the Woolley Valley is one good example of where it is important to strike a balance between these competing objectives.

One letter fully supporting all the planning applications on the grounds that farming is changing. They state that it is nice to see the land being used and not just for hay; the sheds for the chickens are large but are not an eyesore and are moveable; the track that has been put in is excellent as instead of deep ruts in the land the farm workers stay on the track mostly so less damage is done to the land when they are checking livestock; the stock pond needs to stay as they have seen an increase in bats since its construction and if it were to be removed it would be taking away a food and water source for these protected species; a farm needs a building for its livestock and feed stores and the workers hut is needed as animals can need help day or night and protection from predators; the lane up to the entrance of the land is clear, the lane past the entrance is

muddy and the verge is often damaged by all the delivery vans and lorries going to Woolley village itself which cause endless problems as most of the drivers are not used to the lanes that were originally for farm machinery and livestock not modern delivery vans and lorries.

Charlcombe Parish Council

The Parish Council objects in principle most strongly to these 5 planning applications, raising objections to them as a single entity on the grounds that they are interlinked and all form part of the same development and supported by the same application documents. It is essential to consider the various elements of the planning applications as a whole in terms of their cumulative impact and not in isolation. They refer to the Article 4 Direction and the purpose for its designation, highlighting its specific relevance and reference to the land covered by the current applications and the exceptional beauty of this part of the Cotswolds AONB, the special character of the historic city of Bath and the beneficial use of land in this urban fringe area to provide an amenity for the residents of Bath. They also cite the NPPF and consider that the GVP development at Woolley is extremely harmful to the Green Belt and that the NPPF requires the Planning Authority to give substantial weight to this harm. They consider that the cumulative effect of all the unauthorised developments on the site has a huge impact on this sensitive location. Whilst individually, the developments each have a detrimental visual impact, and a number have been refused more than once on these grounds, when viewed in totality the combined effect is completely unacceptable in this especially sensitive location. It is essential that the cumulative effect is addressed as a key element of the decision process.

They note that the Parish Council has no objection to appropriate agricultural enterprises which do not cause harm. However it is not a suitable location for a poultry enterprise of this type (classified by B&NES as an intensive livestock installation) requiring the use of a large number of specialist buildings, hardstandings and track. It is quite simply a case of the wrong activity in the wrong location.

The Parish Council considers that the EIA Screening Assessment is clearly inconsistent with previous assessments of the impact of development on the site and the cumulative effect of the current proposals, failing to present any substantial reasons for the conclusions that are drawn and repeatedly downplaying the effects, particularly on the local population. They conclude that the EIA screening assessment is flawed and that it should have concluded that an EIA is required.

In terms of the applications they raise the following objections:

The alterations to the existing building have changed its structure and nature of this turning it into a fully enclosed light industrial unit with office extension with a visual appearance more suited to an industrial estate than to open countryside within an AONB. It is an eyesore and is inappropriate development in this sensitive location contrary to policy GB.2 and NE.2. They also state that the works, including the creation of the hardstanding around the building do require planning permission and were not completed more than four years ago and have a significantly detrimental visual impact on the Green Belt and AONB.

They note that the unauthorised alterations to the site access, which were twice refused planning permission, have now become permitted by default under the 4-year rule, especially as Highways have consistently opposed the entrance on highway safety and

usage grounds, contrary to Policy T.24. They note that GVP regularly bring Heavy Goods Vehicles to the site which, due to their size and weight, are totally unsuited to narrow single track roads such as Woolley Lane, Charlcombe Lane and Colliers Lane, the only means of access to the site contrary to policy T.24 (vi) which prohibits the introduction of traffic of excessive volume, size or weight onto an unsuitable road system or into an environmentally sensitive area.

They object to the farm track on the basis of both functional need and visual impact from Woolley lane and from the surrounding hills, including from the A46 which is one of the main gateways into the World Heritage city. They note that the Design & Access Statement claims that the track has been covered with 25 mm of soil and seeded with grass to make it blend in and to reduce its visual impact however in practice, the very thin layer applied has been rapidly worn away by vehicles using the track and there is now no grass covering at all. Additional hardcore has been applied since without any addition of soil and the applicant has demonstrated no serious intent to make the track blend in. The resulting visual impact is unacceptable in this very sensitive location within the Green Belt and Cotswold AONB. It is contrary to Policies GB.2 and NE.2

In terms of the temporary agricultural worker's dwelling they note that this is the fourth application to be submitted, each of the previous three (identical in detail with the current application) having been refused. They state that there are no changes in this latest application to any of the circumstances or arguments put forward by the applicant to justify the need for the mobile home, and on the basis of no new information or arguments, the application should be refused. They state that the application fails to demonstrate why appropriate accommodation for the worker could not be provided elsewhere within the neighbourhood and that the proposed siting of the dwelling is not within sight and sound of the majority of the site, in particular the poultry units being located at the extreme southern end of a linear site approximately 1 kilometre long, and will be significantly screened by the topography of the land and by the former stock barn/light industrial unit. There is therefore no substance to the GVP claim that a worker in the mobile home "would, by his presence, deter foxes and be able to hear any disturbance and act immediately...". They state that there can be no question of permission for a permanent dwelling being granted in this sensitive Green Belt/AONB location citing an appeal decision in Chew Magna, previous enforcement action to remove an unauthorised dwelling in Woolley Valley and the Council's previous reasons for refusal of a dwelling on the site. The siting of the mobile home in this location would detract from the appearance and openness of the Green Belt and from the natural beauty and rural character of this very special part of the Cotswold AONB. They note that the site is clearly visible from a number of viewpoints including the main A46 approach road to Bath and the adjacent public footpath and that the visual harm is demonstrated by the presence of the smaller unauthorised and unlicensed metal-clad mobile home which has been on this site for over 3 years, and the visual harm would be exacerbated by the presence of a much larger timber-clad mobile home more than twice the size, 17.8m long by 6.1m wide with a height of 4m.

The Parish Council also questions numerous statements in the Agricultural Appraisal, the lack of evidence to substantiate claims made regarding the enterprise, its financial viability and the operational requirement for a worker to be on site permanently.

In respect of the feed hoppers, at a height of 5.4 m they are significantly higher than the hedge bordering the lane and as a result they are an eyesore, even more so in the winter

months when there is no foliage on the hedgerow. The visual impact is unacceptable in such a sensitive location. They note that the applicant has stated that he is more than willing to move the feed hoppers within the site and undertake further landscaping if required. The parish Council request that if the hoppers should be given planning permission, they are relocated to a less conspicuous site, for example tucked behind the converted stock barn, although also suggest it would be appropriate to investigate whether there is actually a functional need for the hoppers and if there is, whether that need could be met by some other more appropriate and less visible arrangement which does not rely on hoppers 5.4 m high.

Regarding the stock pond the Parish Council notes the disregard for the ecology of this specially protected land in the Woolley valley through their extensive unauthorised building works, excavations and alteration of levels of the land, particularly in the field at the northern end of the site in which the stock pond is situated which the previous owner described as the most ecologically valuable field on the holding. They therefore attribute little weight in the ecological appraisal to the purported good intentions of the applicant. They question the need for the stock pond and which they consider does not represent good farming practice. The pond is not a natural feature in the land, and contrary to what the applicant claims, there has never been a stock pond in this location. The pond is visually intrusive and adversely affects the natural beauty of the landscape in this specially protected area of the Cotswold AONB. The stock pond has also caused silting up and pollution to adjacent farm holdings. Further work to dig out and re-profile the pond to remedy the recent neglect will cause further pollution. They note that the Swainswick Valley is a known habitat of the White Clawed Crayfish, now an endangered species, and the excavation work, both past and proposed, has an adverse effect on the ecology of the valley. Development of the Stock Pond neither conserves nor enhances the character, amenity or wildlife value of local watercourses and their corridors and, as noted in the submitted Ecological Report, it is not expected that the pond will be used by breeding amphibians. The Parish Council conclude that the pond will not make any contribution whatsoever to the local ecology, contrary to Policy NE.15 of the Local Plan. They also note that the pond is situated on unstable ground delineated as an 'active shallow translational landslide'. Accordingly, once full, the combination of the additional weight of landscaped soil and water coupled with the hydration of the crystalline elements within the underlying Fuller's Earth shear layers has the potential to destabilise the ground and put at risk any livestock, attending humans and adjacent land in the fall line of the slope, which includes both a dwelling (Homestead) and Woolley Lane public highway. This should be investigated to establish whether the presence of this stock pond on land which is known to be unstable poses a risk to the health and safety of the public.

In respect of the proposed new agricultural building the Parish Council notes that a previous application for a building in this location was refused planning permission on Green Belt and AONB grounds and whilst the currently proposed building is smaller it would be significantly higher than existing stock barn/light industrial unit and be prominent and highly visible in this location. Moreover, it would add further to the existing clutter of buildings and installations at this end of the site, with the cumulative effect being extremely harmful to the visual appearance of this very sensitive location.

Regarding the 10 mobile poultry units the Parish Council states that they represent the single most visually intrusive element of the whole development and are completely inappropriate in this sensitive location. They dispute the conclusions of the LVIA, stating

that the 10 poultry sheds form a very prominent and unnatural feature visible from many points in the valley and from the local lanes, especially Woolley Lane with a highly detrimental visual impact on the landscape. They state that one single poultry unit has a very harmful effect and on its own would be contrary to Green Belt and AONB policies and the combined impact of all 10 is totally unacceptable. They also note that the LVIA addresses the poultry units under the heading of "Temporary Impacts" and states that the adverse effects associated with the poultry units will last for the duration of the temporary development whereas the poultry units will have a permanent impact, citing the High Court judgement in respect of the permanence of the buildings in planning terms.

The Parish Council notes that there has been persistent discharge of polluted effluent onto Woolley Lane which apart from the smell must surely be a health hazard. Whilst some temporary work may have been undertaken subsequently to alleviate the situation, the fact that the 10 poultry units are sited on sloping ground directly above Woolley Lane makes it highly probable that further pollution of the lane will occur unless an adequate drainage system is installed. The applicant has not addressed this in the planning submission.

In respect of the revised plan (which shows a concrete path along the side of the existing building) the Parish Council note that the path has recently been created and the application is therefore retrospective. This typifies the applicant's blatant disregard for the planning regulations and the Parish Council is in little doubt that, having observed concrete being delivered to site, had the issue not been raised with the Planning Authority, the applicant would not have submitted a revised planning application. They note that the GVP agent claims that the concrete path replaces a previous hardcore path and that this work has been undertaken for health and safety reasons. However no further information is provided. There is no justification given for the path, no explanation as to what purpose it serves, and no explanation as to which particular health and safety issue has required the replacement of the pre-existing hardcore path. Whilst recognising that the path itself is relatively trivial in the overall context of the totality of the unauthorised development on site which is the subject of this and the 4 associated planning applications, it is yet another piece of concrete laid on what should be an open Green Belt/Cotswolds AONB hillside, but which now resembles an ugly industrial facility. The path simply adds yet more to the cumulative impact which is totally unacceptable in this highly sensitive and very special location. The concrete path, for which the applicant has failed to provide any satisfactory justification, is unacceptable development and contravenes policies GB.2, NE.1 and NE.2. This additional element of the application should therefore be refused.

Swainswick Parish Council

The Parish Council notes that the Article 4 Direction removes permitted development rights and the circumstances behind the designation to provide additional safeguards to the Valley following enforcement action to remove an unauthorised building that had been erected despite planning permission having been refused. They consider the specific reasons for the Article 4 Direction are still relevant today which show that the Council places great importance on maintaining the rural character and openness of the Green Belt. In terms of the applications the Parish Council object most strongly on the grounds that the area is covered by an Article 4 Direction which signifies the very special qualities of the Swainswick/Woolley valley; all the works are in contravention to Green Belt and Environmental policies in the Local Plan; the developments are in the AONB and entirely detrimental contrary to Local Plan policies and the NPPF.

In respect of the individual elements of the applications they note that the alterations to the building were not carried out more than four years ago and so not immune from enforcement action. They also question the viability of the business (which is currently operating at less than full capacity) and note that the operation at Woolley is described as the 'administrative centre' which implies a change of use. They consider the gates and access are unsuitable and inappropriate, and the track and hardstanding unlawful. They question statements made in the application about the existence of a silted up stock pond where the new stock pond is proposed, and note that works to create the stock pond has resulted in pollution and silting to adjoining land. They contend that the stock pond was created to accommodate material removed from elsewhere on the site and is an eyesore disturbing rather than enhancing local habitats contrary to Local Plan policies NE.9, NE.11 and NE.12. They note that the feed hoppers are clearly visible above the hedge and shine brightly in sunlight contrary to Local Plan policy GB.2. They note that the location of the agricultural workers dwelling is hidden from the duck houses and some distance from them, there is plenty of suitable housing nearby, GVP must prove the mobile home has been lived in continuously since it has been on site, the proposed mobile home is more than twice the size of the dwelling that has been previously refused permission, a mobile home would detract from the openness of the Green Belt in a sensitive part of the AONB and would scar a highly sensitive area which is visible from the main approach to Bath from the motorway. They object to the erection of the general purpose agricultural building as they consider very special circumstances do not exist and that an additional building would have a considerable impact on this beautiful and highly protected area. The Parish Council notes that due to the sloping ground it was necessary to dig in the poultry units to make them level and are large, shining structures which blot the landscape contrary to policies Local Plan GB.1, GB.2 and NE.3.

The Parish Council also consider that the EIA Screening is deeply subjective and the conclusions misguided. In conclusion they consider that although the applications are presented independently the cumulative effect of the applications should be a major consideration. They consider there no very special circumstances have been advanced as to why the buildings allegedly required for a new, unproven, endlessly changing agricultural venture should be permitted. They note that all elements of the application have either been previously refused or have been carried out without planning permission, or (in the case of the stock pond) were given permission erroneously that has since been quashed by the High Court. Nothing has changed to make these various developments any more acceptable, in fact the cumulative effect is much worse.

Natural England

Impact on Landscape - the applications fall within the Cotswolds Area of Outstanding Natural Beauty. Whilst we recognise that the proposals have an impact on the local landscape, Natural England has no comments to make on this proposal at this stage as we do not believe that this development is likely to impact on the purposes of designation of the Cotswolds AONB. I should emphasise that the temporary and agricultural nature of the proposed development has been a factor in this conclusion. Given the location of the development, however, the local planning authority should seek the views of the AONB Partnership prior to determining this planning application, as they may have comments to make on the location, nature or design of this development.

Impacts on Ecology - both the Ecological Appraisal document and the LVIA contain recommendations for measures which have been identified to mitigate the adverse effects on ecology which the proposed development may have. At this stage, however, the recommendations are not worded in enough detail to form mitigation proposals. Prior to determination and before I am able to respond formally on these proposals, the applicant will need to submit actual mitigation proposals for review and will need to demonstrate that these will be feasible and will work to mitigate adverse impacts. In particular, more detail is needed on hedgerow planting and the establishment of wildlife corridors to provide connectivity.

Cotswold AONB Board

The Board objects to these related applications on the grounds that the proposals adversely affect the landscape and scenic beauty of the Cotswolds AONB. This is contrary to paragraph 115 of the National Planning Policy Framework and to Policy NE2 of the Bath and North East Somerset Local Plan. The Board would also contend that the proposal is not in accordance with Policy DTP1 of the Cotswolds AONB Management Plan 2008-13 which was formally endorsed by the Council as supplementary guidance for local development framework preparation and development control decision making on 21st April 2009.

The Board notes that the application for the temporary workers dwelling is essentially the same as application ref 09/04403/FUL to which the Board objected and was subsequently refused by the Council in March 2010. The case officer's report with respect to that application includes clear reasoning as to why the temporary agricultural workers dwelling would be harmful to the AONB in this location, and why the current access arrangements which are subject to this application are also harmful to the AONB. As there has been no change of local policy with respect to the development being applied for since refusal of 09/04403/FUL, the Board would strongly support the refusal of the current, virtually identical application. The Board is of the view that the poultry units by virtue of their scale, design and materials are harmful to the landscape and scenic beauty of the Cotswolds AONB, and the access track by virtue of its materials and design. The Board is of the view that the duck pond is an incongruous feature in the landscape and is harmful to the landscape and scenic beauty of the AONB. The Board considers that the cumulative effect of all these applications is to cause harm to the landscape and scenic beauty of this part of the Cotswolds AONB contrary to national and local policy. The Board therefore objects to these applications.

English Heritage

No comments. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

The National Trust

Note that the site is highly visible from the Trust's land at Solsbury Hill and it is clear that the landscape is being destroyed as a result of this development. They support the ten reasons for objection listed above and add the following grounds of objection: GVP have had several planning applications refused but appear to be carrying on regardless with the destruction of this important landscape in an AONB; the views from the National Trust's land at Solsbury Hill are severely impacted by this development; the creation of tracks and earthmoving is destroying flower rich grassland; species rich grassland and lowland meadows are a high priority in the local Biodiversity Action Plan; the local plan seeks to

protect the landscape by not permitting development that does not either conserve or enhance the character and local distinctiveness of the landscape and in an AONB development should be even more tightly control; the local plan prevents development that would adversely affect the nature conservation value of Sites of Nature Conservation Importance and prevents development that would adversely affect a species of importance to BANES or the habitat of such species. They conclude that this site is highly important both for its landscape value and its wildlife. The National Trust therefore supports the views of the Parish Council and urges BANES to refuse the applications and through enforcement ensure that the site is returned to its original condition.

Bath Society

Object to development as inappropriate blot on the landscape and highlight changes to Draft Core Strategy policy B1 in respect of sustaining and enhancing the significance of Bath's heritage assets including its setting and giving great weight to conserving landscape and scenic beauty in the Cotswold AONB.

Bath Preservation Trust

Raise concerns at the piecemeal applications and EIA Screening Assessment procedure. Have objected to previous applications for the farm track, pond and mobile home/cabin and continue to object as there has been no change in approach or impact and the extent of harm remains the same. The proposed alterations and extensions to the existing agricultural building would be an overdevelopment of the site and by virtue of its siting, design and appearance is inappropriate development and visually intrusive in this sensitive location. The access track and hardstanding has visually and physically scarred the open landscape and has a detrimental effect on the natural and rural character of the Valley. The pond is visible from an adjacent footpath is artificial and not a natural feature of the landscape, and its appearance neither preserves or enhances the character and local distinctiveness of the Valley and has an adverse impact on the natural beauty of the AONB. The feed hoppers are significantly higher than the hedge and detract from the visual amenity of the open countryside and harms the AONB and World Heritage Site setting. It would be possible to locate the feed hoppers in a less visible site. The proposal for the mobile home/cabin has not been adequately justified, particularly in such close proximity to a residential neighbourhood and it has not been demonstrated that any very special circumstances exist to allow development in the Green Belt. The proposed developments individually and collectively represent inappropriate development in the Green Belt, detract from the openness of the Green Belt and adversely affect the natural beauty of the AONB and landscape setting of the World Heritage Site.

Councillor Ward

1. The development severely affects the openness of the AONB and Greenbelt. It has a severe visual impact from all directions across the valley.
2. Given that the valley is of the highest order in respect to Bath Greenbelt and has Article 4 status, I have been surprised that such an industrial, intensive farm has been allowed to become established.
3. The nature of this industrial farming operation is unsuitable for the location as there are access issues given the very narrow lanes. The type of plant, vehicles and other equipment needed to sustain an intensive operation has caused damage to verges and consequential excessive erosion from soil dislodged from the verges, resulting in blocked drainage and surface water ponding. This has led to a lack of amenity to other lane users

including local families, walkers and especially the blind resident which walk the lane regularly before the industrialisation of the site.

4. There has been a direct public health risk created from runoff of poultry and sheep faecal matter. The runoff from the poultry houses has lodged itself in the lane in part because of blocked surface water drainage. This matter will no doubt contain strains of bacteria which will be pathogenic to humans at extremely low infective dose, E Coli, Campylobacter are examples. Salmonella spp are also a likely contaminant especially from poultry. The mixed grazing from sheep in amongst the poultry houses will have added to the risk of multiple types of disease producing organisms. These pathogenic bacteria are directly transferable to walkers using the lanes and without the benefit of hand washing facilities on walks. They are further transferable on the wheels of pushchairs, bicycles and cars. (the recent Godstone Farm E Coli outbreak as an example of what could happen here).

5. The site has caused numerous odour and fly complaints last summer since poultry arrived and from the intensive nature of the operation. I do not consider the operation has been particularly well managed in this respect but such intensive operations in close proximity to rural dwellings, it's not unexpected but it could have been foreseen!

6. It seemed obvious from the start that there would be creeping industrialisation and that more paraphernalia would be necessary including feed hoppers, water storage vessels, internal roadways, a pond and mobile facilities including a dwelling etc adding to the visual damage to the hillside.

7. The nature of the farming (large numbers of birds in the open field) cause obvious visual impact from the scaring of the land, causing severe visual impairment and causing runoff with the consequences described above.

8. This is part of an intensive farming operation and it's cumulative effect causes damage to the openness of the AONB and Greenbelt.

9. The narrow lanes in the vicinity of the operation have been damaged by plant and large vehicle movements. The verges have been excessively eroded causing soil to block drainage and causing ponding of mud, damaging the lanes amenity for walkers and residents.

10. Odour nuisance have been complained of by residents and walkers in the vicinity of the intensive farm. Waste management and removal have been a local issue complained about since the operation started.

11. The location and nature of this operation is unsuitable for this location, should it be allowed to continue it will continue to generate nuisance complaints and health challenge to its neighbours. There is a health risk caused by the fundamental nature of farming and the topography, causing the lane to be continually soiled with mud and faecal matter runoff.

12. These developments severely affect the openness of the AONB and Greenbelt. The area has Article 4 status and I do not believe it should be used for this nature of farming operation. These developments constitute an intensive poultry farm. Each contributes to an increasing amount of visual impact which is evident from all aspects within the Woolley valley area.

13. The nature of the operation is causing excessively large vehicle/plant movements on narrow lanes which are not readily able to take movements from such large vehicles. It has and will continue to cause damage to verges and excessive soil erosion. This has led to blocked drainage and consequential ponding of muddy pools. This has reduced the amenity for walkers and residents. Numerous complaints about this loss of amenity have been received by me as Ward Councillor.

14. There has been creeping development on the site for some years, the cumulative effect of which has led to odour nuisance, health risk and harm to the amenity of residents. It is an unsuitable location for the scale of the operation. If a professional Environmental Impact Assessment would have been carried out from the start, this location would have been identified as unsuitable for such an operation. There is evidence that its nature has been modified from that which it was originally considered.

15. The buildings have led to light emission issues though the late evenings and hours of darkness, resulting in complaints from residents.

It strikes me that a professionally undertaken Environmental Impact Assessment would rule out this site for the type of operation currently undertaken.

Councillor Chorley

Objects to the five applications on the grounds 1-10 above. They also note that it is not clear what is meant by a 'temporary' dwelling, either the dwelling is required or it is not. This would appear to be a method of progressively moving towards the construction of a permanent 'agricultural worker's dwelling', or residential property development as it is generally known. They also question why ducks need such substantial industrial infrastructure and question what 'stock' are the intended users of the stock pond. They conclude that this sensitive valley is suited to grazing of cattle and sheep, as was the practice before GVP acquired the land. It is a totally inappropriate location for an intensive livestock installation involving thousands of ducks, and the associated roads, feed silos, chicken sheds, offices, accommodation, large lorries and other industrial scale facilities. They most strongly urge B&NES to refuse all 5 applications and to follow refusal with swift enforcement action to have the chicken sheds, mobile home and associated paraphernalia removed and the site returned to its former condition.

B&NES Highways

The proposed development would appear to represent an intensification in use of the site. However, no attempt has been made to quantify this situation, the Design and Access Statement looking collectively at 5 applications and giving the applicants 'opinion' rather than making justified statements.

The applicants agent considers there is a need for one worker to be on site at all times, yet the proposed residential unit is a 3 bedroomed, family sized dwelling, which inevitably will result in a potential intensification in use of the site over and above the agricultural use. However (in mitigation?), the application includes alteration to the access. This has not been quantified or demonstrated, the only plan being of the existing access. At the very least, if there is to be an intensification in use of the site I would wish to see reduction in access gradient, improved visibility and some squaring off of the access to the highway carriageway, to improve ease of use for southbound traffic, with further setting back of the existing gates. This has all been set out in previous highway consultation responses regarding development proposals for the site. Regarding the farm track, details are very sketchy. Taking into account the above, I fail to be satisfied regarding the development proposals and highway impact - compliance with Policy T24 has not been demonstrated.

Bearing in mind the above, the highway response is open of OBJECTION in the interests of highway safety. I have drawn attainable visibility at the proposed access onto the submitted plan using the minimum acceptable set-back ('x' distance) of 2.4 metres. Not

allowing for any growth of the boundary hedge, attainable visibility scales at 7.0 metres in a southerly direction and 5.0 metres in a northerly direction (see attached plan extract). Whilst Woolley Lane does not equate to a Street, as per Manual for streets, even by the visibility standards set out in that document, which are less than the requirements of the Design Manual for Roads and Bridges, the attainable visibility falls below the requirement of 11 metres for a main road speed of traffic of 10mph. This is totally unacceptable and contrary to the interests of highway safety. Despite previous comments regarding failure to justify figures/assumptions in the Design and Access Statement, no further information has been received. Further, no justification has been given for the size of the proposed residential unit and no details have been submitted with regards alterations to the vehicular access previously referred to. Bearing the above in mind, the highway response remains open of OBJECTION in the interests of highway safety, the proposed development being contrary to Policy T24 of the adopted Bath and North East Somerset Local Plan.

B&NES Transportation and Highways (Drainage)

Not acceptable in the current form. The proposed means of drainage for surface water from the proposed development is via soakaways. In principle we support this approach, however further detail of the infiltration capacity of the soil is needed to ensure that soakaways will operate without causing flood risk. Therefore the applicant should carry out and submit calculations and infiltration testing to BRE Digest 365 standards, to demonstrate that the proposed soakaways are appropriately designed.

B&NES Environmental Health (Environmental Protection)

If planning consent is granted for this development, the applicant will need to apply to the council for a site license under the Caravan sites and control of Development Act 1960. I note that the site already has a temporary dwelling for which no license has been issued, furthermore in a consultation document submitted by this service for a prior application (09/04403/FUL) this service made reference to the need for a license and the need for adequate provision for foul drainage. I must therefore reiterate that it is usual in such circumstances where a connection cannot be made to a public sewer, that foul drainage is required to be provided in the form of a septic tank or small package treatment plant where the discharge is subject to a consent granted by the Environment Agency. I would therefore urge that advice is sought from both Building Control and the Environment Agency with regard to the suitability of the present arrangements of a sealed tank for foul drainage, both for the temporary dwelling and the extension to existing agricultural building.

B&NES (Public Rights of Way)

There are no public rights of way affected by the proposal.

B&NES Landscape

This is a complex series of planning applications containing a number of elements. Each application must be a material consideration in the determination of the other. They do not exist in isolation of each other and their uses are clearly inter-linked. At the same time as looking at the individual elements, I think that a single and unified scheme of longer term planting and management should have been prepared. In the D&AS, p9, for example, the applicant mentions the 'scores of trees' that have been planted. There is no record of what or where these are.

In terms of the Tyler Grange LVIA I am concerned that the LVIA does not appear to mention the World Heritage Site of Bath even though their own photographs (specifically 15 and 16) show how close and how inter-related they are. The setting of the WHS is clearly much wider than its physical boundary and whilst the (overall) site may be 'tucked away' in a side valley, this is a steeply sloping site that is clearly visible to large numbers of people visiting the city. With the exception of the farm track and possibly the pond, all of these units will clearly be visible to these receptors. I am also concerned that there are a number of the elements mentioned in the LVIA that do not appear on a drawing (that I can find) - woodland planting near the pond and loss of hedgerow to facilitate the access track are two examples. I would suggest that the application is incomplete without this drawing. I am also concerned that the 'mitigation measures' identified in the report (p22-23) do not appear to have been incorporated. To be of use, an LVIA needs to be done at the early stages of a project where the findings can then be incorporated. As a number of the mitigation measures cover on going planting and management, then a Landscape Management Plan would also be required. Nonetheless, my general comments are as follows -

12/05660/FUL

1. Alterations and extension to existing agricultural building; Taken on its own, I do not think these alterations or the small extension would have a noticeable or detrimental effect.
2. Alterations to access; formation of hardstanding and farm track; I have no issue with the need for a track and I think that the move to soften its appearance with topsoil and seeding would be welcomed. I also welcome the opportunity to improve the appearance of the gate to one with a more traditional and 'open' nature.
3. Construction of stock pond; I have no issues with regard to the pond.
4. Siting of 2no feed hoppers and ancillary works (Retrospective). I refer to my previous comments (application ref 11/02081/FUL) in respect of the actual hoppers where I noted that 'it would have been better to locate these two hoppers at the slightly lower level and beside the main building. Their siting should be reviewed in light of the additional proposed development in the vicinity.
5. Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years. Should matters of policy be overcome, then I would say that the current iteration is an improvement on the previous.

12/05661/FUL

Erection of general purpose agricultural building. I would object to the siting and design of this new building. I am concerned with the general location as it is adding yet further development along the valley side. Should there be a need for this building (i.e. should wider matters of policy be overcome) then I would rather see it moved more closely towards the existing building and the yard developed as a single unified cluster and as part of a single master plan. The feed hoppers should form part of this plan. Irrespective of location, I would also ask for the materials to be amended to soften their appearance. I would expect to see timber cladding as opposed to metal sheeting and a dark (preferably green) roof as the primary views are from more elevated positions.

12/05662/FUL

Siting of 4 Poultry Units. It is unfortunate that these are retrospective as they should have also formed part of a well-considered Master plan. It is clear that 10 of these units spread out along the valley side now appear as incongruous features in a landscape that is

characterised by small clusters of houses and farm buildings. I would object to the configuration and siting of these units in this specific landscape. Likewise, whilst they may be temporary in that they may be able to be physically moved within the existing field pattern this does not reduce the visual impact or the change in landscape character when viewed from across the valley. A person viewing these units from across the valley would be unaware of whether they could be moved or even whether they were part of a number of different applications. The route along the A46 is one of the key routes into the City of Bath and clearly does form an important part of the setting of the WHS. They are also clearly visible from a number of PROW's in the area. The view across this valley and from nearby landmark places such as Little Solsbury Hill, are well known and enjoyed by large numbers of people - people focussing on the landscape.

12/05663/FUL

Siting of 3 Poultry Units. I repeat the comments as per 12/05662/FUL above.

Given the importance and sensitivity of this location in terms of the AONB and more especially the setting of the WHS, I do not think it is appropriate to treat this as a series of separate and disjointed applications. Nonetheless, bearing in mind that it is possible to see what the actual impact is like, I would conclude as follows -

1. World Heritage Site status attracts a very high level of protection. The LVIA does not appear to have assessed the relationship and impact that the development has on the WHS despite the relationship being clearly visible in photographs 15 & 16 (for example). I find it extraordinary therefore that the WHS is not mentioned anywhere in the LVIA.

2. I accept there will be little physical impact on the AONB (i.e. trees, walls or hedges to be removed).

3. Impact on Character - the layout and configuration of the 10 mobile poultry units is now at odds with the clusters of buildings in the surrounding landscape and is unacceptable. Photo 9 for example, shows the 'pastoral landscape of the valley sides gives a rural appearance' and highlights the linear nature of the mobile units compared to the clusters of existing stone buildings. Furthermore, the undulating nature of the lane and the fields also means that these units are very visible at certain locations along the lane. I conclude that the units also have a detrimental and adverse effect on the character of the wider AONB and, more specifically, on the lane itself.

4. Visual impact. The mobile poultry units are clearly visible from the opposite side of the valley as well as from a number of PROW's within it - users of these are highly sensitive receptors. I disagree that the units are not 'prominent, discernible or easily visible' elements in photo viewpoints 11, 12, 13, 14, 15 & 16. It is my opinion that there is a demonstrable adverse visual impact.

There is no specific mention of the potential impact of lighting and this needs to be taken into account as it would be a significant additional impact on the landscape character, views, the Area of Outstanding Natural Beauty and on the World Heritage Site (and its setting). Again each of the elements cumulatively raises the impact level i.e. temporary dwelling with light spillage from windows and external lighting, lighting of the yard(s) etc.

In general, I conclude that the proposals noticeably conflict with and are at odds with the local landscape. They have an adverse impact on a landscape of recognised quality and on vulnerable and important characteristics, features or elements. They have a

detrimental impact on the setting of the WHS and this overall affect can be classified as 'moderate adverse'. There is no evidence to show that any of these impacts can be mitigated to an acceptable degree.

B&NES Ecology

The site is partly within part of the "Langridge - Woolley Complex" Site of Nature Conservation Interest (SNCI). Historically, some activities at the proposal site has damaged ecological interest and this has previously been acknowledged. The findings of the ecological assessment are not indicative of an appropriate management regime within the field labelled F1 in the ecological report (drawing ref 1081_2010/20), as required by condition 1 of consent 10/04188/FUL retention of the stock pond.

An ecological appraisal of the ecological impacts of the applications, collectively, has been submitted. More detail of species present would be useful, as comprehensive species lists do not currently appear to have been provided for the areas of grassland within the SNCI boundary, nor for hedgerows of the site. Such information would help to provide confidence in the conclusions of the assessment of likely ecological impacts of the proposal.

I note the initial response of Natural England in relation to Ecology, for the submitted applications 12/05660/FUL, 12/05662/FUL, 12/05663/FUL and 12/05664/FUL. I also note the consultation response of the Landscape Architect and the points made about the need for a unified master plan, and for correct and complete drawings. This is true also to enable confidence in an ecological assessment, collectively and/or individually, of any proposals. I agree with the issues raised by both the Landscape Architect and Natural England and consider that the information currently submitted in this format under multiple applications is inappropriate. This approach does not allow confidence in the assessment of ecological impacts nor in the ability of the scheme/s to successfully avoid and mitigate ecological harm and for long term operations to be ecologically acceptable.

The proposal/s must incorporate all necessary ecological mitigation and enhancement measures into the scheme and measures should be shown on plans and drawings as appropriate, with sufficient detail to demonstrate that they can be implemented. Without the above issues being fully addressed I do not consider any of the schemes to be satisfactory in their current form. However, if the recommendations of the ecological report were to be incorporated into the scheme and could be demonstrated as feasible, and the application could demonstrate intent for implementation of an appropriate wildlife management plan for the whole site, there is potential for ecological issues to be satisfactorily addressed.

POLICIES/LEGISLATION

Development Plan

The statutory development plan is the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) October 2007 and the following policies are of relevance:

GB1: Control of development in the Green Belt;

GB2: Visual amenities of the Green Belt

NE.1: Landscape character

NE2: Areas of Outstanding Natural Beauty

NE.3: Important hillsides - Bath and Radstock
NE9: Locally important wildlife sites
NE.4: Trees & woodland conservation
NE.10: Nationally important species and habitats
NE.11: Locally important species and habitats
NE.12: Natural features: retention, new provision and management
BH.1: Impact of development on World Heritage Site of Bath or its setting
BH.6: Development within or affecting Conservation Areas
ET.6: Agricultural development
D.2: General design and public realm
D.4: Townscape considerations
HG.10: Housing outside settlements - agricultural and other essential dwellings
T.24: General development control and access policy
T.26: On-site parking and servicing provision
NE.14: Flood Risk
ES.5: Foul and surface water drainage
ES.9: Pollution and nuisance
ES.10: Air quality

Core Strategy

The Core Strategy when adopted will provide the strategic framework for the management and development of land up to 2026. Of particular relevance to the site are B1 (The World Heritage Site and its setting); CP6 (Environmental Quality) and CP8 (Green Belt). The Core Strategy is now at an advanced stage and Annex 1 of the NPPF advises that decision-takers may also give weight to relevant policies in emerging plans (unless other material considerations indicate otherwise) commensurate with the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

National Planning Policy Framework

The NPPF (March 2012) states that there is a presumption in favour of sustainable development with a commitment to building a strong, competitive economy and to ensuring that the planning system does everything it can to support sustainable economic growth. Specifically, planning should operate to encourage and not act as an impediment to sustainable growth.

In respect of protecting Green Belt land the NPPF states that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate, however exceptions to this include buildings for agriculture and forestry. The NPPF sets out the Government's support for a prosperous rural economy, stating that planning policies should support economic growth in rural areas in order to create jobs and prosperity, by taking a positive approach to sustainable new development.

In respect of conserving and enhancing the natural environment the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. Specifically, great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty that (with National Parks and the Broads) have the highest status of protection in relation to landscape and scenic beauty. The NPPF also states that

conservation of wildlife and cultural heritage are important considerations in all these areas, and when determining planning applications local planning authorities should aim to conserve and enhance biodiversity.

With regard to conserving and enhancing the historic environment the NPPF states that the objective is to avoid or minimise conflict between the conservation of a heritage asset and any aspect of the proposal. Specifically, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.

More generally local planning authorities should approach decision taking in a positive way, to foster the delivery of sustainable development and should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

It is relevant to note that the NPPF (which replaced PPS7) removed the provision in that earlier document that where an Article 4 Direction was in place then development in the Green Belt was inappropriate and an applicant needed to demonstrate very special circumstances. Accordingly, a very special circumstances case does not need to be made for agricultural buildings. Notwithstanding this change, consideration still has to be given to the purposes of including land in the Green Belt and whether development achieves the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open. The NPPF confirms that the essential characteristics of Green Belts are their openness and their permanence.

Environmental Impact Assessment Screening

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("The EIA Regulations") include in Schedule 2 descriptions of development (and applicable thresholds and criteria) for the purpose of classifying development for environmental impact assessment purposes. Under the heading "Agriculture and aquaculture" the table includes the carrying out of development to provide ... (c) Intensive livestock installations. The applicable threshold criteria for such projects is 500m² of new floorspace (in a building or buildings) although in a 'sensitive area' (such as an AONB) the applicable threshold criteria do not apply. The floorspace of the poultry units amount to approximately 1,200m² and it is considered that the poultry units do constitute an intensive livestock installation under Schedule 2 of the EIA Regulations. Accordingly a Screening Assessment of the proposed developments (separately and cumulatively with other activities on the site) has been undertaken to assess whether an environmental impact assessment of the development is required.

Having considered all the relevant factors, the Screening concluded that the development is not likely to give rise to significant environmental effects and therefore an environmental impact assessment is not required.

OFFICER ASSESSMENT

Although five separate applications have been submitted to cover the range of development and operations at the site the applications are linked, with development covered in one application being functionally related to development covered by the other

applications. The applications are also supported by a single Design and Access Statement, Landscape and Visual Assessment and Ecological Appraisal that assess the various elements covered by the applications as a single entity. Given this interdependence each application is a material consideration in the determination of the others and it is appropriate that the applications are considered cumulatively as well as individually.

A number of the elements covered by the current applications have previously been considered by the Council either through planning applications or in enforcement reports. Whilst it is necessary to consider each of the current applications on their individual merits, previous decisions by the Council in respect of operations and development at the site are material considerations in their determination. Accordingly, should the Council reach a different conclusion from that made previously then it would need to explain why it was taking a different view.

Application 1

This comprises:

- alterations and extension to existing agricultural building;
- alterations to access;
- formation of hard-standing and farm track;
- construction of stock pond;
- siting of 2no. feed hoppers and ancillary works (Retrospective) and
- siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years.

Alterations and extension to existing agricultural building

The alterations to the agricultural building (that existed on the site prior to GVP acquiring the land) has involved the infilling of the open sides of the barn with rendered blockwork, and internal works to allow its use for egg processing activities, and office and staff facilities. The applicant's agent contends that the alterations do not amount to development however this is not accepted by Officers as a) the construction of the walls and infilling of the sides of the building amount to an engineering or other operation and b) result in a material alteration to the appearance of the building. Accordingly the works do constitute development and by virtue of the Article 4 Direction require planning permission.

In terms of the works themselves the building (and extension) is used for agricultural purposes and therefore does not constitute inappropriate development in the Green Belt. In terms of other Green Belt considerations the Local Plan identifies six purposes of including land in the Green Belt, of which the following are considered relevant to the current applications: checking the unrestricted sprawl of Bath and Bristol; assisting in safeguarding the countryside from encroachment; preserving the setting and special character of Bath; and preserving the individual character, identity and setting of Keynsham and the villages and hamlets within the Green Belt. Local Plan policy GB.2 is also relevant and states that permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction.

In this case whilst the appearance of the building has been altered from an open barn to an enclosed building, the footprint is essentially as originally built, it remains part timber-clad and retains the original low-pitched roof. The extension to the building is located away from Woolley Lane and constructed of materials to match those of the existing building. The existing hedge between the building and Woolley Lane largely screens the building in short distance views although the upper part can be seen above the boundary fence/entrance gates when viewed on Woolley Lane from the south and from the footpath leading from Colliers Lane to Woolley Lane. The existing hedge and local topography mean that the alterations and extension to the building are not readily visible in longer distance views. To the east, tree planting around the adjacent agricultural buildings (on land not controlled by GVP or the subject of this application) have an additional screening effect so obscuring views from more distant viewpoints from the other side of the valley.

It is considered that, given that the works are largely contained within the existing building and the extension does not materially encroach into open countryside, the works do not materially impact on the openness of the Green Belt nor conflict with the purposes of including land in the Green Belt. In terms of impact on the AONB and local landscape it is considered that given the nature and scale of the alterations and extension the character and local distinctiveness of the landscape will be conserved. Whilst the building is visible from Woolley Lane the works do not adversely affect the natural beauty of the landscape of the AONB. The works do not impact on local habitats or sites of ecological importance and do not, of themselves, give rise to significant impacts to local residents or the public. In the circumstances it is considered that the alterations and extension to the existing building are acceptable.

Objection has been raised to these works on the grounds that the building is out of place in this rural location, is not a sensitive design for a sensitive area and has the appearance of a light industrial unit. Objection has also been raised on the grounds that the building is not appropriate for its intended use and not required given other suitable buildings either owned by or available to the operators. Officers consider that whilst the infilling of the sides of the building have materially altered its appearance, the building maintains its agricultural function and the works do not give rise to harm to the Green Belt, AONB or World Heritage Site setting nor to local residents or those using Woolley Lane.

Internally the building has been fitted out to permit egg hatching and packing of eggs from the site and others controlled by GVP and this is considered to be an agricultural use of the building. Objection has also been raised on the grounds that the egg packing at the site could become a 24-hour operation. At the current scale of operation it is considered that there has not been a material change in the use of the site. However should activities at the site expand resulting in a material increase in the impact of the use (including off-site impacts) then planning permission may be required and the operation could be controlled through enforcement or conditions on any permission for a change of use were permission to be granted. Concern has also been expressed about lighting from the building. Given the importance of the area as a feeding area for bats and lack of other local lighting (other than houses and villages) then if planning permission were to be granted for the alteration works, it would be reasonable to impose a condition controlling external lighting.

Alterations to access

Alterations to the access to the site from Woolley Lane were undertaken in mid-2008 to form an enlarged vehicular entrance to the site involving the laying of a 7m wide concrete apron and erection of 2m high solid timber gates. The concrete apron extends 4m into the site. These works were the subject of three planning applications in 2008 and 2009, all of which were refused planning permission. The Reasons for Refusal were:

1. The works to the entrance to the site and the new gates installed are of an inappropriate design for this rural location and detract from the character of this part of Woolley Lane as a narrow rural lane, to the detriment of the appearance and rural character of this part of Woolley Lane and contrary to Policy NE.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

2. Woolley Lane by reason of its restricted width, poor alignment and sub-standard junctions is inadequate to serve as the sole means of highway access to the proposed development. The application site therefore would not have an adequate means of vehicle access providing a high standard of highway safety, contrary to Policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

3. The vehicle access to the site by reason of its steep gradient downwards towards the highway is likely to result in a road safety hazard and inconvenience to users of the adjoining highway, contrary to Policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

The current site access arrangements are as previously proposed and the Council's Highway Officer has reiterated their objection to the access on highway safety grounds. They have also noted that the information submitted with the applications does not provide evidence for the trip generation from the site and they consider that the proposed use (including the proposed temporary dwelling) will result in a potential intensification in use of the site over and above the agricultural use. They recommend a reduction in access gradient, improved visibility and some squaring off of the access to the highway carriageway, to improve ease of use for southbound traffic, with further setting back of the existing gates.

Works recommended by Highways to address the inadequate visibility splays require the removal of a significant section of the existing hedge on Woolley Lane however this would be resisted on landscape and habitat grounds. There is also a suggestion in the application documents that the solid gates will be replaced by bar field gates when security issues at the site have been resolved, however no timescale has been given for this. As there have been no material changes in circumstances since the previous applications were refused it remains the case that the alterations to the access and erection of gates are contrary to policies T.24 (highway safety) and NE.1 (landscape character). The previous refusals of planning permission referred to policy NE.2 (AONB) however it is considered that the impacts of the site access works are of a more local nature affecting the character of Woolley Lane and that the overall scenic beauty of the landscape in the AONB will not be adversely affected by these works. It should be noted that were planning permission to be refused for this element of the development the works could be retained as built as they were substantially completed more than four years ago and therefore immune from enforcement action.

Formation of hard-standing, farm track and concrete path

The formation of hard-standing around the existing building and farm track commenced in mid-2008 and has been extended, widened and re-laid over the intervening years, involving the further excavation of soil and laying of stone chippings. The concrete path was laid in 2013. The applicant states that the track will be covered with topsoil and seeded so that once the grass has grown only the ruts caused by the wheels of vehicles using the track will be evident. In March 2010 the Council considered a planning application (09/04403/FUL) for the siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access. Although planning permission was refused, there was no objection to the hardstanding or track. In respect of the hardstanding the case officer's report noted that it "is within the fenced compound of the farmyard, and its visual effect on the landscape would be reduced by its proximity to the existing modern barn in the farmyard ... Overall it is considered that this track would not affect the openness of the area or have a significant impact on the appearance of this part of the Green Belt." In respect of the track to the north of the farmyard, to be constructed in a similar manner to the current application the officer's report noted that "the track is to be sited close to the edge of the field, and this combined with the grass covering would mean that the track would not be prominent in the landscape or damaging to the appearance of this part of the Cotswold Area of Outstanding Natural Beauty or the Green Belt." In view of these comments, when considering an Enforcement Report in May 2010 it was concluded that although the track required planning permission it was not expedient to take enforcement action.

The current application proposes the same extent and method of construction for the hardstanding and track. Local Plan policy ET6 relates to agricultural development, including the construction of access roads where regard shall be had to any adverse environmental impact (including any conflict with other policies in the Plan). Where there is harm or conflict, regard shall be had to the need for or the benefits to the enterprise or the rural economy. Objection has been raised to the track on the grounds that measures to make it blend into the landscape have not been implemented or successful and together with the large additional area of hardstanding add significantly to the overall visual harm. Although marginally wider than when originally constructed, the track is located adjacent to the hedge and so not readily visible, other than from selected locations along Woolley Lane and from elevated positions to the north such as the public footpath north of Soper's Wood. From site visits and photographic evidence (including aerial photos) it is apparent that the track has been constructed and then seeded as described in the application. Whilst the appearance of the track when first constructed (and without topsoil and grass) is highly visible, with the light coloured chippings contrasting with the grass in the fields, once seeded and the grass has grown the appearance has softened. The area of hardstanding is adjacent to and largely screened by the existing building and, with the concrete path, not readily visible from outside the site. Subject to the track being covered in topsoil and seeded it is considered that the hardstanding, track and concrete path will not have a significant impact on the openness or appearance of this part of the Green Belt, the character and landscape qualities of the AONB or local landscape, or the setting of Bath and are considered acceptable.

Construction of stock pond

In January 2011 the Council granted planning permission for a retrospective application for the construction of the stock pond at the northern end of the holding. It was concluded that it was agricultural development and would not harm the openness of the Green Belt nor have any visual harm. The proposals were also considered not to conflict with Local Plan policies in respect of landscape quality and character of the AONB, ecology, drainage and flooding, land stability, pollution and health, and highways. A condition of the planning permission relating to a wildlife enhancement and management scheme was discharged in 2012 however the original planning permission was the subject of a successful legal challenge and the planning permission quashed.

Objection has been raised to the stock pond on the grounds that there is no practical requirement for it, it is not a natural feature in the landscape and is in an area where land stability is a potential hazard. Objectors state that it impedes natural drainage and is likely to harm rather than enhance local ecology as well as posing a major flood threat to nearby properties. Concern has also been raised about the manner in which the stock pond (as well as the track and hardstanding) have been constructed, with a total disregard for the land and traditional methods. It is acknowledged that the undertaking of these works had a temporary impact on the landscape until natural or planned re-vegetation occurred however the planning considerations and impact of the development have not materially changed since 2010. On balance and subject to conditions to control any future work (to address land slippage that has occurred and address potential future hazards) and the submission and approval of a wildlife enhancement and management scheme it is considered that the proposals are acceptable.

Siting of 2no. feed hoppers and ancillary works

Application 1 also includes the retention of two feed hoppers located to the north of the existing building, and adjacent to the existing hedge that forms the eastern boundary of the site with Woolley Lane. The hoppers are approximately 5.4m tall, and taller than the existing hedge. Although not readily visible from Woolley Lane due to the levels of the site and road, they are visible in longer distance views from the east. In the Landscape and Visual Impact Assessment submitted with the application it is contended that views of the hoppers will be limited and viewed in context with existing agricultural development and set amongst existing vegetation. This conclusion is not shared by Officers. The hoppers are located approximately 40m from the existing building and it is considered that they appear as discrete standalone structures rather than being read with the existing buildings on the site, and their visibility is accentuated by their colour. Whilst the retention of the feed hoppers is not considered to harm the openness of the Green Belt it is considered that in their current position they do not conserve or enhance the character and local distinctiveness of the local landscape and AONB, which is generally characterised by open fields free of buildings and structures and where there are buildings they are generally in small clusters. As proposed therefore the retention of the hoppers is considered unacceptable and contrary to Local Plan policy NE.1 and NE.2, and Draft Core Strategy policy CP6 which seeks to conserve or enhance the distinctive character and quality of the landscape. Repositioning the hoppers closer to the existing building could reduce their visual impact and if Members were minded to grant planning permission for the development then this could represent an acceptable balance between the operational needs of the holding and conserving and enhancing the local landscape. The applicant has indicated that in principle this would be feasible although the detailed siting would need to be agreed.

Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years

The sixth element of this application is the provision of a timber cabin on a temporary basis of up to 3 years to house an agricultural worker on the site, with a view to the building becoming permanent if the business was financially sustainable. At present there is a caravan located on the site and the current application seeks to replace this (and associated shed/dog kennel). The applicant has submitted a statement in support of the current application setting out their justification for the proposed building based on the operational needs of GVP's activities. This has been independently reviewed for the Council by an agricultural appraisal specialist in the light of the NPPF (which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside) and Local Plan policy HG.10 (which sets out a number of tests for housing in the open countryside). In summary these tests are:

- i) there is a clearly established existing functional need and financial justification for a worker to live on the holding;
- ii) the need is for accommodation for a full-time worker;
- iii) the functional need could not be fulfilled by another existing dwelling in the holding, or other existing accommodation in the area or through re-use of an existing building on the holding;
- iv) it is sited within a hamlet or existing group of dwellings or buildings, or elsewhere in the countryside;
- v) it is restricted in size commensurate with the functional requirements of the enterprise;
- vi) occupancy is restricted to agricultural workers.

In terms of the tests, if the poultry buildings are approved and fully stocked then there may well be sufficient need generated from this site given the substantial number of birds generating sufficient additional welfare needs to require a worker to be present at most times. Specifically a large number of poultry might well require a permanent on site presence to identify (by sight and sound) and address (by immediate proximity) sudden changes in welfare conditions that could otherwise have catastrophic welfare and business impacts. A dwelling further away may well answer much of that potential need but not all, and as the number of stock increases the level of potential incident that could not adequately be dealt with from a dwelling in the nearby settlement would also increase. However although there might be a functional need at Woolley if the poultry units were fully stocked, GVP's enterprise operates over three sites and it is not clear that there is a specific and established functional need at Woolley, nor that any need could not be located and satisfied at Doynton or Bitton. Furthermore the financial information submitted with the application is generalised, unsubstantiated and considered insufficient to demonstrate that there is a financial justification for the dwelling proposed at the site in Woolley and as part of GVP's enterprise across its three sites. There are no balance sheets, actual or budgeted, so it is not possible to assess to any meaningful degree whether (and certainly impossible to be satisfied that) the submission demonstrates a clearly established justification for a worker to live on the holding at Woolley. Accordingly, based on the evidence submitted the application fails the functional need and financial justification tests.

In terms of the need for a permanent worker, no specific evidence has been submitted on this point but on the basis of the total existing enterprise this test is likely to be passed. Regarding alternative accommodation no assessment is included with the application to demonstrate that none is available nearby and no assessment of existing buildings on the site at Woolley has been offered either, although it is noted that the existing building is currently fully utilised for activities associated with the enterprise. As noted above, it may be possible to reorganise labour and enterprise locations to allow the area of need to focus on one or other or both of Doynton and Bitton. Whilst no dwellings with permission exist there either, there are other buildings and other settlements to then take into account and evidence is required to show why this could not reasonably be done. Whilst there are poultry buildings at Woolley, they are not permitted so there appears no compelling reason why the livestock could not be centred at one of the other two sites and any need generated then being satisfied from those locations. The proposed dwelling is located adjacent to the existing building and is considered to be of a size commensurate with the requirements of the operation and so the fourth and fifth tests could be met. Were permission to be granted then a condition and/or s.106 obligation would be required limiting the use of the dwelling to agricultural workers and requiring the removal of the dwelling if the enterprise failed or the functional justification changed.

The proposed temporary dwelling would be located at the southern end of the site. Soil has been excavated to form a flat surface to accommodate the building, which means the dwelling would be partially screened from the public footpath linking Colliers Lane and Woolley Lane. However the site is at a higher level than Woolley Lane and although there is a hedge and trees along the boundary that will partially screen local views, the building would be visible from Woolley Lane particularly during the winter months. The LVIA submitted with the application states it is the intention to replace the existing solid timber gates with a bar field gate and whilst this would be welcome in terms of its appearance on Woolley Lane, it would have the effect of opening up local views of the building. The site is also in a prominent position on an east-facing slope and the building would be visible, particularly from the northeast and east. While there are some trees on the east boundary of the site and screen planting on adjoining land these would only partially screen the application site.

Based on the evidence submitted with the current planning application the functional need and financial justification for a worker to live on the holding has not been demonstrated and accordingly the proposed dwelling must be considered as a new building in the Green Belt for which a very special circumstances case must be made. No evidence has been submitted on this matter contrary to policy GB.1 of the Local Plan, policy CP8 of the Draft Core Strategy which seeks to protect the openness of the Green Belt from inappropriate development, and para. 55, 87 and 88 of the NPPF. The dwelling would also harm the openness of the Green Belt. In terms of its impact on the local landscape and scenic beauty of the AONB and the character and landscape setting of Bath consideration has been given to the local topography, existing planting in the vicinity of the building, its dimensions and location within the site. The building would be visible particularly from viewpoints to the east, and although it would generally be viewed in the context of the existing building on the site and those adjoining given the particular sensitivities and qualities of the local landscape set out in the case for the Article 4 Direction it is considered that the building would have an adverse impact on the local landscape contrary to policies NE.1 and NE.3 of the Local Plan and policy CP6 of the Draft Core Strategy.

In conclusion, for all of these reasons, it is considered that permission for the temporary dwelling should be refused.

Application 2 - Erection of a general purpose agricultural building

The general purpose agricultural building is intended to be used to store hay, feed, tools, implements, chemicals, etc and provide a building to lamb the sheep, calve the Longhorn cattle or to provide shelter for sick, injured or nursing livestock. At the present time these activities are undertaken within shipping containers and a plastic covered structure located on the site. The intention is that the proposed building will replace these structures and will also be used to house items presently stored outside. The building would be located to the north of the existing building and would measure 18m by 12m and would have a low-pitch roof with an eaves height of 4m and ridge height of 5m. The building would be constructed of concrete blocks and profiled steel sheet with a fibre cement roof. This compares with the existing building, which is 3.5m to the ridge and now constructed of rendered blockwork and timber cladding with a fibre cement roof.

The use of the building would be for agricultural purposes and Local Plan policy ET6 states that when considering such development regard will be had to, amongst other matters, any adverse environmental impact (including any conflict with other policies in the Plan). Given the use of the existing building on the site principally for egg processing it is accepted that there is little space within that building to accommodate the activities that are currently undertaken in other structures on the site. The containment of these activities within an enclosed building would reduce their current dispersed and ad hoc nature and it is considered that the provision of an appropriately sized and located building constructed of suitable materials could be justified were the overall operation approved.

The NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This however needs to be balanced with other considerations including the statement in the NPPF that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, noting that great weight should be given to conserving landscape and scenic beauty, including in AONBs which have the highest status of protection in relation to landscape and scenic beauty. Local Plan policies, in particular those relating to conserving and enhancing the landscape are also of relevance. Objection has been raised to the building on the grounds that it is of a significantly greater height than the existing building, will be clearly visible and will detract from the rural character and natural beauty of the Green Belt and AONB.

Given the location and height of the building it would be visible above the hedge line particularly when viewed from the east and would appear as a freestanding structure, separate from the existing building on the site. It is considered that the building would harm the openness of the Green Belt, and by virtue of its siting, scale and materials would not conserve or enhance the character and local distinctiveness of the landscape. The applicant has indicated that the height of the building could be reduced (although to compensate for the reduced capacity a larger footprint of building would be required) and could be moved south towards the existing building. However it is considered that the effect of these changes would not reduce the visual impact of the building to a significant

degree. Accordingly the general agricultural purpose building is considered to conflict with Local Plan policies GB.2, NE.2, NE.3 and ET.6 and Draft Core Strategy policy CP6.

Applications 3-5 - Siting of 2 x 3no. and 1 x 4 no. mobile poultry units

These applications cover the siting of a total of 10 poultry units on the land with each unit occupied by a flock of about 750 ducks. These measure approximately 20m x 6m x 3.5m high and comprise a metal frame mounted on skids, clad with brown plastic planks and the upper parts with dark green plastic over insulation. In addition, each of the 10 units has a paddock formed by 1m high demountable electric fencing. By day the ducks are free to roam the paddocks, and at night are shut in the units. Water is supplied via a hose that is connected to a series of standpipes sited alongside the farm track and electricity to the units (for lighting) is provided by battery packs and a mobile generator. Approximately 80% of the droppings fall through the slatted floor into the void underneath each unit and are collected and sold as fertilizer. The operation involves an approximately 12 month laying period with a rotation of new ducks replacing old flocks and the poultry units being emptied, cleaned and then re-stocked. As a consequence not all units will necessarily be fully occupied at all times.

The units are capable of being moved to allow them to be cleaned out and to provide fresh grazing for the ducks however although described as 'mobile', and they have been moved since they were first erected in 2010, they have been moved only infrequently and their size and weight means that this is a relatively significant undertaking. The application proposes that the units will be confined to the two fields alongside Woolley Lane and sited on the lower part of the fields, towards the hedgerow along Woolley Lane. The applicant contends that this would allow for ease of access along the farm track and is intended to reduce their visual impact. The remainder of the holding will be used mainly for the grazing of cattle and sheep.

The Landscape and Visual Impact Assessment (LVIA) submitted with the application notes that the existing landscape and residents of properties in the local area are receptors of high sensitivity to change, although motorists using the A46 and Gloucester Road are considered to be of low sensitivity. The proposed buildings are described as "characteristic of built elements in the landscape" although the report also acknowledges that the materials, form and distribution of the mobile poultry units do not reflect those of the farm buildings and properties in the area. The report also suggests that limiting the heights and scale of new buildings on the site (including the poultry units) and the use of appropriate materials and colours to reflect that of adjoining development and local agricultural vernacular would minimise visual prominence. Noting the temporary and mobile nature of the poultry units the LVIA assesses the impact of the development on the landscape and AONB as "local, temporary, and minor adverse". With tree and hedgerow planting (referred to in the report but not specifically proposed in the application) the LVIA assesses the overall impact as having a long term minor beneficial effect on these features. The LVIA concludes that there is a temporary, minor neutral effect on the pattern of scattered agricultural farmsteads with a generally temporary, local minor adverse effect on local residents and users of public footpaths in the locality. The impact on users of Woolley Lane is assessed as temporary, localised and moderate adverse, with the development being visually intrusive and adversely affecting the visual experience for users on Woolley Lane.

Objection has been raised to the poultry units in terms of their detrimental visual impact on the area, the AONB and gateway to the City of Bath World Heritage Site.

The ten poultry units proposed for the site are covered by three separate applications and so subject to approval of any or all of them there could be three, six, seven or ten units on the site. In assessing the proposals the applications have been considered individually but given the inter-related nature of the poultry units with the other elements of the development it is also appropriate that they are considered cumulatively. In terms of the visual impact of the poultry units the fact that they can be moved within the site is not considered to remove the significance of their presence, and their impact on the landscape is not affected to any material extent by periodic changes to their position, particularly as this will take place within a relatively narrow zone within the fields. Therefore whilst the poultry units are capable of being moved, and occasionally have been, they are effectively permanent features in the landscape. Given their design, materials and siting within the fields they are clearly visible from a number of locations and appear as incongruous elements within the otherwise generally pastoral landscape of small open fields divided by hedgerows. Buildings in the landscape outside the villages such as Upper Swainswick and Woolley are generally clustered (such as those at Crossleaze Farm to the east of Woolley Lane) whereas the proposals for the application site will involve a line of buildings extending across open fields, introducing a highly visible and unfamiliar form of development. They are particularly visible from the east from Innox lane, Tadwick Lane and Gloucester Road as well as from local viewpoints such as Little Solsbury Hill. It is considered that the poultry units will introduce new buildings into the landscape that will harm the openness of the Green Belt and by virtue of their siting and materials would be visually detrimental to the Green Belt contrary to policy GB.2 of the Local Plan. The units will also have an adverse impact on the AONB and character of the local landscape contrary to policy NE.1, NE.2 and NE.3 of the Local Plan and policy CP6 of the Draft Core Strategy.

The Statement of Outstanding Universal Value upon which Bath is designated as a World Heritage Site includes the green setting of the city in a hollow in the hills. Key aspects of the setting include the distinctive character provided by the topography, the townscape and land-use including the green undeveloped farmland, green spaces and trees and woodland, and the intangible qualities such as tranquillity that characterise the surroundings of the city. This includes the views afforded from the city to the green hillsides, woodland and open spaces, and conversely the opportunities provided by the surroundings to view the city and the quality and character of the environs and views to and from routes into and out of the city. Whilst the poultry units in particular are visible from the A46 which is one of the key gateway routes into the city, given the wider context of the valley within which the development is sited and the broad sweep of the vista from the north and east it is considered that the development does not significantly affect the landscape qualities that contribute to the setting of the World Heritage Site.

Objection has also been raised to the damage caused to the site through the intensive nature of the operation, the infrequent relocation of the units and lack of alternative land, as well as the effects of run-off due to inadequate drainage on the site particularly during wet weather and flies and odour during hot weather. In terms of the damage to the site, the units have been moved within the holding as part of the cycle of stocking, egg-laying and re-stocking of the flock and there is evidence that where the units have been sited the land has regenerated after they have been moved. The natural slope of the land and local

topography on which the poultry units are situated, together with run-off from land above the units and seasonal springs on the land, means that there have been occasions when there has been run-off from the site onto Woolley Lane. Weather conditions in 2012 were exceptional and resulted in high levels of run-off, the effect of which has been investigated by the Environment Agency and the Council's Highways Drainage team. They have recommended remedial action to contain run-off within the site and prevent discharge onto the public highway however as the installation of drainage on the site would involve engineering operations requiring planning permission (and do not form part of the current applications) it would be premature to determine the acceptability or effectiveness of any such measures. The issue of odour and flies from the site is a matter of animal welfare as well as public amenity however investigations by the Council and Environment Agency have not identified any significant problems with operations at the site.

Other Considerations

The GVP enterprise comprising operations at Woolley Bitton and Doynton employs around 20 staff, of whom 12 are employed at Woolley. The Local Plan notes that agriculture plays an important role in the local economy and provides the basis for other economic activities. Policy ET.6 sets out criteria for assessing development proposals. The NPPF highlights the Government's commitment to building a strong and competitive economy and to securing economic growth in order to create jobs and prosperity. It states that the planning system should do everything it can to support sustainable economic growth and should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. This includes supporting a prosperous rural economy with plans supporting economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. These objectives need to be balanced with the need to conserve landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. Also of relevance is the location of the development with the Green Belt and the presumption against inappropriate development as set out in the NPPF and Local Plan policy GB.1, the purposes of including land within the Green Belt and the appearance of the Green Belt set out in Local Plan policy GB.2. In the circumstances of these applications and the particular characteristics of this site it is considered that whilst the development is an agricultural use of the land and employs a number of people, the nature and impact of the use involving the siting of poultry units within the fields results in a degree of harm that outweighs the employment benefits. If the current operations at Woolley ceased and another agricultural operation took place on the site then there would be some continuing employment at the site associated with that use.

The Council's Highways Officer has expressed the view that the combination of activities on the site results in an intensification of the use of the land amounting to a material change of use. The intensity of use of the land is greater than the previous grazing of sheep and cattle, and the number of vehicles accessing the site is greater than before GVP started operating from the site. However it is considered that the primary use of the land remains agricultural and that the off-site impacts in terms of vehicle movements from the site, whilst of a greater number and occasionally involving larger vehicles, do not amount to a volume or impact that amount to a change in use of the land. Whilst there is egg packing on the site, including the importation of eggs from other GVP sites, the use of the land remains agricultural rather than industrial or mixed agricultural and industrial.

The site is partly within part of Site of Nature Conservation Interest (SNCI) referred to as the 'Langridge - Woolley Complex' and is also within the bat feeding zone associated with the Bath & Bradford-on-Avon Bats Special Area of Conservation (SAC). The SNCI covers the field within which the stock pond is located, but not the fields containing the poultry units, nor the track and hardstanding or other development at the southern end of the site. When the previous planning application for the stock pond was determined in 2011 and subject to the approval and implementation of a Wildlife Management and Enhancement Scheme no objection was raised to the development on ecological grounds in terms of both the SNCI within the site and Lam Brook approximately 700m to the east. The current planning applications do not involve works that have a significant effect on any European sites or protected species, nor require a licence from Natural England. It is considered that the proposals do not significantly adversely affect the nature conservation value of the area (Local Plan policy NE.9), nor species which are internationally or nationally protected or the habitat of such species (Local Plan policy NE.10).

Upper Swainswick is designated as a conservation area and Local Plan policy BH.6 seeks to preserve or enhance the character or appearance of the area by controlling development within or affecting it. In this case it is considered that Upper Swainswick is sufficiently distant from the application site that whilst the site is clearly visible from the village and has an impact on the landscape it does not impact on the character of the conservation area itself.

Conclusion

In determining the applications a balance has to be struck between the objectives of supporting sustainable development and a prosperous rural economy, and the need to protect the Green Belt and conserving the scenic beauty of the AONB and local landscape. The particular landscape quality of the Woolley Valley and the need to protect it from development is highlighted by the Article 4 Direction that removes permitted development rights for agricultural development. Designated in 1992, the Direction remains in force and the reasons for its establishment have not changed materially since then.

Whilst some elements of the development covered by the five applications are considered generally acceptable, the installation of the poultry units and proposed construction of a general purpose building on the land are considered to result in an unacceptable degree of harm to the landscape and to the openness of the Green Belt. In the absence of a proven agricultural need, the dwelling constitutes inappropriate development in the Green Belt.

The five planning applications cover a range of development that together comprises the agricultural operation at Woolley Lane. Whilst each element and each application has been considered separately, together they form the agricultural enterprise at the site and it is considered that in addition to the impact of the individual elements, cumulatively the operation has an adverse impact on the Green Belt, AONB and local landscape. In addition the applications are inter-dependent because they either form part of a single application, or the justification for one aspect of the operation is dependent on others that are covered by a separate application(s). So whilst the provision of the stock pond, hardstanding and track are considered acceptable they form part of a wider application (Application 1) including the provision of a dwelling on the site. The case for the dwelling is predicated on there being an agricultural need and that arises from the housing of

approximately 7,500 ducks on the site. Therefore if the agricultural need for the dwelling is not substantiated (either by failing the tests set out in HG10 or because permission is not granted for the poultry units), then the stock pond, hardstanding and track could not be approved. Whilst it is possible for the LPA to issue a 'split decision' and grant planning permission for something less than what was applied for, that should not be done if the permission granted would represent a "substantial alteration" of what had been proposed in the application so as to deprive those who should have been consulted of the opportunity of consultation. In this case, as noted above, it is considered that the 5 planning applications are all inter-dependent and effectively cover one single agricultural operation. For that reason, officers consider that to grant permission for only some elements of an application would constitute a substantial alteration of what has been applied for and therefore a split decision would not be appropriate.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 The proposed new agricultural building by reason of its size, height and location would be visually detrimental to the Green Belt and would detract from the character of the local landscape and the natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty contrary to Policy GB.2, NE.2, NE.3 and ET.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

PLANS LIST:

1 This decision relates to Drawings 2028/DWG1 (Section as Proposed) and 2028/002 (Plan and Elevations of Proposed Agricultural Storage Building)

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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 choose 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 Annex

Members will recall that in this case a group of local residents had formed a limited company, SWVAG Ltd, and brought judicial review challenges against two interlinked decisions of the LPA namely:

- a challenge to the Council's conclusion, as set out in its Enforcement Delegated Report of 21 May 2010, that the poultry units, installed on the site by GVP Ltd, were not 'development' susceptible to planning control, and did not require environmental impact assessment ('EIA'); and

- a challenge to the Council's decision that an EIA assessment of the stock pond was not required. Planning permission for this development was granted, in accordance with a resolution of the DC Committee, on 21 January 2011.

The case was heard over three days at the High Court in London, between 3-5 July 2012. Members will be aware that in a judicial review the High Court is performing a supervisory role and will only interfere with an LPA's decision if it is wrong in law or irrational. In this case the Court did not agree with the Council's interpretation of the law and found in favour of SWVAG. The Secretary of State was also a party to the proceedings.

Background

So far as is relevant to the Court's decision, the background is as follows.

Following complaints about various activities on the site including substantial unauthorised earth moving, and visits by the Council's officers, on 22 April 2010 the Council served a planning contravention notice on GVP seeking information about the activities that had occurred. Having received a detailed response to the PCN, on 23 April 2010 the Council served a Temporary Stop Notice on GVP which prohibited the excavation of soil and surface materials from the land and the alteration of levels of the land.

On 21 May 2010, having taken advice from a senior barrister, the Council issued an Enforcement Delegated Report. It concluded that some of the activities that had taken place at the site did constitute breaches of planning control, however, the Council decided that the placing of the poultry units on the land did not constitute development. The Council therefore concluded that no environmental impact assessment of that activity was required and no enforcement action could be taken.

The reasoning of the Council was set out as follows in the delegated report:

"Over the past few weeks ten prefabricated mobile poultry units have been delivered and assembled on site. Each one measures about 20m x 6m x 3.5 metres in height and will house 1,000 birds (known as a flock). This will provide for a free range egg production operation in which each flock will be free to roam over the land during daylight hours and return naturally [to] their unit at dusk to roost.

Each unit consists of a series of 10 metal hoops which slot into metal skids. They are delivered to the site in kit form and assembled on site in a matter of a couple of days. Once assembled for the first time, the whole unit can be moved within the site in one operation. They can also be dismantled and loaded onto a flatbed lorry in a matter of 3-4 hours and re-erected on another site in a similar amount of time. The owners claim that no foundations or levelling of the land is required. However, observations on site showed that when assembling the units, an area of land had been levelled specifically for the purpose of assembly. The units were then moved and can be placed on sloping land.

The lower sides are uPVC which slot into the metal hoops and are covered by two layers of green polythene with insulation between them. A slatted floor is inserted internally. They weigh about 2 tonnes and, when occupied by the birds, would weigh an estimated 4 tonnes. This is sufficient to stay on the ground under its own weight although they can be held down with metal spikes in extreme winds. Each unit has a hose pipe connection to mains water and solar panels/batteries to power internal lighting.

It is proposed to site the units in fenced paddocks of between 1-2 hectares and to move them around the respective paddock approximately every 8 weeks or so. The units are mounted on skids which move easily over grass by using a tractor or 4x4 vehicles and have demonstrated this to enforcement officers. They have also filmed the operation for moving the units and supplied a DVD which shows that the unit can be towed with a tractor.

It is well-established in law that there are three primary factors which are relevant to the question of what is a building: The question of whether these chicken units are buildings involves making a planning judgment based on their size, permanence and physical attachment to the ground. This is very much an area of fact and degree. There have been numerous reported cases on what constitutes a building in planning terms, however ultimately each case turns on its own facts.

Factors weighing against the sheds being buildings are their lack of attachment to the ground and ability to be moved around the site. However weighing in favour of them being buildings are their sheer size, weight and bulk, a recent planning appeal decision against the refusal of a Certificate of Lawful Use or Development dated December 2009 supplied by the owner's agent concluded that a mobile poultry unit measuring 9.5m x 5.5m x 3.2m high did not constitute a building for the purposes of s.55 of the Act. In this case, only one unit was proposed. It housed 465 laying hens, was delivered as a flat pack and assembled on site by 2 no. unqualified people in two days. It was not anchored to the ground nor required a hard standing, could be moved by a tractor and was expected to be moved every 15 months.

In the current case there would be at least 10 units, some 20 metres long and they would be moved every 2-3 months. These would therefore be larger and heavier but moved more frequently and assembled on site in the same way as the appeal case. It is also worth noting that the dimensions of each unit are almost the same as the dimensions of a twin-unit caravan as defined in section 13 of the Caravan Sites Act 1968 which are: 20 metres long, 6.8 metres wide and 3.05 metres high. Although attached to a water point, several points of connection have been established on the site so the units could be moved.

On the basis of the information to date and as a matter of fact and degree, the mobile poultry units would appear to be 'chattels' capable of being moved around the site by a 4x4 vehicle. Furthermore, once assembled they can be dismantled and loaded onto a flatbed lorry in a matter of hours and transported to other sites.

On this basis officers have concluded that these units do not constitute development.

It has been suggested by solicitors acting for objectors to the development that the chicken units require an Environmental Impact Assessment ('EIA') because they are part of an intensive agricultural operation. However, officers are of the view that there is no requirement to undertake an EIA unless the chicken sheds constitute development and fall within one of the classes for which an EIA can be required. In this case neither the chicken sheds nor their use constitutes development and therefore no EIA is required.

It is therefore considered that no enforcement action can be taken against the chicken sheds."

The Council decided that it was not expedient to take enforcement action in respect of some of the other forms of development that had occurred, but it did issue an Enforcement Notice and Stop Notice, both dated 21 May 2010, in respect of the excavation of soil and surface materials from the site, including the digging of pits and trenches and the alteration of levels of the site. The prohibition in these Notices extended to the stock pond. A planning application was made in respect of the stock pond on 27 September 2010. Various objections were raised. There was a dispute as to whether there had previously been a pond on the same site which had become silted up, but the Council was satisfied that the pond had been newly engineered. A screening opinion was carried out which concluded that an EIA was not required. On 21 January 2011, the Council granted retrospective planning permission for the retention of a 15m x 12m stock pond on the site, subject to conditions.

SWVAG sought to challenge the Council's decisions by way of judicial review, having unsuccessfully sought an injunction against GVP to prevent any chickens being delivered to the site.

Grounds for judicial review in respect of the poultry units
SWVAG's grounds for judicial review raised the following issues:

A Did the Council make a material error of fact or fail to have regard to relevant considerations?

The Court found in favour of the Council on this point.

B Did the Council misdirect itself in law in deciding that the poultry units were not development requiring planning permission under English law?

The Council argued that it had to make a planning judgment which was a matter of fact and degree and had applied a test which is well established in English law that involved considering the poultry units' size, permanence and degree of physical attachment to the land. For the reasons set out above, the Council decided the units were not development. However the Court found that the Council had erred in law in taking too narrow an approach to the meaning of 'development' because it:

- should have considered whether a poultry unit was an 'erection' or 'structure';
- did not have regard to the relevant authorities when it concluded that the units were chattels not buildings since they were capable of being moved around the site;
- did not direct itself correctly in law on the issue of permanence - the units were permanently in their field, and there was no limit on the length of time they would remain there; and
- failed to consider whether the construction of the poultry units came within the residual category in s.55(1), namely, 'other operations in, on, over or under land'.

C Were the poultry units capable of constituting "intensive livestock installations" within the scope of the EIA Directive and/or the EIA Regulations 1999?

The primary issue between the parties was whether the Council had misdirected itself in law by failing to interpret the definition of "development" in English law so as to give effect to the EIA Directive. In its defence, the Council contended that the poultry units did not fall

within the scope of the EIA Directive or the EIA Regulations 1999, and so this point was academic.

The Court examined the European and English law and concluded that the poultry units were "capable" of being an "intensive livestock installation" under the EIA Directive and therefore the issue was not academic. However the Court did not rule on whether the poultry units actually were intensive livestock installations.

D Did the Council misdirect itself in law by failing to interpret the meaning of 'development' in English law so as to give effect to the EIA Directive?

The Council submitted that once it had decided that the poultry units were not 'development', it had no further duty to consider their environmental impact, since the EIA regime is given effect in the UK through the system of planning control. However, the Secretary of State and SWVAG argued that an English court is required to interpret national law, so far as possible, in the light of the wording and the purpose of the EIA Directive in order to achieve the result sought by the Directive. The judge accepted that argument and stated that:

"In my judgment, the definition of 'development' in s.55 TCPA 1990 can, and should, be interpreted broadly by planning authorities so as to include, wherever possible, projects which require EIA under the EIA Directive, or developments which require EIA under the EIA Regulations 1999. Otherwise the Directive will not be effectively implemented into UK law.

In this case, the Council misdirected itself in law by failing to have regard to the obligation to interpret the meaning of "development" in s. 55 TCPA 1990 in this way. I am satisfied that, if the Council concludes that the poultry units are a project which requires EIA under the EIA Directive, or a development which requires EIA under the EIA Regulations, the meaning of "development" in s.55 is sufficiently broad to be capable of encompassing the poultry units."

E If it is not possible to interpret the meaning of 'development' in English law so as to give effect to the EIA Directive, was there a failure to transpose the EIA Directive into UK law?

The judge decided that in light of her other findings she did not need to make a ruling on this point.

Grounds for judicial review in respect of the stock pond

SWVAG argued that the EIA screening opinion obtained in respect of the stock pond should have considered the cumulative effect of the other activities and works on the site and that the failure to do so meant that there was no consideration of the overall environmental impact at the site. The judge concluded that the "screening opinion only considered the cumulative impact of traffic, and not any of the other 'development' within the meaning of s.55 which the Council found had taken place at the site. It did not treat the poultry units as 'development', on the basis of the Council's earlier decision to that effect. In my judgment, the screening opinion was inadequate, and thus the Council acted unlawfully by granting planning permission without having carried out a lawful screening opinion. The screening opinion needs to be carried out afresh, once the Council has re-considered its decision in relation to the poultry units."

Conclusion

For the above reasons, both claims for judicial review were allowed.

Item No: 04
Application No: 12/05662/FUL
Site Location: Parcel 2866 Woolley Lane Charlcombe Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Gabriel Batt Councillor Geoff Ward

Application Type: Full Application
Proposal: Siting of 4no. mobile poultry units (Retrospective)
Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,
Applicant: Golden Valley Paddocks Limited
Expiry Date: 30th April 2013
Case Officer: Gwilym Jones

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application has generated a significant level of objection on a range of grounds and in the light of the planning and enforcement history on this site it is appropriate that the applications are reported to Committee.

DESCRIPTION OF SITE

The site is an agricultural holding located along the western side of Woolley Lane, a single-track road leading northwards from Charcombe Lane to Woolley. Situated just beyond the north-east edge of the built up area of Bath, the site comprises 20.5 hectares of land that extends from approximately 200m north of residential properties to the south, to the edge of Soper's Wood to the north. The site is in an elevated position on the western side of a valley and the land slopes down towards Woolley Lane and beyond to Lam Brook, with the land rising to the east towards the A46 and Charmy Down/Little Solsbury Hill. The village of Upper Swainswick is located on the eastern side of the valley and overlooks the site. The village of Woolley is on higher ground to the north of the application site.

Access to the site can be gained at two points on Woolley Lane although the northern access (opposite the access to Crossleaze Farm) is currently closed. As a consequence all vehicular access is from the southern access located opposite an entrance to agricultural buildings on the eastern side of Woolley Lane.

The site is located in the Green Belt, Cotswold Area of Outstanding Natural Beauty (AONB) and the setting of the Bath World Heritage Site. The site is also the subject of an Article 4 Direction (confirmed in 1992) that removes agricultural permitted development rights over a wider area of Swainswick Valley.

The site was acquired by the current owners (Golden Valley Paddocks Ltd - 'GVP') in 2005 and at that time included a partly enclosed agricultural building measuring approximately 29m by 11.5m. The site is currently used principally for the housing of ducks for egg laying and subsequent processing and despatch. GVP have other operations at Doynton and Bitton that together with operations at Woolley form a duck egg incubation/hatching, rearing, laying and processing enterprise.

PLANNING HISTORY

The site has been the subject of a number of applications between 2008 and 2012. In summary these are:

08/02397/FUL - Erection of agricultural building, alterations to access, formation of track and hardstanding, siting of temporary timber-clad mobile home for an agricultural worker. REFUSED 22 August 2008

09/01020/FUL - Erection of extension to agricultural building, siting of temporary agricultural workers mobile home, formation of track and alterations to access (retrospective) (resubmission). REFUSED 21 May 2009

09/04403/FUL - Siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access (Revised proposal). REFUSED 31 March 2010

10/04188/FUL - Retention of 15m x 12m stock pond. PERMITTED 21 January 2011*

11/00678/COND - Discharge of condition 2 of application 10/04188/FUL APPROVED 28 March 2011*

11/00854/FUL - Siting of temporary timber-clad mobile home for an agricultural worker, erection of dog kennel and alterations to access (Revised proposal). WITHDRAWN

11/02081/FUL - Construction of farm track and siting of 2no. feed hoppers (Retrospective) WITHDRAWN

11/02085/COND - Discharge of condition 1 of application 10/04188/FUL WITHDRAWN

* quashed by High Court (July 2012)

Notwithstanding the Article 4 Direction that applies to the land development has taken place at the site, none with the benefit of planning permission other than for the stock pond (retrospectively) and which was subsequently quashed following a High Court challenge (see below). These works have led to significant objection from local residents and a number of enforcement investigations have taken place since 2008. On 22 April 2010 a Planning Contravention Notice was issued seeking information regarding activities on the site, and on 23rd April 2010 a Temporary Stop Notice (TSN) was served following evidence that ponds were being created on the site without planning permission. The TSN prohibited the excavation of soil and surface materials from the land and the alteration of the levels of the land. The TSN ceased to have effect on the 20th May 2010.

An Enforcement Report in May 2010 assessed the various operations and development at the site. At that time the Council determined that the poultry sheds on the land did not constitute development and were therefore not susceptible to enforcement action. This led to a legal challenge against that decision and ultimately to judicial review in the High Court of a) the decision of the Council not to take enforcement action against the poultry sheds, and b) not considering whether an Environmental Impact Assessment was required.

The High Court challenge was successful, the judge concluding that the Council had taken too narrow an approach to the meaning of 'development' in UK law; and that the poultry units were capable of being an 'intensive livestock installation' under Schedule 2 of the EIA Regulations. A summary of the judgment is contained in the Annex to this report.

In the light of the judgement Officers have:

1. Re-assessed whether the poultry units constitute development under s.55 of the 1990 Act.
2. Assessed whether the installation and operation of the poultry units represent an 'intensive livestock installation' and therefore fall within the ambit of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("The EIA Regulations").
3. Undertaken a Screening Assessment of the poultry units and stock pond, together with other activities and development to determine whether individually or cumulatively they constitute a project requiring an EIA.

PLANNING APPLICATIONS

Five separate but inter-related planning applications have been submitted to the Council. These comprise:

Application 1 (12/05660/FUL) - Alterations and extension to existing agricultural building; alterations to access; formation of hard-standing, farm track and concrete path adjacent to existing building; construction of stock pond; siting of 2no. feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years

Application 2 (12/05661/FUL) - Erection of a general purpose agricultural building

Applications 3-5 (12/05662/FUL, 12/05663/FUL, 12/05664/FUL) - Siting of 2 x 3no. and 1 x 4 no. mobile poultry units on the land

OVERVIEW OF CURRENT OPERATIONS

Land Use

The site is an agricultural holding and the use of the land for agricultural purposes does not, of itself, constitute development requiring planning permission. The farm operations currently comprise the housing of ducks for egg production, and the processing and packing of eggs from the site. It is proposed that eggs from other sites owned by GVP are also processed and despatched at the application site. Subject to vehicle movements arising from this activity it is considered that the importation of eggs to the site would not of itself change the character or nature of the use of the land from agriculture to mixed agriculture and B1/B2.

Poultry Units

The poultry units (of which there are currently 10 on site) each measure approximately 20m by 6m by 3.5m high. Each unit has an associated fenced paddock of approximately 0.5ha and capable of housing up to 750 ducks. The units are constructed of metal hoops, metal skids, with slatted floors and green polythene fabric cover. All the units are supplied with mains water from a hosepipe connected to standpipes and internal lighting is powered by a mobile electricity generator. The units are not fixed to the ground (other than in extreme weather) and are capable of being moved.

In the light of the approach set out in the High Court judgement it is considered that the size, weight and substantial construction of the poultry units weigh in favour of them being "structures" and hence buildings. In terms of the permanence of the poultry units, whilst they are capable of being moved, and have on occasion been moved within the holding, this does not remove the significance of their presence in planning terms because they are permanently in the field, even if their position within the field may change. Accordingly it is considered that the poultry units constitute development and by virtue of the Article 4 Direction that applies to the land express planning permission is required for their siting/retention. Any excavations to level ground for the siting of the units is also likely to involve an engineering operation requiring planning permission.

The retention of these units is covered by Applications 3-5.

Alterations and Extension to Existing Agricultural Building

The existing building on the site was a partly enclosed storage barn previously used to provide shelter for cattle. In late 2009 GVP commenced works to infill the sides of the building with blockwork and fit out the interior for use as an office and for egg processing and packing. Whilst the building remains in agricultural use, the Article 4 Direction

includes 'alterations' as works requiring planning permission and it is considered that the alterations (involving the infilling of the open sides of the building) amount to a material change in the appearance of the building. An extension, located on the western side of the existing building (approximately 2m by 10m by 3m high), constructed of masonry with part timber cladding and profiled roof to match the main building has been added to the building amounting to a building operation. Accordingly planning permission is required for both these works.

The retention of these works is covered by Application 1.

Track, Hardstanding, Concrete Path and Site Access

The track is approximately 1km long and 3.5m wide and runs along the eastern and northern edge of fields that form the boundary of the site with Woolley Lane. The track is made up of compacted stone chippings/hardcore and involved the removal of grass and topsoil in its construction. The track was originally constructed in two sections in mid-2008 and mid-2010 and since that time further works have been undertaken. The area of hardstanding around the existing agricultural building made up of compacted stone chippings/hardcore has been laid down and extended over a number of years and now extends to approximately 350m². Whilst initial works to form the track and hardstanding were commenced over four years ago they have only recently been substantially completed. Further excavation and engineering operations involving the removal of grass and topsoil in their construction and amounting to an engineering operation have been undertaken since and therefore require planning permission. The concrete path is approximately 25m long and located between the existing building and hedge along Woolley Lane.

The site access was altered in mid-late 2008 with the provision of a 7m wide concrete apron extending 4m into the site and the erection of 2m high wooden gates and fencing. These works constitute development requiring planning permission however as they were carried out more than four years ago they are immune from enforcement action.

The retention of these works is covered by Application 1.

Feed Hoppers

The two hoppers are feed storage containers each approximately 2.85m by 5.4m high. They are supported by a metal frame that is fixed to a concrete base and sited within an area of hardstanding adjacent to the existing agricultural building. They are an erection or structure within the definition of a building (see above) and permanently installed, and accordingly constitute development requiring planning permission.

The retention of these structures is covered by Application 1.

Caravan/Mobile Home

A caravan (approximately 17m by 5.7m by 3.5m high) is located adjacent to the main entrance to the site. Whilst caravans are not generally classified as buildings, this caravan is a large static caravan and permanently sited on the land. The caravan (and its proposed replacement by a chalet for use as an agricultural workers dwelling) is considered to be a building. Accordingly planning permission is required for its siting/retention on the land. Even if the caravan were not a building in planning terms, it is

considered that its residential use would still require planning permission on the basis of a material change of use of the land.

The provision of a timber clad building to replace the caravan is covered by Application 1.

Shed/Dog Kennel

The shed (approximately 3m by 2m by 3m high) and dog kennel (approximately 1.5m by 1.5m by 2m high) are of timber construction and located adjacent to the caravan/mobile home. By virtue of their size and permanence they are considered to be structures, and by definition a building requiring planning permission.

These buildings would be removed should planning permission be granted for the timber cabin (part of Application 1).

'Lambing Shed'

The shed comprises plastic sheeting spread over metal hoops and measures approximately 4m by 5m by 3m high. The shed is fixed to the ground by pegs and it has been in place for over 2 years. Although relatively lightweight in construction it is considered to be similar to a large polytunnel. Given its size and relative permanence it cannot reasonably be considered a temporary structure and therefore constitutes development requiring planning permission.

This structure would be removed should planning permission be granted for the general purpose agricultural building (Application 2).

Storage Tanks and Shipping Container

Within the area of hardstanding there are various storage tanks and a shipping container. Two plastic tanks are used to store diesel for farm vehicles and the shipping container provides general storage space.

Although the diesel storage tanks are not mobile and are set on a concrete base it is considered given their nature and limited size, that they do not fall within the definition of a building and their siting on the land does not involve an engineering operation. Neither are they an 'other operation'. Accordingly planning permission is not required for their retention. The shipping container has been placed on the site and is considered to be a structure placed permanently on the land and falls within the definition of a building. Planning permission is required for retention of the container.

The shipping container would be removed should planning permission be granted for the general purpose agricultural building (Application 2).

Electricity Generator

The electricity generator measures approximately 1m by 1m by 1m high. It is a free-standing item (i.e. not plant or equipment within a building) located in a field and connected by cables to each of the poultry sheds. The generator is not fixed to the ground but is positioned on a hardcore base and would need to be loaded onto a trailer or similar for moving.

Given its limited size it is considered that it is not a building, structure, erection or 'other operation' and its siting on the land does not involve an engineering operation. Accordingly planning permission is not required for its retention.

Pipework and Standpipes

Each poultry shed is provided with water from standpipes connected by plastic pipework that are served from a supply close to the main agricultural building. The standpipes are spaced approximately every 100m alongside the track and are approximately 1m in height. In some locations the pipework from the standpipes to the poultry sheds is buried, in others it is laid on the surface.

The standpipes and pipework are of a small scale and the pipework could generally be removed without the need for engineering operations. In the circumstances it is considered that the pipework and standpipes do not constitute development requiring planning permission.

Vehicles/Equipment/Trailers

Within the area of hardstanding there are various vehicles, pieces of farm equipment and a 'mobile office' trailer.

These items are all mobile and do not constitute buildings. Furthermore they are being used in a way that is ancillary to the agricultural use of the land. Accordingly planning permission is not required for their retention.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

A total of 255 representations have been received in respect of the five planning applications of which 254 are objections and 1 in support. As the applications are inter-related a number of objections have been made to all five collectively. 164 of the responses list the following 10 grounds of objection:

1. This is an exceptionally beautiful valley on the outskirts of Bath in the Green Belt and Cotswolds AONB. The unauthorised developments are extremely harmful to the tranquillity and visual amenity of the valley.
2. The very special quality of the Woolley Valley is confirmed by the Article 4 Direction which removes permitted development rights. This is the only agricultural land within the whole of B&NES to have this additional protection.
3. The pre-existing open stock barn which has now been converted, without permission, into an enclosed egg packing facility with office attached, is totally out of place in this rural location. It has the appearance of a light industrial unit.
4. The application for a temporary agricultural worker's dwelling has already been refused 3 times. There can be no justifiable requirement for a temporary dwelling since the site is only a few hundred yards from large areas of housing in Larkhall.

5. The proposed additional agricultural building is of a significantly greater height than the existing light industrial unit, will be clearly visible and will detract from the rural character and natural beauty of the Green Belt and AONB.

6. There is no practical requirement for the stock pond, which is not a natural feature in the landscape and which already appears to have fallen into disrepair. Far from enhancing the local ecology, it is likely to harm it.

7. The farm track, which runs the length of the site, is claimed to be covered with soil and grass to make it blend into the landscape. It is not. This track, the large additional area of hardstanding created adjacent to the egg packing facility and the two feed silos add significantly to the overall visual harm.

8. The site has generated a great deal of additional traffic involving huge lorries which are totally unsuited to Woolley Lane, a narrow single track rural lane.

9. Worst of all is the harm caused by the 10 "mobile" chicken sheds. These huge structures are highly visible from all points around the valley and are an eyesore. One single unit on its own would be insupportable, but the combined harm caused by the 10 units is completely unacceptable.

10. This sensitive valley is suited to grazing of cattle and sheep, as was the practice before GVP acquired the land. It is a totally inappropriate location for an intensive livestock installation involving thousands of ducks.

91 other objections raise similar issues as well as the following points:

11. The site forms part of the Gateway to the Bath World Heritage Site.

12. The site is approached from the city boundary via a residential area that contains many families with young children and a number of schools.

13. The site is in an amenity area used extensively by walkers, cyclists and horse and bike riders including many tourists. Intensive rearing of domestic fowl has brought increased numbers of rats, flies, and foul water run off onto the highway coupled with a bad stench in warm weather and is a health and safety hazard.

14. The roadway and the verges are being destroyed by traffic from the site, much of it large lorries, wider than the carriageway. In some parts there is no place left to move safely out of the way of oncoming traffic if you are on foot or with a bicycle or a pushchair. It has become dangerous for family outings with children and it is surely only a matter of time before there is a fatality on Woolley Lane caused by the increase in the volume and the size of the traffic associated with this enterprise.

15. If the new barn is treated like the old then the site will soon have the appearance of an industrial estate. The land was farmed without buildings other than rudimentary shelter for grazing animals for decades. Alterations to the existing building amount to a change in use to light industrial.

16. Works to construct the hardstandings, farm tracks and stock pond have been heavy handed with total disregard for the land and traditional methods.

17. Drainage of the site is inadequate and results in damage to the adjacent road surface.

18. Damage to the flora of the area from the poultry units due to their infrequent relocation within the holding and lack of alternative land resulting in heavy poaching and overgrazing of the land, and resultant poor ground condition and insufficient time for the land to regenerate as pasture.

19. The stock pond impedes natural drainage with knock on effects for the local ecology including the loss of local habitat for protected species.

20. The Stock Pond is likely to pose a major flooding threat to nearby properties.

21. The agricultural building has the appearance of an industrial unit, is not a sensitive design for a sensitive area, not suitable for its intended use and not required given other suitable buildings either owned by or available to the operators.

22. The financial case set out in the appraisal in support of the proposed agricultural workers dwelling is flawed and fails to accurately record the finances of the operation, and the functional need is not demonstrated.

23. Impact of lighting of the existing agricultural building.

24. Loss of hedgerows, change to endangered landscape through drainage works and overgrazing.

25. Potential expansion of egg packing to 24 hour operation.

In addition evidence has been submitted or statements made that seek to demonstrate that there are numerous inaccuracies in the planning history of the site and application documents.

Whilst objecting to the applications, one respondent noted that while it is a good idea to allow development to generate economic advantage & employment, particularly in a recession, the Council also has a duty to protect the rural heritage on the edge of the city for future generations and the Woolley Valley is one good example of where it is important to strike a balance between these competing objectives.

One letter fully supporting all the planning applications on the grounds that farming is changing. They state that it is nice to see the land being used and not just for hay; the sheds for the chickens are large but are not an eyesore and are moveable; the track that has been put in is excellent as instead of deep ruts in the land the farm workers stay on the track mostly so less damage is done to the land when they are checking livestock; the stock pond needs to stay as they have seen an increase in bats since its construction and if it were to be removed it would be taking away a food and water source for these protected species; a farm needs a building for its livestock and feed stores and the workers hut is needed as animals can need help day or night and protection from predators; the lane up to the entrance of the land is clear, the lane past the entrance is

muddy and the verge is often damaged by all the delivery vans and lorries going to Woolley village itself which cause endless problems as most of the drivers are not used to the lanes that were originally for farm machinery and livestock not modern delivery vans and lorries.

Charlcombe Parish Council

The Parish Council objects in principle most strongly to these 5 planning applications, raising objections to them as a single entity on the grounds that they are interlinked and all form part of the same development and supported by the same application documents. It is essential to consider the various elements of the planning applications as a whole in terms of their cumulative impact and not in isolation. They refer to the Article 4 Direction and the purpose for its designation, highlighting its specific relevance and reference to the land covered by the current applications and the exceptional beauty of this part of the Cotswolds AONB, the special character of the historic city of Bath and the beneficial use of land in this urban fringe area to provide an amenity for the residents of Bath. They also cite the NPPF and consider that the GVP development at Woolley is extremely harmful to the Green Belt and that the NPPF requires the Planning Authority to give substantial weight to this harm. They consider that the cumulative effect of all the unauthorised developments on the site has a huge impact on this sensitive location. Whilst individually, the developments each have a detrimental visual impact, and a number have been refused more than once on these grounds, when viewed in totality the combined effect is completely unacceptable in this especially sensitive location. It is essential that the cumulative effect is addressed as a key element of the decision process.

They note that the Parish Council has no objection to appropriate agricultural enterprises which do not cause harm. However it is not a suitable location for a poultry enterprise of this type (classified by B&NES as an intensive livestock installation) requiring the use of a large number of specialist buildings, hardstandings and track. It is quite simply a case of the wrong activity in the wrong location.

The Parish Council considers that the EIA Screening Assessment is clearly inconsistent with previous assessments of the impact of development on the site and the cumulative effect of the current proposals, failing to present any substantial reasons for the conclusions that are drawn and repeatedly downplaying the effects, particularly on the local population. They conclude that the EIA screening assessment is flawed and that it should have concluded that an EIA is required.

In terms of the applications they raise the following objections:

The alterations to the existing building have changed its structure and nature of this turning it into a fully enclosed light industrial unit with office extension with a visual appearance more suited to an industrial estate than to open countryside within an AONB. It is an eyesore and is inappropriate development in this sensitive location contrary to policy GB.2 and NE.2. They also state that the works, including the creation of the hardstanding around the building do require planning permission and were not completed more than four years ago and have a significantly detrimental visual impact on the Green Belt and AONB.

They note that the unauthorised alterations to the site access, which were twice refused planning permission, have now become permitted by default under the 4-year rule, especially as Highways have consistently opposed the entrance on highway safety and

usage grounds, contrary to Policy T.24. They note that GVP regularly bring Heavy Goods Vehicles to the site which, due to their size and weight, are totally unsuited to narrow single track roads such as Woolley Lane, Charlcombe Lane and Colliers Lane, the only means of access to the site contrary to policy T.24 (vi) which prohibits the introduction of traffic of excessive volume, size or weight onto an unsuitable road system or into an environmentally sensitive area.

They object to the farm track on the basis of both functional need and visual impact from Woolley lane and from the surrounding hills, including from the A46 which is one of the main gateways into the World Heritage city. They note that the Design & Access Statement claims that the track has been covered with 25 mm of soil and seeded with grass to make it blend in and to reduce its visual impact however in practice, the very thin layer applied has been rapidly worn away by vehicles using the track and there is now no grass covering at all. Additional hardcore has been applied since without any addition of soil and the applicant has demonstrated no serious intent to make the track blend in. The resulting visual impact is unacceptable in this very sensitive location within the Green Belt and Cotswold AONB. It is contrary to Policies GB.2 and NE.2

In terms of the temporary agricultural worker's dwelling they note that this is the fourth application to be submitted, each of the previous three (identical in detail with the current application) having been refused. They state that there are no changes in this latest application to any of the circumstances or arguments put forward by the applicant to justify the need for the mobile home, and on the basis of no new information or arguments, the application should be refused. They state that the application fails to demonstrate why appropriate accommodation for the worker could not be provided elsewhere within the neighbourhood and that the proposed siting of the dwelling is not within sight and sound of the majority of the site, in particular the poultry units being located at the extreme southern end of a linear site approximately 1 kilometre long, and will be significantly screened by the topography of the land and by the former stock barn/light industrial unit. There is therefore no substance to the GVP claim that a worker in the mobile home "would, by his presence, deter foxes and be able to hear any disturbance and act immediately...". They state that there can be no question of permission for a permanent dwelling being granted in this sensitive Green Belt/AONB location citing an appeal decision in Chew Magna, previous enforcement action to remove an unauthorised dwelling in Woolley Valley and the Council's previous reasons for refusal of a dwelling on the site. The siting of the mobile home in this location would detract from the appearance and openness of the Green Belt and from the natural beauty and rural character of this very special part of the Cotswold AONB. They note that the site is clearly visible from a number of viewpoints including the main A46 approach road to Bath and the adjacent public footpath and that the visual harm is demonstrated by the presence of the smaller unauthorised and unlicensed metal-clad mobile home which has been on this site for over 3 years, and the visual harm would be exacerbated by the presence of a much larger timber-clad mobile home more than twice the size, 17.8m long by 6.1m wide with a height of 4m.

The Parish Council also questions numerous statements in the Agricultural Appraisal, the lack of evidence to substantiate claims made regarding the enterprise, its financial viability and the operational requirement for a worker to be on site permanently.

In respect of the feed hoppers, at a height of 5.4 m they are significantly higher than the hedge bordering the lane and as a result they are an eyesore, even more so in the winter

months when there is no foliage on the hedgerow. The visual impact is unacceptable in such a sensitive location. They note that the applicant has stated that he is more than willing to move the feed hoppers within the site and undertake further landscaping if required. The parish Council request that if the hoppers should be given planning permission, they are relocated to a less conspicuous site, for example tucked behind the converted stock barn, although also suggest it would be appropriate to investigate whether there is actually a functional need for the hoppers and if there is, whether that need could be met by some other more appropriate and less visible arrangement which does not rely on hoppers 5.4 m high.

Regarding the stock pond the Parish Council notes the disregard for the ecology of this specially protected land in the Woolley valley through their extensive unauthorised building works, excavations and alteration of levels of the land, particularly in the field at the northern end of the site in which the stock pond is situated which the previous owner described as the most ecologically valuable field on the holding. They therefore attribute little weight in the ecological appraisal to the purported good intentions of the applicant. They question the need for the stock pond and which they consider does not represent good farming practice. The pond is not a natural feature in the land, and contrary to what the applicant claims, there has never been a stock pond in this location. The pond is visually intrusive and adversely affects the natural beauty of the landscape in this specially protected area of the Cotswold AONB. The stock pond has also caused silting up and pollution to adjacent farm holdings. Further work to dig out and re-profile the pond to remedy the recent neglect will cause further pollution. They note that the Swainswick Valley is a known habitat of the White Clawed Crayfish, now an endangered species, and the excavation work, both past and proposed, has an adverse effect on the ecology of the valley. Development of the Stock Pond neither conserves nor enhances the character, amenity or wildlife value of local watercourses and their corridors and, as noted in the submitted Ecological Report, it is not expected that the pond will be used by breeding amphibians. The Parish Council conclude that the pond will not make any contribution whatsoever to the local ecology, contrary to Policy NE.15 of the Local Plan. They also note that the pond is situated on unstable ground delineated as an 'active shallow translational landslide'. Accordingly, once full, the combination of the additional weight of landscaped soil and water coupled with the hydration of the crystalline elements within the underlying Fuller's Earth shear layers has the potential to destabilise the ground and put at risk any livestock, attending humans and adjacent land in the fall line of the slope, which includes both a dwelling (Homestead) and Woolley Lane public highway. This should be investigated to establish whether the presence of this stock pond on land which is known to be unstable poses a risk to the health and safety of the public.

In respect of the proposed new agricultural building the Parish Council notes that a previous application for a building in this location was refused planning permission on Green Belt and AONB grounds and whilst the currently proposed building is smaller it would be significantly higher than existing stock barn/light industrial unit and be prominent and highly visible in this location. Moreover, it would add further to the existing clutter of buildings and installations at this end of the site, with the cumulative effect being extremely harmful to the visual appearance of this very sensitive location.

Regarding the 10 mobile poultry units the Parish Council states that they represent the single most visually intrusive element of the whole development and are completely inappropriate in this sensitive location. They dispute the conclusions of the LVIA, stating

that the 10 poultry sheds form a very prominent and unnatural feature visible from many points in the valley and from the local lanes, especially Woolley Lane with a highly detrimental visual impact on the landscape. They state that one single poultry unit has a very harmful effect and on its own would be contrary to Green Belt and AONB policies and the combined impact of all 10 is totally unacceptable. They also note that the LVIA addresses the poultry units under the heading of "Temporary Impacts" and states that the adverse effects associated with the poultry units will last for the duration of the temporary development whereas the poultry units will have a permanent impact, citing the High Court judgement in respect of the permanence of the buildings in planning terms.

The Parish Council notes that there has been persistent discharge of polluted effluent onto Woolley Lane which apart from the smell must surely be a health hazard. Whilst some temporary work may have been undertaken subsequently to alleviate the situation, the fact that the 10 poultry units are sited on sloping ground directly above Woolley Lane makes it highly probable that further pollution of the lane will occur unless an adequate drainage system is installed. The applicant has not addressed this in the planning submission.

In respect of the revised plan (which shows a concrete path along the side of the existing building) the Parish Council note that the path has recently been created and the application is therefore retrospective. This typifies the applicant's blatant disregard for the planning regulations and the Parish Council is in little doubt that, having observed concrete being delivered to site, had the issue not been raised with the Planning Authority, the applicant would not have submitted a revised planning application. They note that the GVP agent claims that the concrete path replaces a previous hardcore path and that this work has been undertaken for health and safety reasons. However no further information is provided. There is no justification given for the path, no explanation as to what purpose it serves, and no explanation as to which particular health and safety issue has required the replacement of the pre-existing hardcore path. Whilst recognising that the path itself is relatively trivial in the overall context of the totality of the unauthorised development on site which is the subject of this and the 4 associated planning applications, it is yet another piece of concrete laid on what should be an open Green Belt/Cotswolds AONB hillside, but which now resembles an ugly industrial facility. The path simply adds yet more to the cumulative impact which is totally unacceptable in this highly sensitive and very special location. The concrete path, for which the applicant has failed to provide any satisfactory justification, is unacceptable development and contravenes policies GB.2, NE.1 and NE.2. This additional element of the application should therefore be refused.

Swainswick Parish Council

The Parish Council notes that the Article 4 Direction removes permitted development rights and the circumstances behind the designation to provide additional safeguards to the Valley following enforcement action to remove an unauthorised building that had been erected despite planning permission having been refused. They consider the specific reasons for the Article 4 Direction are still relevant today which show that the Council places great importance on maintaining the rural character and openness of the Green Belt. In terms of the applications the Parish Council object most strongly on the grounds that the area is covered by an Article 4 Direction which signifies the very special qualities of the Swainswick/Woolley valley; all the works are in contravention to Green Belt and Environmental policies in the Local Plan; the developments are in the AONB and entirely detrimental contrary to Local Plan policies and the NPPF.

In respect of the individual elements of the applications they note that the alterations to the building were not carried out more than four years ago and so not immune from enforcement action. They also question the viability of the business (which is currently operating at less than full capacity) and note that the operation at Woolley is described as the 'administrative centre' which implies a change of use. They consider the gates and access are unsuitable and inappropriate, and the track and hardstanding unlawful. They question statements made in the application about the existence of a silted up stock pond where the new stock pond is proposed, and note that works to create the stock pond has resulted in pollution and silting to adjoining land. They contend that the stock pond was created to accommodate material removed from elsewhere on the site and is an eyesore disturbing rather than enhancing local habitats contrary to Local Plan policies NE.9, NE.11 and NE.12. They note that the feed hoppers are clearly visible above the hedge and shine brightly in sunlight contrary to Local Plan policy GB.2. They note that the location of the agricultural workers dwelling is hidden from the duck houses and some distance from them, there is plenty of suitable housing nearby, GVP must prove the mobile home has been lived in continuously since it has been on site, the proposed mobile home is more than twice the size of the dwelling that has been previously refused permission, a mobile home would detract from the openness of the Green Belt in a sensitive part of the AONB and would scar a highly sensitive area which is visible from the main approach to Bath from the motorway. They object to the erection of the general purpose agricultural building as they consider very special circumstances do not exist and that an additional building would have a considerable impact on this beautiful and highly protected area. The Parish Council notes that due to the sloping ground it was necessary to dig in the poultry units to make them level and are large, shining structures which blot the landscape contrary to policies Local Plan GB.1, GB.2 and NE.3.

The Parish Council also consider that the EIA Screening is deeply subjective and the conclusions misguided. In conclusion they consider that although the applications are presented independently the cumulative effect of the applications should be a major consideration. They consider there no very special circumstances have been advanced as to why the buildings allegedly required for a new, unproven, endlessly changing agricultural venture should be permitted. They note that all elements of the application have either been previously refused or have been carried out without planning permission, or (in the case of the stock pond) were given permission erroneously that has since been quashed by the High Court. Nothing has changed to make these various developments any more acceptable, in fact the cumulative effect is much worse.

Natural England

Impact on Landscape - the applications fall within the Cotswolds Area of Outstanding Natural Beauty. Whilst we recognise that the proposals have an impact on the local landscape, Natural England has no comments to make on this proposal at this stage as we do not believe that this development is likely to impact on the purposes of designation of the Cotswolds AONB. I should emphasise that the temporary and agricultural nature of the proposed development has been a factor in this conclusion. Given the location of the development, however, the local planning authority should seek the views of the AONB Partnership prior to determining this planning application, as they may have comments to make on the location, nature or design of this development.

Impacts on Ecology - both the Ecological Appraisal document and the LVIA contain recommendations for measures which have been identified to mitigate the adverse effects on ecology which the proposed development may have. At this stage, however, the recommendations are not worded in enough detail to form mitigation proposals. Prior to determination and before I am able to respond formally on these proposals, the applicant will need to submit actual mitigation proposals for review and will need to demonstrate that these will be feasible and will work to mitigate adverse impacts. In particular, more detail is needed on hedgerow planting and the establishment of wildlife corridors to provide connectivity.

Cotswold AONB Board

The Board objects to these related applications on the grounds that the proposals adversely affect the landscape and scenic beauty of the Cotswolds AONB. This is contrary to paragraph 115 of the National Planning Policy Framework and to Policy NE2 of the Bath and North East Somerset Local Plan. The Board would also contend that the proposal is not in accordance with Policy DTP1 of the Cotswolds AONB Management Plan 2008-13 which was formally endorsed by the Council as supplementary guidance for local development framework preparation and development control decision making on 21st April 2009.

The Board notes that the application for the temporary workers dwelling is essentially the same as application ref 09/04403/FUL to which the Board objected and was subsequently refused by the Council in March 2010. The case officer's report with respect to that application includes clear reasoning as to why the temporary agricultural workers dwelling would be harmful to the AONB in this location, and why the current access arrangements which are subject to this application are also harmful to the AONB. As there has been no change of local policy with respect to the development being applied for since refusal of 09/04403/FUL, the Board would strongly support the refusal of the current, virtually identical application. The Board is of the view that the poultry units by virtue of their scale, design and materials are harmful to the landscape and scenic beauty of the Cotswolds AONB, and the access track by virtue of its materials and design. The Board is of the view that the duck pond is an incongruous feature in the landscape and is harmful to the landscape and scenic beauty of the AONB. The Board considers that the cumulative effect of all these applications is to cause harm to the landscape and scenic beauty of this part of the Cotswolds AONB contrary to national and local policy. The Board therefore objects to these applications.

English Heritage

No comments. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

The National Trust

Note that the site is highly visible from the Trust's land at Solsbury Hill and it is clear that the landscape is being destroyed as a result of this development. They support the ten reasons for objection listed above and add the following grounds of objection: GVP have had several planning applications refused but appear to be carrying on regardless with the destruction of this important landscape in an AONB; the views from the National Trust's land at Solsbury Hill are severely impacted by this development; the creation of tracks and earthmoving is destroying flower rich grassland; species rich grassland and lowland meadows are a high priority in the local Biodiversity Action Plan; the local plan seeks to

protect the landscape by not permitting development that does not either conserve or enhance the character and local distinctiveness of the landscape and in an AONB development should be even more tightly control; the local plan prevents development that would adversely affect the nature conservation value of Sites of Nature Conservation Importance and prevents development that would adversely affect a species of importance to BANES or the habitat of such species. They conclude that this site is highly important both for its landscape value and its wildlife. The National Trust therefore supports the views of the Parish Council and urges BANES to refuse the applications and through enforcement ensure that the site is returned to its original condition.

Bath Society

Object to development as inappropriate blot on the landscape and highlight changes to Draft Core Strategy policy B1 in respect of sustaining and enhancing the significance of Bath's heritage assets including its setting and giving great weight to conserving landscape and scenic beauty in the Cotswold AONB.

Bath Preservation Trust

Raise concerns at the piecemeal applications and EIA Screening Assessment procedure. Have objected to previous applications for the farm track, pond and mobile home/cabin and continue to object as there has been no change in approach or impact and the extent of harm remains the same. The proposed alterations and extensions to the existing agricultural building would be an overdevelopment of the site and by virtue of its siting, design and appearance is inappropriate development and visually intrusive in this sensitive location. The access track and hardstanding has visually and physically scarred the open landscape and has a detrimental effect on the natural and rural character of the Valley. The pond is visible from an adjacent footpath is artificial and not a natural feature of the landscape, and its appearance neither preserves or enhances the character and local distinctiveness of the Valley and has an adverse impact on the natural beauty of the AONB. The feed hoppers are significantly higher than the hedge and detract from the visual amenity of the open countryside and harms the AONB and World Heritage Site setting. It would be possible to locate the feed hoppers in a less visible site. The proposal for the mobile home/cabin has not been adequately justified, particularly in such close proximity to a residential neighbourhood and it has not been demonstrated that any very special circumstances exist to allow development in the Green Belt. The proposed developments individually and collectively represent inappropriate development in the Green Belt, detract from the openness of the Green Belt and adversely affect the natural beauty of the AONB and landscape setting of the World Heritage Site.

Councillor Ward

1. The development severely affects the openness of the AONB and Greenbelt. It has a severe visual impact from all directions across the valley.
2. Given that the valley is of the highest order in respect to Bath Greenbelt and has Article 4 status, I have been surprised that such an industrial, intensive farm has been allowed to become established.
3. The nature of this industrial farming operation is unsuitable for the location as there are access issues given the very narrow lanes. The type of plant, vehicles and other equipment needed to sustain an intensive operation has caused damage to verges and consequential excessive erosion from soil dislodged from the verges, resulting in blocked drainage and surface water ponding. This has led to a lack of amenity to other lane users

including local families, walkers and especially the blind resident which walk the lane regularly before the industrialisation of the site.

4. There has been a direct public health risk created from runoff of poultry and sheep faecal matter. The runoff from the poultry houses has lodged itself in the lane in part because of blocked surface water drainage. This matter will no doubt contain strains of bacteria which will be pathogenic to humans at extremely low infective dose, E Coli, Campylobacter are examples. Salmonella spp are also a likely contaminant especially from poultry. The mixed grazing from sheep in amongst the poultry houses will have added to the risk of multiple types of disease producing organisms. These pathogenic bacteria are directly transferable to walkers using the lanes and without the benefit of hand washing facilities on walks. They are further transferable on the wheels of pushchairs, bicycles and cars. (the recent Godstone Farm E Coli outbreak as an example of what could happen here).

5. The site has caused numerous odour and fly complaints last summer since poultry arrived and from the intensive nature of the operation. I do not consider the operation has been particularly well managed in this respect but such intensive operations in close proximity to rural dwellings, it's not unexpected but it could have been foreseen!

6. It seemed obvious from the start that there would be creeping industrialisation and that more paraphernalia would be necessary including feed hoppers, water storage vessels, internal roadways, a pond and mobile facilities including a dwelling etc adding to the visual damage to the hillside.

7. The nature of the farming (large numbers of birds in the open field) cause obvious visual impact from the scaring of the land, causing severe visual impairment and causing runoff with the consequences described above.

8. This is part of an intensive farming operation and it's cumulative effect causes damage to the openness of the AONB and Greenbelt.

9. The narrow lanes in the vicinity of the operation have been damaged by plant and large vehicle movements. The verges have been excessively eroded causing soil to block drainage and causing ponding of mud, damaging the lanes amenity for walkers and residents.

10. Odour nuisance have been complained of by residents and walkers in the vicinity of the intensive farm. Waste management and removal have been a local issue complained about since the operation started.

11. The location and nature of this operation is unsuitable for this location, should it be allowed to continue it will continue to generate nuisance complaints and health challenge to its neighbours. There is a health risk caused by the fundamental nature of farming and the topography, causing the lane to be continually soiled with mud and faecal matter runoff.

12. These developments severely affect the openness of the AONB and Greenbelt. The area has Article 4 status and I do not believe it should be used for this nature of farming operation. These developments constitute an intensive poultry farm. Each contributes to an increasing amount of visual impact which is evident from all aspects within the Woolley valley area.

13. The nature of the operation is causing excessively large vehicle/plant movements on narrow lanes which are not readily able to take movements from such large vehicles. It has and will continue to cause damage to verges and excessive soil erosion. This has led to blocked drainage and consequential ponding of muddy pools. This has reduced the amenity for walkers and residents. Numerous complaints about this loss of amenity have been received by me as Ward Councillor.

14. There has been creeping development on the site for some years, the cumulative effect of which has led to odour nuisance, health risk and harm to the amenity of residents. It is an unsuitable location for the scale of the operation. If a professional Environmental Impact Assessment would have been carried out from the start, this location would have been identified as unsuitable for such an operation. There is evidence that its nature has been modified from that which it was originally considered.

15. The buildings have led to light emission issues though the late evenings and hours of darkness, resulting in complaints from residents.

It strikes me that a professionally undertaken Environmental Impact Assessment would rule out this site for the type of operation currently undertaken.

Councillor Chorley

Objects to the five applications on the grounds 1-10 above. They also note that it is not clear what is meant by a 'temporary' dwelling, either the dwelling is required or it is not. This would appear to be a method of progressively moving towards the construction of a permanent 'agricultural worker's dwelling', or residential property development as it is generally known. They also question why ducks need such substantial industrial infrastructure and question what 'stock' are the intended users of the stock pond. They conclude that this sensitive valley is suited to grazing of cattle and sheep, as was the practice before GVP acquired the land. It is a totally inappropriate location for an intensive livestock installation involving thousands of ducks, and the associated roads, feed silos, chicken sheds, offices, accommodation, large lorries and other industrial scale facilities. They most strongly urge B&NES to refuse all 5 applications and to follow refusal with swift enforcement action to have the chicken sheds, mobile home and associated paraphernalia removed and the site returned to its former condition.

B&NES Highways

The proposed development would appear to represent an intensification in use of the site. However, no attempt has been made to quantify this situation, the Design and Access Statement looking collectively at 5 applications and giving the applicants 'opinion' rather than making justified statements.

The applicants agent considers there is a need for one worker to be on site at all times, yet the proposed residential unit is a 3 bedroomed, family sized dwelling, which inevitably will result in a potential intensification in use of the site over and above the agricultural use. However (in mitigation?), the application includes alteration to the access. This has not been quantified or demonstrated, the only plan being of the existing access. At the very least, if there is to be an intensification in use of the site I would wish to see reduction in access gradient, improved visibility and some squaring off of the access to the highway carriageway, to improve ease of use for southbound traffic, with further setting back of the existing gates. This has all been set out in previous highway consultation responses regarding development proposals for the site. Regarding the farm track, details are very sketchy. Taking into account the above, I fail to be satisfied regarding the development proposals and highway impact - compliance with Policy T24 has not been demonstrated.

Bearing in mind the above, the highway response is open of OBJECTION in the interests of highway safety. I have drawn attainable visibility at the proposed access onto the submitted plan using the minimum acceptable set-back ('x' distance) of 2.4 metres. Not

allowing for any growth of the boundary hedge, attainable visibility scales at 7.0 metres in a southerly direction and 5.0 metres in a northerly direction (see attached plan extract). Whilst Woolley Lane does not equate to a Street, as per Manual for streets, even by the visibility standards set out in that document, which are less than the requirements of the Design Manual for Roads and Bridges, the attainable visibility falls below the requirement of 11 metres for a main road speed of traffic of 10mph. This is totally unacceptable and contrary to the interests of highway safety. Despite previous comments regarding failure to justify figures/assumptions in the Design and Access Statement, no further information has been received. Further, no justification has been given for the size of the proposed residential unit and no details have been submitted with regards alterations to the vehicular access previously referred to. Bearing the above in mind, the highway response remains open of OBJECTION in the interests of highway safety, the proposed development being contrary to Policy T24 of the adopted Bath and North East Somerset Local Plan.

B&NES Transportation and Highways (Drainage)

Not acceptable in the current form. The proposed means of drainage for surface water from the proposed development is via soakaways. In principle we support this approach, however further detail of the infiltration capacity of the soil is needed to ensure that soakaways will operate without causing flood risk. Therefore the applicant should carry out and submit calculations and infiltration testing to BRE Digest 365 standards, to demonstrate that the proposed soakaways are appropriately designed.

B&NES Environmental Health (Environmental Protection)

If planning consent is granted for this development, the applicant will need to apply to the council for a site license under the Caravan sites and control of Development Act 1960. I note that the site already has a temporary dwelling for which no license has been issued, furthermore in a consultation document submitted by this service for a prior application (09/04403/FUL) this service made reference to the need for a license and the need for adequate provision for foul drainage. I must therefore reiterate that it is usual in such circumstances where a connection cannot be made to a public sewer, that foul drainage is required to be provided in the form of a septic tank or small package treatment plant where the discharge is subject to a consent granted by the Environment Agency. I would therefore urge that advice is sought from both Building Control and the Environment Agency with regard to the suitability of the present arrangements of a sealed tank for foul drainage, both for the temporary dwelling and the extension to existing agricultural building.

B&NES (Public Rights of Way)

There are no public rights of way affected by the proposal.

B&NES Landscape

This is a complex series of planning applications containing a number of elements. Each application must be a material consideration in the determination of the other. They do not exist in isolation of each other and their uses are clearly inter-linked. At the same time as looking at the individual elements, I think that a single and unified scheme of longer term planting and management should have been prepared. In the D&AS, p9, for example, the applicant mentions the 'scores of trees' that have been planted. There is no record of what or where these are.

In terms of the Tyler Grange LVIA I am concerned that the LVIA does not appear to mention the World Heritage Site of Bath even though their own photographs (specifically 15 and 16) show how close and how inter-related they are. The setting of the WHS is clearly much wider than its physical boundary and whilst the (overall) site may be 'tucked away' in a side valley, this is a steeply sloping site that is clearly visible to large numbers of people visiting the city. With the exception of the farm track and possibly the pond, all of these units will clearly be visible to these receptors. I am also concerned that there are a number of the elements mentioned in the LVIA that do not appear on a drawing (that I can find) - woodland planting near the pond and loss of hedgerow to facilitate the access track are two examples. I would suggest that the application is incomplete without this drawing. I am also concerned that the 'mitigation measures' identified in the report (p22-23) do not appear to have been incorporated. To be of use, an LVIA needs to be done at the early stages of a project where the findings can then be incorporated. As a number of the mitigation measures cover ongoing planting and management, then a Landscape Management Plan would also be required. Nonetheless, my general comments are as follows -

12/05660/FUL

1. Alterations and extension to existing agricultural building; Taken on its own, I do not think these alterations or the small extension would have a noticeable or detrimental effect.
2. Alterations to access; formation of hardstanding and farm track; I have no issue with the need for a track and I think that the move to soften its appearance with topsoil and seeding would be welcomed. I also welcome the opportunity to improve the appearance of the gate to one with a more traditional and 'open' nature.
3. Construction of stock pond; I have no issues with regard to the pond.
4. Siting of 2no feed hoppers and ancillary works (Retrospective). I refer to my previous comments (application ref 11/02081/FUL) in respect of the actual hoppers where I noted that 'it would have been better to locate these two hoppers at the slightly lower level and beside the main building. Their siting should be reviewed in light of the additional proposed development in the vicinity.
5. Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years. Should matters of policy be overcome, then I would say that the current iteration is an improvement on the previous.

12/05661/FUL

Erection of general purpose agricultural building. I would object to the siting and design of this new building. I am concerned with the general location as it is adding yet further development along the valley side. Should there be a need for this building (i.e. should wider matters of policy be overcome) then I would rather see it moved more closely towards the existing building and the yard developed as a single unified cluster and as part of a single masterplan. The feed hoppers should form part of this plan. Irrespective of location, I would also ask for the materials to be amended to soften their appearance. I would expect to see timber cladding as opposed to metal sheeting and a dark (preferably green) roof as the primary views are from more elevated positions.

12/05662/FUL

Siting of 4 Poultry Units. It is unfortunate that these are retrospective as they should have also formed part of a well-considered Masterplan. It is clear that 10 of these units spread out along the valley side now appear as incongruous features in a landscape that is characterised by small clusters of houses and farm buildings. I

would object to the configuration and siting of these units in this specific landscape. Likewise, whilst they may be temporary in that they may be able to be physically moved within the existing field pattern this does not reduce the visual impact or the change in landscape character when viewed from across the valley. A person viewing these units from across the valley would be unaware of whether they could be moved or even whether they were part of a number of different applications. The route along the A46 is one of the key routes into the City of Bath and clearly does form an important part of the setting of the WHS. They are also clearly visible from a number of PROW's in the area. The view across this valley and from nearby landmark places such as Little Solsbury Hill, are well known and enjoyed by large numbers of people - people focussing on the landscape.

12/05663/FUL

Siting of 3 Poultry Units. I repeat the comments as per 12/05662/FUL above.

Given the importance and sensitivity of this location in terms of the AONB and more especially the setting of the WHS, I do not think it is appropriate to treat this as a series of separate and disjointed applications. Nonetheless, bearing in mind that it is possible to see what the actual impact is like, I would conclude as follows -

1. World Heritage Site status attracts a very high level of protection. The LVIA does not appear to have assessed the relationship and impact that the development has on the WHS despite the relationship being clearly visible in photographs 15 & 16 (for example). I find it extraordinary therefore that the WHS is not mentioned anywhere in the LVIA.

2. I accept there will be little physical impact on the AONB (i.e. trees, walls or hedges to be removed).

3. Impact on Character - the layout and configuration of the 10 mobile poultry units is now at odds with the clusters of buildings in the surrounding landscape and is unacceptable. Photo 9 for example, shows the 'pastoral landscape of the valley sides gives a rural appearance' and highlights the linear nature of the mobile units compared to the clusters of existing stone buildings. Furthermore, the undulating nature of the lane and the fields also means that these units are very visible at certain locations along the lane. I conclude that the units also have a detrimental and adverse effect on the character of the wider AONB and, more specifically, on the lane itself.

4. Visual impact. The mobile poultry units are clearly visible from the opposite side of the valley as well as from a number of PROW's within it - users of these are highly sensitive receptors. I disagree that the units are not 'prominent, discernible or easily visible' elements in photo viewpoints 11, 12, 13, 14, 15 & 16. It is my opinion that there is a demonstrable adverse visual impact.

There is no specific mention of the potential impact of lighting and this needs to be taken into account as it would be a significant additional impact on the landscape character, views, the Area of Outstanding Natural Beauty and on the World Heritage Site (and its setting). Again each of the elements cumulatively raises the impact level i.e. temporary dwelling with light spillage from windows and external lighting, lighting of the yard(s) etc.

In general, I conclude that the proposals noticeably conflict with and are at odds with the local landscape. They have an adverse impact on a landscape of recognised quality and on vulnerable and important characteristics, features or elements. They have a

detrimental impact on the setting of the WHS and this overall affect can be classified as 'moderate adverse'. There is no evidence to show that any of these impacts can be mitigated to an acceptable degree.

B&NES Ecology

The site is partly within part of the "Langridge - Woolley Complex" Site of Nature Conservation Interest (SNCI). Historically, some activities at the proposal site has damaged ecological interest and this has previously been acknowledged. The findings of the ecological assessment are not indicative of an appropriate management regime within the field labelled F1 in the ecological report (drawing ref 1081_2010/20), as required by condition 1 of consent 10/04188/FUL retention of the stock pond.

An ecological appraisal of the ecological impacts of the applications, collectively, has been submitted. More detail of species present would be useful, as comprehensive species lists do not currently appear to have been provided for the areas of grassland within the SNCI boundary, nor for hedgerows of the site. Such information would help to provide confidence in the conclusions of the assessment of likely ecological impacts of the proposal.

I note the initial response of Natural England in relation to Ecology, for the submitted applications 12/05660/FUL, 12/05662/FUL, 12/05663/FUL and 12/05664/FUL. I also note the consultation response of the Landscape Architect and the points made about the need for a unified masterplan, and for correct and complete drawings. This is true also to enable confidence in an ecological assessment, collectively and/or individually, of any proposals. I agree with the issues raised by both the Landscape Architect and Natural England and consider that the information currently submitted in this format under multiple applications is inappropriate. This approach does not allow confidence in the assessment of ecological impacts nor in the ability of the scheme/s to successfully avoid and mitigate ecological harm and for long term operations to be ecologically acceptable.

The proposal/s must incorporate all necessary ecological mitigation and enhancement measures into the scheme and measures should be shown on plans and drawings as appropriate, with sufficient detail to demonstrate that they can be implemented. Without the above issues being fully addressed I do not consider any of the schemes to be satisfactory in their current form. However, if the recommendations of the ecological report were to be incorporated into the scheme and could be demonstrated as feasible, and the application could demonstrate intent for implementation of an appropriate wildlife management plan for the whole site, there is potential for ecological issues to be satisfactorily addressed.

POLICIES/LEGISLATION

Development Plan

The statutory development plan is the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) October 2007 and the following policies are of relevance:

GB1: Control of development in the Green Belt;

GB2: Visual amenities of the Green Belt

NE.1: Landscape character

NE2: Areas of Outstanding Natural Beauty

NE.3: Important hillsides - Bath and Radstock
NE9: Locally important wildlife sites
NE.4: Trees & woodland conservation
NE.10: Nationally important species and habitats
NE.11: Locally important species and habitats
NE.12: Natural features: retention, new provision and management
BH.1: Impact of development on World Heritage Site of Bath or its setting
BH.6: Development within or affecting Conservation Areas
ET.6: Agricultural development
D.2: General design and public realm
D.4: Townscape considerations
HG.10: Housing outside settlements - agricultural and other essential dwellings
T.24: General development control and access policy
T.26: On-site parking and servicing provision
NE.14: Flood Risk
ES.5: Foul and surface water drainage
ES.9: Pollution and nuisance
ES.10: Air quality

Core Strategy

The Core Strategy when adopted will provide the strategic framework for the management and development of land up to 2026. Of particular relevance to the site are B1 (The World Heritage Site and its setting); CP6 (Environmental Quality) and CP8 (Green Belt). The Core Strategy is now at an advanced stage and Annex 1 of the NPPF advises that decision-takers may also give weight to relevant policies in emerging plans (unless other material considerations indicate otherwise) commensurate with the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

National Planning Policy Framework

The NPPF (March 2012) states that there is a presumption in favour of sustainable development with a commitment to building a strong, competitive economy and to ensuring that the planning system does everything it can to support sustainable economic growth. Specifically, planning should operate to encourage and not act as an impediment to sustainable growth.

In respect of protecting Green Belt land the NPPF states that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate, however exceptions to this include buildings for agriculture and forestry. The NPPF sets out the Government's support for a prosperous rural economy, stating that planning policies should support economic growth in rural areas in order to create jobs and prosperity, by taking a positive approach to sustainable new development.

In respect of conserving and enhancing the natural environment the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. Specifically, great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty that (with National Parks and the Broads) have the highest status of protection in relation to landscape and scenic beauty. The NPPF also states that

conservation of wildlife and cultural heritage are important considerations in all these areas, and when determining planning applications local planning authorities should aim to conserve and enhance biodiversity.

With regard to conserving and enhancing the historic environment the NPPF states that the objective is to avoid or minimise conflict between the conservation of a heritage asset and any aspect of the proposal. Specifically, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.

More generally local planning authorities should approach decision taking in a positive way, to foster the delivery of sustainable development and should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

It is relevant to note that the NPPF (which replaced PPS7) removed the provision in that earlier document that where an Article 4 Direction was in place then development in the Green Belt was inappropriate and an applicant needed to demonstrate very special circumstances. Accordingly, a very special circumstances case does not need to be made for agricultural buildings. Notwithstanding this change, consideration still has to be given to the purposes of including land in the Green Belt and whether development achieves the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open. The NPPF confirms that the essential characteristics of Green Belts are their openness and their permanence.

Environmental Impact Assessment Screening

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("The EIA Regulations") include in Schedule 2 descriptions of development (and applicable thresholds and criteria) for the purpose of classifying development for environmental impact assessment purposes. Under the heading "Agriculture and aquaculture" the table includes the carrying out of development to provide ... (c) Intensive livestock installations. The applicable threshold criteria for such projects is 500m² of new floorspace (in a building or buildings) although in a 'sensitive area' (such as an AONB) the applicable threshold criteria do not apply. The floorspace of the poultry units amount to approximately 1,200m² and it is considered that the poultry units do constitute an intensive livestock installation under Schedule 2 of the EIA Regulations. Accordingly a Screening Assessment of the proposed developments (separately and cumulatively with other activities on the site) has been undertaken to assess whether an environmental impact assessment of the development is required.

Having considered all the relevant factors, the Screening concluded that the development is not likely to give rise to significant environmental effects and therefore an environmental impact assessment is not required.

OFFICER ASSESSMENT

Although five separate applications have been submitted to cover the range of development and operations at the site the applications are linked, with development covered in one application being functionally related to development covered by the other

applications. The applications are also supported by a single Design and Access Statement, Landscape and Visual Assessment and Ecological Appraisal that assess the various elements covered by the applications as a single entity. Given this interdependence each application is a material consideration in the determination of the others and it is appropriate that the applications are considered cumulatively as well as individually.

A number of the elements covered by the current applications have previously been considered by the Council either through planning applications or in enforcement reports. Whilst it is necessary to consider each of the current applications on their individual merits, previous decisions by the Council in respect of operations and development at the site are material considerations in their determination. Accordingly, should the Council reach a different conclusion from that made previously then it would need to explain why it was taking a different view.

Application 1

This comprises:

- alterations and extension to existing agricultural building;
- alterations to access;
- formation of hard-standing and farm track;
- construction of stock pond;
- siting of 2no. feed hoppers and ancillary works (Retrospective) and
- siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years.

Alterations and extension to existing agricultural building

The alterations to the agricultural building (that existed on the site prior to GVP acquiring the land) has involved the infilling of the open sides of the barn with rendered blockwork, and internal works to allow its use for egg processing activities, and office and staff facilities. The applicant's agent contends that the alterations do not amount to development however this is not accepted by Officers as a) the construction of the walls and infilling of the sides of the building amount to an engineering or other operation and b) result in a material alteration to the appearance of the building. Accordingly the works do constitute development and by virtue of the Article 4 Direction require planning permission.

In terms of the works themselves the building (and extension) is used for agricultural purposes and therefore does not constitute inappropriate development in the Green Belt. In terms of other Green Belt considerations the Local Plan identifies six purposes of including land in the Green Belt, of which the following are considered relevant to the current applications: checking the unrestricted sprawl of Bath and Bristol; assisting in safeguarding the countryside from encroachment; preserving the setting and special character of Bath; and preserving the individual character, identity and setting of Keynsham and the villages and hamlets within the Green Belt. Local Plan policy GB.2 is also relevant and states that permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction.

In this case whilst the appearance of the building has been altered from an open barn to an enclosed building, the footprint is essentially as originally built, it remains part timber-clad and retains the original low-pitched roof. The extension to the building is located away from Woolley Lane and constructed of materials to match those of the existing building. The existing hedge between the building and Woolley Lane largely screens the building in short distance views although the upper part can be seen above the boundary fence/entrance gates when viewed on Woolley Lane from the south and from the footpath leading from Colliers Lane to Woolley Lane. The existing hedge and local topography mean that the alterations and extension to the building are not readily visible in longer distance views. To the east, tree planting around the adjacent agricultural buildings (on land not controlled by GVP or the subject of this application) have an additional screening effect so obscuring views from more distant viewpoints from the other side of the valley.

It is considered that, given that the works are largely contained within the existing building and the extension does not materially encroach into open countryside, the works do not materially impact on the openness of the Green Belt nor conflict with the purposes of including land in the Green Belt. In terms of impact on the AONB and local landscape it is considered that given the nature and scale of the alterations and extension the character and local distinctiveness of the landscape will be conserved. Whilst the building is visible from Woolley Lane the works do not adversely affect the natural beauty of the landscape of the AONB. The works do not impact on local habitats or sites of ecological importance and do not, of themselves, give rise to significant impacts to local residents or the public. In the circumstances it is considered that the alterations and extension to the existing building are acceptable.

Objection has been raised to these works on the grounds that the building is out of place in this rural location, is not a sensitive design for a sensitive area and has the appearance of a light industrial unit. Objection has also been raised on the grounds that the building is not appropriate for its intended use and not required given other suitable buildings either owned by or available to the operators. Officers consider that whilst the infilling of the sides of the building have materially altered its appearance, the building maintains its agricultural function and the works do not give rise to harm to the Green Belt, AONB or World Heritage Site setting nor to local residents or those using Woolley Lane.

Internally the building has been fitted out to permit egg hatching and packing of eggs from the site and others controlled by GVP and this is considered to be an agricultural use of the building. Objection has also been raised on the grounds that the egg packing at the site could become a 24-hour operation. At the current scale of operation it is considered that there has not been a material change in the use of the site. However should activities at the site expand resulting in a material increase in the impact of the use (including off-site impacts) then planning permission may be required and the operation could be controlled through enforcement or conditions on any permission for a change of use were permission to be granted. Concern has also been expressed about lighting from the building. Given the importance of the area as a feeding area for bats and lack of other local lighting (other than houses and villages) then if planning permission were to be granted for the alteration works, it would be reasonable to impose a condition controlling external lighting.

Alterations to access

Alterations to the access to the site from Woolley Lane were undertaken in mid-2008 to form an enlarged vehicular entrance to the site involving the laying of a 7m wide concrete apron and erection of 2m high solid timber gates. The concrete apron extends 4m into the site. These works were the subject of three planning applications in 2008 and 2009, all of which were refused planning permission. The Reasons for Refusal were:

1. The works to the entrance to the site and the new gates installed are of an inappropriate design for this rural location and detract from the character of this part of Woolley Lane as a narrow rural lane, to the detriment of the appearance and rural character of this part of Woolley Lane and contrary to Policy NE.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

2. Woolley Lane by reason of its restricted width, poor alignment and sub-standard junctions is inadequate to serve as the sole means of highway access to the proposed development. The application site therefore would not have an adequate means of vehicle access providing a high standard of highway safety, contrary to Policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

3. The vehicle access to the site by reason of its steep gradient downwards towards the highway is likely to result in a road safety hazard and inconvenience to users of the adjoining highway, contrary to Policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

The current site access arrangements are as previously proposed and the Council's Highway Officer has reiterated their objection to the access on highway safety grounds. They have also noted that the information submitted with the applications does not provide evidence for the trip generation from the site and they consider that the proposed use (including the proposed temporary dwelling) will result in a potential intensification in use of the site over and above the agricultural use. They recommend a reduction in access gradient, improved visibility and some squaring off of the access to the highway carriageway, to improve ease of use for southbound traffic, with further setting back of the existing gates.

Works recommended by Highways to address the inadequate visibility splays require the removal of a significant section of the existing hedge on Woolley Lane however this would be resisted on landscape and habitat grounds. There is also a suggestion in the application documents that the solid gates will be replaced by bar field gates when security issues at the site have been resolved, however no timescale has been given for this. As there have been no material changes in circumstances since the previous applications were refused it remains the case that the alterations to the access and erection of gates are contrary to policies T.24 (highway safety) and NE.1 (landscape character). The previous refusals of planning permission referred to policy NE.2 (AONB) however it is considered that the impacts of the site access works are of a more local nature affecting the character of Woolley Lane and that the overall scenic beauty of the landscape in the AONB will not be adversely affected by these works. It should be noted that were planning permission to be refused for this element of the development the works could be retained as built as they were substantially completed more than four years ago and therefore immune from enforcement action.

Formation of hard-standing, farm track and concrete path

The formation of hard-standing around the existing building and farm track commenced in mid-2008 and has been extended, widened and re-laid over the intervening years, involving the further excavation of soil and laying of stone chippings. The concrete path was laid in 2013. The applicant states that the track will be covered with topsoil and seeded so that once the grass has grown only the ruts caused by the wheels of vehicles using the track will be evident. In March 2010 the Council considered a planning application (09/04403/FUL) for the siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access. Although planning permission was refused, there was no objection to the hardstanding or track. In respect of the hardstanding the case officer's report noted that it "is within the fenced compound of the farmyard, and its visual effect on the landscape would be reduced by its proximity to the existing modern barn in the farmyard ... Overall it is considered that this track would not affect the openness of the area or have a significant impact on the appearance of this part of the Green Belt." In respect of the track to the north of the farmyard, to be constructed in a similar manner to the current application the officer's report noted that "the track is to be sited close to the edge of the field, and this combined with the grass covering would mean that the track would not be prominent in the landscape or damaging to the appearance of this part of the Cotswold Area of Outstanding Natural Beauty or the Green Belt." In view of these comments, when considering an Enforcement Report in May 2010 it was concluded that although the track required planning permission it was not expedient to take enforcement action.

The current application proposes the same extent and method of construction for the hardstanding and track. Local Plan policy ET6 relates to agricultural development, including the construction of access roads where regard shall be had to any adverse environmental impact (including any conflict with other policies in the Plan). Where there is harm or conflict, regard shall be had to the need for or the benefits to the enterprise or the rural economy. Objection has been raised to the track on the grounds that measures to make it blend into the landscape have not been implemented or successful and together with the large additional area of hardstanding add significantly to the overall visual harm. Although marginally wider than when originally constructed, the track is located adjacent to the hedge and so not readily visible, other than from selected locations along Woolley Lane and from elevated positions to the north such as the public footpath north of Soper's Wood. From site visits and photographic evidence (including aerial photos) it is apparent that the track has been constructed and then seeded as described in the application. Whilst the appearance of the track when first constructed (and without topsoil and grass) is highly visible, with the light coloured chippings contrasting with the grass in the fields, once seeded and the grass has grown the appearance has softened. The area of hardstanding is adjacent to and largely screened by the existing building and, with the concrete path, not readily visible from outside the site. Subject to the track being covered in topsoil and seeded it is considered that the hardstanding, track and concrete path will not have a significant impact on the openness or appearance of this part of the Green Belt, the character and landscape qualities of the AONB or local landscape, or the setting of Bath and are considered acceptable.

Construction of stock pond

In January 2011 the Council granted planning permission for a retrospective application for the construction of the stock pond at the northern end of the holding. It was concluded that it was agricultural development and would not harm the openness of the Green Belt nor have any visual harm. The proposals were also considered not to conflict with Local Plan policies in respect of landscape quality and character of the AONB, ecology, drainage and flooding, land stability, pollution and health, and highways. A condition of the planning permission relating to a wildlife enhancement and management scheme was discharged in 2012 however the original planning permission was the subject of a successful legal challenge and the planning permission quashed.

Objection has been raised to the stock pond on the grounds that there is no practical requirement for it, it is not a natural feature in the landscape and is in an area where land stability is a potential hazard. Objectors state that it impedes natural drainage and is likely to harm rather than enhance local ecology as well as posing a major flood threat to nearby properties. Concern has also been raised about the manner in which the stock pond (as well as the track and hardstanding) have been constructed, with a total disregard for the land and traditional methods. It is acknowledged that the undertaking of these works had a temporary impact on the landscape until natural or planned re-vegetation occurred however the planning considerations and impact of the development have not materially changed since 2010. On balance and subject to conditions to control any future work (to address land slippage that has occurred and address potential future hazards) and the submission and approval of a wildlife enhancement and management scheme it is considered that the proposals are acceptable.

Siting of 2no. feed hoppers and ancillary works

Application 1 also includes the retention of two feed hoppers located to the north of the existing building, and adjacent to the existing hedge that forms the eastern boundary of the site with Woolley Lane. The hoppers are approximately 5.4m tall, and taller than the existing hedge. Although not readily visible from Woolley Lane due to the levels of the site and road, they are visible in longer distance views from the east. In the Landscape and Visual Impact Assessment submitted with the application it is contended that views of the hoppers will be limited and viewed in context with existing agricultural development and set amongst existing vegetation. This conclusion is not shared by Officers. The hoppers are located approximately 40m from the existing building and it is considered that they appear as discrete standalone structures rather than being read with the existing buildings on the site, and their visibility is accentuated by their colour. Whilst the retention of the feed hoppers is not considered to harm the openness of the Green Belt it is considered that in their current position they do not conserve or enhance the character and local distinctiveness of the local landscape and AONB, which is generally characterised by open fields free of buildings and structures and where there are buildings they are generally in small clusters. As proposed therefore the retention of the hoppers is considered unacceptable and contrary to Local Plan policy NE.1 and NE.2, and Draft Core Strategy policy CP6 which seeks to conserve or enhance the distinctive character and quality of the landscape. Repositioning the hoppers closer to the existing building could reduce their visual impact and if Members were minded to grant planning permission for the development then this could represent an acceptable balance between the operational needs of the holding and conserving and enhancing the local landscape. The applicant has indicated that in principle this would be feasible although the detailed siting would need to be agreed.

Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years

The sixth element of this application is the provision of a timber cabin on a temporary basis of up to 3 years to house an agricultural worker on the site, with a view to the building becoming permanent if the business was financially sustainable. At present there is a caravan located on the site and the current application seeks to replace this (and associated shed/dog kennel). The applicant has submitted a statement in support of the current application setting out their justification for the proposed building based on the operational needs of GVP's activities. This has been independently reviewed for the Council by an agricultural appraisal specialist in the light of the NPPF (which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside) and Local Plan policy HG.10 (which sets out a number of tests for housing in the open countryside). In summary these tests are:

- i) there is a clearly established existing functional need and financial justification for a worker to live on the holding;
- ii) the need is for accommodation for a full-time worker;
- iii) the functional need could not be fulfilled by another existing dwelling in the holding, or other existing accommodation in the area or through re-use of an existing building on the holding;
- iv) it is sited within a hamlet or existing group of dwellings or buildings, or elsewhere in the countryside;
- v) it is restricted in size commensurate with the functional requirements of the enterprise;
- vi) occupancy is restricted to agricultural workers.

In terms of the tests, if the poultry buildings are approved and fully stocked then there may well be sufficient need generated from this site given the substantial number of birds generating sufficient additional welfare needs to require a worker to be present at most times. Specifically a large number of poultry might well require a permanent on site presence to identify (by sight and sound) and address (by immediate proximity) sudden changes in welfare conditions that could otherwise have catastrophic welfare and business impacts. A dwelling further away may well answer much of that potential need but not all, and as the number of stock increases the level of potential incident that could not adequately be dealt with from a dwelling in the nearby settlement would also increase. However although there might be a functional need at Woolley if the poultry units were fully stocked, GVP's enterprise operates over three sites and it is not clear that there is a specific and established functional need at Woolley, nor that any need could not be located and satisfied at Doynton or Bitton. Furthermore the financial information submitted with the application is generalised, unsubstantiated and considered insufficient to demonstrate that there is a financial justification for the dwelling proposed at the site in Woolley and as part of GVP's enterprise across its three sites. There are no balance sheets, actual or budgeted, so it is not possible to assess to any meaningful degree whether (and certainly impossible to be satisfied that) the submission demonstrates a clearly established justification for a worker to live on the holding at Woolley. Accordingly, based on the evidence submitted the application fails the functional need and financial justification tests.

In terms of the need for a permanent worker, no specific evidence has been submitted on this point but on the basis of the total existing enterprise this test is likely to be passed. Regarding alternative accommodation no assessment is included with the application to demonstrate that none is available nearby and no assessment of existing buildings on the site at Woolley has been offered either, although it is noted that the existing building is currently fully utilised for activities associated with the enterprise. As noted above, it may be possible to reorganise labour and enterprise locations to allow the area of need to focus on one or other or both of Doynton and Bitton. Whilst no dwellings with permission exist there either, there are other buildings and other settlements to then take into account and evidence is required to show why this could not reasonably be done. Whilst there are poultry buildings at Woolley, they are not permitted so there appears no compelling reason why the livestock could not be centred at one of the other two sites and any need generated then being satisfied from those locations. The proposed dwelling is located adjacent to the existing building and is considered to be of a size commensurate with the requirements of the operation and so the fourth and fifth tests could be met. Were permission to be granted then a condition and/or s.106 obligation would be required limiting the use of the dwelling to agricultural workers and requiring the removal of the dwelling if the enterprise failed or the functional justification changed.

The proposed temporary dwelling would be located at the southern end of the site. Soil has been excavated to form a flat surface to accommodate the building, which means the dwelling would be partially screened from the public footpath linking Colliers Lane and Woolley Lane. However the site is at a higher level than Woolley Lane and although there is a hedge and trees along the boundary that will partially screen local views, the building would be visible from Woolley Lane particularly during the winter months. The LVIA submitted with the application states it is the intention to replace the existing solid timber gates with a bar field gate and whilst this would be welcome in terms of its appearance on Woolley Lane, it would have the effect of opening up local views of the building. The site is also in a prominent position on an east-facing slope and the building would be visible, particularly from the northeast and east. While there are some trees on the east boundary of the site and screen planting on adjoining land these would only partially screen the application site.

Based on the evidence submitted with the current planning application the functional need and financial justification for a worker to live on the holding has not been demonstrated and accordingly the proposed dwelling must be considered as a new building in the Green Belt for which a very special circumstances case must be made. No evidence has been submitted on this matter contrary to policy GB.1 of the Local Plan, policy CP8 of the Draft Core Strategy which seeks to protect the openness of the Green Belt from inappropriate development, and para. 55, 87 and 88 of the NPPF. The dwelling would also harm the openness of the Green Belt. In terms of its impact on the local landscape and scenic beauty of the AONB and the character and landscape setting of Bath consideration has been given to the local topography, existing planting in the vicinity of the building, its dimensions and location within the site. The building would be visible particularly from viewpoints to the east, and although it would generally be viewed in the context of the existing building on the site and those adjoining given the particular sensitivities and qualities of the local landscape set out in the case for the Article 4 Direction it is considered that the building would have an adverse impact on the local landscape contrary to policies NE.1 and NE.3 of the Local Plan and policy CP6 of the Draft Core Strategy.

In conclusion, for all of these reasons, it is considered that permission for the temporary dwelling should be refused.

Application 2 - Erection of a general purpose agricultural building

The general purpose agricultural building is intended to be used to store hay, feed, tools, implements, chemicals, etc and provide a building to lamb the sheep, calve the Longhorn cattle or to provide shelter for sick, injured or nursing livestock. At the present time these activities are undertaken within shipping containers and a plastic covered structure located on the site. The intention is that the proposed building will replace these structures and will also be used to house items presently stored outside. The building would be located to the north of the existing building and would measure 18m by 12m and would have a low-pitch roof with an eaves height of 4m and ridge height of 5m. The building would be constructed of concrete blocks and profiled steel sheet with a fibre cement roof. This compares with the existing building, which is 3.5m to the ridge and now constructed of rendered blockwork and timber cladding with a fibre cement roof.

The use of the building would be for agricultural purposes and Local Plan policy ET6 states that when considering such development regard will be had to, amongst other matters, any adverse environmental impact (including any conflict with other policies in the Plan). Given the use of the existing building on the site principally for egg processing it is accepted that there is little space within that building to accommodate the activities that are currently undertaken in other structures on the site. The containment of these activities within an enclosed building would reduce their current dispersed and ad hoc nature and it is considered that the provision of an appropriately sized and located building constructed of suitable materials could be justified were the overall operation approved.

The NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This however needs to be balanced with other considerations including the statement in the NPPF that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, noting that great weight should be given to conserving landscape and scenic beauty, including in AONBs which have the highest status of protection in relation to landscape and scenic beauty. Local Plan policies, in particular those relating to conserving and enhancing the landscape are also of relevance. Objection has been raised to the building on the grounds that it is of a significantly greater height than the existing building, will be clearly visible and will detract from the rural character and natural beauty of the Green Belt and AONB.

Given the location and height of the building it would be visible above the hedge line particularly when viewed from the east and would appear as a freestanding structure, separate from the existing building on the site. It is considered that the building would harm the openness of the Green Belt, and by virtue of its siting, scale and materials would not conserve or enhance the character and local distinctiveness of the landscape. The applicant has indicated that the height of the building could be reduced (although to compensate for the reduced capacity a larger footprint of building would be required) and could be moved south towards the existing building. However it is considered that the effect of these changes would not reduce the visual impact of the building to a significant

degree. Accordingly the general agricultural purpose building is considered to conflict with Local Plan policies GB.2, NE.2, NE.3 and ET.6 and Draft Core Strategy policy CP6.

Applications 3-5 - Siting of 2 x 3no. and 1 x 4 no. mobile poultry units

These applications cover the siting of a total of 10 poultry units on the land with each unit occupied by a flock of about 750 ducks. These measure approximately 20m x 6m x 3.5m high and comprise a metal frame mounted on skids, clad with brown plastic planks and the upper parts with dark green plastic over insulation. In addition, each of the 10 units has a paddock formed by 1m high demountable electric fencing. By day the ducks are free to roam the paddocks, and at night are shut in the units. Water is supplied via a hose that is connected to a series of standpipes sited alongside the farm track and electricity to the units (for lighting) is provided by battery packs and a mobile generator. Approximately 80% of the droppings fall through the slatted floor into the void underneath each unit and are collected and sold as fertilizer. The operation involves an approximately 12 month laying period with a rotation of new ducks replacing old flocks and the poultry units being emptied, cleaned and then re-stocked. As a consequence not all units will necessarily be fully occupied at all times.

The units are capable of being moved to allow them to be cleaned out and to provide fresh grazing for the ducks however although described as 'mobile', and they have been moved since they were first erected in 2010, they have been moved only infrequently and their size and weight means that this is a relatively significant undertaking. The application proposes that the units will be confined to the two fields alongside Woolley Lane and sited on the lower part of the fields, towards the hedgerow along Woolley Lane. The applicant contends that this would allow for ease of access along the farm track and is intended to reduce their visual impact. The remainder of the holding will be used mainly for the grazing of cattle and sheep.

The Landscape and Visual Impact Assessment (LVIA) submitted with the application notes that the existing landscape and residents of properties in the local area are receptors of high sensitivity to change, although motorists using the A46 and Gloucester Road are considered to be of low sensitivity. The proposed buildings are described as "characteristic of built elements in the landscape" although the report also acknowledges that the materials, form and distribution of the mobile poultry units do not reflect those of the farm buildings and properties in the area. The report also suggests that limiting the heights and scale of new buildings on the site (including the poultry units) and the use of appropriate materials and colours to reflect that of adjoining development and local agricultural vernacular would minimise visual prominence. Noting the temporary and mobile nature of the poultry units the LVIA assesses the impact of the development on the landscape and AONB as "local, temporary, and minor adverse". With tree and hedgerow planting (referred to in the report but not specifically proposed in the application) the LVIA assesses the overall impact as having a long term minor beneficial effect on these features. The LVIA concludes that there is a temporary, minor neutral effect on the pattern of scattered agricultural farmsteads with a generally temporary, local minor adverse effect on local residents and users of public footpaths in the locality. The impact on users of Woolley Lane is assessed as temporary, localised and moderate adverse, with the development being visually intrusive and adversely affecting the visual experience for users on Woolley Lane.

Objection has been raised to the poultry units in terms of their detrimental visual impact on the area, the AONB and gateway to the City of Bath World Heritage Site.

The ten poultry units proposed for the site are covered by three separate applications and so subject to approval of any or all of them there could be three, six, seven or ten units on the site. In assessing the proposals the applications have been considered individually but given the inter-related nature of the poultry units with the other elements of the development it is also appropriate that they are considered cumulatively. In terms of the visual impact of the poultry units the fact that they can be moved within the site is not considered to remove the significance of their presence, and their impact on the landscape is not affected to any material extent by periodic changes to their position, particularly as this will take place within a relatively narrow zone within the fields. Therefore whilst the poultry units are capable of being moved, and occasionally have been, they are effectively permanent features in the landscape. Given their design, materials and siting within the fields they are clearly visible from a number of locations and appear as incongruous elements within the otherwise generally pastoral landscape of small open fields divided by hedgerows. Buildings in the landscape outside the villages such as Upper Swainswick and Woolley are generally clustered (such as those at Crossleaze Farm to the east of Woolley Lane) whereas the proposals for the application site will involve a line of buildings extending across open fields, introducing a highly visible and unfamiliar form of development. They are particularly visible from the east from Innox lane, Tadwick Lane and Gloucester Road as well as from local viewpoints such as Little Solsbury Hill. It is considered that the poultry units will introduce new buildings into the landscape that will harm the openness of the Green Belt and by virtue of their siting and materials would be visually detrimental to the Green Belt contrary to policy GB.2 of the Local Plan. The units will also have an adverse impact on the AONB and character of the local landscape contrary to policy NE.1, NE.2 and NE.3 of the Local Plan and policy CP6 of the Draft Core Strategy.

The Statement of Outstanding Universal Value upon which Bath is designated as a World Heritage Site includes the green setting of the city in a hollow in the hills. Key aspects of the setting include the distinctive character provided by the topography, the townscape and land-use including the green undeveloped farmland, green spaces and trees and woodland, and the intangible qualities such as tranquillity that characterise the surroundings of the city. This includes the views afforded from the city to the green hillsides, woodland and open spaces, and conversely the opportunities provided by the surroundings to view the city and the quality and character of the environs and views to and from routes into and out of the city. Whilst the poultry units in particular are visible from the A46 which is one of the key gateway routes into the city, given the wider context of the valley within which the development is sited and the broad sweep of the vista from the north and east it is considered that the development does not significantly affect the landscape qualities that contribute to the setting of the World Heritage Site.

Objection has also been raised to the damage caused to the site through the intensive nature of the operation, the infrequent relocation of the units and lack of alternative land, as well as the effects of run-off due to inadequate drainage on the site particularly during wet weather and flies and odour during hot weather. In terms of the damage to the site, the units have been moved within the holding as part of the cycle of stocking, egg-laying and re-stocking of the flock and there is evidence that where the units have been sited the land has regenerated after they have been moved. The natural slope of the land and local

topography on which the poultry units are situated, together with run-off from land above the units and seasonal springs on the land, means that there have been occasions when there has been run-off from the site onto Woolley Lane. Weather conditions in 2012 were exceptional and resulted in high levels of run-off, the effect of which has been investigated by the Environment Agency and the Council's Highways Drainage team. They have recommended remedial action to contain run-off within the site and prevent discharge onto the public highway however as the installation of drainage on the site would involve engineering operations requiring planning permission (and do not form part of the current applications) it would be premature to determine the acceptability or effectiveness of any such measures. The issue of odour and flies from the site is a matter of animal welfare as well as public amenity however investigations by the Council and Environment Agency have not identified any significant problems with operations at the site.

Other Considerations

The GVP enterprise comprising operations at Woolley Bitton and Doynton employs around 20 staff, of whom 12 are employed at Woolley. The Local Plan notes that agriculture plays an important role in the local economy and provides the basis for other economic activities. Policy ET.6 sets out criteria for assessing development proposals. The NPPF highlights the Government's commitment to building a strong and competitive economy and to securing economic growth in order to create jobs and prosperity. It states that the planning system should do everything it can to support sustainable economic growth and should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. This includes supporting a prosperous rural economy with plans supporting economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. These objectives need to be balanced with the need to conserve landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. Also of relevance is the location of the development with the Green Belt and the presumption against inappropriate development as set out in the NPPF and Local Plan policy GB.1, the purposes of including land within the Green Belt and the appearance of the Green Belt set out in Local Plan policy GB.2. In the circumstances of these applications and the particular characteristics of this site it is considered that whilst the development is an agricultural use of the land and employs a number of people, the nature and impact of the use involving the siting of poultry units within the fields results in a degree of harm that outweighs the employment benefits. If the current operations at Woolley ceased and another agricultural operation took place on the site then there would be some continuing employment at the site associated with that use.

The Council's Highways Officer has expressed the view that the combination of activities on the site results in an intensification of the use of the land amounting to a material change of use. The intensity of use of the land is greater than the previous grazing of sheep and cattle, and the number of vehicles accessing the site is greater than before GVP started operating from the site. However it is considered that the primary use of the land remains agricultural and that the off-site impacts in terms of vehicle movements from the site, whilst of a greater number and occasionally involving larger vehicles, do not amount to a volume or impact that amount to a change in use of the land. Whilst there is egg packing on the site, including the importation of eggs from other GVP sites, the use of the land remains agricultural rather than industrial or mixed agricultural and industrial.

The site is partly within part of Site of Nature Conservation Interest (SNCI) referred to as the 'Langridge - Woolley Complex' and is also within the bat feeding zone associated with the Bath & Bradford-on-Avon Bats Special Area of Conservation (SAC). The SNCI covers the field within which the stock pond is located, but not the fields containing the poultry units, nor the track and hardstanding or other development at the southern end of the site. When the previous planning application for the stock pond was determined in 2011 and subject to the approval and implementation of a Wildlife Management and Enhancement Scheme no objection was raised to the development on ecological grounds in terms of both the SNCI within the site and Lam Brook approximately 700m to the east. The current planning applications do not involve works that have a significant effect on any European sites or protected species, nor require a licence from Natural England. It is considered that the proposals do not significantly adversely affect the nature conservation value of the area (Local Plan policy NE.9), nor species which are internationally or nationally protected or the habitat of such species (Local Plan policy NE.10).

Upper Swainswick is designated as a conservation area and Local Plan policy BH.6 seeks to preserve or enhance the character or appearance of the area by controlling development within or affecting it. In this case it is considered that Upper Swainswick is sufficiently distant from the application site that whilst the site is clearly visible from the village and has an impact on the landscape it does not impact on the character of the conservation area itself.

Conclusion

In determining the applications a balance has to be struck between the objectives of supporting sustainable development and a prosperous rural economy, and the need to protect the Green Belt and conserving the scenic beauty of the AONB and local landscape. The particular landscape quality of the Woolley Valley and the need to protect it from development is highlighted by the Article 4 Direction that removes permitted development rights for agricultural development. Designated in 1992, the Direction remains in force and the reasons for its establishment have not changed materially since then.

Whilst some elements of the development covered by the five applications are considered generally acceptable, the installation of the poultry units and proposed construction of a general purpose building on the land are considered to result in an unacceptable degree of harm to the landscape and to the openness of the Green Belt. In the absence of a proven agricultural need, the dwelling constitutes inappropriate development in the Green Belt.

The five planning applications cover a range of development that together comprises the agricultural operation at Woolley Lane. Whilst each element and each application has been considered separately, together they form the agricultural enterprise at the site and it is considered that in addition to the impact of the individual elements, cumulatively the operation has an adverse impact on the Green Belt, AONB and local landscape. In addition the applications are inter-dependent because they either form part of a single application, or the justification for one aspect of the operation is dependent on others that are covered by a separate application(s). So whilst the provision of the stock pond, hardstanding and track are considered acceptable they form part of a wider application (Application 1) including the provision of a dwelling on the site. The case for the dwelling is predicated on there being an agricultural need and that arises from the housing of

approximately 7,500 ducks on the site. Therefore if the agricultural need for the dwelling is not substantiated (either by failing the tests set out in HG10 or because permission is not granted for the poultry units), then the stock pond, hardstanding and track could not be approved. Whilst it is possible for the LPA to issue a 'split decision' and grant planning permission for something less than what was applied for, that should not be done if the permission granted would represent a "substantial alteration" of what had been proposed in the application so as to deprive those who should have been consulted of the opportunity of consultation. In this case, as noted above, it is considered that the 5 planning applications are all inter-dependent and effectively cover one single agricultural operation. For that reason, officers consider that to grant permission for only some elements of an application would constitute a substantial alteration of what has been applied for and therefore a split decision would not be appropriate.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 The proposed poultry units by reason of their size and materials, location and permanence would result in harm to the openness of the Green Belt and detract from the rural character and natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty and the local landscape contrary to Policies GB.2, NE.1, NE.2, NE.3, ET.6 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

PLANS LIST:

1 This decision relates to Drawings 2028/99.3 (Location Plan) and 2028/001 (Plan and Elevations of Poultry Units)

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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 choose 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 Annex

Members will recall that in this case a group of local residents had formed a limited company, SWVAG Ltd, and brought judicial review challenges against two interlinked decisions of the LPA namely:

- a challenge to the Council's conclusion, as set out in its Enforcement Delegated Report of 21 May 2010, that the poultry units, installed on the site by GVP Ltd, were not 'development' susceptible to planning control, and did not require environmental impact assessment ('EIA'); and

- a challenge to the Council's decision that an EIA assessment of the stock pond was not required. Planning permission for this development was granted, in accordance with a resolution of the DC Committee, on 21 January 2011.

The case was heard over three days at the High Court in London, between 3-5 July 2012. Members will be aware that in a judicial review the High Court is performing a supervisory role and will only interfere with an LPA's decision if it is wrong in law or irrational. In this case the Court did not agree with the Council's interpretation of the law and found in favour of SWVAG. The Secretary of State was also a party to the proceedings.

Background

So far as is relevant to the Court's decision, the background is as follows.

Following complaints about various activities on the site including substantial unauthorised earth moving, and visits by the Council's officers, on 22 April 2010 the Council served a planning contravention notice on GVP seeking information about the activities that had occurred. Having received a detailed response to the PCN, on 23 April 2010 the Council served a Temporary Stop Notice on GVP which prohibited the excavation of soil and surface materials from the land and the alteration of levels of the land.

On 21 May 2010, having taken advice from a senior barrister, the Council issued an Enforcement Delegated Report. It concluded that some of the activities that had taken place at the site did constitute breaches of planning control, however, the Council decided that the placing of the poultry units on the land did not constitute development. The Council therefore concluded that no environmental impact assessment of that activity was required and no enforcement action could be taken.

The reasoning of the Council was set out as follows in the delegated report:

"Over the past few weeks ten prefabricated mobile poultry units have been delivered and assembled on site. Each one measures about 20m x 6m x 3.5 metres in height and will house 1,000 birds (known as a flock). This will provide for a free range egg production operation in which each flock will be free to roam over the land during daylight hours and return naturally [to] their unit at dusk to roost.

Each unit consists of a series of 10 metal hoops which slot into metal skids. They are delivered to the site in kit form and assembled on site in a matter of a couple of days. Once assembled for the first time, the whole unit can be moved within the site in one operation. They can also be dismantled and loaded onto a flatbed lorry in a matter of 3-4 hours and re-erected on another site in a similar amount of time. The owners claim that no foundations or levelling of the land is required. However, observations on site showed that when assembling the units, an area of land had been levelled specifically for the purpose of assembly. The units were then moved and can be placed on sloping land.

The lower sides are uPVC which slot into the metal hoops and are covered by two layers of green polythene with insulation between them. A slatted floor is inserted internally. They weigh about 2 tonnes and, when occupied by the birds, would weigh an estimated 4 tonnes. This is sufficient to stay on the ground under its own weight although they can be held down with metal spikes in extreme winds. Each unit has a hose pipe connection to mains water and solar panels/batteries to power internal lighting.

It is proposed to site the units in fenced paddocks of between 1-2 hectares and to move them around the respective paddock approximately every 8 weeks or so. The units are mounted on skids which move easily over grass by using a tractor or 4x4 vehicles and have demonstrated this to enforcement officers. They have also filmed the operation for moving the units and supplied a DVD which shows that the unit can be towed with a tractor.

It is well-established in law that there are three primary factors which are relevant to the question of what is a building: The question of whether these chicken units are buildings involves making a planning judgment based on their size, permanence and physical attachment to the ground. This is very much an area of fact and degree. There have been numerous reported cases on what constitutes a building in planning terms, however ultimately each case turns on its own facts.

Factors weighing against the sheds being buildings are their lack of attachment to the ground and ability to be moved around the site. However weighing in favour of them being buildings are their sheer size, weight and bulk, a recent planning appeal decision against the refusal of a Certificate of Lawful Use or Development dated December 2009 supplied by the owner's agent concluded that a mobile poultry unit measuring 9.5m x 5.5m x 3.2m high did not constitute a building for the purposes of s.55 of the Act. In this case, only one unit was proposed. It housed 465 laying hens, was delivered as a flat pack and assembled on site by 2 no. unqualified people in two days. It was not anchored to the ground nor required a hard standing, could be moved by a tractor and was expected to be moved every 15 months.

In the current case there would be at least 10 units, some 20 metres long and they would be moved every 2-3 months. These would therefore be larger and heavier but moved more frequently and assembled on site in the same way as the appeal case. It is also worth noting that the dimensions of each unit are almost the same as the dimensions of a twin-unit caravan as defined in section 13 of the Caravan Sites Act 1968 which are: 20 metres long, 6.8 metres wide and 3.05 metres high. Although attached to a water point, several points of connection have been established on the site so the units could be moved.

On the basis of the information to date and as a matter of fact and degree, the mobile poultry units would appear to be 'chattels' capable of being moved around the site by a 4x4 vehicle. Furthermore, once assembled they can be dismantled and loaded onto a flatbed lorry in a matter of hours and transported to other sites.

On this basis officers have concluded that these units do not constitute development.

It has been suggested by solicitors acting for objectors to the development that the chicken units require an Environmental Impact Assessment ('EIA') because they are part of an intensive agricultural operation. However, officers are of the view that there is no requirement to undertake an EIA unless the chicken sheds constitute development and fall within one of the classes for which an EIA can be required. In this case neither the chicken sheds nor their use constitutes development and therefore no EIA is required.

It is therefore considered that no enforcement action can be taken against the chicken sheds."

The Council decided that it was not expedient to take enforcement action in respect of some of the other forms of development that had occurred, but it did issue an Enforcement Notice and Stop Notice, both dated 21 May 2010, in respect of the excavation of soil and surface materials from the site, including the digging of pits and trenches and the alteration of levels of the site. The prohibition in these Notices extended to the stock pond. A planning application was made in respect of the stock pond on 27 September 2010. Various objections were raised. There was a dispute as to whether there had previously been a pond on the same site which had become silted up, but the Council was satisfied that the pond had been newly engineered. A screening opinion was carried out which concluded that an EIA was not required. On 21 January 2011, the Council granted retrospective planning permission for the retention of a 15m x 12m stock pond on the site, subject to conditions.

SWVAG sought to challenge the Council's decisions by way of judicial review, having unsuccessfully sought an injunction against GVP to prevent any chickens being delivered to the site.

Grounds for judicial review in respect of the poultry units
SWVAG's grounds for judicial review raised the following issues:

A Did the Council make a material error of fact or fail to have regard to relevant considerations?

The Court found in favour of the Council on this point.

B Did the Council misdirect itself in law in deciding that the poultry units were not development requiring planning permission under English law?

The Council argued that it had to make a planning judgment which was a matter of fact and degree and had applied a test which is well established in English law that involved considering the poultry units' size, permanence and degree of physical attachment to the land. For the reasons set out above, the Council decided the units were not development. However the Court found that the Council had erred in law in taking too narrow an approach to the meaning of 'development' because it:

- should have considered whether a poultry unit was an 'erection' or 'structure';
- did not have regard to the relevant authorities when it concluded that the units were chattels not buildings since they were capable of being moved around the site;
- did not direct itself correctly in law on the issue of permanence - the units were permanently in their field, and there was no limit on the length of time they would remain there; and
- failed to consider whether the construction of the poultry units came within the residual category in s.55(1), namely, 'other operations in, on, over or under land'.

C Were the poultry units capable of constituting "intensive livestock installations" within the scope of the EIA Directive and/or the EIA Regulations 1999?

The primary issue between the parties was whether the Council had misdirected itself in law by failing to interpret the definition of "development" in English law so as to give effect to the EIA Directive. In its defence, the Council contended that the poultry units did not fall

within the scope of the EIA Directive or the EIA Regulations 1999, and so this point was academic.

The Court examined the European and English law and concluded that the poultry units were "capable" of being an "intensive livestock installation" under the EIA Directive and therefore the issue was not academic. However the Court did not rule on whether the poultry units actually were intensive livestock installations.

D Did the Council misdirect itself in law by failing to interpret the meaning of 'development' in English law so as to give effect to the EIA Directive?

The Council submitted that once it had decided that the poultry units were not 'development', it had no further duty to consider their environmental impact, since the EIA regime is given effect in the UK through the system of planning control. However, the Secretary of State and SWVAG argued that an English court is required to interpret national law, so far as possible, in the light of the wording and the purpose of the EIA Directive in order to achieve the result sought by the Directive. The judge accepted that argument and stated that:

"In my judgment, the definition of 'development' in s.55 TCPA 1990 can, and should, be interpreted broadly by planning authorities so as to include, wherever possible, projects which require EIA under the EIA Directive, or developments which require EIA under the EIA Regulations 1999. Otherwise the Directive will not be effectively implemented into UK law.

In this case, the Council misdirected itself in law by failing to have regard to the obligation to interpret the meaning of "development" in s. 55 TCPA 1990 in this way. I am satisfied that, if the Council concludes that the poultry units are a project which requires EIA under the EIA Directive, or a development which requires EIA under the EIA Regulations, the meaning of "development" in s.55 is sufficiently broad to be capable of encompassing the poultry units."

E If it is not possible to interpret the meaning of 'development' in English law so as to give effect to the EIA Directive, was there a failure to transpose the EIA Directive into UK law?

The judge decided that in light of her other findings she did not need to make a ruling on this point.

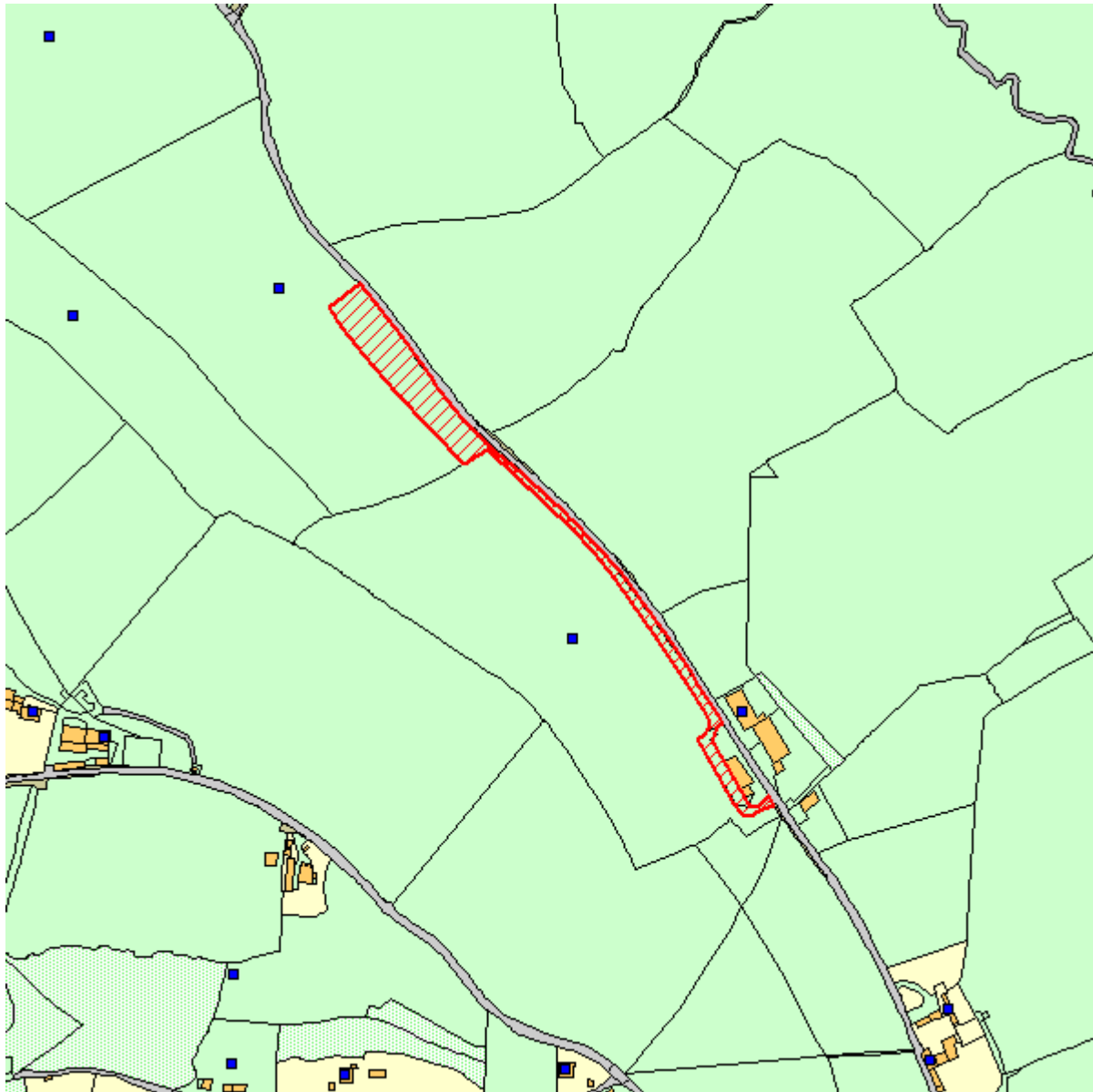
Grounds for judicial review in respect of the stock pond

SWVAG argued that the EIA screening opinion obtained in respect of the stock pond should have considered the cumulative effect of the other activities and works on the site and that the failure to do so meant that there was no consideration of the overall environmental impact at the site. The judge concluded that the "screening opinion only considered the cumulative impact of traffic, and not any of the other 'development' within the meaning of s.55 which the Council found had taken place at the site. It did not treat the poultry units as 'development', on the basis of the Council's earlier decision to that effect. In my judgment, the screening opinion was inadequate, and thus the Council acted unlawfully by granting planning permission without having carried out a lawful screening opinion. The screening opinion needs to be carried out afresh, once the Council has re-considered its decision in relation to the poultry units."

Conclusion

For the above reasons, both claims for judicial review were allowed.

Item No: 05
Application No: 12/05663/FUL
Site Location: Parcel 0005 South Woolley Lane Charlcombe Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Gabriel Batt Councillor Geoff Ward

Application Type: Full Application
Proposal: Siting of 3no. mobile poultry units (Retrospective)
Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,
Applicant: Golden Valley Paddocks Limited
Expiry Date: 22nd March 2013
Case Officer: Gwilym Jones

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application has generated a significant level of objection on a range of grounds and in the light of the planning and enforcement history on this site it is appropriate that the applications are reported to Committee.

DESCRIPTION OF SITE

The site is an agricultural holding located along the western side of Woolley Lane, a single-track road leading northwards from Charcombe Lane to Woolley. Situated just beyond the north-east edge of the built up area of Bath, the site comprises 20.5 hectares of land that extends from approximately 200m north of residential properties to the south, to the edge of Soper's Wood to the north. The site is in an elevated position on the western side of a valley and the land slopes down towards Woolley Lane and beyond to Lam Brook, with the land rising to the east towards the A46 and Charmy Down/Little Solsbury Hill. The village of Upper Swainswick is located on the eastern side of the valley and overlooks the site. The village of Woolley is on higher ground to the north of the application site.

Access to the site can be gained at two points on Woolley Lane although the northern access (opposite the access to Crossleaze Farm) is currently closed. As a consequence all vehicular access is from the southern access located opposite an entrance to agricultural buildings on the eastern side of Woolley Lane.

The site is located in the Green Belt, Cotswold Area of Outstanding Natural Beauty (AONB) and the setting of the Bath World Heritage Site. The site is also the subject of an Article 4 Direction (confirmed in 1992) that removes agricultural permitted development rights over a wider area of Swainswick Valley.

The site was acquired by the current owners (Golden Valley Paddocks Ltd - 'GVP') in 2005 and at that time included a partly enclosed agricultural building measuring approximately 29m by 11.5m. The site is currently used principally for the housing of ducks for egg laying and subsequent processing and despatch. GVP have other operations at Doynton and Bitton that together with operations at Woolley form a duck egg incubation/hatching, rearing, laying and processing enterprise.

PLANNING HISTORY

The site has been the subject of a number of applications between 2008 and 2012. In summary these are:

08/02397/FUL - Erection of agricultural building, alterations to access, formation of track and hardstanding, siting of temporary timber-clad mobile home for an agricultural worker. REFUSED 22 August 2008

09/01020/FUL - Erection of extension to agricultural building, siting of temporary agricultural workers mobile home, formation of track and alterations to access (retrospective) (resubmission). REFUSED 21 May 2009

09/04403/FUL - Siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access (Revised proposal). REFUSED 31 March 2010

10/04188/FUL - Retention of 15m x 12m stock pond. PERMITTED 21 January 2011*

11/00678/COND - Discharge of condition 2 of application 10/04188/FUL APPROVED 28 March 2011*

11/00854/FUL - Siting of temporary timber-clad mobile home for an agricultural worker, erection of dog kennel and alterations to access (Revised proposal). WITHDRAWN

11/02081/FUL - Construction of farm track and siting of 2no. feed hoppers (Retrospective) WITHDRAWN

11/02085/COND - Discharge of condition 1 of application 10/04188/FUL WITHDRAWN

* quashed by High Court (July 2012)

Notwithstanding the Article 4 Direction that applies to the land development has taken place at the site, none with the benefit of planning permission other than for the stock pond (retrospectively) and which was subsequently quashed following a High Court challenge (see below). These works have led to significant objection from local residents and a number of enforcement investigations have taken place since 2008. On 22 April 2010 a Planning Contravention Notice was issued seeking information regarding activities on the site, and on 23rd April 2010 a Temporary Stop Notice (TSN) was served following evidence that ponds were being created on the site without planning permission. The TSN prohibited the excavation of soil and surface materials from the land and the alteration of the levels of the land. The TSN ceased to have effect on the 20th May 2010.

An Enforcement Report in May 2010 assessed the various operations and development at the site. At that time the Council determined that the poultry sheds on the land did not constitute development and were therefore not susceptible to enforcement action. This led to a legal challenge against that decision and ultimately to judicial review in the High Court of a) the decision of the Council not to take enforcement action against the poultry sheds, and b) not considering whether an Environmental Impact Assessment was required.

The High Court challenge was successful, the judge concluding that the Council had taken too narrow an approach to the meaning of 'development' in UK law; and that the poultry units were capable of being an 'intensive livestock installation' under Schedule 2 of the EIA Regulations. A summary of the judgment is contained in the Annex to this report.

In the light of the judgement Officers have:

1. Re-assessed whether the poultry units constitute development under s.55 of the 1990 Act.
2. Assessed whether the installation and operation of the poultry units represent an 'intensive livestock installation' and therefore fall within the ambit of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("The EIA Regulations").
3. Undertaken a Screening Assessment of the poultry units and stock pond, together with other activities and development to determine whether individually or cumulatively they constitute a project requiring an EIA.

PLANNING APPLICATIONS

Five separate but inter-related planning applications have been submitted to the Council. These comprise:

Application 1 (12/05660/FUL) - Alterations and extension to existing agricultural building; alterations to access; formation of hard-standing, farm track and concrete path adjacent to existing building; construction of stock pond; siting of 2no. feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years

Application 2 (12/05661/FUL) - Erection of a general purpose agricultural building

Applications 3-5 (12/05662/FUL, 12/05663/FUL, 12/05664/FUL) - Siting of 2 x 3no. and 1 x 4 no. mobile poultry units on the land

OVERVIEW OF CURRENT OPERATIONS

Land Use

The site is an agricultural holding and the use of the land for agricultural purposes does not, of itself, constitute development requiring planning permission. The farm operations currently comprise the housing of ducks for egg production, and the processing and packing of eggs from the site. It is proposed that eggs from other sites owned by GVP are also processed and despatched at the application site. Subject to vehicle movements arising from this activity it is considered that the importation of eggs to the site would not of itself change the character or nature of the use of the land from agriculture to mixed agriculture and B1/B2.

Poultry Units

The poultry units (of which there are currently 10 on site) each measure approximately 20m by 6m by 3.5m high. Each unit has an associated fenced paddock of approximately 0.5ha and capable of housing up to 750 ducks. The units are constructed of metal hoops, metal skids, with slatted floors and green polythene fabric cover. All the units are supplied with mains water from a hosepipe connected to standpipes and internal lighting is powered by a mobile electricity generator. The units are not fixed to the ground (other than in extreme weather) and are capable of being moved.

In the light of the approach set out in the High Court judgement it is considered that the size, weight and substantial construction of the poultry units weigh in favour of them being "structures" and hence buildings. In terms of the permanence of the poultry units, whilst they are capable of being moved, and have on occasion been moved within the holding, this does not remove the significance of their presence in planning terms because they are permanently in the field, even if their position within the field may change. Accordingly it is considered that the poultry units constitute development and by virtue of the Article 4 Direction that applies to the land express planning permission is required for their siting/retention. Any excavations to level ground for the siting of the units is also likely to involve an engineering operation requiring planning permission.

The retention of these units is covered by Applications 3-5.

Alterations and Extension to Existing Agricultural Building

The existing building on the site was a partly enclosed storage barn previously used to provide shelter for cattle. In late 2009 GVP commenced works to infill the sides of the building with blockwork and fit out the interior for use as an office and for egg processing and packing. Whilst the building remains in agricultural use, the Article 4 Direction

includes 'alterations' as works requiring planning permission and it is considered that the alterations (involving the infilling of the open sides of the building) amount to a material change in the appearance of the building. An extension, located on the western side of the existing building (approximately 2m by 10m by 3m high), constructed of masonry with part timber cladding and profiled roof to match the main building has been added to the building amounting to a building operation. Accordingly planning permission is required for both these works.

The retention of these works is covered by Application 1.

Track, Hardstanding, Concrete Path and Site Access

The track is approximately 1km long and 3.5m wide and runs along the eastern and northern edge of fields that form the boundary of the site with Woolley Lane. The track is made up of compacted stone chippings/hardcore and involved the removal of grass and topsoil in its construction. The track was originally constructed in two sections in mid-2008 and mid-2010 and since that time further works have been undertaken. The area of hardstanding around the existing agricultural building made up of compacted stone chippings/hardcore has been laid down and extended over a number of years and now extends to approximately 350m². Whilst initial works to form the track and hardstanding were commenced over four years ago they have only recently been substantially completed. Further excavation and engineering operations involving the removal of grass and topsoil in their construction and amounting to an engineering operation have been undertaken since and therefore require planning permission. The concrete path is approximately 25m long and located between the existing building and hedge along Woolley Lane.

The site access was altered in mid-late 2008 with the provision of a 7m wide concrete apron extending 4m into the site and the erection of 2m high wooden gates and fencing. These works constitute development requiring planning permission however as they were carried out more than four years ago they are immune from enforcement action.

The retention of these works is covered by Application 1.

Feed Hoppers

The two hoppers are feed storage containers each approximately 2.85m by 5.4m high. They are supported by a metal frame that is fixed to a concrete base and sited within an area of hardstanding adjacent to the existing agricultural building. They are an erection or structure within the definition of a building (see above) and permanently installed, and accordingly constitute development requiring planning permission.

The retention of these structures is covered by Application 1.

Caravan/Mobile Home

A caravan (approximately 17m by 5.7m by 3.5m high) is located adjacent to the main entrance to the site. Whilst caravans are not generally classified as buildings, this caravan is a large static caravan and permanently sited on the land. The caravan (and its proposed replacement by a chalet for use as an agricultural workers dwelling) is considered to be a building. Accordingly planning permission is required for its siting/retention on the land. Even if the caravan were not a building in planning terms, it is

considered that its residential use would still require planning permission on the basis of a material change of use of the land.

The provision of a timber clad building to replace the caravan is covered by Application 1.

Shed/Dog Kennel

The shed (approximately 3m by 2m by 3m high) and dog kennel (approximately 1.5m by 1.5m by 2m high) are of timber construction and located adjacent to the caravan/mobile home. By virtue of their size and permanence they are considered to be structures, and by definition a building requiring planning permission.

These buildings would be removed should planning permission be granted for the timber cabin (part of Application 1).

'Lambing Shed'

The shed comprises plastic sheeting spread over metal hoops and measures approximately 4m by 5m by 3m high. The shed is fixed to the ground by pegs and it has been in place for over 2 years. Although relatively lightweight in construction it is considered to be similar to a large polytunnel. Given its size and relative permanence it cannot reasonably be considered a temporary structure and therefore constitutes development requiring planning permission.

This structure would be removed should planning permission be granted for the general purpose agricultural building (Application 2).

Storage Tanks and Shipping Container

Within the area of hardstanding there are various storage tanks and a shipping container. Two plastic tanks are used to store diesel for farm vehicles and the shipping container provides general storage space.

Although the diesel storage tanks are not mobile and are set on a concrete base it is considered given their nature and limited size, that they do not fall within the definition of a building and their siting on the land does not involve an engineering operation. Neither are they an 'other operation'. Accordingly planning permission is not required for their retention. The shipping container has been placed on the site and is considered to be a structure placed permanently on the land and falls within the definition of a building. Planning permission is required for retention of the container.

The shipping container would be removed should planning permission be granted for the general purpose agricultural building (Application 2).

Electricity Generator

The electricity generator measures approximately 1m by 1m by 1m high. It is a free-standing item (i.e. not plant or equipment within a building) located in a field and connected by cables to each of the poultry sheds. The generator is not fixed to the ground but is positioned on a hardcore base and would need to be loaded onto a trailer or similar for moving.

Given its limited size it is considered that it is not a building, structure, erection or 'other operation' and its siting on the land does not involve an engineering operation. Accordingly planning permission is not required for its retention.

Pipework and Standpipes

Each poultry shed is provided with water from standpipes connected by plastic pipework that are served from a supply close to the main agricultural building. The standpipes are spaced approximately every 100m alongside the track and are approximately 1m in height. In some locations the pipework from the standpipes to the poultry sheds is buried, in others it is laid on the surface.

The standpipes and pipework are of a small scale and the pipework could generally be removed without the need for engineering operations. In the circumstances it is considered that the pipework and standpipes do not constitute development requiring planning permission.

Vehicles/Equipment/Trailers

Within the area of hardstanding there are various vehicles, pieces of farm equipment and a 'mobile office' trailer.

These items are all mobile and do not constitute buildings. Furthermore they are being used in a way that is ancillary to the agricultural use of the land. Accordingly planning permission is not required for their retention.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

A total of 255 representations have been received in respect of the five planning applications of which 254 are objections and 1 in support. As the applications are inter-related a number of objections have been made to all five collectively. 164 of the responses list the following 10 grounds of objection:

1. This is an exceptionally beautiful valley on the outskirts of Bath in the Green Belt and Cotswolds AONB. The unauthorised developments are extremely harmful to the tranquillity and visual amenity of the valley.
2. The very special quality of the Woolley Valley is confirmed by the Article 4 Direction which removes permitted development rights. This is the only agricultural land within the whole of B&NES to have this additional protection.
3. The pre-existing open stock barn which has now been converted, without permission, into an enclosed egg packing facility with office attached, is totally out of place in this rural location. It has the appearance of a light industrial unit.
4. The application for a temporary agricultural worker's dwelling has already been refused 3 times. There can be no justifiable requirement for a temporary dwelling since the site is only a few hundred yards from large areas of housing in Larkhall.

5. The proposed additional agricultural building is of a significantly greater height than the existing light industrial unit, will be clearly visible and will detract from the rural character and natural beauty of the Green Belt and AONB.

6. There is no practical requirement for the stock pond, which is not a natural feature in the landscape and which already appears to have fallen into disrepair. Far from enhancing the local ecology, it is likely to harm it.

7. The farm track, which runs the length of the site, is claimed to be covered with soil and grass to make it blend into the landscape. It is not. This track, the large additional area of hardstanding created adjacent to the egg packing facility and the two feed silos add significantly to the overall visual harm.

8. The site has generated a great deal of additional traffic involving huge lorries which are totally unsuited to Woolley Lane, a narrow single track rural lane.

9. Worst of all is the harm caused by the 10 "mobile" chicken sheds. These huge structures are highly visible from all points around the valley and are an eyesore. One single unit on its own would be insupportable, but the combined harm caused by the 10 units is completely unacceptable.

10. This sensitive valley is suited to grazing of cattle and sheep, as was the practice before GVP acquired the land. It is a totally inappropriate location for an intensive livestock installation involving thousands of ducks.

91 other objections raise similar issues as well as the following points:

11. The site forms part of the Gateway to the Bath World Heritage Site.

12. The site is approached from the city boundary via a residential area that contains many families with young children and a number of schools.

13. The site is in an amenity area used extensively by walkers, cyclists and horse and bike riders including many tourists. Intensive rearing of domestic fowl has brought increased numbers of rats, flies, and foul water run off onto the highway coupled with a bad stench in warm weather and is a health and safety hazard.

14. The roadway and the verges are being destroyed by traffic from the site, much of it large lorries, wider than the carriageway. In some parts there is no place left to move safely out of the way of oncoming traffic if you are on foot or with a bicycle or a pushchair. It has become dangerous for family outings with children and it is surely only a matter of time before there is a fatality on Woolley Lane caused by the increase in the volume and the size of the traffic associated with this enterprise.

15. If the new barn is treated like the old then the site will soon have the appearance of an industrial estate. The land was farmed without buildings other than rudimentary shelter for grazing animals for decades. Alterations to the existing building amount to a change in use to light industrial.

16. Works to construct the hardstandings, farm tracks and stock pond have been heavy handed with total disregard for the land and traditional methods.

17. Drainage of the site is inadequate and results in damage to the adjacent road surface.

18. Damage to the flora of the area from the poultry units due to their infrequent relocation within the holding and lack of alternative land resulting in heavy poaching and overgrazing of the land, and resultant poor ground condition and insufficient time for the land to regenerate as pasture.

19. The stock pond impedes natural drainage with knock on effects for the local ecology including the loss of local habitat for protected species.

20. The Stock Pond is likely to pose a major flooding threat to nearby properties.

21. The agricultural building has the appearance of an industrial unit, is not a sensitive design for a sensitive area, not suitable for its intended use and not required given other suitable buildings either owned by or available to the operators.

22. The financial case set out in the appraisal in support of the proposed agricultural workers dwelling is flawed and fails to accurately record the finances of the operation, and the functional need is not demonstrated.

23. Impact of lighting of the existing agricultural building.

24. Loss of hedgerows, change to endangered landscape through drainage works and overgrazing.

25. Potential expansion of egg packing to 24 hour operation.

In addition evidence has been submitted or statements made that seek to demonstrate that there are numerous inaccuracies in the planning history of the site and application documents.

Whilst objecting to the applications, one respondent noted that while it is a good idea to allow development to generate economic advantage & employment, particularly in a recession, the Council also has a duty to protect the rural heritage on the edge of the city for future generations and the Woolley Valley is one good example of where it is important to strike a balance between these competing objectives.

One letter fully supporting all the planning applications on the grounds that farming is changing. They state that it is nice to see the land being used and not just for hay; the sheds for the chickens are large but are not an eyesore and are moveable; the track that has been put in is excellent as instead of deep ruts in the land the farm workers stay on the track mostly so less damage is done to the land when they are checking livestock; the stock pond needs to stay as they have seen an increase in bats since its construction and if it were to be removed it would be taking away a food and water source for these protected species; a farm needs a building for its livestock and feed stores and the workers hut is needed as animals can need help day or night and protection from predators; the lane up to the entrance of the land is clear, the lane past the entrance is

muddy and the verge is often damaged by all the delivery vans and lorries going to Woolley village itself which cause endless problems as most of the drivers are not used to the lanes that were originally for farm machinery and livestock not modern delivery vans and lorries.

Charlcombe Parish Council

The Parish Council objects in principle most strongly to these 5 planning applications, raising objections to them as a single entity on the grounds that they are interlinked and all form part of the same development and supported by the same application documents. It is essential to consider the various elements of the planning applications as a whole in terms of their cumulative impact and not in isolation. They refer to the Article 4 Direction and the purpose for its designation, highlighting its specific relevance and reference to the land covered by the current applications and the exceptional beauty of this part of the Cotswolds AONB, the special character of the historic city of Bath and the beneficial use of land in this urban fringe area to provide an amenity for the residents of Bath. They also cite the NPPF and consider that the GVP development at Woolley is extremely harmful to the Green Belt and that the NPPF requires the Planning Authority to give substantial weight to this harm. They consider that the cumulative effect of all the unauthorised developments on the site has a huge impact on this sensitive location. Whilst individually, the developments each have a detrimental visual impact, and a number have been refused more than once on these grounds, when viewed in totality the combined effect is completely unacceptable in this especially sensitive location. It is essential that the cumulative effect is addressed as a key element of the decision process.

They note that the Parish Council has no objection to appropriate agricultural enterprises which do not cause harm. However it is not a suitable location for a poultry enterprise of this type (classified by B&NES as an intensive livestock installation) requiring the use of a large number of specialist buildings, hardstandings and track. It is quite simply a case of the wrong activity in the wrong location.

The Parish Council considers that the EIA Screening Assessment is clearly inconsistent with previous assessments of the impact of development on the site and the cumulative effect of the current proposals, failing to present any substantial reasons for the conclusions that are drawn and repeatedly downplaying the effects, particularly on the local population. They conclude that the EIA screening assessment is flawed and that it should have concluded that an EIA is required.

In terms of the applications they raise the following objections:

The alterations to the existing building have changed its structure and nature of this turning it into a fully enclosed light industrial unit with office extension with a visual appearance more suited to an industrial estate than to open countryside within an AONB. It is an eyesore and is inappropriate development in this sensitive location contrary to policy GB.2 and NE.2. They also state that the works, including the creation of the hardstanding around the building do require planning permission and were not completed more than four years ago and have a significantly detrimental visual impact on the Green Belt and AONB.

They note that the unauthorised alterations to the site access, which were twice refused planning permission, have now become permitted by default under the 4-year rule, especially as Highways have consistently opposed the entrance on highway safety and

usage grounds, contrary to Policy T.24. They note that GVP regularly bring Heavy Goods Vehicles to the site which, due to their size and weight, are totally unsuited to narrow single track roads such as Woolley Lane, Charlcombe Lane and Colliers Lane, the only means of access to the site contrary to policy T.24 (vi) which prohibits the introduction of traffic of excessive volume, size or weight onto an unsuitable road system or into an environmentally sensitive area.

They object to the farm track on the basis of both functional need and visual impact from Woolley lane and from the surrounding hills, including from the A46 which is one of the main gateways into the World Heritage city. They note that the Design & Access Statement claims that the track has been covered with 25 mm of soil and seeded with grass to make it blend in and to reduce its visual impact however in practice, the very thin layer applied has been rapidly worn away by vehicles using the track and there is now no grass covering at all. Additional hardcore has been applied since without any addition of soil and the applicant has demonstrated no serious intent to make the track blend in. The resulting visual impact is unacceptable in this very sensitive location within the Green Belt and Cotswold AONB. It is contrary to Policies GB.2 and NE.2

In terms of the temporary agricultural worker's dwelling they note that this is the fourth application to be submitted, each of the previous three (identical in detail with the current application) having been refused. They state that there are no changes in this latest application to any of the circumstances or arguments put forward by the applicant to justify the need for the mobile home, and on the basis of no new information or arguments, the application should be refused. They state that the application fails to demonstrate why appropriate accommodation for the worker could not be provided elsewhere within the neighbourhood and that the proposed siting of the dwelling is not within sight and sound of the majority of the site, in particular the poultry units being located at the extreme southern end of a linear site approximately 1 kilometre long, and will be significantly screened by the topography of the land and by the former stock barn/light industrial unit. There is therefore no substance to the GVP claim that a worker in the mobile home "would, by his presence, deter foxes and be able to hear any disturbance and act immediately...". They state that there can be no question of permission for a permanent dwelling being granted in this sensitive Green Belt/AONB location citing an appeal decision in Chew Magna, previous enforcement action to remove an unauthorised dwelling in Woolley Valley and the Council's previous reasons for refusal of a dwelling on the site. The siting of the mobile home in this location would detract from the appearance and openness of the Green Belt and from the natural beauty and rural character of this very special part of the Cotswold AONB. They note that the site is clearly visible from a number of viewpoints including the main A46 approach road to Bath and the adjacent public footpath and that the visual harm is demonstrated by the presence of the smaller unauthorised and unlicensed metal-clad mobile home which has been on this site for over 3 years, and the visual harm would be exacerbated by the presence of a much larger timber-clad mobile home more than twice the size, 17.8m long by 6.1m wide with a height of 4m.

The Parish Council also questions numerous statements in the Agricultural Appraisal, the lack of evidence to substantiate claims made regarding the enterprise, its financial viability and the operational requirement for a worker to be on site permanently.

In respect of the feed hoppers, at a height of 5.4 m they are significantly higher than the hedge bordering the lane and as a result they are an eyesore, even more so in the winter

months when there is no foliage on the hedgerow. The visual impact is unacceptable in such a sensitive location. They note that the applicant has stated that he is more than willing to move the feed hoppers within the site and undertake further landscaping if required. The parish Council request that if the hoppers should be given planning permission, they are relocated to a less conspicuous site, for example tucked behind the converted stock barn, although also suggest it would be appropriate to investigate whether there is actually a functional need for the hoppers and if there is, whether that need could be met by some other more appropriate and less visible arrangement which does not rely on hoppers 5.4 m high.

Regarding the stock pond the Parish Council notes the disregard for the ecology of this specially protected land in the Woolley valley through their extensive unauthorised building works, excavations and alteration of levels of the land, particularly in the field at the northern end of the site in which the stock pond is situated which the previous owner described as the most ecologically valuable field on the holding. They therefore attribute little weight in the ecological appraisal to the purported good intentions of the applicant. They question the need for the stock pond and which they consider does not represent good farming practice. The pond is not a natural feature in the land, and contrary to what the applicant claims, there has never been a stock pond in this location. The pond is visually intrusive and adversely affects the natural beauty of the landscape in this specially protected area of the Cotswold AONB. The stock pond has also caused silting up and pollution to adjacent farm holdings. Further work to dig out and re-profile the pond to remedy the recent neglect will cause further pollution. They note that the Swainswick Valley is a known habitat of the White Clawed Crayfish, now an endangered species, and the excavation work, both past and proposed, has an adverse effect on the ecology of the valley. Development of the Stock Pond neither conserves nor enhances the character, amenity or wildlife value of local watercourses and their corridors and, as noted in the submitted Ecological Report, it is not expected that the pond will be used by breeding amphibians. The Parish Council conclude that the pond will not make any contribution whatsoever to the local ecology, contrary to Policy NE.15 of the Local Plan. They also note that the pond is situated on unstable ground delineated as an 'active shallow translational landslide'. Accordingly, once full, the combination of the additional weight of landscaped soil and water coupled with the hydration of the crystalline elements within the underlying Fuller's Earth shear layers has the potential to destabilise the ground and put at risk any livestock, attending humans and adjacent land in the fall line of the slope, which includes both a dwelling (Homestead) and Woolley Lane public highway. This should be investigated to establish whether the presence of this stock pond on land which is known to be unstable poses a risk to the health and safety of the public.

In respect of the proposed new agricultural building the Parish Council notes that a previous application for a building in this location was refused planning permission on Green Belt and AONB grounds and whilst the currently proposed building is smaller it would be significantly higher than existing stock barn/light industrial unit and be prominent and highly visible in this location. Moreover, it would add further to the existing clutter of buildings and installations at this end of the site, with the cumulative effect being extremely harmful to the visual appearance of this very sensitive location.

Regarding the 10 mobile poultry units the Parish Council states that they represent the single most visually intrusive element of the whole development and are completely inappropriate in this sensitive location. They dispute the conclusions of the LVIA, stating

that the 10 poultry sheds form a very prominent and unnatural feature visible from many points in the valley and from the local lanes, especially Woolley Lane with a highly detrimental visual impact on the landscape. They state that one single poultry unit has a very harmful effect and on its own would be contrary to Green Belt and AONB policies and the combined impact of all 10 is totally unacceptable. They also note that the LVIA addresses the poultry units under the heading of "Temporary Impacts" and states that the adverse effects associated with the poultry units will last for the duration of the temporary development whereas the poultry units will have a permanent impact, citing the High Court judgement in respect of the permanence of the buildings in planning terms.

The Parish Council notes that there has been persistent discharge of polluted effluent onto Woolley Lane which apart from the smell must surely be a health hazard. Whilst some temporary work may have been undertaken subsequently to alleviate the situation, the fact that the 10 poultry units are sited on sloping ground directly above Woolley Lane makes it highly probable that further pollution of the lane will occur unless an adequate drainage system is installed. The applicant has not addressed this in the planning submission.

In respect of the revised plan (which shows a concrete path along the side of the existing building) the Parish Council note that the path has recently been created and the application is therefore retrospective. This typifies the applicant's blatant disregard for the planning regulations and the Parish Council is in little doubt that, having observed concrete being delivered to site, had the issue not been raised with the Planning Authority, the applicant would not have submitted a revised planning application. They note that the GVP agent claims that the concrete path replaces a previous hardcore path and that this work has been undertaken for health and safety reasons. However no further information is provided. There is no justification given for the path, no explanation as to what purpose it serves, and no explanation as to which particular health and safety issue has required the replacement of the pre-existing hardcore path. Whilst recognising that the path itself is relatively trivial in the overall context of the totality of the unauthorised development on site which is the subject of this and the 4 associated planning applications, it is yet another piece of concrete laid on what should be an open Green Belt/Cotswolds AONB hillside, but which now resembles an ugly industrial facility. The path simply adds yet more to the cumulative impact which is totally unacceptable in this highly sensitive and very special location. The concrete path, for which the applicant has failed to provide any satisfactory justification, is unacceptable development and contravenes policies GB.2, NE.1 and NE.2. This additional element of the application should therefore be refused.

Swainswick Parish Council

The Parish Council notes that the Article 4 Direction removes permitted development rights and the circumstances behind the designation to provide additional safeguards to the Valley following enforcement action to remove an unauthorised building that had been erected despite planning permission having been refused. They consider the specific reasons for the Article 4 Direction are still relevant today which show that the Council places great importance on maintaining the rural character and openness of the Green Belt. In terms of the applications the Parish Council object most strongly on the grounds that the area is covered by an Article 4 Direction which signifies the very special qualities of the Swainswick/Woolley valley; all the works are in contravention to Green Belt and Environmental policies in the Local Plan; the developments are in the AONB and entirely detrimental contrary to Local Plan policies and the NPPF.

In respect of the individual elements of the applications they note that the alterations to the building were not carried out more than four years ago and so not immune from enforcement action. They also question the viability of the business (which is currently operating at less than full capacity) and note that the operation at Woolley is described as the 'administrative centre' which implies a change of use. They consider the gates and access are unsuitable and inappropriate, and the track and hardstanding unlawful. They question statements made in the application about the existence of a silted up stock pond where the new stock pond is proposed, and note that works to create the stock pond has resulted in pollution and silting to adjoining land. They contend that the stock pond was created to accommodate material removed from elsewhere on the site and is an eyesore disturbing rather than enhancing local habitats contrary to Local Plan policies NE.9, NE.11 and NE.12. They note that the feed hoppers are clearly visible above the hedge and shine brightly in sunlight contrary to Local Plan policy GB.2. They note that the location of the agricultural workers dwelling is hidden from the duck houses and some distance from them, there is plenty of suitable housing nearby, GVP must prove the mobile home has been lived in continuously since it has been on site, the proposed mobile home is more than twice the size of the dwelling that has been previously refused permission, a mobile home would detract from the openness of the Green Belt in a sensitive part of the AONB and would scar a highly sensitive area which is visible from the main approach to Bath from the motorway. They object to the erection of the general purpose agricultural building as they consider very special circumstances do not exist and that an additional building would have a considerable impact on this beautiful and highly protected area. The Parish Council notes that due to the sloping ground it was necessary to dig in the poultry units to make them level and are large, shining structures which blot the landscape contrary to policies Local Plan GB.1, GB.2 and NE.3.

The Parish Council also consider that the EIA Screening is deeply subjective and the conclusions misguided. In conclusion they consider that although the applications are presented independently the cumulative effect of the applications should be a major consideration. They consider there no very special circumstances have been advanced as to why the buildings allegedly required for a new, unproven, endlessly changing agricultural venture should be permitted. They note that all elements of the application have either been previously refused or have been carried out without planning permission, or (in the case of the stock pond) were given permission erroneously that has since been quashed by the High Court. Nothing has changed to make these various developments any more acceptable, in fact the cumulative effect is much worse.

Natural England

Impact on Landscape - the applications fall within the Cotswolds Area of Outstanding Natural Beauty. Whilst we recognise that the proposals have an impact on the local landscape, Natural England has no comments to make on this proposal at this stage as we do not believe that this development is likely to impact on the purposes of designation of the Cotswolds AONB. I should emphasise that the temporary and agricultural nature of the proposed development has been a factor in this conclusion. Given the location of the development, however, the local planning authority should seek the views of the AONB Partnership prior to determining this planning application, as they may have comments to make on the location, nature or design of this development.

Impacts on Ecology - both the Ecological Appraisal document and the LVIA contain recommendations for measures which have been identified to mitigate the adverse effects on ecology which the proposed development may have. At this stage, however, the recommendations are not worded in enough detail to form mitigation proposals. Prior to determination and before I am able to respond formally on these proposals, the applicant will need to submit actual mitigation proposals for review and will need to demonstrate that these will be feasible and will work to mitigate adverse impacts. In particular, more detail is needed on hedgerow planting and the establishment of wildlife corridors to provide connectivity.

Cotswold AONB Board

The Board objects to these related applications on the grounds that the proposals adversely affect the landscape and scenic beauty of the Cotswolds AONB. This is contrary to paragraph 115 of the National Planning Policy Framework and to Policy NE2 of the Bath and North East Somerset Local Plan. The Board would also contend that the proposal is not in accordance with Policy DTP1 of the Cotswolds AONB Management Plan 2008-13 which was formally endorsed by the Council as supplementary guidance for local development framework preparation and development control decision making on 21st April 2009.

The Board notes that the application for the temporary workers dwelling is essentially the same as application ref 09/04403/FUL to which the Board objected and was subsequently refused by the Council in March 2010. The case officer's report with respect to that application includes clear reasoning as to why the temporary agricultural workers dwelling would be harmful to the AONB in this location, and why the current access arrangements which are subject to this application are also harmful to the AONB. As there has been no change of local policy with respect to the development being applied for since refusal of 09/04403/FUL, the Board would strongly support the refusal of the current, virtually identical application. The Board is of the view that the poultry units by virtue of their scale, design and materials are harmful to the landscape and scenic beauty of the Cotswolds AONB, and the access track by virtue of its materials and design. The Board is of the view that the duck pond is an incongruous feature in the landscape and is harmful to the landscape and scenic beauty of the AONB. The Board considers that the cumulative effect of all these applications is to cause harm to the landscape and scenic beauty of this part of the Cotswolds AONB contrary to national and local policy. The Board therefore objects to these applications.

English Heritage

No comments. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

The National Trust

Note that the site is highly visible from the Trust's land at Solsbury Hill and it is clear that the landscape is being destroyed as a result of this development. They support the ten reasons for objection listed above and add the following grounds of objection: GVP have had several planning applications refused but appear to be carrying on regardless with the destruction of this important landscape in an AONB; the views from the National Trust's land at Solsbury Hill are severely impacted by this development; the creation of tracks and earthmoving is destroying flower rich grassland; species rich grassland and lowland meadows are a high priority in the local Biodiversity Action Plan; the local plan seeks to

protect the landscape by not permitting development that does not either conserve or enhance the character and local distinctiveness of the landscape and in an AONB development should be even more tightly control; the local plan prevents development that would adversely affect the nature conservation value of Sites of Nature Conservation Importance and prevents development that would adversely affect a species of importance to BANES or the habitat of such species. They conclude that this site is highly important both for its landscape value and its wildlife. The National Trust therefore supports the views of the Parish Council and urges BANES to refuse the applications and through enforcement ensure that the site is returned to its original condition.

Bath Society

Object to development as inappropriate blot on the landscape and highlight changes to Draft Core Strategy policy B1 in respect of sustaining and enhancing the significance of Bath's heritage assets including its setting and giving great weight to conserving landscape and scenic beauty in the Cotswold AONB.

Bath Preservation Trust

Raise concerns at the piecemeal applications and EIA Screening Assessment procedure. Have objected to previous applications for the farm track, pond and mobile home/cabin and continue to object as there has been no change in approach or impact and the extent of harm remains the same. The proposed alterations and extensions to the existing agricultural building would be an overdevelopment of the site and by virtue of its siting, design and appearance is inappropriate development and visually intrusive in this sensitive location. The access track and hardstanding has visually and physically scarred the open landscape and has a detrimental effect on the natural and rural character of the Valley. The pond is visible from an adjacent footpath is artificial and not a natural feature of the landscape, and its appearance neither preserves or enhances the character and local distinctiveness of the Valley and has an adverse impact on the natural beauty of the AONB. The feed hoppers are significantly higher than the hedge and detract from the visual amenity of the open countryside and harms the AONB and World Heritage Site setting. It would be possible to locate the feed hoppers in a less visible site. The proposal for the mobile home/cabin has not been adequately justified, particularly in such close proximity to a residential neighbourhood and it has not been demonstrated that any very special circumstances exist to allow development in the Green Belt. The proposed developments individually and collectively represent inappropriate development in the Green Belt, detract from the openness of the Green Belt and adversely affect the natural beauty of the AONB and landscape setting of the World Heritage Site.

Councillor Ward

1. The development severely affects the openness of the AONB and Greenbelt. It has a severe visual impact from all directions across the valley.
2. Given that the valley is of the highest order in respect to Bath Greenbelt and has Article 4 status, I have been surprised that such an industrial, intensive farm has been allowed to become established.
3. The nature of this industrial farming operation is unsuitable for the location as there are access issues given the very narrow lanes. The type of plant, vehicles and other equipment needed to sustain an intensive operation has caused damage to verges and consequential excessive erosion from soil dislodged from the verges, resulting in blocked drainage and surface water ponding. This has led to a lack of amenity to other lane users

including local families, walkers and especially the blind resident which walk the lane regularly before the industrialisation of the site.

4. There has been a direct public health risk created from runoff of poultry and sheep faecal matter. The runoff from the poultry houses has lodged itself in the lane in part because of blocked surface water drainage. This matter will no doubt contain strains of bacteria which will be pathogenic to humans at extremely low infective dose, E Coli, Campylobacter are examples. Salmonella spp are also a likely contaminant especially from poultry. The mixed grazing from sheep in amongst the poultry houses will have added to the risk of multiple types of disease producing organisms. These pathogenic bacteria are directly transferable to walkers using the lanes and without the benefit of hand washing facilities on walks. They are further transferable on the wheels of pushchairs, bicycles and cars. (the recent Godstone Farm E Coli outbreak as an example of what could happen here).

5. The site has caused numerous odour and fly complaints last summer since poultry arrived and from the intensive nature of the operation. I do not consider the operation has been particularly well managed in this respect but such intensive operations in close proximity to rural dwellings, it's not unexpected but it could have been foreseen!

6. It seemed obvious from the start that there would be creeping industrialisation and that more paraphernalia would be necessary including feed hoppers, water storage vessels, internal roadways, a pond and mobile facilities including a dwelling etc adding to the visual damage to the hillside.

7. The nature of the farming (large numbers of birds in the open field) cause obvious visual impact from the scaring of the land, causing severe visual impairment and causing runoff with the consequences described above.

8. This is part of an intensive farming operation and it's cumulative effect causes damage to the openness of the AONB and Greenbelt.

9. The narrow lanes in the vicinity of the operation have been damaged by plant and large vehicle movements. The verges have been excessively eroded causing soil to block drainage and causing ponding of mud, damaging the lanes amenity for walkers and residents.

10. Odour nuisance have been complained of by residents and walkers in the vicinity of the intensive farm. Waste management and removal have been a local issue complained about since the operation started.

11. The location and nature of this operation is unsuitable for this location, should it be allowed to continue it will continue to generate nuisance complaints and health challenge to its neighbours. There is a health risk caused by the fundamental nature of farming and the topography, causing the lane to be continually soiled with mud and faecal matter runoff.

12. These developments severely affect the openness of the AONB and Greenbelt. The area has Article 4 status and I do not believe it should be used for this nature of farming operation. These developments constitute an intensive poultry farm. Each contributes to an increasing amount of visual impact which is evident from all aspects within the Woolley valley area.

13. The nature of the operation is causing excessively large vehicle/plant movements on narrow lanes which are not readily able to take movements from such large vehicles. It has and will continue to cause damage to verges and excessive soil erosion. This has led to blocked drainage and consequential ponding of muddy pools. This has reduced the amenity for walkers and residents. Numerous complaints about this loss of amenity have been received by me as Ward Councillor.

14. There has been creeping development on the site for some years, the cumulative effect of which has led to odour nuisance, health risk and harm to the amenity of residents. It is an unsuitable location for the scale of the operation. If a professional Environmental Impact Assessment would have been carried out from the start, this location would have been identified as unsuitable for such an operation. There is evidence that its nature has been modified from that which it was originally considered.

15. The buildings have led to light emission issues though the late evenings and hours of darkness, resulting in complaints from residents.

It strikes me that a professionally undertaken Environmental Impact Assessment would rule out this site for the type of operation currently undertaken.

Councillor Chorley

Objects to the five applications on the grounds 1-10 above. They also note that it is not clear what is meant by a 'temporary' dwelling, either the dwelling is required or it is not. This would appear to be a method of progressively moving towards the construction of a permanent 'agricultural worker's dwelling', or residential property development as it is generally known. They also question why ducks need such substantial industrial infrastructure and question what 'stock' are the intended users of the stock pond. They conclude that this sensitive valley is suited to grazing of cattle and sheep, as was the practice before GVP acquired the land. It is a totally inappropriate location for an intensive livestock installation involving thousands of ducks, and the associated roads, feed silos, chicken sheds, offices, accommodation, large lorries and other industrial scale facilities. They most strongly urge B&NES to refuse all 5 applications and to follow refusal with swift enforcement action to have the chicken sheds, mobile home and associated paraphernalia removed and the site returned to its former condition.

B&NES Highways

The proposed development would appear to represent an intensification in use of the site. However, no attempt has been made to quantify this situation, the Design and Access Statement looking collectively at 5 applications and giving the applicants 'opinion' rather than making justified statements.

The applicants agent considers there is a need for one worker to be on site at all times, yet the proposed residential unit is a 3 bedroomed, family sized dwelling, which inevitably will result in a potential intensification in use of the site over and above the agricultural use. However (in mitigation?), the application includes alteration to the access. This has not been quantified or demonstrated, the only plan being of the existing access. At the very least, if there is to be an intensification in use of the site I would wish to see reduction in access gradient, improved visibility and some squaring off of the access to the highway carriageway, to improve ease of use for southbound traffic, with further setting back of the existing gates. This has all been set out in previous highway consultation responses regarding development proposals for the site. Regarding the farm track, details are very sketchy. Taking into account the above, I fail to be satisfied regarding the development proposals and highway impact - compliance with Policy T24 has not been demonstrated.

Bearing in mind the above, the highway response is open of OBJECTION in the interests of highway safety. I have drawn attainable visibility at the proposed access onto the submitted plan using the minimum acceptable set-back ('x' distance) of 2.4 metres. Not

allowing for any growth of the boundary hedge, attainable visibility scales at 7.0 metres in a southerly direction and 5.0 metres in a northerly direction (see attached plan extract). Whilst Woolley Lane does not equate to a Street, as per Manual for streets, even by the visibility standards set out in that document, which are less than the requirements of the Design Manual for Roads and Bridges, the attainable visibility falls below the requirement of 11 metres for a main road speed of traffic of 10mph. This is totally unacceptable and contrary to the interests of highway safety. Despite previous comments regarding failure to justify figures/assumptions in the Design and Access Statement, no further information has been received. Further, no justification has been given for the size of the proposed residential unit and no details have been submitted with regards alterations to the vehicular access previously referred to. Bearing the above in mind, the highway response remains open of OBJECTION in the interests of highway safety, the proposed development being contrary to Policy T24 of the adopted Bath and North East Somerset Local Plan.

B&NES Transportation and Highways (Drainage)

Not acceptable in the current form. The proposed means of drainage for surface water from the proposed development is via soakaways. In principle we support this approach, however further detail of the infiltration capacity of the soil is needed to ensure that soakaways will operate without causing flood risk. Therefore the applicant should carry out and submit calculations and infiltration testing to BRE Digest 365 standards, to demonstrate that the proposed soakaways are appropriately designed.

B&NES Environmental Health (Environmental Protection)

If planning consent is granted for this development, the applicant will need to apply to the council for a site license under the Caravan sites and control of Development Act 1960. I note that the site already has a temporary dwelling for which no license has been issued, furthermore in a consultation document submitted by this service for a prior application (09/04403/FUL) this service made reference to the need for a license and the need for adequate provision for foul drainage. I must therefore reiterate that it is usual in such circumstances where a connection cannot be made to a public sewer, that foul drainage is required to be provided in the form of a septic tank or small package treatment plant where the discharge is subject to a consent granted by the Environment Agency. I would therefore urge that advice is sought from both Building Control and the Environment Agency with regard to the suitability of the present arrangements of a sealed tank for foul drainage, both for the temporary dwelling and the extension to existing agricultural building.

B&NES (Public Rights of Way)

There are no public rights of way affected by the proposal.

B&NES Landscape

This is a complex series of planning applications containing a number of elements. Each application must be a material consideration in the determination of the other. They do not exist in isolation of each other and their uses are clearly inter-linked. At the same time as looking at the individual elements, I think that a single and unified scheme of longer term planting and management should have been prepared. In the D&AS, p9, for example, the applicant mentions the 'scores of trees' that have been planted. There is no record of what or where these are.

In terms of the Tyler Grange LVIA I am concerned that the LVIA does not appear to mention the World Heritage Site of Bath even though their own photographs (specifically 15 and 16) show how close and how inter-related they are. The setting of the WHS is clearly much wider than its physical boundary and whilst the (overall) site may be 'tucked away' in a side valley, this is a steeply sloping site that is clearly visible to large numbers of people visiting the city. With the exception of the farm track and possibly the pond, all of these units will clearly be visible to these receptors. I am also concerned that there are a number of the elements mentioned in the LVIA that do not appear on a drawing (that I can find) - woodland planting near the pond and loss of hedgerow to facilitate the access track are two examples. I would suggest that the application is incomplete without this drawing. I am also concerned that the 'mitigation measures' identified in the report (p22-23) do not appear to have been incorporated. To be of use, an LVIA needs to be done at the early stages of a project where the findings can then be incorporated. As a number of the mitigation measures cover ongoing planting and management, then a Landscape Management Plan would also be required. Nonetheless, my general comments are as follows -

12/05660/FUL

1. Alterations and extension to existing agricultural building; Taken on its own, I do not think these alterations or the small extension would have a noticeable or detrimental effect.
2. Alterations to access; formation of hardstanding and farm track; I have no issue with the need for a track and I think that the move to soften its appearance with topsoil and seeding would be welcomed. I also welcome the opportunity to improve the appearance of the gate to one with a more traditional and 'open' nature.
3. Construction of stock pond; I have no issues with regard to the pond.
4. Siting of 2no feed hoppers and ancillary works (Retrospective). I refer to my previous comments (application ref 11/02081/FUL) in respect of the actual hoppers where I noted that 'it would have been better to locate these two hoppers at the slightly lower level and beside the main building. Their siting should be reviewed in light of the additional proposed development in the vicinity.
5. Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years. Should matters of policy be overcome, then I would say that the current iteration is an improvement on the previous.

12/05661/FUL

Erection of general purpose agricultural building. I would object to the siting and design of this new building. I am concerned with the general location as it is adding yet further development along the valley side. Should there be a need for this building (i.e. should wider matters of policy be overcome) then I would rather see it moved more closely towards the existing building and the yard developed as a single unified cluster and as part of a single master plan. The feed hoppers should form part of this plan. Irrespective of location, I would also ask for the materials to be amended to soften their appearance. I would expect to see timber cladding as opposed to metal sheeting and a dark (preferably green) roof as the primary views are from more elevated positions.

12/05662/FUL

Siting of 4 Poultry Units. It is unfortunate that these are retrospective as they should have also formed part of a well-considered Master plan. It is clear that 10 of these units spread out along the valley side now appear as incongruous features in a landscape that is characterised by small clusters of houses and farm buildings. I would object to the

configuration and siting of these units in this specific landscape. Likewise, whilst they may be temporary in that they may be able to be physically moved within the existing field pattern this does not reduce the visual impact or the change in landscape character when viewed from across the valley. A person viewing these units from across the valley would be unaware of whether they could be moved or even whether they were part of a number of different applications. The route along the A46 is one of the key routes into the City of Bath and clearly does form an important part of the setting of the WHS. They are also clearly visible from a number of PROW's in the area. The view across this valley and from nearby landmark places such as Little Solsbury Hill, are well known and enjoyed by large numbers of people - people focussing on the landscape.

12/05663/FUL

Siting of 3 Poultry Units. I repeat the comments as per 12/05662/FUL above.

Given the importance and sensitivity of this location in terms of the AONB and more especially the setting of the WHS, I do not think it is appropriate to treat this as a series of separate and disjointed applications. Nonetheless, bearing in mind that it is possible to see what the actual impact is like, I would conclude as follows -

1. World Heritage Site status attracts a very high level of protection. The LVIA does not appear to have assessed the relationship and impact that the development has on the WHS despite the relationship being clearly visible in photographs 15 & 16 (for example). I find it extraordinary therefore that the WHS is not mentioned anywhere in the LVIA.

2. I accept there will be little physical impact on the AONB (i.e. trees, walls or hedges to be removed).

3. Impact on Character - the layout and configuration of the 10 mobile poultry units is now at odds with the clusters of buildings in the surrounding landscape and is unacceptable. Photo 9 for example, shows the 'pastoral landscape of the valley sides gives a rural appearance' and highlights the linear nature of the mobile units compared to the clusters of existing stone buildings. Furthermore, the undulating nature of the lane and the fields also means that these units are very visible at certain locations along the lane. I conclude that the units also have a detrimental and adverse effect on the character of the wider AONB and, more specifically, on the lane itself.

4. Visual impact. The mobile poultry units are clearly visible from the opposite side of the valley as well as from a number of PROW's within it - users of these are highly sensitive receptors. I disagree that the units are not 'prominent, discernible or easily visible' elements in photo viewpoints 11, 12, 13, 14, 15 & 16. It is my opinion that there is a demonstrable adverse visual impact.

There is no specific mention of the potential impact of lighting and this needs to be taken into account as it would be a significant additional impact on the landscape character, views, the Area of Outstanding Natural Beauty and on the World Heritage Site (and its setting). Again each of the elements cumulatively raises the impact level i.e. temporary dwelling with light spillage from windows and external lighting, lighting of the yard(s) etc.

In general, I conclude that the proposals noticeably conflict with and are at odds with the local landscape. They have an adverse impact on a landscape of recognised quality and on vulnerable and important characteristics, features or elements. They have a detrimental impact on the setting of the WHS and this overall affect can be classified as

'moderate adverse'. There is no evidence to show that any of these impacts can be mitigated to an acceptable degree.

B&NES Ecology

The site is partly within part of the "Langridge - Woolley Complex" Site of Nature Conservation Interest (SNCI). Historically, some activities at the proposal site has damaged ecological interest and this has previously been acknowledged. The findings of the ecological assessment are not indicative of an appropriate management regime within the field labelled F1 in the ecological report (drawing ref 1081_2010/20), as required by condition 1 of consent 10/04188/FUL retention of the stock pond.

An ecological appraisal of the ecological impacts of the applications, collectively, has been submitted. More detail of species present would be useful, as comprehensive species lists do not currently appear to have been provided for the areas of grassland within the SNCI boundary, nor for hedgerows of the site. Such information would help to provide confidence in the conclusions of the assessment of likely ecological impacts of the proposal.

I note the initial response of Natural England in relation to Ecology, for the submitted applications 12/05660/FUL, 12/05662/FUL, 12/05663/FUL and 12/05664/FUL. I also note the consultation response of the Landscape Architect and the points made about the need for a unified masterplan, and for correct and complete drawings. This is true also to enable confidence in an ecological assessment, collectively and/or individually, of any proposals. I agree with the issues raised by both the Landscape Architect and Natural England and consider that the information currently submitted in this format under multiple applications is inappropriate. This approach does not allow confidence in the assessment of ecological impacts nor in the ability of the scheme/s to successfully avoid and mitigate ecological harm and for long term operations to be ecologically acceptable.

The proposal/s must incorporate all necessary ecological mitigation and enhancement measures into the scheme and measures should be shown on plans and drawings as appropriate, with sufficient detail to demonstrate that they can be implemented. Without the above issues being fully addressed I do not consider any of the schemes to be satisfactory in their current form. However, if the recommendations of the ecological report were to be incorporated into the scheme and could be demonstrated as feasible, and the application could demonstrate intent for implementation of an appropriate wildlife management plan for the whole site, there is potential for ecological issues to be satisfactorily addressed.

POLICIES/LEGISLATION

Development Plan

The statutory development plan is the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) October 2007 and the following policies are of relevance:

GB1: Control of development in the Green Belt;

GB2: Visual amenities of the Green Belt

NE.1: Landscape character

NE2: Areas of Outstanding Natural Beauty

NE.3: Important hillsides - Bath and Radstock

NE9: Locally important wildlife sites
NE.4: Trees & woodland conservation
NE.10: Nationally important species and habitats
NE.11: Locally important species and habitats
NE.12: Natural features: retention, new provision and management
BH.1: Impact of development on World Heritage Site of Bath or its setting
BH.6: Development within or affecting Conservation Areas
ET.6: Agricultural development
D.2: General design and public realm
D.4: Townscape considerations
HG.10: Housing outside settlements - agricultural and other essential dwellings
T.24: General development control and access policy
T.26: On-site parking and servicing provision
NE.14: Flood Risk
ES.5: Foul and surface water drainage
ES.9: Pollution and nuisance
ES.10: Air quality

Core Strategy

The Core Strategy when adopted will provide the strategic framework for the management and development of land up to 2026. Of particular relevance to the site are B1 (The World Heritage Site and its setting); CP6 (Environmental Quality) and CP8 (Green Belt). The Core Strategy is now at an advanced stage and Annex 1 of the NPPF advises that decision-takers may also give weight to relevant policies in emerging plans (unless other material considerations indicate otherwise) commensurate with the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

National Planning Policy Framework

The NPPF (March 2012) states that there is a presumption in favour of sustainable development with a commitment to building a strong, competitive economy and to ensuring that the planning system does everything it can to support sustainable economic growth. Specifically, planning should operate to encourage and not act as an impediment to sustainable growth.

In respect of protecting Green Belt land the NPPF states that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate, however exceptions to this include buildings for agriculture and forestry. The NPPF sets out the Government's support for a prosperous rural economy, stating that planning policies should support economic growth in rural areas in order to create jobs and prosperity, by taking a positive approach to sustainable new development.

In respect of conserving and enhancing the natural environment the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. Specifically, great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty that (with National Parks and the Broads) have the highest status of protection in relation to landscape and scenic beauty. The NPPF also states that conservation of wildlife and cultural heritage are important considerations in all these

areas, and when determining planning applications local planning authorities should aim to conserve and enhance biodiversity.

With regard to conserving and enhancing the historic environment the NPPF states that the objective is to avoid or minimise conflict between the conservation of a heritage asset and any aspect of the proposal. Specifically, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.

More generally local planning authorities should approach decision taking in a positive way, to foster the delivery of sustainable development and should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

It is relevant to note that the NPPF (which replaced PPS7) removed the provision in that earlier document that where an Article 4 Direction was in place then development in the Green Belt was inappropriate and an applicant needed to demonstrate very special circumstances. Accordingly, a very special circumstances case does not need to be made for agricultural buildings. Notwithstanding this change, consideration still has to be given to the purposes of including land in the Green Belt and whether development achieves the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open. The NPPF confirms that the essential characteristics of Green Belts are their openness and their permanence.

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("The EIA Regulations") include in Schedule 2 descriptions of development (and applicable thresholds and criteria) for the purpose of classifying development for environmental impact assessment purposes. Under the heading "Agriculture and aquaculture" the table includes the carrying out of development to provide ... (c) Intensive livestock installations. The applicable threshold criteria for such projects is 500m² of new floorspace (in a building or buildings) although in a 'sensitive area' (such as an AONB) the applicable threshold criteria do not apply. The floorspace of the poultry units amount to approximately 1,200m² and it is considered that the poultry units do constitute an intensive livestock installation under Schedule 2 of the EIA Regulations. Accordingly a Screening Assessment of the proposed developments (separately and cumulatively with other activities on the site) has been undertaken to assess whether an environmental impact assessment of the development is required.

Having considered all the relevant factors, the Screening concluded that the development is not likely to give rise to significant environmental effects and therefore an environmental impact assessment is not required.

More generally local planning authorities should approach decision taking in a positive way, to foster the delivery of sustainable development and should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

It is relevant to note that NPPF (which replaced PPS7) removed the rider in that earlier document that where an Article 4 Direction was in place then development in the Green Belt was inappropriate and needed to demonstrate very special circumstances. Accordingly, very special circumstances do not need to be made for agricultural buildings. Notwithstanding this change, consideration still has to be given to the purposes of including land in the Green Belt and whether development achieves the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open. The NPPF confirms that the essential characteristics of Green Belts are their openness and their permanence.

Development Plan

The statutory development plan is the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) October 2007 and the following policies are of relevance:

GB1: Control of development in the Green Belt;
GB2: Visual amenities of the Green Belt
NE.1: Landscape character
NE2: Areas of Outstanding Natural Beauty
NE.3: Important hillsides - Bath and Radstock
NE9: Locally important wildlife sites
NE.4: Trees & woodland conservation
NE.10: Nationally important species and habitats
NE.11: Locally important species and habitats
NE.12: Natural features: retention, new provision and management
BH.1: Impact of development on World Heritage Site of Bath or its setting
BH.6: Development within or affecting Conservation Areas
ET.6: Agricultural development
D.2: General design and public realm
D.4: Townscape considerations
HG.10: Housing outside settlements - agricultural and other essential dwellings
T.24: General development control and access policy
T.26: On-site parking and servicing provision
NE.14: Flood Risk
ES.5: Foul and surface water drainage
ES.9: Pollution and nuisance
ES.10: Air quality

Core Strategy

The Core Strategy when adopted will provide the strategic framework for the management and development of land up to 2026. Of particular relevance to the site are B1 (The World Heritage Site and its setting); CP6 (Environmental Quality) and CP8 (Green Belt). The Core Strategy is now at an advanced stage and Annex 1 of the NPPF advises that decision-takers may also give weight to relevant policies in emerging plans (unless other material considerations indicate otherwise) commensurate with the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

National Planning Policy Framework

The NPPF (March 2012) states that there is a presumption in favour of sustainable development with a commitment to building a strong, competitive economy and to ensuring that the planning system does everything it can to support sustainable economic growth. Specifically, planning should operate to encourage and not act as an impediment to sustainable growth.

In respect of protecting Green Belt land the NPPF states that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate, however exceptions to this include buildings for agriculture and forestry. The NPPF sets out the Government's support for a prosperous rural economy, stating that planning policies should support economic growth in rural areas in order to create jobs and prosperity, by taking a positive approach to sustainable new development.

In respect of conserving and enhancing the natural environment the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. Specifically, great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty that (with National Parks and the Broads) have the highest status of protection in relation to landscape and scenic beauty. The NPPF also states that conservation of wildlife and cultural heritage are important considerations in all these areas, and when determining planning applications local planning authorities should aim to conserve and enhance biodiversity.

With regard to conserving and enhancing the historic environment the NPPF states that the objective is to avoid or minimise conflict between the conservation of a heritage asset and any aspect of the proposal. Specifically, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.

More generally local planning authorities should approach decision taking in a positive way, to foster the delivery of sustainable development and should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

It is relevant to note that the NPPF (which replaced PPS7) removed the provision in that earlier document that where an Article 4 Direction was in place then development in the Green Belt was inappropriate and an applicant needed to demonstrate very special circumstances. Accordingly, a very special circumstances case does not need to be made for agricultural buildings. Notwithstanding this change, consideration still has to be given to the purposes of including land in the Green Belt and whether development achieves the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open. The NPPF confirms that the essential characteristics of Green Belts are their openness and their permanence.

Environmental Impact Assessment Screening

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("The EIA Regulations") include in Schedule 2 descriptions of development (and

applicable thresholds and criteria) for the purpose of classifying development for environmental impact assessment purposes. Under the heading "Agriculture and aquaculture" the table includes the carrying out of development to provide ... (c) Intensive livestock installations. The applicable threshold criteria for such projects is 500m² of new floorspace (in a building or buildings) although in a 'sensitive area' (such as an AONB) the applicable threshold criteria do not apply. The floorspace of the poultry units amount to approximately 1,200m² and it is considered that the poultry units do constitute an intensive livestock installation under Schedule 2 of the EIA Regulations. Accordingly a Screening Assessment of the proposed developments (separately and cumulatively with other activities on the site) has been undertaken to assess whether an environmental impact assessment of the development is required.

Having considered all the relevant factors, the Screening concluded that the development is not likely to give rise to significant environmental effects and therefore an environmental impact assessment is not required.

OFFICER ASSESSMENT

Although five separate applications have been submitted to cover the range of development and operations at the site the applications are linked, with development covered in one application being functionally related to development covered by the other applications. The applications are also supported by a single Design and Access Statement, Landscape and Visual Assessment and Ecological Appraisal that assess the various elements covered by the applications as a single entity. Given this interdependence each application is a material consideration in the determination of the others and it is appropriate that the applications are considered cumulatively as well as individually.

A number of the elements covered by the current applications have previously been considered by the Council either through planning applications or in enforcement reports. Whilst it is necessary to consider each of the current applications on their individual merits, previous decisions by the Council in respect of operations and development at the site are material considerations in their determination. Accordingly, should the Council reach a different conclusion from that made previously then it would need to explain why it was taking a different view.

Application 1

This comprises:

- alterations and extension to existing agricultural building;
- alterations to access;
- formation of hard-standing and farm track;
- construction of stock pond;
- siting of 2no. feed hoppers and ancillary works (Retrospective) and
- siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years.

Alterations and extension to existing agricultural building

The alterations to the agricultural building (that existed on the site prior to GVP acquiring the land) has involved the infilling of the open sides of the barn with rendered blockwork, and internal works to allow its use for egg processing activities, and office and staff

facilities. The applicant's agent contends that the alterations do not amount to development however this is not accepted by Officers as a) the construction of the walls and infilling of the sides of the building amount to an engineering or other operation and b) result in a material alteration to the appearance of the building. Accordingly the works do constitute development and by virtue of the Article 4 Direction require planning permission.

In terms of the works themselves the building (and extension) is used for agricultural purposes and therefore does not constitute inappropriate development in the Green Belt. In terms of other Green Belt considerations the Local Plan identifies six purposes of including land in the Green Belt, of which the following are considered relevant to the current applications: checking the unrestricted sprawl of Bath and Bristol; assisting in safeguarding the countryside from encroachment; preserving the setting and special character of Bath; and preserving the individual character, identity and setting of Keynsham and the villages and hamlets within the Green Belt. Local Plan policy GB.2 is also relevant and states that permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction.

In this case whilst the appearance of the building has been altered from an open barn to an enclosed building, the footprint is essentially as originally built, it remains part timber-clad and retains the original low-pitched roof. The extension to the building is located away from Woolley Lane and constructed of materials to match those of the existing building. The existing hedge between the building and Woolley Lane largely screens the building in short distance views although the upper part can be seen above the boundary fence/entrance gates when viewed on Woolley Lane from the south and from the footpath leading from Colliers Lane to Woolley Lane. The existing hedge and local topography mean that the alterations and extension to the building are not readily visible in longer distance views. To the east, tree planting around the adjacent agricultural buildings (on land not controlled by GVP or the subject of this application) have an additional screening effect so obscuring views from more distant viewpoints from the other side of the valley.

It is considered that, given that the works are largely contained within the existing building and the extension does not materially encroach into open countryside, the works do not materially impact on the openness of the Green Belt nor conflict with the purposes of including land in the Green Belt. In terms of impact on the AONB and local landscape it is considered that given the nature and scale of the alterations and extension the character and local distinctiveness of the landscape will be conserved. Whilst the building is visible from Woolley Lane the works do not adversely affect the natural beauty of the landscape of the AONB. The works do not impact on local habitats or sites of ecological importance and do not, of themselves, give rise to significant impacts to local residents or the public. In the circumstances it is considered that the alterations and extension to the existing building are acceptable.

Objection has been raised to these works on the grounds that the building is out of place in this rural location, is not a sensitive design for a sensitive area and has the appearance of a light industrial unit. Objection has also been raised on the grounds that the building is not appropriate for its intended use and not required given other suitable buildings either owned by or available to the operators. Officers consider that whilst the infilling of the sides of the building have materially altered its appearance, the building maintains its

agricultural function and the works do not give rise to harm to the Green Belt, AONB or World Heritage Site setting nor to local residents or those using Woolley Lane.

Internally the building has been fitted out to permit egg hatching and packing of eggs from the site and others controlled by GVP and this is considered to be an agricultural use of the building. Objection has also been raised on the grounds that the egg packing at the site could become a 24-hour operation. At the current scale of operation it is considered that there has not been a material change in the use of the site. However should activities at the site expand resulting in a material increase in the impact of the use (including off-site impacts) then planning permission may be required and the operation could be controlled through enforcement or conditions on any permission for a change of use were permission to be granted. Concern has also been expressed about lighting from the building. Given the importance of the area as a feeding area for bats and lack of other local lighting (other than houses and villages) then if planning permission were to be granted for the alteration works, it would be reasonable to impose a condition controlling external lighting.

Alterations to access

Alterations to the access to the site from Woolley Lane were undertaken in mid-2008 to form an enlarged vehicular entrance to the site involving the laying of a 7m wide concrete apron and erection of 2m high solid timber gates. The concrete apron extends 4m into the site. These works were the subject of three planning applications in 2008 and 2009, all of which were refused planning permission. The Reasons for Refusal were:

1. The works to the entrance to the site and the new gates installed are of an inappropriate design for this rural location and detract from the character of this part of Woolley Lane as a narrow rural lane, to the detriment of the appearance and rural character of this part of Woolley Lane and contrary to Policy NE.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

2. Woolley Lane by reason of its restricted width, poor alignment and sub-standard junctions is inadequate to serve as the sole means of highway access to the proposed development. The application site therefore would not have an adequate means of vehicle access providing a high standard of highway safety, contrary to Policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

3. The vehicle access to the site by reason of its steep gradient downwards towards the highway is likely to result in a road safety hazard and inconvenience to users of the adjoining highway, contrary to Policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

The current site access arrangements are as previously proposed and the Council's Highway Officer has reiterated their objection to the access on highway safety grounds. They have also noted that the information submitted with the applications does not provide evidence for the trip generation from the site and they consider that the proposed use (including the proposed temporary dwelling) will result in a potential intensification in use of the site over and above the agricultural use. They recommend a reduction in access gradient, improved visibility and some squaring off of the access to the highway

carriageway, to improve ease of use for southbound traffic, with further setting back of the existing gates.

Works recommended by Highways to address the inadequate visibility splays require the removal of a significant section of the existing hedge on Woolley Lane however this would be resisted on landscape and habitat grounds. There is also a suggestion in the application documents that the solid gates will be replaced by bar field gates when security issues at the site have been resolved, however no timescale has been given for this. As there have been no material changes in circumstances since the previous applications were refused it remains the case that the alterations to the access and erection of gates are contrary to policies T.24 (highway safety) and NE.1 (landscape character). The previous refusals of planning permission referred to policy NE.2 (AONB) however it is considered that the impacts of the site access works are of a more local nature affecting the character of Woolley Lane and that the overall scenic beauty of the landscape in the AONB will not be adversely affected by these works. It should be noted that were planning permission to be refused for this element of the development the works could be retained as built as they were substantially completed more than four years ago and therefore immune from enforcement action.

Formation of hard-standing, farm track and concrete path

The formation of hard-standing around the existing building and farm track commenced in mid-2008 and has been extended, widened and re-laid over the intervening years, involving the further excavation of soil and laying of stone chippings. The concrete path was laid in 2013. The applicant states that the track will be covered with topsoil and seeded so that once the grass has grown only the ruts caused by the wheels of vehicles using the track will be evident. In March 2010 the Council considered a planning application (09/04403/FUL) for the siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access. Although planning permission was refused, there was no objection to the hardstanding or track. In respect of the hardstanding the case officer's report noted that it "is within the fenced compound of the farmyard, and its visual effect on the landscape would be reduced by its proximity to the existing modern barn in the farmyard ... Overall it is considered that this track would not affect the openness of the area or have a significant impact on the appearance of this part of the Green Belt." In respect of the track to the north of the farmyard, to be constructed in a similar manner to the current application the officer's report noted that "the track is to be sited close to the edge of the field, and this combined with the grass covering would mean that the track would not be prominent in the landscape or damaging to the appearance of this part of the Cotswold Area of Outstanding Natural Beauty or the Green Belt." In view of these comments, when considering an Enforcement Report in May 2010 it was concluded that although the track required planning permission it was not expedient to take enforcement action.

The current application proposes the same extent and method of construction for the hardstanding and track. Local Plan policy ET6 relates to agricultural development, including the construction of access roads where regard shall be had to any adverse environmental impact (including any conflict with other policies in the Plan). Where there is harm or conflict, regard shall be had to the need for or the benefits to the enterprise or the rural economy. Objection has been raised to the track on the grounds that measures to make it blend into the landscape have not been implemented or successful and

together with the large additional area of hardstanding add significantly to the overall visual harm. Although marginally wider than when originally constructed, the track is located adjacent to the hedge and so not readily visible, other than from selected locations along Woolley Lane and from elevated positions to the north such as the public footpath north of Soper's Wood. From site visits and photographic evidence (including aerial photos) it is apparent that the track has been constructed and then seeded as described in the application. Whilst the appearance of the track when first constructed (and without topsoil and grass) is highly visible, with the light coloured chippings contrasting with the grass in the fields, once seeded and the grass has grown the appearance has softened. The area of hardstanding is adjacent to and largely screened by the existing building and, with the concrete path, not readily visible from outside the site. Subject to the track being covered in topsoil and seeded it is considered that the hardstanding, track and concrete path will not have a significant impact on the openness or appearance of this part of the Green Belt, the character and landscape qualities of the AONB or local landscape, or the setting of Bath and are considered acceptable.

Construction of stock pond

In January 2011 the Council granted planning permission for a retrospective application for the construction of the stock pond at the northern end of the holding. It was concluded that it was agricultural development and would not harm the openness of the Green Belt nor have any visual harm. The proposals were also considered not to conflict with Local Plan policies in respect of landscape quality and character of the AONB, ecology, drainage and flooding, land stability, pollution and health, and highways. A condition of the planning permission relating to a wildlife enhancement and management scheme was discharged in 2012 however the original planning permission was the subject of a successful legal challenge and the planning permission quashed.

Objection has been raised to the stock pond on the grounds that there is no practical requirement for it, it is not a natural feature in the landscape and is in an area where land stability is a potential hazard. Objectors state that it impedes natural drainage and is likely to harm rather than enhance local ecology as well as posing a major flood threat to nearby properties. Concern has also been raised about the manner in which the stock pond (as well as the track and hardstanding) have been constructed, with a total disregard for the land and traditional methods. It is acknowledged that the undertaking of these works had a temporary impact on the landscape until natural or planned re-vegetation occurred however the planning considerations and impact of the development have not materially changed since 2010. On balance and subject to conditions to control any future work (to address land slippage that has occurred and address potential future hazards) and the submission and approval of a wildlife enhancement and management scheme it is considered that the proposals are acceptable.

Siting of 2no. feed hoppers and ancillary works

Application 1 also includes the retention of two feed hoppers located to the north of the existing building, and adjacent to the existing hedge that forms the eastern boundary of the site with Woolley Lane. The hoppers are approximately 5.4m tall, and taller than the existing hedge. Although not readily visible from Woolley Lane due to the levels of the site and road, they are visible in longer distance views from the east. In the Landscape and Visual Impact Assessment submitted with the application it is contended that views of the

hoppers will be limited and viewed in context with existing agricultural development and set amongst existing vegetation. This conclusion is not shared by Officers. The hoppers are located approximately 40m from the existing building and it is considered that they appear as discrete standalone structures rather than being read with the existing buildings on the site, and their visibility is accentuated by their colour. Whilst the retention of the feed hoppers is not considered to harm the openness of the Green Belt it is considered that in their current position they do not conserve or enhance the character and local distinctiveness of the local landscape and AONB, which is generally characterised by open fields free of buildings and structures and where there are buildings they are generally in small clusters. As proposed therefore the retention of the hoppers is considered unacceptable and contrary to Local Plan policy NE.1 and NE.2, and Draft Core Strategy policy CP6 which seeks to conserve or enhance the distinctive character and quality of the landscape. Repositioning the hoppers closer to the existing building could reduce their visual impact and if Members were minded to grant planning permission for the development then this could represent an acceptable balance between the operational needs of the holding and conserving and enhancing the local landscape. The applicant has indicated that in principle this would be feasible although the detailed siting would need to be agreed.

Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years

The sixth element of this application is the provision of a timber cabin on a temporary basis of up to 3 years to house an agricultural worker on the site, with a view to the building becoming permanent if the business was financially sustainable. At present there is a caravan located on the site and the current application seeks to replace this (and associated shed/dog kennel). The applicant has submitted a statement in support of the current application setting out their justification for the proposed building based on the operational needs of GVP's activities. This has been independently reviewed for the Council by an agricultural appraisal specialist in the light of the NPPF (which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside) and Local Plan policy HG.10 (which sets out a number of tests for housing in the open countryside). In summary these tests are:

- i) there is a clearly established existing functional need and financial justification for a worker to live on the holding;
- ii) the need is for accommodation for a full-time worker;
- iii) the functional need could not be fulfilled by another existing dwelling in the holding, or other existing accommodation in the area or through re-use of an existing building on the holding;
- iv) it is sited within a hamlet or existing group of dwellings or buildings, or elsewhere in the countryside;
- v) it is restricted in size commensurate with the functional requirements of the enterprise;
- vi) occupancy is restricted to agricultural workers.

In terms of the tests, if the poultry buildings are approved and fully stocked then there may well be sufficient need generated from this site given the substantial number of birds generating sufficient additional welfare needs to require a worker to be present at most times. Specifically a large number of poultry might well require a permanent on site presence to identify (by sight and sound) and address (by immediate proximity) sudden

changes in welfare conditions that could otherwise have catastrophic welfare and business impacts. A dwelling further away may well answer much of that potential need but not all, and as the number of stock increases the level of potential incident that could not adequately be dealt with from a dwelling in the nearby settlement would also increase. However although there might be a functional need at Woolley if the poultry units were fully stocked, GVP's enterprise operates over three sites and it is not clear that there is a specific and established functional need at Woolley, nor that any need could not be located and satisfied at Doynton or Bitton. Furthermore the financial information submitted with the application is generalised, unsubstantiated and considered insufficient to demonstrate that there is a financial justification for the dwelling proposed at the site in Woolley and as part of GVP's enterprise across its three sites. There are no balance sheets, actual or budgeted, so it is not possible to assess to any meaningful degree whether (and certainly impossible to be satisfied that) the submission demonstrates a clearly established justification for a worker to live on the holding at Woolley. Accordingly, based on the evidence submitted the application fails the functional need and financial justification tests.

In terms of the need for a permanent worker, no specific evidence has been submitted on this point but on the basis of the total existing enterprise this test is likely to be passed. Regarding alternative accommodation no assessment is included with the application to demonstrate that none is available nearby and no assessment of existing buildings on the site at Woolley has been offered either, although it is noted that the existing building is currently fully utilised for activities associated with the enterprise. As noted above, it may be possible to reorganise labour and enterprise locations to allow the area of need to focus on one or other or both of Doynton and Bitton. Whilst no dwellings with permission exist there either, there are other buildings and other settlements to then take into account and evidence is required to show why this could not reasonably be done. Whilst there are poultry buildings at Woolley, they are not permitted so there appears no compelling reason why the livestock could not be centred at one of the other two sites and any need generated then being satisfied from those locations. The proposed dwelling is located adjacent to the existing building and is considered to be of a size commensurate with the requirements of the operation and so the fourth and fifth tests could be met. Were permission to be granted then a condition and/or s.106 obligation would be required limiting the use of the dwelling to agricultural workers and requiring the removal of the dwelling if the enterprise failed or the functional justification changed.

The proposed temporary dwelling would be located at the southern end of the site. Soil has been excavated to form a flat surface to accommodate the building, which means the dwelling would be partially screened from the public footpath linking Colliers Lane and Woolley Lane. However the site is at a higher level than Woolley Lane and although there is a hedge and trees along the boundary that will partially screen local views, the building would be visible from Woolley Lane particularly during the winter months. The LVIA submitted with the application states it is the intention to replace the existing solid timber gates with a bar field gate and whilst this would be welcome in terms of its appearance on Woolley Lane, it would have the effect of opening up local views of the building. The site is also in a prominent position on an east-facing slope and the building would be visible, particularly from the northeast and east. While there are some trees on the east boundary of the site and screen planting on adjoining land these would only partially screen the application site.

Based on the evidence submitted with the current planning application the functional need and financial justification for a worker to live on the holding has not been demonstrated and accordingly the proposed dwelling must be considered as a new building in the Green Belt for which a very special circumstances case must be made. No evidence has been submitted on this matter contrary to policy GB.1 of the Local Plan, policy CP8 of the Draft Core Strategy which seeks to protect the openness of the Green Belt from inappropriate development, and para. 55, 87 and 88 of the NPPF. The dwelling would also harm the openness of the Green Belt. In terms of its impact on the local landscape and scenic beauty of the AONB and the character and landscape setting of Bath consideration has been given to the local topography, existing planting in the vicinity of the building, its dimensions and location within the site. The building would be visible particularly from viewpoints to the east, and although it would generally be viewed in the context of the existing building on the site and those adjoining given the particular sensitivities and qualities of the local landscape set out in the case for the Article 4 Direction it is considered that the building would have an adverse impact on the local landscape contrary to policies NE.1 and NE.3 of the Local Plan and policy CP6 of the Draft Core Strategy.

In conclusion, for all of these reasons, it is considered that permission for the temporary dwelling should be refused.

Application 2 - Erection of a general purpose agricultural building

The general purpose agricultural building is intended to be used to store hay, feed, tools, implements, chemicals, etc and provide a building to lamb the sheep, calve the Longhorn cattle or to provide shelter for sick, injured or nursing livestock. At the present time these activities are undertaken within shipping containers and a plastic covered structure located on the site. The intention is that the proposed building will replace these structures and will also be used to house items presently stored outside. The building would be located to the north of the existing building and would measure 18m by 12m and would have a low-pitch roof with an eaves height of 4m and ridge height of 5m. The building would be constructed of concrete blocks and profiled steel sheet with a fibre cement roof. This compares with the existing building, which is 3.5m to the ridge and now constructed of rendered blockwork and timber cladding with a fibre cement roof.

The use of the building would be for agricultural purposes and Local Plan policy ET6 states that when considering such development regard will be had to, amongst other matters, any adverse environmental impact (including any conflict with other policies in the Plan). Given the use of the existing building on the site principally for egg processing it is accepted that there is little space within that building to accommodate the activities that are currently undertaken in other structures on the site. The containment of these activities within an enclosed building would reduce their current dispersed and ad hoc nature and it is considered that the provision of an appropriately sized and located building constructed of suitable materials could be justified were the overall operation approved.

The NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This however needs to be balanced with other considerations including the statement in the NPPF that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, noting that

great weight should be given to conserving landscape and scenic beauty, including in AONBs which have the highest status of protection in relation to landscape and scenic beauty. Local Plan policies, in particular those relating to conserving and enhancing the landscape are also of relevance. Objection has been raised to the building on the grounds that it is of a significantly greater height than the existing building, will be clearly visible and will detract from the rural character and natural beauty of the Green Belt and AONB.

Given the location and height of the building it would be visible above the hedge line particularly when viewed from the east and would appear as a freestanding structure, separate from the existing building on the site. It is considered that the building would harm the openness of the Green Belt, and by virtue of its siting, scale and materials would not conserve or enhance the character and local distinctiveness of the landscape. The applicant has indicated that the height of the building could be reduced (although to compensate for the reduced capacity a larger footprint of building would be required) and could be moved south towards the existing building. However it is considered that the effect of these changes would not reduce the visual impact of the building to a significant degree. Accordingly the general agricultural purpose building is considered to conflict with Local Plan policies GB.2, NE.2, NE.3 and ET.6 and Draft Core Strategy policy CP6.

Applications 3-5 - Siting of 2 x 3no. and 1 x 4 no. mobile poultry units

These applications cover the siting of a total of 10 poultry units on the land with each unit occupied by a flock of about 750 ducks. These measure approximately 20m x 6m x 3.5m high and comprise a metal frame mounted on skids, clad with brown plastic planks and the upper parts with dark green plastic over insulation. In addition, each of the 10 units has a paddock formed by 1m high demountable electric fencing. By day the ducks are free to roam the paddocks, and at night are shut in the units. Water is supplied via a hose that is connected to a series of standpipes sited alongside the farm track and electricity to the units (for lighting) is provided by battery packs and a mobile generator. Approximately 80% of the droppings fall through the slatted floor into the void underneath each unit and are collected and sold as fertilizer. The operation involves an approximately 12 month laying period with a rotation of new ducks replacing old flocks and the poultry units being emptied, cleaned and then re-stocked. As a consequence not all units will necessarily be fully occupied at all times.

The units are capable of being moved to allow them to be cleaned out and to provide fresh grazing for the ducks however although described as 'mobile', and they have been moved since they were first erected in 2010, they have been moved only infrequently and their size and weight means that this is a relatively significant undertaking. The application proposes that the units will be confined to the two fields alongside Woolley Lane and sited on the lower part of the fields, towards the hedgerow along Woolley Lane. The applicant contends that this would allow for ease of access along the farm track and is intended to reduce their visual impact. The remainder of the holding will be used mainly for the grazing of cattle and sheep.

The Landscape and Visual Impact Assessment (LVIA) submitted with the application notes that the existing landscape and residents of properties in the local area are receptors of high sensitivity to change, although motorists using the A46 and Gloucester Road are considered to be of low sensitivity. The proposed buildings are described as

"characteristic of built elements in the landscape" although the report also acknowledges that the materials, form and distribution of the mobile poultry units do not reflect those of the farm buildings and properties in the area. The report also suggests that limiting the heights and scale of new buildings on the site (including the poultry units) and the use of appropriate materials and colours to reflect that of adjoining development and local agricultural vernacular would minimise visual prominence. Noting the temporary and mobile nature of the poultry units the LVIA assesses the impact of the development on the landscape and AONB as "local, temporary, and minor adverse". With tree and hedgerow planting (referred to in the report but not specifically proposed in the application) the LVIA assesses the overall impact as having a long term minor beneficial effect on these features. The LVIA concludes that there is a temporary, minor neutral effect on the pattern of scattered agricultural farmsteads with a generally temporary, local minor adverse effect on local residents and users of public footpaths in the locality. The impact on users of Woolley Lane is assessed as temporary, localised and moderate adverse, with the development being visually intrusive and adversely affecting the visual experience for users on Woolley Lane.

Objection has been raised to the poultry units in terms of their detrimental visual impact on the area, the AONB and gateway to the City of Bath World Heritage Site.

The ten poultry units proposed for the site are covered by three separate applications and so subject to approval of any or all of them there could be three, six, seven or ten units on the site. In assessing the proposals the applications have been considered individually but given the inter-related nature of the poultry units with the other elements of the development it is also appropriate that they are considered cumulatively. In terms of the visual impact of the poultry units the fact that they can be moved within the site is not considered to remove the significance of their presence, and their impact on the landscape is not affected to any material extent by periodic changes to their position, particularly as this will take place within a relatively narrow zone within the fields. Therefore whilst the poultry units are capable of being moved, and occasionally have been, they are effectively permanent features in the landscape. Given their design, materials and siting within the fields they are clearly visible from a number of locations and appear as incongruous elements within the otherwise generally pastoral landscape of small open fields divided by hedgerows. Buildings in the landscape outside the villages such as Upper Swainswick and Woolley are generally clustered (such as those at Crossleaze Farm to the east of Woolley Lane) whereas the proposals for the application site will involve a line of buildings extending across open fields, introducing a highly visible and unfamiliar form of development. They are particularly visible from the east from Innox lane, Tadwick Lane and Gloucester Road as well as from local viewpoints such as Little Solsbury Hill. It is considered that the poultry units will introduce new buildings into the landscape that will harm the openness of the Green Belt and by virtue of their siting and materials would be visually detrimental to the Green Belt contrary to policy GB.2 of the Local Plan. The units will also have an adverse impact on the AONB and character of the local landscape contrary to policy NE.1, NE.2 and NE.3 of the Local Plan and policy CP6 of the Draft Core Strategy.

The Statement of Outstanding Universal Value upon which Bath is designated as a World Heritage Site includes the green setting of the city in a hollow in the hills. Key aspects of the setting include the distinctive character provided by the topography, the townscape and land-use including the green undeveloped farmland, green spaces and trees and

woodland, and the intangible qualities such as tranquillity that characterise the surroundings of the city. This includes the views afforded from the city to the green hillsides, woodland and open spaces, and conversely the opportunities provided by the surroundings to view the city and the quality and character of the environs and views to and from routes into and out of the city. Whilst the poultry units in particular are visible from the A46 which is one of the key gateway routes into the city, given the wider context of the valley within which the development is sited and the broad sweep of the vista from the north and east it is considered that the development does not significantly affect the landscape qualities that contribute to the setting of the World Heritage Site.

Objection has also been raised to the damage caused to the site through the intensive nature of the operation, the infrequent relocation of the units and lack of alternative land, as well as the effects of run-off due to inadequate drainage on the site particularly during wet weather and flies and odour during hot weather. In terms of the damage to the site, the units have been moved within the holding as part of the cycle of stocking, egg-laying and re-stocking of the flock and there is evidence that where the units have been sited the land has regenerated after they have been moved. The natural slope of the land and local topography on which the poultry units are situated, together with run-off from land above the units and seasonal springs on the land, means that there have been occasions when there has been run-off from the site onto Woolley Lane. Weather conditions in 2012 were exceptional and resulted in high levels of run-off, the effect of which has been investigated by the Environment Agency and the Council's Highways Drainage team. They have recommended remedial action to contain run-off within the site and prevent discharge onto the public highway however as the installation of drainage on the site would involve engineering operations requiring planning permission (and do not form part of the current applications) it would be premature to determine the acceptability or effectiveness of any such measures. The issue of odour and flies from the site is a matter of animal welfare as well as public amenity however investigations by the Council and Environment Agency have not identified any significant problems with operations at the site.

Other Considerations

The GVP enterprise comprising operations at Woolley Bitton and Doynton employs around 20 staff, of whom 12 are employed at Woolley. The Local Plan notes that agriculture plays an important role in the local economy and provides the basis for other economic activities. Policy ET.6 sets out criteria for assessing development proposals. The NPPF highlights the Government's commitment to building a strong and competitive economy and to securing economic growth in order to create jobs and prosperity. It states that the planning system should do everything it can to support sustainable economic growth and should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. This includes supporting a prosperous rural economy with plans supporting economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. These objectives need to be balanced with the need to conserve landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. Also of relevance is the location of the development with the Green Belt and the presumption against inappropriate development as set out in the NPPF and Local Plan policy GB.1, the purposes of including land within the Green Belt and the appearance of the Green Belt set out in Local Plan policy GB.2. In the circumstances of these applications and the particular characteristics of this site it is considered that whilst the development is an

agricultural use of the land and employs a number of people, the nature and impact of the use involving the siting of poultry units within the fields results in a degree of harm that outweighs the employment benefits. If the current operations at Woolley ceased and another agricultural operation took place on the site then there would be some continuing employment at the site associated with that use.

The Council's Highways Officer has expressed the view that the combination of activities on the site results in an intensification of the use of the land amounting to a material change of use. The intensity of use of the land is greater than the previous grazing of sheep and cattle, and the number of vehicles accessing the site is greater than before GVP started operating from the site. However it is considered that the primary use of the land remains agricultural and that the off-site impacts in terms of vehicle movements from the site, whilst of a greater number and occasionally involving larger vehicles, do not amount to a volume or impact that amount to a change in use of the land. Whilst there is egg packing on the site, including the importation of eggs from other GVP sites, the use of the land remains agricultural rather than industrial or mixed agricultural and industrial.

The site is partly within part of Site of Nature Conservation Interest (SNCI) referred to as the 'Langridge - Woolley Complex' and is also within the bat feeding zone associated with the Bath & Bradford-on-Avon Bats Special Area of Conservation (SAC). The SNCI covers the field within which the stock pond is located, but not the fields containing the poultry units, nor the track and hardstanding or other development at the southern end of the site. When the previous planning application for the stock pond was determined in 2011 and subject to the approval and implementation of a Wildlife Management and Enhancement Scheme no objection was raised to the development on ecological grounds in terms of both the SNCI within the site and Lam Brook approximately 700m to the east. The current planning applications do not involve works that have a significant effect on any European sites or protected species, nor require a licence from Natural England. It is considered that the proposals do not significantly adversely affect the nature conservation value of the area (Local Plan policy NE.9), nor species which are internationally or nationally protected or the habitat of such species (Local Plan policy NE.10).

Upper Swainswick is designated as a conservation area and Local Plan policy BH.6 seeks to preserve or enhance the character or appearance of the area by controlling development within or affecting it. In this case it is considered that Upper Swainswick is sufficiently distant from the application site that whilst the site is clearly visible from the village and has an impact on the landscape it does not impact on the character of the conservation area itself.

Conclusion

In determining the applications a balance has to be struck between the objectives of supporting sustainable development and a prosperous rural economy, and the need to protect the Green Belt and conserving the scenic beauty of the AONB and local landscape. The particular landscape quality of the Woolley Valley and the need to protect it from development is highlighted by the Article 4 Direction that removes permitted development rights for agricultural development. Designated in 1992, the Direction remains in force and the reasons for its establishment have not changed materially since then.

Whilst some elements of the development covered by the five applications are considered generally acceptable, the installation of the poultry units and proposed construction of a general purpose building on the land are considered to result in an unacceptable degree of harm to the landscape and to the openness of the Green Belt. In the absence of a proven agricultural need, the dwelling constitutes inappropriate development in the Green Belt.

The five planning applications cover a range of development that together comprises the agricultural operation at Woolley Lane. Whilst each element and each application has been considered separately, together they form the agricultural enterprise at the site and it is considered that in addition to the impact of the individual elements, cumulatively the operation has an adverse impact on the Green Belt, AONB and local landscape. In addition the applications are inter-dependent because they either form part of a single application, or the justification for one aspect of the operation is dependent on others that are covered by a separate application(s). So whilst the provision of the stock pond, hardstanding and track are considered acceptable they form part of a wider application (Application 1) including the provision of a dwelling on the site. The case for the dwelling is predicated on there being an agricultural need and that arises from the housing of approximately 7,500 ducks on the site. Therefore if the agricultural need for the dwelling is not substantiated (either by failing the tests set out in HG10 or because permission is not granted for the poultry units), then the stock pond, hardstanding and track could not be approved. Whilst it is possible for the LPA to issue a 'split decision' and grant planning permission for something less than what was applied for, that should not be done if the permission granted would represent a "substantial alteration" of what had been proposed in the application so as to deprive those who should have been consulted of the opportunity of consultation. In this case, as noted above, it is considered that the 5 planning applications are all inter-dependent and effectively cover one single agricultural operation. For that reason, officers consider that to grant permission for only some elements of an application would constitute a substantial alteration of what has been applied for and therefore a split decision would not be appropriate.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 The proposed poultry units by reason of their size and materials, location and permanence would result in harm to the openness of the Green Belt and detract from the rural character and natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty and the local landscape contrary to Policies GB.2, NE.1, NE.2, NE.3, ET.6 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

PLANS LIST:

1 This decision relates to Drawings 2028/99.4 (Location Plan) and 2028/001 (Plan and Elevations of Poultry Units)

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

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 choose 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.

Annex

Members will recall that in this case a group of local residents had formed a limited company, SWVAG Ltd, and brought judicial review challenges against two interlinked decisions of the LPA namely:

- a challenge to the Council's conclusion, as set out in its Enforcement Delegated Report of 21 May 2010, that the poultry units, installed on the site by GVP Ltd, were not 'development' susceptible to planning control, and did not require environmental impact assessment ('EIA'); and
- a challenge to the Council's decision that an EIA assessment of the stock pond was not required. Planning permission for this development was granted, in accordance with a resolution of the DC Committee, on 21 January 2011.

The case was heard over three days at the High Court in London, between 3-5 July 2012. Members will be aware that in a judicial review the High Court is performing a supervisory role and will only interfere with an LPA's decision if it is wrong in law or irrational. In this case the Court did not agree with the Council's interpretation of the law and found in favour of SWVAG. The Secretary of State was also a party to the proceedings.

Background

So far as is relevant to the Court's decision, the background is as follows.

Following complaints about various activities on the site including substantial unauthorised earth moving, and visits by the Council's officers, on 22 April 2010 the Council served a planning contravention notice on GVP seeking information about the activities that had occurred. Having received a detailed response to the PCN, on 23 April 2010 the Council served a Temporary Stop Notice on GVP which prohibited the excavation of soil and surface materials from the land and the alteration of levels of the land.

On 21 May 2010, having taken advice from a senior barrister, the Council issued an Enforcement Delegated Report. It concluded that some of the activities that had taken place at the site did constitute breaches of planning control, however, the Council decided that the placing of the poultry units on the land did not constitute development. The Council therefore concluded that no environmental impact assessment of that activity was required and no enforcement action could be taken.

The reasoning of the Council was set out as follows in the delegated report:

"Over the past few weeks ten prefabricated mobile poultry units have been delivered and assembled on site. Each one measures about 20m x 6m x 3.5 metres in height and will house 1,000 birds (known as a flock). This will provide for a free range egg production operation in which each flock will be free to roam over the land during daylight hours and return naturally [to] their unit at dusk to roost.

Each unit consists of a series of 10 metal hoops which slot into metal skids. They are delivered to the site in kit form and assembled on site in a matter of a couple of days. Once assembled for the first time, the whole unit can be moved within the site in one operation. They can also be dismantled and loaded onto a flatbed lorry in a matter of 3-4 hours and re-erected on another site in a similar amount of time. The owners claim that no foundations or levelling of the land is required. However, observations on site showed that when assembling the units, an area of land had been levelled specifically for the purpose of assembly. The units were then moved and can be placed on sloping land.

The lower sides are uPVC which slot into the metal hoops and are covered by two layers of green polythene with insulation between them. A slatted floor is inserted internally. They weigh about 2 tonnes and, when occupied by the birds, would weigh an estimated 4 tonnes. This is sufficient to stay on the ground under its own weight although they can be held down with metal spikes in extreme winds. Each unit has a hose pipe connection to mains water and solar panels/batteries to power internal lighting.

It is proposed to site the units in fenced paddocks of between 1-2 hectares and to move them around the respective paddock approximately every 8 weeks or so. The units are mounted on skids which move easily over grass by using a tractor or 4x4 vehicles and have demonstrated this to enforcement officers. They have also filmed the operation for moving the units and supplied a DVD which shows that the unit can be towed with a tractor.

It is well-established in law that there are three primary factors which are relevant to the question of what is a building: The question of whether these chicken units are buildings involves making a planning judgment based on their size, permanence and physical attachment to the ground. This is very much an area of fact and degree. There have been numerous reported cases on what constitutes a building in planning terms, however ultimately each case turns on its own facts.

Factors weighing against the sheds being buildings are their lack of attachment to the ground and ability to be moved around the site. However weighing in favour of them being buildings are their sheer size, weight and bulk, a recent planning appeal decision against the refusal of a Certificate of Lawful Use or Development dated December 2009 supplied by the owner's agent concluded that a mobile poultry unit measuring 9.5m x 5.5m x 3.2m high did not constitute a building for the purposes of s.55 of the Act. In this case, only one unit was proposed. It housed 465 laying hens, was delivered as a flat pack and assembled on site by 2 no. unqualified people in two days. It was not anchored to the ground nor required a hard standing, could be moved by a tractor and was expected to be moved every 15 months.

In the current case there would be at least 10 units, some 20 metres long and they would be moved every 2-3 months. These would therefore be larger and heavier but moved more frequently and assembled on site in the same way as the appeal case. It is also worth noting that the dimensions of each unit are almost the same as the dimensions of a twin-unit caravan as defined in section 13 of the Caravan Sites Act 1968 which are: 20 metres long, 6.8 metres wide and 3.05 metres high. Although attached to a water point, several points of connection have been established on the site so the units could be moved.

On the basis of the information to date and as a matter of fact and degree, the mobile poultry units would appear to be 'chattels' capable of being moved around the site by a 4x4 vehicle. Furthermore, once assembled they can be dismantled and loaded onto a flatbed lorry in a matter of hours and transported to other sites.

On this basis officers have concluded that these units do not constitute development.

It has been suggested by solicitors acting for objectors to the development that the chicken units require an Environmental Impact Assessment ('EIA') because they are part of an intensive agricultural operation. However, officers are of the view that there is no requirement to undertake an EIA unless the chicken sheds constitute development and fall within one of the classes for which an EIA can be required. In this case neither the chicken sheds nor their use constitutes development and therefore no EIA is required.

It is therefore considered that no enforcement action can be taken against the chicken sheds."

The Council decided that it was not expedient to take enforcement action in respect of some of the other forms of development that had occurred, but it did issue an Enforcement Notice and Stop Notice, both dated 21 May 2010, in respect of the excavation of soil and surface materials from the site, including the digging of pits and trenches and the alteration of levels of the site. The prohibition in these Notices extended to the stock pond. A planning application was made in respect of the stock pond on 27 September 2010. Various objections were raised. There was a dispute as to whether there had previously been a pond on the same site which had become silted up, but the Council was satisfied that the pond had been newly engineered. A screening opinion was carried out which concluded that an EIA was not required. On 21 January 2011, the Council granted retrospective planning permission for the retention of a 15m x 12m stock pond on the site, subject to conditions.

SWVAG sought to challenge the Council's decisions by way of judicial review, having unsuccessfully sought an injunction against GVP to prevent any chickens being delivered to the site.

Grounds for judicial review in respect of the poultry units
SWVAG's grounds for judicial review raised the following issues:

A Did the Council make a material error of fact or fail to have regard to relevant considerations?

The Court found in favour of the Council on this point.

B Did the Council misdirect itself in law in deciding that the poultry units were not development requiring planning permission under English law?

The Council argued that it had to make a planning judgment which was a matter of fact and degree and had applied a test which is well established in English law that involved considering the poultry units' size, permanence and degree of physical attachment to the land. For the reasons set out above, the Council decided the units were not development.

However the Court found that the Council had erred in law in taking too narrow an approach to the meaning of 'development' because it:

- should have considered whether a poultry unit was an 'erection' or 'structure';
- did not have regard to the relevant authorities when it concluded that the units were chattels not buildings since they were capable of being moved around the site;
- did not direct itself correctly in law on the issue of permanence - the units were permanently in their field, and there was no limit on the length of time they would remain there; and
- failed to consider whether the construction of the poultry units came within the residual category in s.55(1), namely, 'other operations in, on, over or under land'.

C Were the poultry units capable of constituting "intensive livestock installations" within the scope of the EIA Directive and/or the EIA Regulations 1999?

The primary issue between the parties was whether the Council had misdirected itself in law by failing to interpret the definition of "development" in English law so as to give effect to the EIA Directive. In its defence, the Council contended that the poultry units did not fall within the scope of the EIA Directive or the EIA Regulations 1999, and so this point was academic.

The Court examined the European and English law and concluded that the poultry units were "capable" of being an "intensive livestock installation" under the EIA Directive and therefore the issue was not academic. However the Court did not rule on whether the poultry units actually were intensive livestock installations.

D Did the Council misdirect itself in law by failing to interpret the meaning of 'development' in English law so as to give effect to the EIA Directive?

The Council submitted that once it had decided that the poultry units were not 'development', it had no further duty to consider their environmental impact, since the EIA regime is given effect in the UK through the system of planning control. However, the Secretary of State and SWVAG argued that an English court is required to interpret national law, so far as possible, in the light of the wording and the purpose of the EIA Directive in order to achieve the result sought by the Directive. The judge accepted that argument and stated that:

"In my judgment, the definition of 'development' in s.55 TCPA 1990 can, and should, be interpreted broadly by planning authorities so as to include, wherever possible, projects which require EIA under the EIA Directive, or developments which require EIA under the EIA Regulations 1999. Otherwise the Directive will not be effectively implemented into UK law.

In this case, the Council misdirected itself in law by failing to have regard to the obligation to interpret the meaning of "development" in s. 55 TCPA 1990 in this way. I am satisfied that, if the Council concludes that the poultry units are a project which requires EIA under the EIA Directive, or a development which requires EIA under the EIA Regulations, the meaning of "development" in s.55 is sufficiently broad to be capable of encompassing the poultry units."

E If it is not possible to interpret the meaning of 'development' in English law so as to give effect to the EIA Directive, was there a failure to transpose the EIA Directive into UK law?

The judge decided that in light of her other findings she did not need to make a ruling on this point.

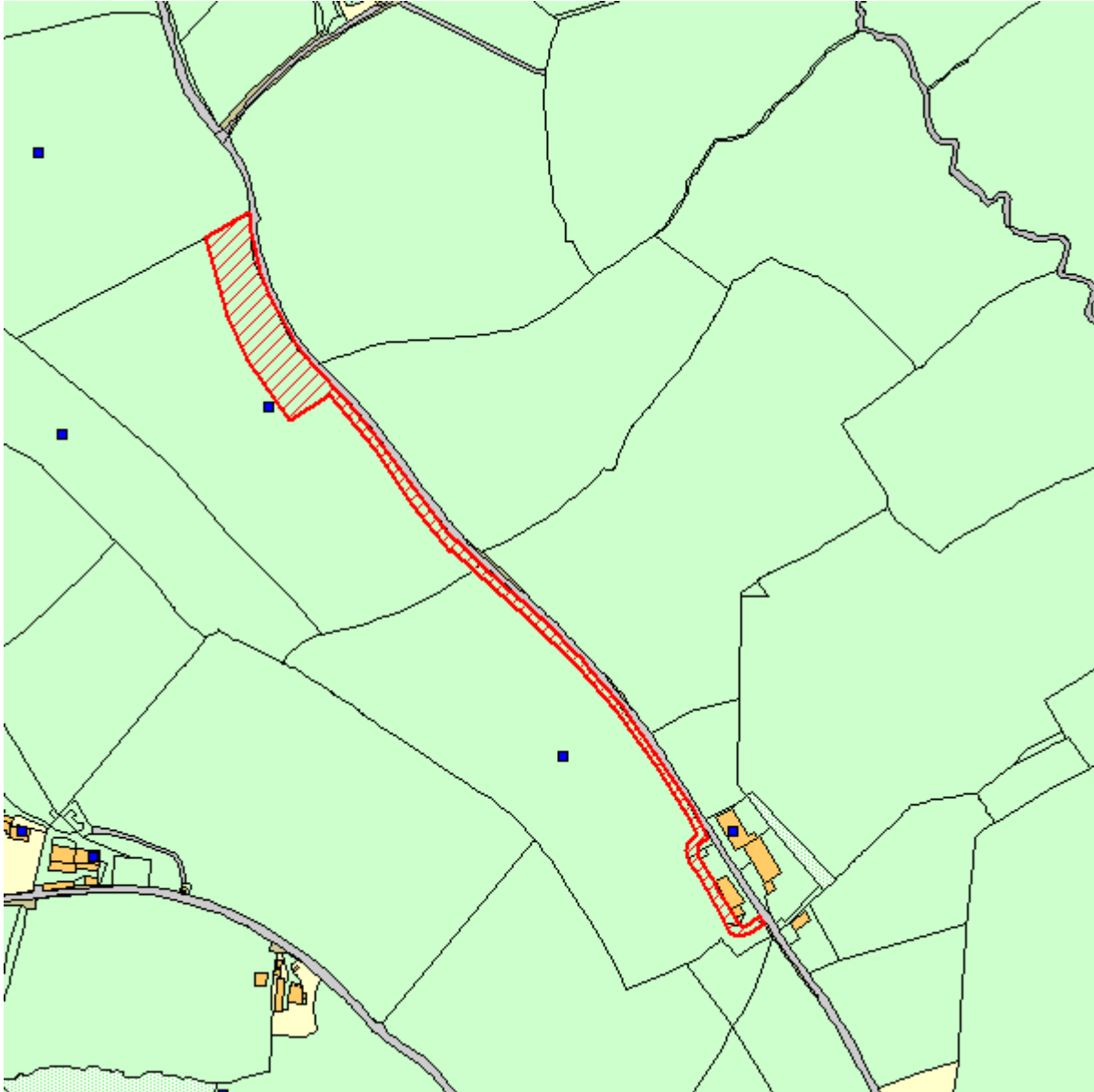
Grounds for judicial review in respect of the stock pond

SWVAG argued that the EIA screening opinion obtained in respect of the stock pond should have considered the cumulative effect of the other activities and works on the site and that the failure to do so meant that there was no consideration of the overall environmental impact at the site. The judge concluded that the "screening opinion only considered the cumulative impact of traffic, and not any of the other 'development' within the meaning of s.55 which the Council found had taken place at the site. It did not treat the poultry units as 'development', on the basis of the Council's earlier decision to that effect. In my judgment, the screening opinion was inadequate, and thus the Council acted unlawfully by granting planning permission without having carried out a lawful screening opinion. The screening opinion needs to be carried out afresh, once the Council has re-considered its decision in relation to the poultry units."

Conclusion

For the above reasons, both claims for judicial review were allowed.

Item No: 06
Application No: 12/05664/FUL
Site Location: Parcel 0005 South Woolley Lane Charlcombe Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Gabriel Batt Councillor Geoff Ward

Application Type: Full Application
Proposal: Siting of 3no. mobile poultry units (Retrospective)
Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,
Applicant: Golden Valley Paddocks Limited
Expiry Date: 26th April 2013
Case Officer: Gwilym Jones

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application has generated a significant level of objection on a range of grounds and in the light of the planning and enforcement history on this site it is appropriate that the applications are reported to Committee.

DESCRIPTION OF SITE

The site is an agricultural holding located along the western side of Woolley Lane, a single-track road leading northwards from Charcombe Lane to Woolley. Situated just beyond the north-east edge of the built up area of Bath, the site comprises 20.5 hectares of land that extends from approximately 200m north of residential properties to the south, to the edge of Soper's Wood to the north. The site is in an elevated position on the western side of a valley and the land slopes down towards Woolley Lane and beyond to Lam Brook, with the land rising to the east towards the A46 and Charmy Down/Little Solsbury Hill. The village of Upper Swainswick is located on the eastern side of the valley and overlooks the site. The village of Woolley is on higher ground to the north of the application site.

Access to the site can be gained at two points on Woolley Lane although the northern access (opposite the access to Crossleaze Farm) is currently closed. As a consequence all vehicular access is from the southern access located opposite an entrance to agricultural buildings on the eastern side of Woolley Lane.

The site is located in the Green Belt, Cotswold Area of Outstanding Natural Beauty (AONB) and the setting of the Bath World Heritage Site. The site is also the subject of an Article 4 Direction (confirmed in 1992) that removes agricultural permitted development rights over a wider area of Swainswick Valley.

The site was acquired by the current owners (Golden Valley Paddocks Ltd - 'GVP') in 2005 and at that time included a partly enclosed agricultural building measuring approximately 29m by 11.5m. The site is currently used principally for the housing of ducks for egg laying and subsequent processing and despatch. GVP have other operations at Doynton and Bitton that together with operations at Woolley form a duck egg incubation/hatching, rearing, laying and processing enterprise.

PLANNING HISTORY

The site has been the subject of a number of applications between 2008 and 2012. In summary these are:

08/02397/FUL - Erection of agricultural building, alterations to access, formation of track and hardstanding, siting of temporary timber-clad mobile home for an agricultural worker. REFUSED 22 August 2008

09/01020/FUL - Erection of extension to agricultural building, siting of temporary agricultural workers mobile home, formation of track and alterations to access (retrospective) (resubmission). REFUSED 21 May 2009

09/04403/FUL - Siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access (Revised proposal). REFUSED 31 March 2010

10/04188/FUL - Retention of 15m x 12m stock pond. PERMITTED 21 January 2011*

11/00678/COND - Discharge of condition 2 of application 10/04188/FUL APPROVED 28 March 2011*

11/00854/FUL - Siting of temporary timber-clad mobile home for an agricultural worker, erection of dog kennel and alterations to access (Revised proposal). WITHDRAWN

11/02081/FUL - Construction of farm track and siting of 2no. feed hoppers (Retrospective) WITHDRAWN

11/02085/COND - Discharge of condition 1 of application 10/04188/FUL WITHDRAWN

* quashed by High Court (July 2012)

Notwithstanding the Article 4 Direction that applies to the land development has taken place at the site, none with the benefit of planning permission other than for the stock pond (retrospectively) and which was subsequently quashed following a High Court challenge (see below). These works have led to significant objection from local residents and a number of enforcement investigations have taken place since 2008. On 22 April 2010 a Planning Contravention Notice was issued seeking information regarding activities on the site, and on 23rd April 2010 a Temporary Stop Notice (TSN) was served following evidence that ponds were being created on the site without planning permission. The TSN prohibited the excavation of soil and surface materials from the land and the alteration of the levels of the land. The TSN ceased to have effect on the 20th May 2010.

An Enforcement Report in May 2010 assessed the various operations and development at the site. At that time the Council determined that the poultry sheds on the land did not constitute development and were therefore not susceptible to enforcement action. This led to a legal challenge against that decision and ultimately to judicial review in the High Court of a) the decision of the Council not to take enforcement action against the poultry sheds, and b) not considering whether an Environmental Impact Assessment was required.

The High Court challenge was successful, the judge concluding that the Council had taken too narrow an approach to the meaning of 'development' in UK law; and that the poultry units were capable of being an 'intensive livestock installation' under Schedule 2 of the EIA Regulations. A summary of the judgment is contained in the Annex to this report.

In the light of the judgement Officers have:

1. Re-assessed whether the poultry units constitute development under s.55 of the 1990 Act.
2. Assessed whether the installation and operation of the poultry units represent an 'intensive livestock installation' and therefore fall within the ambit of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("The EIA Regulations").
3. Undertaken a Screening Assessment of the poultry units and stock pond, together with other activities and development to determine whether individually or cumulatively they constitute a project requiring an EIA.

PLANNING APPLICATIONS

Five separate but inter-related planning applications have been submitted to the Council. These comprise:

Application 1 (12/05660/FUL) - Alterations and extension to existing agricultural building; alterations to access; formation of hard-standing, farm track and concrete path adjacent to existing building; construction of stock pond; siting of 2no. feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years

Application 2 (12/05661/FUL) - Erection of a general purpose agricultural building

Applications 3-5 (12/05662/FUL, 12/05663/FUL, 12/05664/FUL) - Siting of 2 x 3no. and 1 x 4 no. mobile poultry units on the land

OVERVIEW OF CURRENT OPERATIONS

Land Use

The site is an agricultural holding and the use of the land for agricultural purposes does not, of itself, constitute development requiring planning permission. The farm operations currently comprise the housing of ducks for egg production, and the processing and packing of eggs from the site. It is proposed that eggs from other sites owned by GVP are also processed and despatched at the application site. Subject to vehicle movements arising from this activity it is considered that the importation of eggs to the site would not of itself change the character or nature of the use of the land from agriculture to mixed agriculture and B1/B2.

Poultry Units

The poultry units (of which there are currently 10 on site) each measure approximately 20m by 6m by 3.5m high. Each unit has an associated fenced paddock of approximately 0.5ha and capable of housing up to 750 ducks. The units are constructed of metal hoops, metal skids, with slatted floors and green polythene fabric cover. All the units are supplied with mains water from a hosepipe connected to standpipes and internal lighting is powered by a mobile electricity generator. The units are not fixed to the ground (other than in extreme weather) and are capable of being moved.

In the light of the approach set out in the High Court judgement it is considered that the size, weight and substantial construction of the poultry units weigh in favour of them being "structures" and hence buildings. In terms of the permanence of the poultry units, whilst they are capable of being moved, and have on occasion been moved within the holding, this does not remove the significance of their presence in planning terms because they are permanently in the field, even if their position within the field may change. Accordingly it is considered that the poultry units constitute development and by virtue of the Article 4 Direction that applies to the land express planning permission is required for their siting/retention. Any excavations to level ground for the siting of the units is also likely to involve an engineering operation requiring planning permission.

The retention of these units is covered by Applications 3-5.

Alterations and Extension to Existing Agricultural Building

The existing building on the site was a partly enclosed storage barn previously used to provide shelter for cattle. In late 2009 GVP commenced works to infill the sides of the building with blockwork and fit out the interior for use as an office and for egg processing and packing. Whilst the building remains in agricultural use, the Article 4 Direction

includes 'alterations' as works requiring planning permission and it is considered that the alterations (involving the infilling of the open sides of the building) amount to a material change in the appearance of the building. An extension, located on the western side of the existing building (approximately 2m by 10m by 3m high), constructed of masonry with part timber cladding and profiled roof to match the main building has been added to the building amounting to a building operation. Accordingly planning permission is required for both these works.

The retention of these works is covered by Application 1.

Track, Hardstanding, Concrete Path and Site Access

The track is approximately 1km long and 3.5m wide and runs along the eastern and northern edge of fields that form the boundary of the site with Woolley Lane. The track is made up of compacted stone chippings/hardcore and involved the removal of grass and topsoil in its construction. The track was originally constructed in two sections in mid-2008 and mid-2010 and since that time further works have been undertaken. The area of hardstanding around the existing agricultural building made up of compacted stone chippings/hardcore has been laid down and extended over a number of years and now extends to approximately 350m². Whilst initial works to form the track and hardstanding were commenced over four years ago they have only recently been substantially completed. Further excavation and engineering operations involving the removal of grass and topsoil in their construction and amounting to an engineering operation have been undertaken since and therefore require planning permission. The concrete path is approximately 25m long and located between the existing building and hedge along Woolley Lane.

The site access was altered in mid-late 2008 with the provision of a 7m wide concrete apron extending 4m into the site and the erection of 2m high wooden gates and fencing. These works constitute development requiring planning permission however as they were carried out more than four years ago they are immune from enforcement action.

The retention of these works is covered by Application 1.

Feed Hoppers

The two hoppers are feed storage containers each approximately 2.85m by 5.4m high. They are supported by a metal frame that is fixed to a concrete base and sited within an area of hardstanding adjacent to the existing agricultural building. They are an erection or structure within the definition of a building (see above) and permanently installed, and accordingly constitute development requiring planning permission.

The retention of these structures is covered by Application 1.

Caravan/Mobile Home

A caravan (approximately 17m by 5.7m by 3.5m high) is located adjacent to the main entrance to the site. Whilst caravans are not generally classified as buildings, this caravan is a large static caravan and permanently sited on the land. The caravan (and its proposed replacement by a chalet for use as an agricultural workers dwelling) is considered to be a building. Accordingly planning permission is required for its siting/retention on the land. Even if the caravan were not a building in planning terms, it is

considered that its residential use would still require planning permission on the basis of a material change of use of the land.

The provision of a timber clad building to replace the caravan is covered by Application 1.

Shed/Dog Kennel

The shed (approximately 3m by 2m by 3m high) and dog kennel (approximately 1.5m by 1.5m by 2m high) are of timber construction and located adjacent to the caravan/mobile home. By virtue of their size and permanence they are considered to be structures, and by definition a building requiring planning permission.

These buildings would be removed should planning permission be granted for the timber cabin (part of Application 1).

'Lambing Shed'

The shed comprises plastic sheeting spread over metal hoops and measures approximately 4m by 5m by 3m high. The shed is fixed to the ground by pegs and it has been in place for over 2 years. Although relatively lightweight in construction it is considered to be similar to a large polytunnel. Given its size and relative permanence it cannot reasonably be considered a temporary structure and therefore constitutes development requiring planning permission.

This structure would be removed should planning permission be granted for the general purpose agricultural building (Application 2).

Storage Tanks and Shipping Container

Within the area of hardstanding there are various storage tanks and a shipping container. Two plastic tanks are used to store diesel for farm vehicles and the shipping container provides general storage space.

Although the diesel storage tanks are not mobile and are set on a concrete base it is considered given their nature and limited size, that they do not fall within the definition of a building and their siting on the land does not involve an engineering operation. Neither are they an 'other operation'. Accordingly planning permission is not required for their retention. The shipping container has been placed on the site and is considered to be a structure placed permanently on the land and falls within the definition of a building. Planning permission is required for retention of the container.

The shipping container would be removed should planning permission be granted for the general purpose agricultural building (Application 2).

Electricity Generator

The electricity generator measures approximately 1m by 1m by 1m high. It is a free-standing item (i.e. not plant or equipment within a building) located in a field and connected by cables to each of the poultry sheds. The generator is not fixed to the ground but is positioned on a hardcore base and would need to be loaded onto a trailer or similar for moving.

Given its limited size it is considered that it is not a building, structure, erection or 'other operation' and its siting on the land does not involve an engineering operation. Accordingly planning permission is not required for its retention.

Pipework and Standpipes

Each poultry shed is provided with water from standpipes connected by plastic pipework that are served from a supply close to the main agricultural building. The standpipes are spaced approximately every 100m alongside the track and are approximately 1m in height. In some locations the pipework from the standpipes to the poultry sheds is buried, in others it is laid on the surface.

The standpipes and pipework are of a small scale and the pipework could generally be removed without the need for engineering operations. In the circumstances it is considered that the pipework and standpipes do not constitute development requiring planning permission.

Vehicles/Equipment/Trailers

Within the area of hardstanding there are various vehicles, pieces of farm equipment and a 'mobile office' trailer.

These items are all mobile and do not constitute buildings. Furthermore they are being used in a way that is ancillary to the agricultural use of the land. Accordingly planning permission is not required for their retention.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

A total of 255 representations have been received in respect of the five planning applications of which 254 are objections and 1 in support. As the applications are inter-related a number of objections have been made to all five collectively. 164 of the responses list the following 10 grounds of objection:

1. This is an exceptionally beautiful valley on the outskirts of Bath in the Green Belt and Cotswolds AONB. The unauthorised developments are extremely harmful to the tranquillity and visual amenity of the valley.
2. The very special quality of the Woolley Valley is confirmed by the Article 4 Direction which removes permitted development rights. This is the only agricultural land within the whole of B&NES to have this additional protection.
3. The pre-existing open stock barn which has now been converted, without permission, into an enclosed egg packing facility with office attached, is totally out of place in this rural location. It has the appearance of a light industrial unit.
4. The application for a temporary agricultural worker's dwelling has already been refused 3 times. There can be no justifiable requirement for a temporary dwelling since the site is only a few hundred yards from large areas of housing in Larkhall.

5. The proposed additional agricultural building is of a significantly greater height than the existing light industrial unit, will be clearly visible and will detract from the rural character and natural beauty of the Green Belt and AONB.

6. There is no practical requirement for the stock pond, which is not a natural feature in the landscape and which already appears to have fallen into disrepair. Far from enhancing the local ecology, it is likely to harm it.

7. The farm track, which runs the length of the site, is claimed to be covered with soil and grass to make it blend into the landscape. It is not. This track, the large additional area of hardstanding created adjacent to the egg packing facility and the two feed silos add significantly to the overall visual harm.

8. The site has generated a great deal of additional traffic involving huge lorries which are totally unsuited to Woolley Lane, a narrow single track rural lane.

9. Worst of all is the harm caused by the 10 "mobile" chicken sheds. These huge structures are highly visible from all points around the valley and are an eyesore. One single unit on its own would be insupportable, but the combined harm caused by the 10 units is completely unacceptable.

10. This sensitive valley is suited to grazing of cattle and sheep, as was the practice before GVP acquired the land. It is a totally inappropriate location for an intensive livestock installation involving thousands of ducks.

91 other objections raise similar issues as well as the following points:

11. The site forms part of the Gateway to the Bath World Heritage Site.

12. The site is approached from the city boundary via a residential area that contains many families with young children and a number of schools.

13. The site is in an amenity area used extensively by walkers, cyclists and horse and bike riders including many tourists. Intensive rearing of domestic fowl has brought increased numbers of rats, flies, and foul water run off onto the highway coupled with a bad stench in warm weather and is a health and safety hazard.

14. The roadway and the verges are being destroyed by traffic from the site, much of it large lorries, wider than the carriageway. In some parts there is no place left to move safely out of the way of oncoming traffic if you are on foot or with a bicycle or a pushchair. It has become dangerous for family outings with children and it is surely only a matter of time before there is a fatality on Woolley Lane caused by the increase in the volume and the size of the traffic associated with this enterprise.

15. If the new barn is treated like the old then the site will soon have the appearance of an industrial estate. The land was farmed without buildings other than rudimentary shelter for grazing animals for decades. Alterations to the existing building amount to a change in use to light industrial.

16. Works to construct the hardstandings, farm tracks and stock pond have been heavy handed with total disregard for the land and traditional methods.

17. Drainage of the site is inadequate and results in damage to the adjacent road surface.

18. Damage to the flora of the area from the poultry units due to their infrequent relocation within the holding and lack of alternative land resulting in heavy poaching and overgrazing of the land, and resultant poor ground condition and insufficient time for the land to regenerate as pasture.

19. The stock pond impedes natural drainage with knock on effects for the local ecology including the loss of local habitat for protected species.

20. The Stock Pond is likely to pose a major flooding threat to nearby properties.

21. The agricultural building has the appearance of an industrial unit, is not a sensitive design for a sensitive area, not suitable for its intended use and not required given other suitable buildings either owned by or available to the operators.

22. The financial case set out in the appraisal in support of the proposed agricultural workers dwelling is flawed and fails to accurately record the finances of the operation, and the functional need is not demonstrated.

23. Impact of lighting of the existing agricultural building.

24. Loss of hedgerows, change to endangered landscape through drainage works and overgrazing.

25. Potential expansion of egg packing to 24 hour operation.

In addition evidence has been submitted or statements made that seek to demonstrate that there are numerous inaccuracies in the planning history of the site and application documents.

Whilst objecting to the applications, one respondent noted that while it is a good idea to allow development to generate economic advantage & employment, particularly in a recession, the Council also has a duty to protect the rural heritage on the edge of the city for future generations and the Woolley Valley is one good example of where it is important to strike a balance between these competing objectives.

One letter fully supporting all the planning applications on the grounds that farming is changing. They state that it is nice to see the land being used and not just for hay; the sheds for the chickens are large but are not an eyesore and are moveable; the track that has been put in is excellent as instead of deep ruts in the land the farm workers stay on the track mostly so less damage is done to the land when they are checking livestock; the stock pond needs to stay as they have seen an increase in bats since its construction and if it were to be removed it would be taking away a food and water source for these protected species; a farm needs a building for its livestock and feed stores and the workers hut is needed as animals can need help day or night and protection from predators; the lane up to the entrance of the land is clear, the lane past the entrance is

muddy and the verge is often damaged by all the delivery vans and lorries going to Woolley village itself which cause endless problems as most of the drivers are not used to the lanes that were originally for farm machinery and livestock not modern delivery vans and lorries.

Charlcombe Parish Council

The Parish Council objects in principle most strongly to these 5 planning applications, raising objections to them as a single entity on the grounds that they are interlinked and all form part of the same development and supported by the same application documents. It is essential to consider the various elements of the planning applications as a whole in terms of their cumulative impact and not in isolation. They refer to the Article 4 Direction and the purpose for its designation, highlighting its specific relevance and reference to the land covered by the current applications and the exceptional beauty of this part of the Cotswolds AONB, the special character of the historic city of Bath and the beneficial use of land in this urban fringe area to provide an amenity for the residents of Bath. They also cite the NPPF and consider that the GVP development at Woolley is extremely harmful to the Green Belt and that the NPPF requires the Planning Authority to give substantial weight to this harm. They consider that the cumulative effect of all the unauthorised developments on the site has a huge impact on this sensitive location. Whilst individually, the developments each have a detrimental visual impact, and a number have been refused more than once on these grounds, when viewed in totality the combined effect is completely unacceptable in this especially sensitive location. It is essential that the cumulative effect is addressed as a key element of the decision process.

They note that the Parish Council has no objection to appropriate agricultural enterprises which do not cause harm. However it is not a suitable location for a poultry enterprise of this type (classified by B&NES as an intensive livestock installation) requiring the use of a large number of specialist buildings, hardstandings and track. It is quite simply a case of the wrong activity in the wrong location.

The Parish Council considers that the EIA Screening Assessment is clearly inconsistent with previous assessments of the impact of development on the site and the cumulative effect of the current proposals, failing to present any substantial reasons for the conclusions that are drawn and repeatedly downplaying the effects, particularly on the local population. They conclude that the EIA screening assessment is flawed and that it should have concluded that an EIA is required.

In terms of the applications they raise the following objections:

The alterations to the existing building have changed its structure and nature of this turning it into a fully enclosed light industrial unit with office extension with a visual appearance more suited to an industrial estate than to open countryside within an AONB. It is an eyesore and is inappropriate development in this sensitive location contrary to policy GB.2 and NE.2. They also state that the works, including the creation of the hardstanding around the building do require planning permission and were not completed more than four years ago and have a significantly detrimental visual impact on the Green Belt and AONB.

They note that the unauthorised alterations to the site access, which were twice refused planning permission, have now become permitted by default under the 4-year rule, especially as Highways have consistently opposed the entrance on highway safety and

usage grounds, contrary to Policy T.24. They note that GVP regularly bring Heavy Goods Vehicles to the site which, due to their size and weight, are totally unsuited to narrow single track roads such as Woolley Lane, Charlcombe Lane and Colliers Lane, the only means of access to the site contrary to policy T.24 (vi) which prohibits the introduction of traffic of excessive volume, size or weight onto an unsuitable road system or into an environmentally sensitive area.

They object to the farm track on the basis of both functional need and visual impact from Woolley lane and from the surrounding hills, including from the A46 which is one of the main gateways into the World Heritage city. They note that the Design & Access Statement claims that the track has been covered with 25 mm of soil and seeded with grass to make it blend in and to reduce its visual impact however in practice, the very thin layer applied has been rapidly worn away by vehicles using the track and there is now no grass covering at all. Additional hardcore has been applied since without any addition of soil and the applicant has demonstrated no serious intent to make the track blend in. The resulting visual impact is unacceptable in this very sensitive location within the Green Belt and Cotswold AONB. It is contrary to Policies GB.2 and NE.2

In terms of the temporary agricultural worker's dwelling they note that this is the fourth application to be submitted, each of the previous three (identical in detail with the current application) having been refused. They state that there are no changes in this latest application to any of the circumstances or arguments put forward by the applicant to justify the need for the mobile home, and on the basis of no new information or arguments, the application should be refused. They state that the application fails to demonstrate why appropriate accommodation for the worker could not be provided elsewhere within the neighbourhood and that the proposed siting of the dwelling is not within sight and sound of the majority of the site, in particular the poultry units being located at the extreme southern end of a linear site approximately 1 kilometre long, and will be significantly screened by the topography of the land and by the former stock barn/light industrial unit. There is therefore no substance to the GVP claim that a worker in the mobile home "would, by his presence, deter foxes and be able to hear any disturbance and act immediately...". They state that there can be no question of permission for a permanent dwelling being granted in this sensitive Green Belt/AONB location citing an appeal decision in Chew Magna, previous enforcement action to remove an unauthorised dwelling in Woolley Valley and the Council's previous reasons for refusal of a dwelling on the site. The siting of the mobile home in this location would detract from the appearance and openness of the Green Belt and from the natural beauty and rural character of this very special part of the Cotswold AONB. They note that the site is clearly visible from a number of viewpoints including the main A46 approach road to Bath and the adjacent public footpath and that the visual harm is demonstrated by the presence of the smaller unauthorised and unlicensed metal-clad mobile home which has been on this site for over 3 years, and the visual harm would be exacerbated by the presence of a much larger timber-clad mobile home more than twice the size, 17.8m long by 6.1m wide with a height of 4m.

The Parish Council also questions numerous statements in the Agricultural Appraisal, the lack of evidence to substantiate claims made regarding the enterprise, its financial viability and the operational requirement for a worker to be on site permanently.

In respect of the feed hoppers, at a height of 5.4 m they are significantly higher than the hedge bordering the lane and as a result they are an eyesore, even more so in the winter

months when there is no foliage on the hedgerow. The visual impact is unacceptable in such a sensitive location. They note that the applicant has stated that he is more than willing to move the feed hoppers within the site and undertake further landscaping if required. The parish Council request that if the hoppers should be given planning permission, they are relocated to a less conspicuous site, for example tucked behind the converted stock barn, although also suggest it would be appropriate to investigate whether there is actually a functional need for the hoppers and if there is, whether that need could be met by some other more appropriate and less visible arrangement which does not rely on hoppers 5.4 m high.

Regarding the stock pond the Parish Council notes the disregard for the ecology of this specially protected land in the Woolley valley through their extensive unauthorised building works, excavations and alteration of levels of the land, particularly in the field at the northern end of the site in which the stock pond is situated which the previous owner described as the most ecologically valuable field on the holding. They therefore attribute little weight in the ecological appraisal to the purported good intentions of the applicant. They question the need for the stock pond and which they consider does not represent good farming practice. The pond is not a natural feature in the land, and contrary to what the applicant claims, there has never been a stock pond in this location. The pond is visually intrusive and adversely affects the natural beauty of the landscape in this specially protected area of the Cotswold AONB. The stock pond has also caused silting up and pollution to adjacent farm holdings. Further work to dig out and re-profile the pond to remedy the recent neglect will cause further pollution. They note that the Swainswick Valley is a known habitat of the White Clawed Crayfish, now an endangered species, and the excavation work, both past and proposed, has an adverse effect on the ecology of the valley. Development of the Stock Pond neither conserves nor enhances the character, amenity or wildlife value of local watercourses and their corridors and, as noted in the submitted Ecological Report, it is not expected that the pond will be used by breeding amphibians. The Parish Council conclude that the pond will not make any contribution whatsoever to the local ecology, contrary to Policy NE.15 of the Local Plan. They also note that the pond is situated on unstable ground delineated as an 'active shallow translational landslide'. Accordingly, once full, the combination of the additional weight of landscaped soil and water coupled with the hydration of the crystalline elements within the underlying Fuller's Earth shear layers has the potential to destabilise the ground and put at risk any livestock, attending humans and adjacent land in the fall line of the slope, which includes both a dwelling (Homestead) and Woolley Lane public highway. This should be investigated to establish whether the presence of this stock pond on land which is known to be unstable poses a risk to the health and safety of the public.

In respect of the proposed new agricultural building the Parish Council notes that a previous application for a building in this location was refused planning permission on Green Belt and AONB grounds and whilst the currently proposed building is smaller it would be significantly higher than existing stock barn/light industrial unit and be prominent and highly visible in this location. Moreover, it would add further to the existing clutter of buildings and installations at this end of the site, with the cumulative effect being extremely harmful to the visual appearance of this very sensitive location.

Regarding the 10 mobile poultry units the Parish Council states that they represent the single most visually intrusive element of the whole development and are completely inappropriate in this sensitive location. They dispute the conclusions of the LVIA, stating

that the 10 poultry sheds form a very prominent and unnatural feature visible from many points in the valley and from the local lanes, especially Woolley Lane with a highly detrimental visual impact on the landscape. They state that one single poultry unit has a very harmful effect and on its own would be contrary to Green Belt and AONB policies and the combined impact of all 10 is totally unacceptable. They also note that the LVIA addresses the poultry units under the heading of "Temporary Impacts" and states that the adverse effects associated with the poultry units will last for the duration of the temporary development whereas the poultry units will have a permanent impact, citing the High Court judgement in respect of the permanence of the buildings in planning terms.

The Parish Council notes that there has been persistent discharge of polluted effluent onto Woolley Lane which apart from the smell must surely be a health hazard. Whilst some temporary work may have been undertaken subsequently to alleviate the situation, the fact that the 10 poultry units are sited on sloping ground directly above Woolley Lane makes it highly probable that further pollution of the lane will occur unless an adequate drainage system is installed. The applicant has not addressed this in the planning submission.

In respect of the revised plan (which shows a concrete path along the side of the existing building) the Parish Council note that the path has recently been created and the application is therefore retrospective. This typifies the applicant's blatant disregard for the planning regulations and the Parish Council is in little doubt that, having observed concrete being delivered to site, had the issue not been raised with the Planning Authority, the applicant would not have submitted a revised planning application. They note that the GVP agent claims that the concrete path replaces a previous hardcore path and that this work has been undertaken for health and safety reasons. However no further information is provided. There is no justification given for the path, no explanation as to what purpose it serves, and no explanation as to which particular health and safety issue has required the replacement of the pre-existing hardcore path. Whilst recognising that the path itself is relatively trivial in the overall context of the totality of the unauthorised development on site which is the subject of this and the 4 associated planning applications, it is yet another piece of concrete laid on what should be an open Green Belt/Cotswolds AONB hillside, but which now resembles an ugly industrial facility. The path simply adds yet more to the cumulative impact which is totally unacceptable in this highly sensitive and very special location. The concrete path, for which the applicant has failed to provide any satisfactory justification, is unacceptable development and contravenes policies GB.2, NE.1 and NE.2. This additional element of the application should therefore be refused.

Swainswick Parish Council

The Parish Council notes that the Article 4 Direction removes permitted development rights and the circumstances behind the designation to provide additional safeguards to the Valley following enforcement action to remove an unauthorised building that had been erected despite planning permission having been refused. They consider the specific reasons for the Article 4 Direction are still relevant today which show that the Council places great importance on maintaining the rural character and openness of the Green Belt. In terms of the applications the Parish Council object most strongly on the grounds that the area is covered by an Article 4 Direction which signifies the very special qualities of the Swainswick/Woolley valley; all the works are in contravention to Green Belt and Environmental policies in the Local Plan; the developments are in the AONB and entirely detrimental contrary to Local Plan policies and the NPPF.

In respect of the individual elements of the applications they note that the alterations to the building were not carried out more than four years ago and so not immune from enforcement action. They also question the viability of the business (which is currently operating at less than full capacity) and note that the operation at Woolley is described as the 'administrative centre' which implies a change of use. They consider the gates and access are unsuitable and inappropriate, and the track and hardstanding unlawful. They question statements made in the application about the existence of a silted up stock pond where the new stock pond is proposed, and note that works to create the stock pond has resulted in pollution and silting to adjoining land. They contend that the stock pond was created to accommodate material removed from elsewhere on the site and is an eyesore disturbing rather than enhancing local habitats contrary to Local Plan policies NE.9, NE.11 and NE.12. They note that the feed hoppers are clearly visible above the hedge and shine brightly in sunlight contrary to Local Plan policy GB.2. They note that the location of the agricultural workers dwelling is hidden from the duck houses and some distance from them, there is plenty of suitable housing nearby, GVP must prove the mobile home has been lived in continuously since it has been on site, the proposed mobile home is more than twice the size of the dwelling that has been previously refused permission, a mobile home would detract from the openness of the Green Belt in a sensitive part of the AONB and would scar a highly sensitive area which is visible from the main approach to Bath from the motorway. They object to the erection of the general purpose agricultural building as they consider very special circumstances do not exist and that an additional building would have a considerable impact on this beautiful and highly protected area. The Parish Council notes that due to the sloping ground it was necessary to dig in the poultry units to make them level and are large, shining structures which blot the landscape contrary to policies Local Plan GB.1, GB.2 and NE.3.

The Parish Council also consider that the EIA Screening is deeply subjective and the conclusions misguided. In conclusion they consider that although the applications are presented independently the cumulative effect of the applications should be a major consideration. They consider there no very special circumstances have been advanced as to why the buildings allegedly required for a new, unproven, endlessly changing agricultural venture should be permitted. They note that all elements of the application have either been previously refused or have been carried out without planning permission, or (in the case of the stock pond) were given permission erroneously that has since been quashed by the High Court. Nothing has changed to make these various developments any more acceptable, in fact the cumulative effect is much worse.

Natural England

Impact on Landscape - the applications fall within the Cotswolds Area of Outstanding Natural Beauty. Whilst we recognise that the proposals have an impact on the local landscape, Natural England has no comments to make on this proposal at this stage as we do not believe that this development is likely to impact on the purposes of designation of the Cotswolds AONB. I should emphasise that the temporary and agricultural nature of the proposed development has been a factor in this conclusion. Given the location of the development, however, the local planning authority should seek the views of the AONB Partnership prior to determining this planning application, as they may have comments to make on the location, nature or design of this development.

Impacts on Ecology - both the Ecological Appraisal document and the LVIA contain recommendations for measures which have been identified to mitigate the adverse effects on ecology which the proposed development may have. At this stage, however, the recommendations are not worded in enough detail to form mitigation proposals. Prior to determination and before I am able to respond formally on these proposals, the applicant will need to submit actual mitigation proposals for review and will need to demonstrate that these will be feasible and will work to mitigate adverse impacts. In particular, more detail is needed on hedgerow planting and the establishment of wildlife corridors to provide connectivity.

Cotswold AONB Board

The Board objects to these related applications on the grounds that the proposals adversely affect the landscape and scenic beauty of the Cotswolds AONB. This is contrary to paragraph 115 of the National Planning Policy Framework and to Policy NE2 of the Bath and North East Somerset Local Plan. The Board would also contend that the proposal is not in accordance with Policy DTP1 of the Cotswolds AONB Management Plan 2008-13 which was formally endorsed by the Council as supplementary guidance for local development framework preparation and development control decision making on 21st April 2009.

The Board notes that the application for the temporary workers dwelling is essentially the same as application ref 09/04403/FUL to which the Board objected and was subsequently refused by the Council in March 2010. The case officer's report with respect to that application includes clear reasoning as to why the temporary agricultural workers dwelling would be harmful to the AONB in this location, and why the current access arrangements which are subject to this application are also harmful to the AONB. As there has been no change of local policy with respect to the development being applied for since refusal of 09/04403/FUL, the Board would strongly support the refusal of the current, virtually identical application. The Board is of the view that the poultry units by virtue of their scale, design and materials are harmful to the landscape and scenic beauty of the Cotswolds AONB, and the access track by virtue of its materials and design. The Board is of the view that the duck pond is an incongruous feature in the landscape and is harmful to the landscape and scenic beauty of the AONB. The Board considers that the cumulative effect of all these applications is to cause harm to the landscape and scenic beauty of this part of the Cotswolds AONB contrary to national and local policy. The Board therefore objects to these applications.

English Heritage

No comments. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

The National Trust

Note that the site is highly visible from the Trust's land at Solsbury Hill and it is clear that the landscape is being destroyed as a result of this development. They support the ten reasons for objection listed above and add the following grounds of objection: GVP have had several planning applications refused but appear to be carrying on regardless with the destruction of this important landscape in an AONB; the views from the National Trust's land at Solsbury Hill are severely impacted by this development; the creation of tracks and earthmoving is destroying flower rich grassland; species rich grassland and lowland meadows are a high priority in the local Biodiversity Action Plan; the local plan seeks to

protect the landscape by not permitting development that does not either conserve or enhance the character and local distinctiveness of the landscape and in an AONB development should be even more tightly control; the local plan prevents development that would adversely affect the nature conservation value of Sites of Nature Conservation Importance and prevents development that would adversely affect a species of importance to BANES or the habitat of such species. They conclude that this site is highly important both for its landscape value and its wildlife. The National Trust therefore supports the views of the Parish Council and urges BANES to refuse the applications and through enforcement ensure that the site is returned to its original condition.

Bath Society

Object to development as inappropriate blot on the landscape and highlight changes to Draft Core Strategy policy B1 in respect of sustaining and enhancing the significance of Bath's heritage assets including its setting and giving great weight to conserving landscape and scenic beauty in the Cotswold AONB.

Bath Preservation Trust

Raise concerns at the piecemeal applications and EIA Screening Assessment procedure. Have objected to previous applications for the farm track, pond and mobile home/cabin and continue to object as there has been no change in approach or impact and the extent of harm remains the same. The proposed alterations and extensions to the existing agricultural building would be an overdevelopment of the site and by virtue of its siting, design and appearance is inappropriate development and visually intrusive in this sensitive location. The access track and hardstanding has visually and physically scarred the open landscape and has a detrimental effect on the natural and rural character of the Valley. The pond is visible from an adjacent footpath is artificial and not a natural feature of the landscape, and its appearance neither preserves or enhances the character and local distinctiveness of the Valley and has an adverse impact on the natural beauty of the AONB. The feed hoppers are significantly higher than the hedge and detract from the visual amenity of the open countryside and harms the AONB and World Heritage Site setting. It would be possible to locate the feed hoppers in a less visible site. The proposal for the mobile home/cabin has not been adequately justified, particularly in such close proximity to a residential neighbourhood and it has not been demonstrated that any very special circumstances exist to allow development in the Green Belt. The proposed developments individually and collectively represent inappropriate development in the Green Belt, detract from the openness of the Green Belt and adversely affect the natural beauty of the AONB and landscape setting of the World Heritage Site.

Councillor Ward

1. The development severely affects the openness of the AONB and Greenbelt. It has a severe visual impact from all directions across the valley.
2. Given that the valley is of the highest order in respect to Bath Greenbelt and has Article 4 status, I have been surprised that such an industrial, intensive farm has been allowed to become established.
3. The nature of this industrial farming operation is unsuitable for the location as there are access issues given the very narrow lanes. The type of plant, vehicles and other equipment needed to sustain an intensive operation has caused damage to verges and consequential excessive erosion from soil dislodged from the verges, resulting in blocked drainage and surface water ponding. This has led to a lack of amenity to other lane users

including local families, walkers and especially the blind resident which walk the lane regularly before the industrialisation of the site.

4. There has been a direct public health risk created from runoff of poultry and sheep faecal matter. The runoff from the poultry houses has lodged itself in the lane in part because of blocked surface water drainage. This matter will no doubt contain strains of bacteria which will be pathogenic to humans at extremely low infective dose, E Coli, Campylobacter are examples. Salmonella spp are also a likely contaminant especially from poultry. The mixed grazing from sheep in amongst the poultry houses will have added to the risk of multiple types of disease producing organisms. These pathogenic bacteria are directly transferable to walkers using the lanes and without the benefit of hand washing facilities on walks. They are further transferable on the wheels of pushchairs, bicycles and cars. (the recent Godstone Farm E Coli outbreak as an example of what could happen here).

5. The site has caused numerous odour and fly complaints last summer since poultry arrived and from the intensive nature of the operation. I do not consider the operation has been particularly well managed in this respect but such intensive operations in close proximity to rural dwellings, it's not unexpected but it could have been foreseen!

6. It seemed obvious from the start that there would be creeping industrialisation and that more paraphernalia would be necessary including feed hoppers, water storage vessels, internal roadways, a pond and mobile facilities including a dwelling etc adding to the visual damage to the hillside.

7. The nature of the farming (large numbers of birds in the open field) cause obvious visual impact from the scaring of the land, causing severe visual impairment and causing runoff with the consequences described above.

8. This is part of an intensive farming operation and it's cumulative effect causes damage to the openness of the AONB and Greenbelt.

9. The narrow lanes in the vicinity of the operation have been damaged by plant and large vehicle movements. The verges have been excessively eroded causing soil to block drainage and causing ponding of mud, damaging the lanes amenity for walkers and residents.

10. Odour nuisance have been complained of by residents and walkers in the vicinity of the intensive farm. Waste management and removal have been a local issue complained about since the operation started.

11. The location and nature of this operation is unsuitable for this location, should it be allowed to continue it will continue to generate nuisance complaints and health challenge to its neighbours. There is a health risk caused by the fundamental nature of farming and the topography, causing the lane to be continually soiled with mud and faecal matter runoff.

12. These developments severely affect the openness of the AONB and Greenbelt. The area has Article 4 status and I do not believe it should be used for this nature of farming operation. These developments constitute an intensive poultry farm. Each contributes to an increasing amount of visual impact which is evident from all aspects within the Woolley valley area.

13. The nature of the operation is causing excessively large vehicle/plant movements on narrow lanes which are not readily able to take movements from such large vehicles. It has and will continue to cause damage to verges and excessive soil erosion. This has led to blocked drainage and consequential ponding of muddy pools. This has reduced the amenity for walkers and residents. Numerous complaints about this loss of amenity have been received by me as Ward Councillor.

14. There has been creeping development on the site for some years, the cumulative effect of which has led to odour nuisance, health risk and harm to the amenity of residents. It is an unsuitable location for the scale of the operation. If a professional Environmental Impact Assessment would have been carried out from the start, this location would have been identified as unsuitable for such an operation. There is evidence that its nature has been modified from that which it was originally considered.

15. The buildings have led to light emission issues though the late evenings and hours of darkness, resulting in complaints from residents.

It strikes me that a professionally undertaken Environmental Impact Assessment would rule out this site for the type of operation currently undertaken.

Councillor Chorley

Objects to the five applications on the grounds 1-10 above. They also note that it is not clear what is meant by a 'temporary' dwelling, either the dwelling is required or it is not. This would appear to be a method of progressively moving towards the construction of a permanent 'agricultural worker's dwelling', or residential property development as it is generally known. They also question why ducks need such substantial industrial infrastructure and question what 'stock' are the intended users of the stock pond. They conclude that this sensitive valley is suited to grazing of cattle and sheep, as was the practice before GVP acquired the land. It is a totally inappropriate location for an intensive livestock installation involving thousands of ducks, and the associated roads, feed silos, chicken sheds, offices, accommodation, large lorries and other industrial scale facilities. They most strongly urge B&NES to refuse all 5 applications and to follow refusal with swift enforcement action to have the chicken sheds, mobile home and associated paraphernalia removed and the site returned to its former condition.

B&NES Highways

The proposed development would appear to represent an intensification in use of the site. However, no attempt has been made to quantify this situation, the Design and Access Statement looking collectively at 5 applications and giving the applicants 'opinion' rather than making justified statements.

The applicants agent considers there is a need for one worker to be on site at all times, yet the proposed residential unit is a 3 bedroomed, family sized dwelling, which inevitably will result in a potential intensification in use of the site over and above the agricultural use. However (in mitigation?), the application includes alteration to the access. This has not been quantified or demonstrated, the only plan being of the existing access. At the very least, if there is to be an intensification in use of the site I would wish to see reduction in access gradient, improved visibility and some squaring off of the access to the highway carriageway, to improve ease of use for southbound traffic, with further setting back of the existing gates. This has all been set out in previous highway consultation responses regarding development proposals for the site. Regarding the farm track, details are very sketchy. Taking into account the above, I fail to be satisfied regarding the development proposals and highway impact - compliance with Policy T24 has not been demonstrated.

Bearing in mind the above, the highway response is open of OBJECTION in the interests of highway safety. I have drawn attainable visibility at the proposed access onto the submitted plan using the minimum acceptable set-back ('x' distance) of 2.4 metres. Not

allowing for any growth of the boundary hedge, attainable visibility scales at 7.0 metres in a southerly direction and 5.0 metres in a northerly direction (see attached plan extract). Whilst Woolley Lane does not equate to a Street, as per Manual for streets, even by the visibility standards set out in that document, which are less than the requirements of the Design Manual for Roads and Bridges, the attainable visibility falls below the requirement of 11 metres for a main road speed of traffic of 10mph. This is totally unacceptable and contrary to the interests of highway safety. Despite previous comments regarding failure to justify figures/assumptions in the Design and Access Statement, no further information has been received. Further, no justification has been given for the size of the proposed residential unit and no details have been submitted with regards alterations to the vehicular access previously referred to. Bearing the above in mind, the highway response remains open of OBJECTION in the interests of highway safety, the proposed development being contrary to Policy T24 of the adopted Bath and North East Somerset Local Plan.

B&NES Transportation and Highways (Drainage)

Not acceptable in the current form. The proposed means of drainage for surface water from the proposed development is via soakaways. In principle we support this approach, however further detail of the infiltration capacity of the soil is needed to ensure that soakaways will operate without causing flood risk. Therefore the applicant should carry out and submit calculations and infiltration testing to BRE Digest 365 standards, to demonstrate that the proposed soakaways are appropriately designed.

B&NES Environmental Health (Environmental Protection)

If planning consent is granted for this development, the applicant will need to apply to the council for a site license under the Caravan sites and control of Development Act 1960. I note that the site already has a temporary dwelling for which no license has been issued, furthermore in a consultation document submitted by this service for a prior application (09/04403/FUL) this service made reference to the need for a license and the need for adequate provision for foul drainage. I must therefore reiterate that it is usual in such circumstances where a connection cannot be made to a public sewer, that foul drainage is required to be provided in the form of a septic tank or small package treatment plant where the discharge is subject to a consent granted by the Environment Agency. I would therefore urge that advice is sought from both Building Control and the Environment Agency with regard to the suitability of the present arrangements of a sealed tank for foul drainage, both for the temporary dwelling and the extension to existing agricultural building.

B&NES (Public Rights of Way)

There are no public rights of way affected by the proposal.

B&NES Landscape

This is a complex series of planning applications containing a number of elements. Each application must be a material consideration in the determination of the other. They do not exist in isolation of each other and their uses are clearly inter-linked. At the same time as looking at the individual elements, I think that a single and unified scheme of longer term planting and management should have been prepared. In the D&AS, p9, for example, the applicant mentions the 'scores of trees' that have been planted. There is no record of what or where these are.

In terms of the Tyler Grange LVIA I am concerned that the LVIA does not appear to mention the World Heritage Site of Bath even though their own photographs (specifically 15 and 16) show how close and how inter-related they are. The setting of the WHS is clearly much wider than its physical boundary and whilst the (overall) site may be 'tucked away' in a side valley, this is a steeply sloping site that is clearly visible to large numbers of people visiting the city. With the exception of the farm track and possibly the pond, all of these units will clearly be visible to these receptors. I am also concerned that there are a number of the elements mentioned in the LVIA that do not appear on a drawing (that I can find) - woodland planting near the pond and loss of hedgerow to facilitate the access track are two examples. I would suggest that the application is incomplete without this drawing. I am also concerned that the 'mitigation measures' identified in the report (p22-23) do not appear to have been incorporated. To be of use, an LVIA needs to be done at the early stages of a project where the findings can then be incorporated. As a number of the mitigation measures cover ongoing planting and management, then a Landscape Management Plan would also be required. Nonetheless, my general comments are as follows -

12/05660/FUL

1. Alterations and extension to existing agricultural building; Taken on its own, I do not think these alterations or the small extension would have a noticeable or detrimental effect.
2. Alterations to access; formation of hardstanding and farm track; I have no issue with the need for a track and I think that the move to soften its appearance with topsoil and seeding would be welcomed. I also welcome the opportunity to improve the appearance of the gate to one with a more traditional and 'open' nature.
3. Construction of stock pond; I have no issues with regard to the pond.
4. Siting of 2no feed hoppers and ancillary works (Retrospective). I refer to my previous comments (application ref 11/02081/FUL) in respect of the actual hoppers where I noted that 'it would have been better to locate these two hoppers at the slightly lower level and beside the main building. Their siting should be reviewed in light of the additional proposed development in the vicinity.
5. Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years. Should matters of policy be overcome, then I would say that the current iteration is an improvement on the previous.

12/05661/FUL

Erection of general purpose agricultural building. I would object to the siting and design of this new building. I am concerned with the general location as it is adding yet further development along the valley side. Should there be a need for this building (i.e. should wider matters of policy be overcome) then I would rather see it moved more closely towards the existing building and the yard developed as a single unified cluster and as part of a single masterplan. The feed hoppers should form part of this plan. Irrespective of location, I would also ask for the materials to be amended to soften their appearance. I would expect to see timber cladding as opposed to metal sheeting and a dark (preferably green) roof as the primary views are from more elevated positions.

12/05662/FUL

Siting of 4 Poultry Units. It is unfortunate that these are retrospective as they should have also formed part of a well-considered Master plan. It is clear that 10 of these units spread out along the valley side now appear as incongruous features in a landscape that is characterised by small clusters of houses and farm buildings. I would object to the

configuration and siting of these units in this specific landscape. Likewise, whilst they may be temporary in that they may be able to be physically moved within the existing field pattern this does not reduce the visual impact or the change in landscape character when viewed from across the valley. A person viewing these units from across the valley would be unaware of whether they could be moved or even whether they were part of a number of different applications. The route along the A46 is one of the key routes into the City of Bath and clearly does form an important part of the setting of the WHS. They are also clearly visible from a number of PROW's in the area. The view across this valley and from nearby landmark places such as Little Solsbury Hill, are well known and enjoyed by large numbers of people - people focussing on the landscape.

12/05663/FUL

Siting of 3 Poultry Units. I repeat the comments as per 12/05662/FUL above.

Given the importance and sensitivity of this location in terms of the AONB and more especially the setting of the WHS, I do not think it is appropriate to treat this as a series of separate and disjointed applications. Nonetheless, bearing in mind that it is possible to see what the actual impact is like, I would conclude as follows -

1. World Heritage Site status attracts a very high level of protection. The LVIA does not appear to have assessed the relationship and impact that the development has on the WHS despite the relationship being clearly visible in photographs 15 & 16 (for example). I find it extraordinary therefore that the WHS is not mentioned anywhere in the LVIA.

2. I accept there will be little physical impact on the AONB (i.e. trees, walls or hedges to be removed).

3. Impact on Character - the layout and configuration of the 10 mobile poultry units is now at odds with the clusters of buildings in the surrounding landscape and is unacceptable. Photo 9 for example, shows the 'pastoral landscape of the valley sides gives a rural appearance' and highlights the linear nature of the mobile units compared to the clusters of existing stone buildings. Furthermore, the undulating nature of the lane and the fields also means that these units are very visible at certain locations along the lane. I conclude that the units also have a detrimental and adverse effect on the character of the wider AONB and, more specifically, on the lane itself.

4. Visual impact. The mobile poultry units are clearly visible from the opposite side of the valley as well as from a number of PROW's within it - users of these are highly sensitive receptors. I disagree that the units are not 'prominent, discernible or easily visible' elements in photo viewpoints 11, 12, 13, 14, 15 & 16. It is my opinion that there is a demonstrable adverse visual impact.

There is no specific mention of the potential impact of lighting and this needs to be taken into account as it would be a significant additional impact on the landscape character, views, the Area of Outstanding Natural Beauty and on the World Heritage Site (and its setting). Again each of the elements cumulatively raises the impact level i.e. temporary dwelling with light spillage from windows and external lighting, lighting of the yard(s) etc.

In general, I conclude that the proposals noticeably conflict with and are at odds with the local landscape. They have an adverse impact on a landscape of recognised quality and on vulnerable and important characteristics, features or elements. They have a detrimental impact on the setting of the WHS and this overall affect can be classified as

'moderate adverse'. There is no evidence to show that any of these impacts can be mitigated to an acceptable degree.

B&NES Ecology

The site is partly within part of the "Langridge - Woolley Complex" Site of Nature Conservation Interest (SNCI). Historically, some activities at the proposal site has damaged ecological interest and this has previously been acknowledged. The findings of the ecological assessment are not indicative of an appropriate management regime within the field labelled F1 in the ecological report (drawing ref 1081_2010/20), as required by condition 1 of consent 10/04188/FUL retention of the stock pond.

An ecological appraisal of the ecological impacts of the applications, collectively, has been submitted. More detail of species present would be useful, as comprehensive species lists do not currently appear to have been provided for the areas of grassland within the SNCI boundary, nor for hedgerows of the site. Such information would help to provide confidence in the conclusions of the assessment of likely ecological impacts of the proposal.

I note the initial response of Natural England in relation to Ecology, for the submitted applications 12/05660/FUL, 12/05662/FUL, 12/05663/FUL and 12/05664/FUL. I also note the consultation response of the Landscape Architect and the points made about the need for a unified masterplan, and for correct and complete drawings. This is true also to enable confidence in an ecological assessment, collectively and/or individually, of any proposals. I agree with the issues raised by both the Landscape Architect and Natural England and consider that the information currently submitted in this format under multiple applications is inappropriate. This approach does not allow confidence in the assessment of ecological impacts nor in the ability of the scheme/s to successfully avoid and mitigate ecological harm and for long term operations to be ecologically acceptable.

The proposal/s must incorporate all necessary ecological mitigation and enhancement measures into the scheme and measures should be shown on plans and drawings as appropriate, with sufficient detail to demonstrate that they can be implemented. Without the above issues being fully addressed I do not consider any of the schemes to be satisfactory in their current form. However, if the recommendations of the ecological report were to be incorporated into the scheme and could be demonstrated as feasible, and the application could demonstrate intent for implementation of an appropriate wildlife management plan for the whole site, there is potential for ecological issues to be satisfactorily addressed.

POLICIES/LEGISLATION

Development Plan

The statutory development plan is the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) October 2007 and the following policies are of relevance:

GB1: Control of development in the Green Belt;

GB2: Visual amenities of the Green Belt

NE.1: Landscape character

NE2: Areas of Outstanding Natural Beauty

NE.3: Important hillsides - Bath and Radstock

NE9: Locally important wildlife sites
NE.4: Trees & woodland conservation
NE.10: Nationally important species and habitats
NE.11: Locally important species and habitats
NE.12: Natural features: retention, new provision and management
BH.1: Impact of development on World Heritage Site of Bath or its setting
BH.6: Development within or affecting Conservation Areas
ET.6: Agricultural development
D.2: General design and public realm
D.4: Townscape considerations
HG.10: Housing outside settlements - agricultural and other essential dwellings
T.24: General development control and access policy
T.26: On-site parking and servicing provision
NE.14: Flood Risk
ES.5: Foul and surface water drainage
ES.9: Pollution and nuisance
ES.10: Air quality

Core Strategy

The Core Strategy when adopted will provide the strategic framework for the management and development of land up to 2026. Of particular relevance to the site are B1 (The World Heritage Site and its setting); CP6 (Environmental Quality) and CP8 (Green Belt). The Core Strategy is now at an advanced stage and Annex 1 of the NPPF advises that decision-takers may also give weight to relevant policies in emerging plans (unless other material considerations indicate otherwise) commensurate with the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

National Planning Policy Framework

The NPPF (March 2012) states that there is a presumption in favour of sustainable development with a commitment to building a strong, competitive economy and to ensuring that the planning system does everything it can to support sustainable economic growth. Specifically, planning should operate to encourage and not act as an impediment to sustainable growth.

In respect of protecting Green Belt land the NPPF states that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate, however exceptions to this include buildings for agriculture and forestry. The NPPF sets out the Government's support for a prosperous rural economy, stating that planning policies should support economic growth in rural areas in order to create jobs and prosperity, by taking a positive approach to sustainable new development.

In respect of conserving and enhancing the natural environment the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. Specifically, great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty that (with National Parks and the Broads) have the highest status of protection in relation to landscape and scenic beauty. The NPPF also states that conservation of wildlife and cultural heritage are important considerations in all these

areas, and when determining planning applications local planning authorities should aim to conserve and enhance biodiversity.

With regard to conserving and enhancing the historic environment the NPPF states that the objective is to avoid or minimise conflict between the conservation of a heritage asset and any aspect of the proposal. Specifically, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.

More generally local planning authorities should approach decision taking in a positive way, to foster the delivery of sustainable development and should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

It is relevant to note that the NPPF (which replaced PPS7) removed the provision in that earlier document that where an Article 4 Direction was in place then development in the Green Belt was inappropriate and an applicant needed to demonstrate very special circumstances. Accordingly, a very special circumstances case does not need to be made for agricultural buildings. Notwithstanding this change, consideration still has to be given to the purposes of including land in the Green Belt and whether development achieves the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open. The NPPF confirms that the essential characteristics of Green Belts are their openness and their permanence.

Environmental Impact Assessment Screening

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("The EIA Regulations") include in Schedule 2 descriptions of development (and applicable thresholds and criteria) for the purpose of classifying development for environmental impact assessment purposes. Under the heading "Agriculture and aquaculture" the table includes the carrying out of development to provide ... (c) Intensive livestock installations. The applicable threshold criteria for such projects is 500m² of new floorspace (in a building or buildings) although in a 'sensitive area' (such as an AONB) the applicable threshold criteria do not apply. The floorspace of the poultry units amount to approximately 1,200m² and it is considered that the poultry units do constitute an intensive livestock installation under Schedule 2 of the EIA Regulations. Accordingly a Screening Assessment of the proposed developments (separately and cumulatively with other activities on the site) has been undertaken to assess whether an environmental impact assessment of the development is required.

Having considered all the relevant factors, the Screening concluded that the development is not likely to give rise to significant environmental effects and therefore an environmental impact assessment is not required.

OFFICER ASSESSMENT

Although five separate applications have been submitted to cover the range of development and operations at the site the applications are linked, with development covered in one application being functionally related to development covered by the other applications. The applications are also supported by a single Design and Access

Statement, Landscape and Visual Assessment and Ecological Appraisal that assess the various elements covered by the applications as a single entity. Given this interdependence each application is a material consideration in the determination of the others and it is appropriate that the applications are considered cumulatively as well as individually.

A number of the elements covered by the current applications have previously been considered by the Council either through planning applications or in enforcement reports. Whilst it is necessary to consider each of the current applications on their individual merits, previous decisions by the Council in respect of operations and development at the site are material considerations in their determination. Accordingly, should the Council reach a different conclusion from that made previously then it would need to explain why it was taking a different view.

Application 1

This comprises:

- alterations and extension to existing agricultural building;
- alterations to access;
- formation of hard-standing and farm track;
- construction of stock pond;
- siting of 2no. feed hoppers and ancillary works (Retrospective) and
- siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years.

Alterations and extension to existing agricultural building

The alterations to the agricultural building (that existed on the site prior to GVP acquiring the land) has involved the infilling of the open sides of the barn with rendered blockwork, and internal works to allow its use for egg processing activities, and office and staff facilities. The applicant's agent contends that the alterations do not amount to development however this is not accepted by Officers as a) the construction of the walls and infilling of the sides of the building amount to an engineering or other operation and b) result in a material alteration to the appearance of the building. Accordingly the works do constitute development and by virtue of the Article 4 Direction require planning permission.

In terms of the works themselves the building (and extension) is used for agricultural purposes and therefore does not constitute inappropriate development in the Green Belt. In terms of other Green Belt considerations the Local Plan identifies six purposes of including land in the Green Belt, of which the following are considered relevant to the current applications: checking the unrestricted sprawl of Bath and Bristol; assisting in safeguarding the countryside from encroachment; preserving the setting and special character of Bath; and preserving the individual character, identity and setting of Keynsham and the villages and hamlets within the Green Belt. Local Plan policy GB.2 is also relevant and states that permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction.

In this case whilst the appearance of the building has been altered from an open barn to an enclosed building, the footprint is essentially as originally built, it remains part timber-

clad and retains the original low-pitched roof. The extension to the building is located away from Woolley Lane and constructed of materials to match those of the existing building. The existing hedge between the building and Woolley Lane largely screens the building in short distance views although the upper part can be seen above the boundary fence/entrance gates when viewed on Woolley Lane from the south and from the footpath leading from Colliers Lane to Woolley Lane. The existing hedge and local topography mean that the alterations and extension to the building are not readily visible in longer distance views. To the east, tree planting around the adjacent agricultural buildings (on land not controlled by GVP or the subject of this application) have an additional screening effect so obscuring views from more distant viewpoints from the other side of the valley.

It is considered that, given that the works are largely contained within the existing building and the extension does not materially encroach into open countryside, the works do not materially impact on the openness of the Green Belt nor conflict with the purposes of including land in the Green Belt. In terms of impact on the AONB and local landscape it is considered that given the nature and scale of the alterations and extension the character and local distinctiveness of the landscape will be conserved. Whilst the building is visible from Woolley Lane the works do not adversely affect the natural beauty of the landscape of the AONB. The works do not impact on local habitats or sites of ecological importance and do not, of themselves, give rise to significant impacts to local residents or the public. In the circumstances it is considered that the alterations and extension to the existing building are acceptable.

Objection has been raised to these works on the grounds that the building is out of place in this rural location, is not a sensitive design for a sensitive area and has the appearance of a light industrial unit. Objection has also been raised on the grounds that the building is not appropriate for its intended use and not required given other suitable buildings either owned by or available to the operators. Officers consider that whilst the infilling of the sides of the building have materially altered its appearance, the building maintains its agricultural function and the works do not give rise to harm to the Green Belt, AONB or World Heritage Site setting nor to local residents or those using Woolley Lane.

Internally the building has been fitted out to permit egg hatching and packing of eggs from the site and others controlled by GVP and this is considered to be an agricultural use of the building. Objection has also been raised on the grounds that the egg packing at the site could become a 24-hour operation. At the current scale of operation it is considered that there has not been a material change in the use of the site. However should activities at the site expand resulting in a material increase in the impact of the use (including off-site impacts) then planning permission may be required and the operation could be controlled through enforcement or conditions on any permission for a change of use were permission to be granted. Concern has also been expressed about lighting from the building. Given the importance of the area as a feeding area for bats and lack of other local lighting (other than houses and villages) then if planning permission were to be granted for the alteration works, it would be reasonable to impose a condition controlling external lighting.

Alterations to access

Alterations to the access to the site from Woolley Lane were undertaken in mid-2008 to form an enlarged vehicular entrance to the site involving the laying of a 7m wide concrete

apron and erection of 2m high solid timber gates. The concrete apron extends 4m into the site. These works were the subject of three planning applications in 2008 and 2009, all of which were refused planning permission. The Reasons for Refusal were:

1. The works to the entrance to the site and the new gates installed are of an inappropriate design for this rural location and detract from the character of this part of Woolley Lane as a narrow rural lane, to the detriment of the appearance and rural character of this part of Woolley Lane and contrary to Policy NE.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

2. Woolley Lane by reason of its restricted width, poor alignment and sub-standard junctions is inadequate to serve as the sole means of highway access to the proposed development. The application site therefore would not have an adequate means of vehicle access providing a high standard of highway safety, contrary to Policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

3. The vehicle access to the site by reason of its steep gradient downwards towards the highway is likely to result in a road safety hazard and inconvenience to users of the adjoining highway, contrary to Policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

The current site access arrangements are as previously proposed and the Council's Highway Officer has reiterated their objection to the access on highway safety grounds. They have also noted that the information submitted with the applications does not provide evidence for the trip generation from the site and they consider that the proposed use (including the proposed temporary dwelling) will result in a potential intensification in use of the site over and above the agricultural use. They recommend a reduction in access gradient, improved visibility and some squaring off of the access to the highway carriageway, to improve ease of use for southbound traffic, with further setting back of the existing gates.

Works recommended by Highways to address the inadequate visibility splays require the removal of a significant section of the existing hedge on Woolley Lane however this would be resisted on landscape and habitat grounds. There is also a suggestion in the application documents that the solid gates will be replaced by bar field gates when security issues at the site have been resolved, however no timescale has been given for this. As there have been no material changes in circumstances since the previous applications were refused it remains the case that the alterations to the access and erection of gates are contrary to policies T.24 (highway safety) and NE.1 (landscape character). The previous refusals of planning permission referred to policy NE.2 (AONB) however it is considered that the impacts of the site access works are of a more local nature affecting the character of Woolley Lane and that the overall scenic beauty of the landscape in the AONB will not be adversely affected by these works. It should be noted that were planning permission to be refused for this element of the development the works could be retained as built as they were substantially completed more than four years ago and therefore immune from enforcement action.

Formation of hard-standing, farm track and concrete path

The formation of hard-standing around the existing building and farm track commenced in mid-2008 and has been extended, widened and re-laid over the intervening years, involving the further excavation of soil and laying of stone chippings. The concrete path was laid in 2013. The applicant states that the track will be covered with topsoil and seeded so that once the grass has grown only the ruts caused by the wheels of vehicles using the track will be evident. In March 2010 the Council considered a planning application (09/04403/FUL) for the siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access. Although planning permission was refused, there was no objection to the hardstanding or track. In respect of the hardstanding the case officer's report noted that it "is within the fenced compound of the farmyard, and its visual effect on the landscape would be reduced by its proximity to the existing modern barn in the farmyard ... Overall it is considered that this track would not affect the openness of the area or have a significant impact on the appearance of this part of the Green Belt." In respect of the track to the north of the farmyard, to be constructed in a similar manner to the current application the officer's report noted that "the track is to be sited close to the edge of the field, and this combined with the grass covering would mean that the track would not be prominent in the landscape or damaging to the appearance of this part of the Cotswold Area of Outstanding Natural Beauty or the Green Belt." In view of these comments, when considering an Enforcement Report in May 2010 it was concluded that although the track required planning permission it was not expedient to take enforcement action.

The current application proposes the same extent and method of construction for the hardstanding and track. Local Plan policy ET6 relates to agricultural development, including the construction of access roads where regard shall be had to any adverse environmental impact (including any conflict with other policies in the Plan). Where there is harm or conflict, regard shall be had to the need for or the benefits to the enterprise or the rural economy. Objection has been raised to the track on the grounds that measures to make it blend into the landscape have not been implemented or successful and together with the large additional area of hardstanding add significantly to the overall visual harm. Although marginally wider than when originally constructed, the track is located adjacent to the hedge and so not readily visible, other than from selected locations along Woolley Lane and from elevated positions to the north such as the public footpath north of Soper's Wood. From site visits and photographic evidence (including aerial photos) it is apparent that the track has been constructed and then seeded as described in the application. Whilst the appearance of the track when first constructed (and without topsoil and grass) is highly visible, with the light coloured chippings contrasting with the grass in the fields, once seeded and the grass has grown the appearance has softened. The area of hardstanding is adjacent to and largely screened by the existing building and, with the concrete path, not readily visible from outside the site. Subject to the track being covered in topsoil and seeded it is considered that the hardstanding, track and concrete path will not have a significant impact on the openness or appearance of this part of the Green Belt, the character and landscape qualities of the AONB or local landscape, or the setting of Bath and are considered acceptable.

Construction of stock pond

In January 2011 the Council granted planning permission for a retrospective application for the construction of the stock pond at the northern end of the holding. It was concluded that it was agricultural development and would not harm the openness of the Green Belt

nor have any visual harm. The proposals were also considered not to conflict with Local Plan policies in respect of landscape quality and character of the AONB, ecology, drainage and flooding, land stability, pollution and health, and highways. A condition of the planning permission relating to a wildlife enhancement and management scheme was discharged in 2012 however the original planning permission was the subject of a successful legal challenge and the planning permission quashed.

Objection has been raised to the stock pond on the grounds that there is no practical requirement for it, it is not a natural feature in the landscape and is in an area where land stability is a potential hazard. Objectors state that it impedes natural drainage and is likely to harm rather than enhance local ecology as well as posing a major flood threat to nearby properties. Concern has also been raised about the manner in which the stock pond (as well as the track and hardstanding) have been constructed, with a total disregard for the land and traditional methods. It is acknowledged that the undertaking of these works had a temporary impact on the landscape until natural or planned re-vegetation occurred however the planning considerations and impact of the development have not materially changed since 2010. On balance and subject to conditions to control any future work (to address land slippage that has occurred and address potential future hazards) and the submission and approval of a wildlife enhancement and management scheme it is considered that the proposals are acceptable.

Siting of 2no. feed hoppers and ancillary works

Application 1 also includes the retention of two feed hoppers located to the north of the existing building, and adjacent to the existing hedge that forms the eastern boundary of the site with Woolley Lane. The hoppers are approximately 5.4m tall, and taller than the existing hedge. Although not readily visible from Woolley Lane due to the levels of the site and road, they are visible in longer distance views from the east. In the Landscape and Visual Impact Assessment submitted with the application it is contended that views of the hoppers will be limited and viewed in context with existing agricultural development and set amongst existing vegetation. This conclusion is not shared by Officers. The hoppers are located approximately 40m from the existing building and it is considered that they appear as discrete standalone structures rather than being read with the existing buildings on the site, and their visibility is accentuated by their colour. Whilst the retention of the feed hoppers is not considered to harm the openness of the Green Belt it is considered that in their current position they do not conserve or enhance the character and local distinctiveness of the local landscape and AONB, which is generally characterised by open fields free of buildings and structures and where there are buildings they are generally in small clusters. As proposed therefore the retention of the hoppers is considered unacceptable and contrary to Local Plan policy NE.1 and NE.2, and Draft Core Strategy policy CP6 which seeks to conserve or enhance the distinctive character and quality of the landscape. Repositioning the hoppers closer to the existing building could reduce their visual impact and if Members were minded to grant planning permission for the development then this could represent an acceptable balance between the operational needs of the holding and conserving and enhancing the local landscape. The applicant has indicated that in principle this would be feasible although the detailed siting would need to be agreed.

Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years

The sixth element of this application is the provision of a timber cabin on a temporary basis of up to 3 years to house an agricultural worker on the site, with a view to the building becoming permanent if the business was financially sustainable. At present there is a caravan located on the site and the current application seeks to replace this (and associated shed/dog kennel). The applicant has submitted a statement in support of the current application setting out their justification for the proposed building based on the operational needs of GVP's activities. This has been independently reviewed for the Council by an agricultural appraisal specialist in the light of the NPPF (which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside) and Local Plan policy HG.10 (which sets out a number of tests for housing in the open countryside). In summary these tests are:

- i) there is a clearly established existing functional need and financial justification for a worker to live on the holding;
- ii) the need is for accommodation for a full-time worker;
- iii) the functional need could not be fulfilled by another existing dwelling in the holding, or other existing accommodation in the area or through re-use of an existing building on the holding;
- iv) it is sited within a hamlet or existing group of dwellings or buildings, or elsewhere in the countryside;
- v) it is restricted in size commensurate with the functional requirements of the enterprise;
- vi) occupancy is restricted to agricultural workers.

In terms of the tests, if the poultry buildings are approved and fully stocked then there may well be sufficient need generated from this site given the substantial number of birds generating sufficient additional welfare needs to require a worker to be present at most times. Specifically a large number of poultry might well require a permanent on site presence to identify (by sight and sound) and address (by immediate proximity) sudden changes in welfare conditions that could otherwise have catastrophic welfare and business impacts. A dwelling further away may well answer much of that potential need but not all, and as the number of stock increases the level of potential incident that could not adequately be dealt with from a dwelling in the nearby settlement would also increase. However although there might be a functional need at Woolley if the poultry units were fully stocked, GVP's enterprise operates over three sites and it is not clear that there is a specific and established functional need at Woolley, nor that any need could not be located and satisfied at Doynton or Bitton. Furthermore the financial information submitted with the application is generalised, unsubstantiated and considered insufficient to demonstrate that there is a financial justification for the dwelling proposed at the site in Woolley and as part of GVP's enterprise across its three sites. There are no balance sheets, actual or budgeted, so it is not possible to assess to any meaningful degree whether (and certainly impossible to be satisfied that) the submission demonstrates a clearly established justification for a worker to live on the holding at Woolley. Accordingly, based on the evidence submitted the application fails the functional need and financial justification tests.

In terms of the need for a permanent worker, no specific evidence has been submitted on this point but on the basis of the total existing enterprise this test is likely to be passed. Regarding alternative accommodation no assessment is included with the application to demonstrate that none is available nearby and no assessment of existing buildings on the

site at Woolley has been offered either, although it is noted that the existing building is currently fully utilised for activities associated with the enterprise. As noted above, it may be possible to reorganise labour and enterprise locations to allow the area of need to focus on one or other or both of Doynton and Bitton. Whilst no dwellings with permission exist there either, there are other buildings and other settlements to then take into account and evidence is required to show why this could not reasonably be done. Whilst there are poultry buildings at Woolley, they are not permitted so there appears no compelling reason why the livestock could not be centred at one of the other two sites and any need generated then being satisfied from those locations. The proposed dwelling is located adjacent to the existing building and is considered to be of a size commensurate with the requirements of the operation and so the fourth and fifth tests could be met. Were permission to be granted then a condition and/or s.106 obligation would be required limiting the use of the dwelling to agricultural workers and requiring the removal of the dwelling if the enterprise failed or the functional justification changed.

The proposed temporary dwelling would be located at the southern end of the site. Soil has been excavated to form a flat surface to accommodate the building, which means the dwelling would be partially screened from the public footpath linking Colliers Lane and Woolley Lane. However the site is at a higher level than Woolley Lane and although there is a hedge and trees along the boundary that will partially screen local views, the building would be visible from Woolley Lane particularly during the winter months. The LVIA submitted with the application states it is the intention to replace the existing solid timber gates with a bar field gate and whilst this would be welcome in terms of its appearance on Woolley Lane, it would have the effect of opening up local views of the building. The site is also in a prominent position on an east-facing slope and the building would be visible, particularly from the northeast and east. While there are some trees on the east boundary of the site and screen planting on adjoining land these would only partially screen the application site.

Based on the evidence submitted with the current planning application the functional need and financial justification for a worker to live on the holding has not been demonstrated and accordingly the proposed dwelling must be considered as a new building in the Green Belt for which a very special circumstances case must be made. No evidence has been submitted on this matter contrary to policy GB.1 of the Local Plan, policy CP8 of the Draft Core Strategy which seeks to protect the openness of the Green Belt from inappropriate development, and para. 55, 87 and 88 of the NPPF. The dwelling would also harm the openness of the Green Belt. In terms of its impact on the local landscape and scenic beauty of the AONB and the character and landscape setting of Bath consideration has been given to the local topography, existing planting in the vicinity of the building, its dimensions and location within the site. The building would be visible particularly from viewpoints to the east, and although it would generally be viewed in the context of the existing building on the site and those adjoining given the particular sensitivities and qualities of the local landscape set out in the case for the Article 4 Direction it is considered that the building would have an adverse impact on the local landscape contrary to policies NE.1 and NE.3 of the Local Plan and policy CP6 of the Draft Core Strategy.

In conclusion, for all of these reasons, it is considered that permission for the temporary dwelling should be refused.

Application 2 - Erection of a general purpose agricultural building

The general purpose agricultural building is intended to be used to store hay, feed, tools, implements, chemicals, etc and provide a building to lamb the sheep, calve the Longhorn cattle or to provide shelter for sick, injured or nursing livestock. At the present time these activities are undertaken within shipping containers and a plastic covered structure located on the site. The intention is that the proposed building will replace these structures and will also be used to house items presently stored outside. The building would be located to the north of the existing building and would measure 18m by 12m and would have a low-pitch roof with an eaves height of 4m and ridge height of 5m. The building would be constructed of concrete blocks and profiled steel sheet with a fibre cement roof. This compares with the existing building, which is 3.5m to the ridge and now constructed of rendered blockwork and timber cladding with a fibre cement roof.

The use of the building would be for agricultural purposes and Local Plan policy ET6 states that when considering such development regard will be had to, amongst other matters, any adverse environmental impact (including any conflict with other policies in the Plan). Given the use of the existing building on the site principally for egg processing it is accepted that there is little space within that building to accommodate the activities that are currently undertaken in other structures on the site. The containment of these activities within an enclosed building would reduce their current dispersed and ad hoc nature and it is considered that the provision of an appropriately sized and located building constructed of suitable materials could be justified were the overall operation approved.

The NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This however needs to be balanced with other considerations including the statement in the NPPF that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, noting that great weight should be given to conserving landscape and scenic beauty, including in AONBs which have the highest status of protection in relation to landscape and scenic beauty. Local Plan policies, in particular those relating to conserving and enhancing the landscape are also of relevance. Objection has been raised to the building on the grounds that it is of a significantly greater height than the existing building, will be clearly visible and will detract from the rural character and natural beauty of the Green Belt and AONB.

Given the location and height of the building it would be visible above the hedge line particularly when viewed from the east and would appear as a freestanding structure, separate from the existing building on the site. It is considered that the building would harm the openness of the Green Belt, and by virtue of its siting, scale and materials would not conserve or enhance the character and local distinctiveness of the landscape. The applicant has indicated that the height of the building could be reduced (although to compensate for the reduced capacity a larger footprint of building would be required) and could be moved south towards the existing building. However it is considered that the effect of these changes would not reduce the visual impact of the building to a significant degree. Accordingly the general agricultural purpose building is considered to conflict with Local Plan policies GB.2, NE.2, NE.3 and ET.6 and Draft Core Strategy policy CP6.

Applications 3-5 - Siting of 2 x 3no. and 1 x 4 no. mobile poultry units

These applications cover the siting of a total of 10 poultry units on the land with each unit occupied by a flock of about 750 ducks. These measure approximately 20m x 6m x 3.5m high and comprise a metal frame mounted on skids, clad with brown plastic planks and the upper parts with dark green plastic over insulation. In addition, each of the 10 units has a paddock formed by 1m high demountable electric fencing. By day the ducks are free to roam the paddocks, and at night are shut in the units. Water is supplied via a hose that is connected to a series of standpipes sited alongside the farm track and electricity to the units (for lighting) is provided by battery packs and a mobile generator. Approximately 80% of the droppings fall through the slatted floor into the void underneath each unit and are collected and sold as fertilizer. The operation involves an approximately 12 month laying period with a rotation of new ducks replacing old flocks and the poultry units being emptied, cleaned and then re-stocked. As a consequence not all units will necessarily be fully occupied at all times.

The units are capable of being moved to allow them to be cleaned out and to provide fresh grazing for the ducks however although described as 'mobile', and they have been moved since they were first erected in 2010, they have been moved only infrequently and their size and weight means that this is a relatively significant undertaking. The application proposes that the units will be confined to the two fields alongside Woolley Lane and sited on the lower part of the fields, towards the hedgerow along Woolley Lane. The applicant contends that this would allow for ease of access along the farm track and is intended to reduce their visual impact. The remainder of the holding will be used mainly for the grazing of cattle and sheep.

The Landscape and Visual Impact Assessment (LVIA) submitted with the application notes that the existing landscape and residents of properties in the local area are receptors of high sensitivity to change, although motorists using the A46 and Gloucester Road are considered to be of low sensitivity. The proposed buildings are described as "characteristic of built elements in the landscape" although the report also acknowledges that the materials, form and distribution of the mobile poultry units do not reflect those of the farm buildings and properties in the area. The report also suggests that limiting the heights and scale of new buildings on the site (including the poultry units) and the use of appropriate materials and colours to reflect that of adjoining development and local agricultural vernacular would minimise visual prominence. Noting the temporary and mobile nature of the poultry units the LVIA assesses the impact of the development on the landscape and AONB as "local, temporary, and minor adverse". With tree and hedgerow planting (referred to in the report but not specifically proposed in the application) the LVIA assesses the overall impact as having a long term minor beneficial effect on these features. The LVIA concludes that there is a temporary, minor neutral effect on the pattern of scattered agricultural farmsteads with a generally temporary, local minor adverse effect on local residents and users of public footpaths in the locality. The impact on users of Woolley Lane is assessed as temporary, localised and moderate adverse, with the development being visually intrusive and adversely affecting the visual experience for users on Woolley Lane.

Objection has been raised to the poultry units in terms of their detrimental visual impact on the area, the AONB and gateway to the City of Bath World Heritage Site.

The ten poultry units proposed for the site are covered by three separate applications and so subject to approval of any or all of them there could be three, six, seven or ten units on the site. In assessing the proposals the applications have been considered individually but given the inter-related nature of the poultry units with the other elements of the development it is also appropriate that they are considered cumulatively. In terms of the visual impact of the poultry units the fact that they can be moved within the site is not considered to remove the significance of their presence, and their impact on the landscape is not affected to any material extent by periodic changes to their position, particularly as this will take place within a relatively narrow zone within the fields. Therefore whilst the poultry units are capable of being moved, and occasionally have been, they are effectively permanent features in the landscape. Given their design, materials and siting within the fields they are clearly visible from a number of locations and appear as incongruous elements within the otherwise generally pastoral landscape of small open fields divided by hedgerows. Buildings in the landscape outside the villages such as Upper Swainswick and Woolley are generally clustered (such as those at Crossleaze Farm to the east of Woolley Lane) whereas the proposals for the application site will involve a line of buildings extending across open fields, introducing a highly visible and unfamiliar form of development. They are particularly visible from the east from Innox lane, Tadwick Lane and Gloucester Road as well as from local viewpoints such as Little Solsbury Hill. It is considered that the poultry units will introduce new buildings into the landscape that will harm the openness of the Green Belt and by virtue of their siting and materials would be visually detrimental to the Green Belt contrary to policy GB.2 of the Local Plan. The units will also have an adverse impact on the AONB and character of the local landscape contrary to policy NE.1, NE.2 and NE.3 of the Local Plan and policy CP6 of the Draft Core Strategy.

The Statement of Outstanding Universal Value upon which Bath is designated as a World Heritage Site includes the green setting of the city in a hollow in the hills. Key aspects of the setting include the distinctive character provided by the topography, the townscape and land-use including the green undeveloped farmland, green spaces and trees and woodland, and the intangible qualities such as tranquillity that characterise the surroundings of the city. This includes the views afforded from the city to the green hillsides, woodland and open spaces, and conversely the opportunities provided by the surroundings to view the city and the quality and character of the environs and views to and from routes into and out of the city. Whilst the poultry units in particular are visible from the A46 which is one of the key gateway routes into the city, given the wider context of the valley within which the development is sited and the broad sweep of the vista from the north and east it is considered that the development does not significantly affect the landscape qualities that contribute to the setting of the World Heritage Site.

Objection has also been raised to the damage caused to the site through the intensive nature of the operation, the infrequent relocation of the units and lack of alternative land, as well as the effects of run-off due to inadequate drainage on the site particularly during wet weather and flies and odour during hot weather. In terms of the damage to the site, the units have been moved within the holding as part of the cycle of stocking, egg-laying and re-stocking of the flock and there is evidence that where the units have been sited the land has regenerated after they have been moved. The natural slope of the land and local topography on which the poultry units are situated, together with run-off from land above the units and seasonal springs on the land, means that there have been occasions when there has been run-off from the site onto Woolley Lane. Weather conditions in 2012 were

exceptional and resulted in high levels of run-off, the effect of which has been investigated by the Environment Agency and the Council's Highways Drainage team. They have recommended remedial action to contain run-off within the site and prevent discharge onto the public highway however as the installation of drainage on the site would involve engineering operations requiring planning permission (and do not form part of the current applications) it would be premature to determine the acceptability or effectiveness of any such measures. The issue of odour and flies from the site is a matter of animal welfare as well as public amenity however investigations by the Council and Environment Agency have not identified any significant problems with operations at the site.

Other Considerations

The GVP enterprise comprising operations at Woolley Bitton and Doynton employs around 20 staff, of whom 12 are employed at Woolley. The Local Plan notes that agriculture plays an important role in the local economy and provides the basis for other economic activities. Policy ET.6 sets out criteria for assessing development proposals. The NPPF highlights the Government's commitment to building a strong and competitive economy and to securing economic growth in order to create jobs and prosperity. It states that the planning system should do everything it can to support sustainable economic growth and should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. This includes supporting a prosperous rural economy with plans supporting economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. These objectives need to be balanced with the need to conserve landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. Also of relevance is the location of the development with the Green Belt and the presumption against inappropriate development as set out in the NPPF and Local Plan policy GB.1, the purposes of including land within the Green Belt and the appearance of the Green Belt set out in Local Plan policy GB.2. In the circumstances of these applications and the particular characteristics of this site it is considered that whilst the development is an agricultural use of the land and employs a number of people, the nature and impact of the use involving the siting of poultry units within the fields results in a degree of harm that outweighs the employment benefits. If the current operations at Woolley ceased and another agricultural operation took place on the site then there would be some continuing employment at the site associated with that use.

The Council's Highways Officer has expressed the view that the combination of activities on the site results in an intensification of the use of the land amounting to a material change of use. The intensity of use of the land is greater than the previous grazing of sheep and cattle, and the number of vehicles accessing the site is greater than before GVP started operating from the site. However it is considered that the primary use of the land remains agricultural and that the off-site impacts in terms of vehicle movements from the site, whilst of a greater number and occasionally involving larger vehicles, do not amount to a volume or impact that amount to a change in use of the land. Whilst there is egg packing on the site, including the importation of eggs from other GVP sites, the use of the land remains agricultural rather than industrial or mixed agricultural and industrial.

The site is partly within part of Site of Nature Conservation Interest (SNCI) referred to as the 'Langridge - Woolley Complex' and is also within the bat feeding zone associated with the Bath & Bradford-on-Avon Bats Special Area of Conservation (SAC). The SNCI covers

the field within which the stock pond is located, but not the fields containing the poultry units, nor the track and hardstanding or other development at the southern end of the site. When the previous planning application for the stock pond was determined in 2011 and subject to the approval and implementation of a Wildlife Management and Enhancement Scheme no objection was raised to the development on ecological grounds in terms of both the SNCI within the site and Lam Brook approximately 700m to the east. The current planning applications do not involve works that have a significant effect on any European sites or protected species, nor require a licence from Natural England. It is considered that the proposals do not significantly adversely affect the nature conservation value of the area (Local Plan policy NE.9), nor species which are internationally or nationally protected or the habitat of such species (Local Plan policy NE.10).

Upper Swainswick is designated as a conservation area and Local Plan policy BH.6 seeks to preserve or enhance the character or appearance of the area by controlling development within or affecting it. In this case it is considered that Upper Swainswick is sufficiently distant from the application site that whilst the site is clearly visible from the village and has an impact on the landscape it does not impact on the character of the conservation area itself.

Conclusion

In determining the applications a balance has to be struck between the objectives of supporting sustainable development and a prosperous rural economy, and the need to protect the Green Belt and conserving the scenic beauty of the AONB and local landscape. The particular landscape quality of the Woolley Valley and the need to protect it from development is highlighted by the Article 4 Direction that removes permitted development rights for agricultural development. Designated in 1992, the Direction remains in force and the reasons for its establishment have not changed materially since then.

Whilst some elements of the development covered by the five applications are considered generally acceptable, the installation of the poultry units and proposed construction of a general purpose building on the land are considered to result in an unacceptable degree of harm to the landscape and to the openness of the Green Belt. In the absence of a proven agricultural need, the dwelling constitutes inappropriate development in the Green Belt.

The five planning applications cover a range of development that together comprises the agricultural operation at Woolley Lane. Whilst each element and each application has been considered separately, together they form the agricultural enterprise at the site and it is considered that in addition to the impact of the individual elements, cumulatively the operation has an adverse impact on the Green Belt, AONB and local landscape. In addition the applications are inter-dependent because they either form part of a single application, or the justification for one aspect of the operation is dependent on others that are covered by a separate application(s). So whilst the provision of the stock pond, hardstanding and track are considered acceptable they form part of a wider application (Application 1) including the provision of a dwelling on the site. The case for the dwelling is predicated on there being an agricultural need and that arises from the housing of approximately 7,500 ducks on the site. Therefore if the agricultural need for the dwelling is not substantiated (either by failing the tests set out in HG10 or because permission is not granted for the poultry units), then the stock pond, hardstanding and track could not be

approved. Whilst it is possible for the LPA to issue a 'split decision' and grant planning permission for something less than what was applied for, that should not be done if the permission granted would represent a "substantial alteration" of what had been proposed in the application so as to deprive those who should have been consulted of the opportunity of consultation. In this case, as noted above, it is considered that the 5 planning applications are all inter-dependent and effectively cover one single agricultural operation. For that reason, officers consider that to grant permission for only some elements of an application would constitute a substantial alteration of what has been applied for and therefore a split decision would not be appropriate.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 The proposed poultry units by reason of their size and materials, location and permanence would result in harm to the openness of the Green Belt and detract from the rural character and natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty and the local landscape contrary to Policies GB.2, NE.1, NE.2, NE.3, ET.6 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

PLANS LIST:

1 This decision relates to Drawings 2028/99.5 (Location Plan) and 2028/001 (Plan and Elevations of Poultry Units)

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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 choose 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 Annex

Members will recall that in this case a group of local residents had formed a limited company, SWVAG Ltd, and brought judicial review challenges against two interlinked decisions of the LPA namely:

- a challenge to the Council's conclusion, as set out in its Enforcement Delegated Report of 21 May 2010, that the poultry units, installed on the site by GVP Ltd, were not 'development' susceptible to planning control, and did not require environmental impact assessment ('EIA'); and
- a challenge to the Council's decision that an EIA assessment of the stock pond was not required. Planning permission for this development was granted, in accordance with a resolution of the DC Committee, on 21 January 2011.

The case was heard over three days at the High Court in London, between 3-5 July 2012. Members will be aware that in a judicial review the High Court is performing a supervisory role and will only interfere with an LPA's decision if it is wrong in law or irrational. In this case the Court did not agree with the Council's interpretation of the law and found in favour of SWVAG. The Secretary of State was also a party to the proceedings.

Background

So far as is relevant to the Court's decision, the background is as follows.

Following complaints about various activities on the site including substantial unauthorised earth moving, and visits by the Council's officers, on 22 April 2010 the Council served a planning contravention notice on GVP seeking information about the activities that had occurred. Having received a detailed response to the PCN, on 23 April 2010 the Council served a Temporary Stop Notice on GVP which prohibited the excavation of soil and surface materials from the land and the alteration of levels of the land.

On 21 May 2010, having taken advice from a senior barrister, the Council issued an Enforcement Delegated Report. It concluded that some of the activities that had taken place at the site did constitute breaches of planning control, however, the Council decided that the placing of the poultry units on the land did not constitute development. The Council therefore concluded that no environmental impact assessment of that activity was required and no enforcement action could be taken.

The reasoning of the Council was set out as follows in the delegated report:

"Over the past few weeks ten prefabricated mobile poultry units have been delivered and assembled on site. Each one measures about 20m x 6m x 3.5 metres in height and will house 1,000 birds (known as a flock). This will provide for a free range egg production operation in which each flock will be free to roam over the land during daylight hours and return naturally [to] their unit at dusk to roost.

Each unit consists of a series of 10 metal hoops which slot into metal skids. They are delivered to the site in kit form and assembled on site in a matter of a couple of days. Once assembled for the first time, the whole unit can be moved within the site in one operation. They can also be dismantled and loaded onto a flatbed lorry in a matter of 3-4 hours and re-erected on another site in a similar amount of time. The owners claim that no foundations or levelling of the land is required. However, observations on site showed that when assembling the units, an area of land had been levelled specifically for the purpose of assembly. The units were then moved and can be placed on sloping land.

The lower sides are uPVC which slot into the metal hoops and are covered by two layers of green polythene with insulation between them. A slatted floor is inserted internally. They weigh about 2 tonnes and, when occupied by the birds, would weigh an estimated 4 tonnes. This is sufficient to stay on the ground under its own weight although they can be held down with metal spikes in extreme winds. Each unit has a hose pipe connection to mains water and solar panels/batteries to power internal lighting.

It is proposed to site the units in fenced paddocks of between 1-2 hectares and to move them around the respective paddock approximately every 8 weeks or so. The units are mounted on skids which move easily over grass by using a tractor or 4x4 vehicles and have demonstrated this to enforcement officers. They have also filmed the operation for

moving the units and supplied a DVD which shows that the unit can be towed with a tractor.

It is well-established in law that there are three primary factors which are relevant to the question of what is a building: The question of whether these chicken units are buildings involves making a planning judgment based on their size, permanence and physical attachment to the ground. This is very much an area of fact and degree. There have been numerous reported cases on what constitutes a building in planning terms, however ultimately each case turns on its own facts.

Factors weighing against the sheds being buildings are their lack of attachment to the ground and ability to be moved around the site. However weighing in favour of them being buildings are their sheer size, weight and bulk, a recent planning appeal decision against the refusal of a Certificate of Lawful Use or Development dated December 2009 supplied by the owner's agent concluded that a mobile poultry unit measuring 9.5m x 5.5m x 3.2m high did not constitute a building for the purposes of s.55 of the Act. In this case, only one unit was proposed. It housed 465 laying hens, was delivered as a flat pack and assembled on site by 2 no. unqualified people in two days. It was not anchored to the ground nor required a hard standing, could be moved by a tractor and was expected to be moved every 15 months.

In the current case there would be at least 10 units, some 20 metres long and they would be moved every 2-3 months. These would therefore be larger and heavier but moved more frequently and assembled on site in the same way as the appeal case. It is also worth noting that the dimensions of each unit are almost the same as the dimensions of a twin-unit caravan as defined in section 13 of the Caravan Sites Act 1968 which are: 20 metres long, 6.8 metres wide and 3.05 metres high. Although attached to a water point, several points of connection have been established on the site so the units could be moved.

On the basis of the information to date and as a matter of fact and degree, the mobile poultry units would appear to be 'chattels' capable of being moved around the site by a 4x4 vehicle. Furthermore, once assembled they can be dismantled and loaded onto a flatbed lorry in a matter of hours and transported to other sites.

On this basis officers have concluded that these units do not constitute development.

It has been suggested by solicitors acting for objectors to the development that the chicken units require an Environmental Impact Assessment ('EIA') because they are part of an intensive agricultural operation. However, officers are of the view that there is no requirement to undertake an EIA unless the chicken sheds constitute development and fall within one of the classes for which an EIA can be required. In this case neither the chicken sheds nor their use constitutes development and therefore no EIA is required.

It is therefore considered that no enforcement action can be taken against the chicken sheds."

The Council decided that it was not expedient to take enforcement action in respect of some of the other forms of development that had occurred, but it did issue an Enforcement Notice and Stop Notice, both dated 21 May 2010, in respect of the

excavation of soil and surface materials from the site, including the digging of pits and trenches and the alteration of levels of the site. The prohibition in these Notices extended to the stock pond. A planning application was made in respect of the stock pond on 27 September 2010. Various objections were raised. There was a dispute as to whether there had previously been a pond on the same site which had become silted up, but the Council was satisfied that the pond had been newly engineered. A screening opinion was carried out which concluded that an EIA was not required. On 21 January 2011, the Council granted retrospective planning permission for the retention of a 15m x 12m stock pond on the site, subject to conditions.

SWVAG sought to challenge the Council's decisions by way of judicial review, having unsuccessfully sought an injunction against GVP to prevent any chickens being delivered to the site.

Grounds for judicial review in respect of the poultry units
SWVAG's grounds for judicial review raised the following issues:

A Did the Council make a material error of fact or fail to have regard to relevant considerations?

The Court found in favour of the Council on this point.

B Did the Council misdirect itself in law in deciding that the poultry units were not development requiring planning permission under English law?

The Council argued that it had to make a planning judgment which was a matter of fact and degree and had applied a test which is well established in English law that involved considering the poultry units' size, permanence and degree of physical attachment to the land. For the reasons set out above, the Council decided the units were not development. However the Court found that the Council had erred in law in taking too narrow an approach to the meaning of 'development' because it:

- should have considered whether a poultry unit was an 'erection' or 'structure';
- did not have regard to the relevant authorities when it concluded that the units were chattels not buildings since they were capable of being moved around the site;
- did not direct itself correctly in law on the issue of permanence - the units were permanently in their field, and there was no limit on the length of time they would remain there; and
- failed to consider whether the construction of the poultry units came within the residual category in s.55(1), namely, 'other operations in, on, over or under land'.

C Were the poultry units capable of constituting "intensive livestock installations" within the scope of the EIA Directive and/or the EIA Regulations 1999?

The primary issue between the parties was whether the Council had misdirected itself in law by failing to interpret the definition of "development" in English law so as to give effect to the EIA Directive. In its defence, the Council contended that the poultry units did not fall within the scope of the EIA Directive or the EIA Regulations 1999, and so this point was academic.

The Court examined the European and English law and concluded that the poultry units were "capable" of being an "intensive livestock installation" under the EIA Directive and

therefore the issue was not academic. However the Court did not rule on whether the poultry units actually were intensive livestock installations.

D Did the Council misdirect itself in law by failing to interpret the meaning of 'development' in English law so as to give effect to the EIA Directive?

The Council submitted that once it had decided that the poultry units were not 'development', it had no further duty to consider their environmental impact, since the EIA regime is given effect in the UK through the system of planning control. However, the Secretary of State and SWVAG argued that an English court is required to interpret national law, so far as possible, in the light of the wording and the purpose of the EIA Directive in order to achieve the result sought by the Directive. The judge accepted that argument and stated that:

"In my judgment, the definition of 'development' in s.55 TCPA 1990 can, and should, be interpreted broadly by planning authorities so as to include, wherever possible, projects which require EIA under the EIA Directive, or developments which require EIA under the EIA Regulations 1999. Otherwise the Directive will not be effectively implemented into UK law.

In this case, the Council misdirected itself in law by failing to have regard to the obligation to interpret the meaning of "development" in s. 55 TCPA 1990 in this way. I am satisfied that, if the Council concludes that the poultry units are a project which requires EIA under the EIA Directive, or a development which requires EIA under the EIA Regulations, the meaning of "development" in s.55 is sufficiently broad to be capable of encompassing the poultry units."

E If it is not possible to interpret the meaning of 'development' in English law so as to give effect to the EIA Directive, was there a failure to transpose the EIA Directive into UK law?

The judge decided that in light of her other findings she did not need to make a ruling on this point.

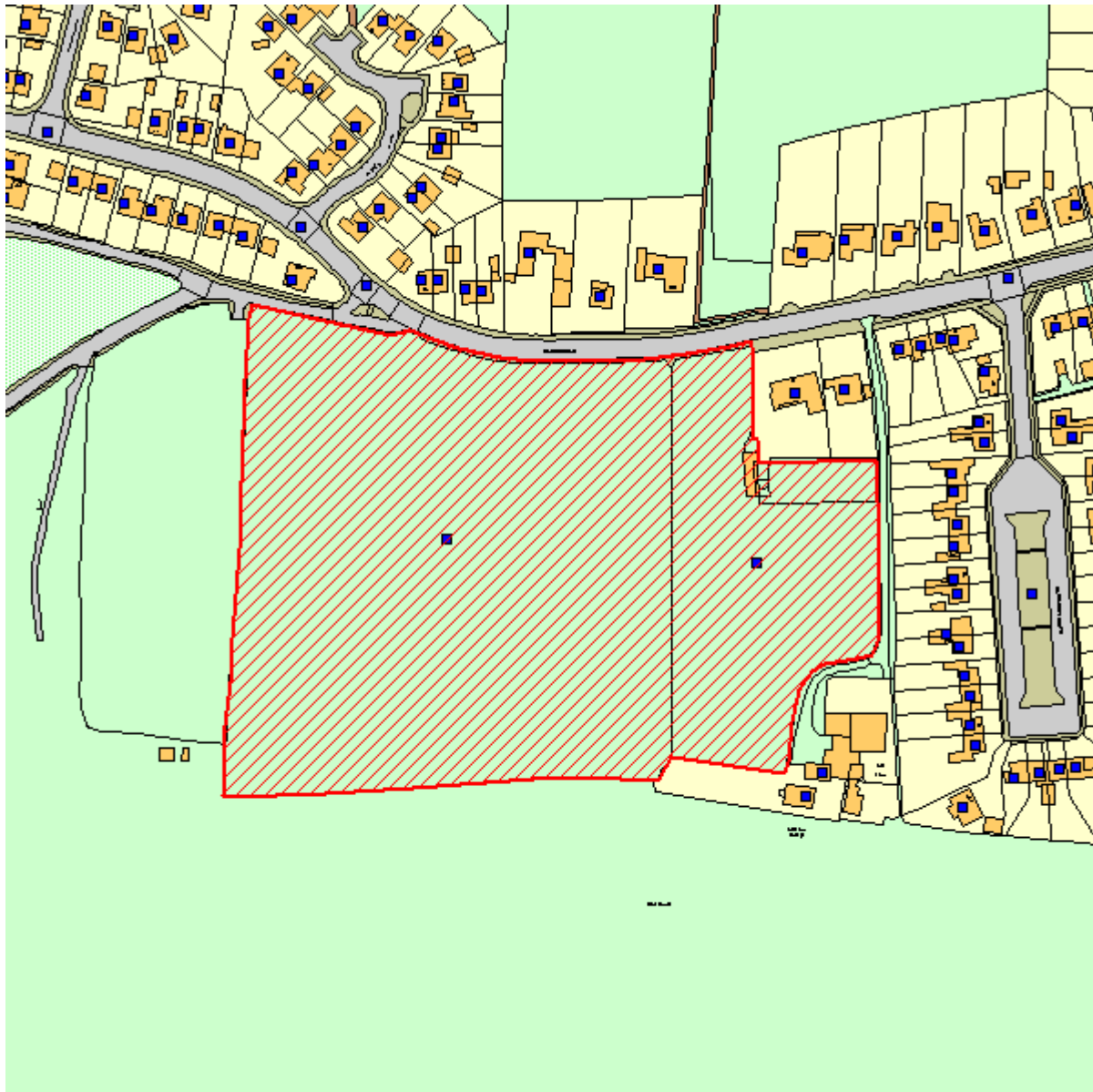
Grounds for judicial review in respect of the stock pond

SWVAG argued that the EIA screening opinion obtained in respect of the stock pond should have considered the cumulative effect of the other activities and works on the site and that the failure to do so meant that there was no consideration of the overall environmental impact at the site. The judge concluded that the "screening opinion only considered the cumulative impact of traffic, and not any of the other 'development' within the meaning of s.55 which the Council found had taken place at the site. It did not treat the poultry units as 'development', on the basis of the Council's earlier decision to that effect. In my judgment, the screening opinion was inadequate, and thus the Council acted unlawfully by granting planning permission without having carried out a lawful screening opinion. The screening opinion needs to be carried out afresh, once the Council has re-considered its decision in relation to the poultry units."

Conclusion

For the above reasons, both claims for judicial review were allowed.

Item No: 07
Application No: 12/05315/OUT
Site Location: Parcel 8966 Manor Road Saltford



Ward: Saltford **Parish:** Saltford **LB Grade:** N/A
Ward Members: Councillor F Haeberling Councillor Mathew Blankley

Application Type: Outline Application

Proposal: Erection of up to 99no. dwellings and associated parking on Parcel 8966 and Parcel 0064, 1 no vehicular access from Manor Road and separate pedestrian access to Manor Road, associated engineering works and the construction of 2no. car parking lay-bys on Manor Road.

Constraints: Agric Land Class 1,2,3a, Forest of Avon, Greenbelt,

Applicant: Crest Nicholson (South West) Ltd

Expiry Date:	6th March 2013
Case Officer:	Sarah James

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application is subject to an appeal for non determination and members views are sought to enable the Inspector to be advised of the councils recommendations for the application.

THE SITE

The site comprises 3 no. agricultural fields which are used primarily for the grazing of horses. The fields (combined) equate to 3.38 hectares. The fields lie to the south and west of the built up area of Saltford, directly to the south of the housing development boundary (HDB) as defined by the Bath and North East Somerset (B&NES) Local Plan (2007). The site therefore lies adjacent to the built up area of Saltford. The site slopes gently towards Manor Road in a southerly to northerly direction. Manor Road provides the only direct access to the site, currently via a field gate. There is vegetation/hedgerow around the boundaries of the site with some trees set within that, but the site is otherwise open grassland.

THE SURROUNDING AREA

Immediately to the north of the site lies Manor Road, and to the north of Manor Road lies the built up area of Saltford, including Saltford Primary School. To the east of the site lies a track (which is accessed from Manor Road), which serves Hill Farm. Between the site and the track lies a hedgerow belt. To the east of the track serving Hill Farm lies Haselbury Grove, a cul-de-sac with 2 storey dwellings originating from the post war period. To the south of the site lies Saltford Golf Club and open land.

THE PROPOSAL

This application is the erection of up to 99 no. dwellings (equating to 29.2 dph) and associated parking, with a single vehicular access from Manor Road and separate pedestrian access, associated engineering works and the construction of 2 parking lay-bys on Manor Road along the northern boundary of the site (north western section). The lay-bys are proposed to accommodate 6 no. cars and are designed to allow cars to pull off the road and park, specifically for the use of parents dropping off children at Saltford Primary School. The planning application is Outline in form, with access being determined at Outline stage with all other matters (appearance, scale, layout and landscaping reserved for future determination). The site is located outside of the defined Housing Development Boundary (HDB) for Saltford, is within the Green Belt and is Greenfield in nature. Saltford is classified as an R.1 rural settlement in the adopted local plan.

The applicant has submitted the following documents in support of the application - Design and Access Statement, Planning Statement, Affordable Housing Statement, Air Quality Assessment, Flood Risk Assessment, Written Scheme of Investigation for Geophysical Survey, Landscape and Visual Assessment, Travel plan, Construction Checklist, Sustainability Statement, Transport Assessment, Phase 1 Habitat Survey, Impact assessment, Waste Strategy, Waste Minimisation Statement, Hydrology Assessment, Statement of Community Involvement, Landscape Visual Impact Assessment, Foul Drainage Strategy, Draft Heads of Terms

HISTORY

The application site has no relevant history. It is of relevance however that there is approval on land adjacent (i.e. within the golf course land for the extension of the existing golf course to create new golf academy, including contouring and landscaping, erection of a driving range building, provision of a car park and installation of ground level flood lighting to driving range.- planning reference 12/02315/FUL. A delegated approval was granted by the planning committee December 2012 the decision was issued March 2013.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

POLICY OFFICER: Comments made 26th April 2013 - This is inappropriate development in the Green Belt that will affect its openness and would be contrary to the Green Belt purpose of safeguarding the countryside from encroachment. The Presumption of Sustainable development does not apply here, even where a 5 year housing supply against an adopted Local Plan cannot be demonstrated. The applicant seeks to demonstrate very special circumstances re 5 year land supply and affordable housing to justify the development of the site.

The position of Planning Policy in respect of very special circumstances is set out below.

The Council cannot demonstrate a 5-year supply of housing and against an adopted Local Plan.

Part 1 of the Local Plan (The Core Strategy) is at an advanced stage. Between 26th March and 8th May 2013 the Council consulted on Proposed Changes to the Core Strategy that seek to meet the objectivity assessed requirement for housing. Part of the solution involves the release of land from the Green Belt at Bath, Keynsham and Whitchurch/SE Bristol. The resumption of hearings are scheduled for July 2013.

Limited weight can be given to the Council's housing requirement and its proposed strategy for meeting this requirement. Whilst the Council has consulted on changes that will enable the provision of a 5 year supply of housing plus 20% (actually 40%), those changes remain to be tested by the planning inspectorate.

However, a key part of the evidence base used to determine the housing requirements are the Interim 2011 Based CLG Household Projections. These were published on April 9th and for B&NES equate to annual growth of 440 per annum. Further analysis is needed of this projection (particularly the way that they deal with the growth of students) but for the present purpose they are taken as published.

In respect 5 year supply, this would result in a requirement of 3,080 homes from 2011-18, rising to 4,247 once the shortfall from the previous Local Plan period is added. In 2011/12 463 homes were completed and for 2012/13 461 homes are forecast. This is 924 in total. If these completions are deducted from the target of 4,247 to 2018 the residual is 3,323; increasing this figure by 20% equals 3,987. This is the five year requirement in the context of the latest household projections and the previous Local Plan shortfall.

The current version of the housing delivery trajectory for the Core Strategy period, incorporating the latest changes and proposed Green Belt sites, identifies a potential

supply of 4,423 between 2013 and 2018. This is a surplus (over the 20% buffer) of 436 i.e. a 33% buffer.

Whilst limited weight can be given to the housing policies within the Core Strategy, the fact that the document is at an advanced stage is relevant as it demonstrates that the Council is on a clear path to putting in place a plan-led programme for the future development of this area. The positive outlook in prospect of 5 year land supply in light of the latest CLG household projections is also an important consideration. On this basis Planning Policy would contend that very special circumstances are not present that would lead one to the conclusion that a Green Belt release for a major housing development is necessary at Saltford at this time.

HIGHWAY OFFICER comments made 27th December 2012 - There are no highway objections in principle.

The trip rates used in the submitted TA seem rather low and not to reflect a settlement located, as in the case of Saltford, between and some distance from major settlements and employment. However, the scale of development, together with the reserve junction capacities in 2017 are such that even doubling trip generation would not result in capacity problems.

A future traffic assessment of 10 years (rather than 5) after the application should have been provided. However, bearing in mind the comment above, I do not consider this would have indicated any problems with regard junction capacity. The proposed junction is considered adequate for the scale of development proposed, bearing in mind the proposed loop road and short connection to it.

Whilst the submitted TA refers to the local primary school, local shops and facilities, bus stops, etc., no mention has been made with regards to travel to and from secondary school. The proposed provision of a footway along the application site frontage to Manor Road together with suitable pedestrian crossing points and connections to existing footways is considered necessary and appropriate. The existing carriageway width of Manor Road, at approx. 7.0 metres is such that drivers will be encouraged to drive at higher speeds unless restraint measures are in place. To an extent, parked cars on the carriageway picking up and dropping off children for the nearby primary school will help to control speeds when present. The provision of the proposed lay-by parking could negate this effect if other measures are not put in place. The accident record in Saltford could well be a sign of very heavy flow on the A4 and driver frustration in trying to enter that flow from the minor roads. This could be exacerbated as a result of increased movements resulting from the proposed development and increased pedestrian crossing demand, etc. Bearing this in mind, and the comments above re Manor Road, a contribution is sought towards off site speed restraint/traffic management with Saltford (circa £45k). Public Transport contributions will be required given the frequency of services at bus stops within 400 m of site and the current threat to their continued provision. This contribution, (given the uncertainties) will be towards either existing services or community transport. A contribution of c. £100k is sought in this respect. The above two elements of contribution accord fully with the Council's SPD on developer contributions. Regarding the strategic element, the applicants TA fails to analyse the daily multi modal increase in demand to travel that will result. Bearing this in mind, a daily trip rate of 7 trips per dwelling, as set out in the SPD, should be used equating to an increase in daily trips of $7 \times 99 = 693$. Taking into account that some elements of the strategic contribution schemes are now fully funded, a discount has been applied, resulting in a

contribution of £387-49 per trip being sought (£4.839m/12,488). This results in a strategic contribution of 693 x £387-49 = £268,530-57 being sought. Regarding the Travel Plan, the new residents welcome packs should include free taster travel tickets for all new household members covering a minimum period of a week each.

HIGHWAYS DRAINAGE OFFICER comments made 21st December 2012 - Overall, we support the proposed use of infiltration to dispose of surface water on this site. However there are further details relating to drainage that are sought. This can be addressed by condition and a suggested condition is provided.

ENVIRONMENT AGENCY Comments made 22nd January 2013 No Objection subject to conditions.

LAND CONTAMINATION OFFICER comments made 7th January 2013 - The application has been submitted with the following report: Desk Study and Soakaways at land off Manor Road, Saltford report by Hydrock Consulting Limited Dated October 2010. Ref. R/10350/001. On the basis of the conclusions and recommendations made within the desk study report and due to the sensitive nature and large scale of the development conditions are recommended.

ENVIRONMENTAL HEALTH OFFICER Comments made 11th January - The applicant's attention is drawn to the Council Code of practice for minimising noise during construction.

HOUSING SERVICES comments made 7th January 2013 - The proposed market housing mix is not in keeping with the full range of local market housing needs vs. local income levels; the applicant has not sufficiently addressed NPPF requirements for sustainable development, social cohesion and inclusion and there is no information to suggest the affordable housing contribution will fully meet the design layout and construction standards as required by the B&NES SPD. If these issues are addressed the provision of affordable housing in line with local policy with the affordable housing mix identified on plan will need to be subject to a legal agreement. Detailed recommendations of the requirements are made within the Officers response.

Updated comments received 12th April 2013 advise that the revised proposed affordable housing mix is acceptable subject to further details that would be agreed as part of the layout submission at reserved matters stage.

EDUCATION OFFICER 10th January 2013 - As the precise housing mix is not known at this stage, we have used average pupil yield figures to calculate the number of children that will be generated by the development and the contributions that would be required. Once the precise housing mix is known (whether they are flats or houses and the number of bedrooms), an exact contribution can be calculated. A section 106 contribution would be sought to a) contribute toward school places (sum to be established via a feasibility study and costing for additional primary school provision).b) Provided a sum of £13,206.00 toward Youth provision

Revised comments 17th April 2013

No early years spaces are required

Primary age pupil's places using the average pupil yield figures, the development is calculated to generate approximately 30.69 primary age pupils in total, which equates to

approximately 4.38 pupils per year group. Latest pupil projections for Saltford C of E Primary school up to September 2016 and the October 2012 school census indicate that there will be space available in the school for 16.76 of the pupils generated but no space for the remaining 13.90 pupils. Therefore additional capacity will need to be provided in Saltford village and a developer contribution would be required in order to accommodate these pupils.

It would be possible to enlarge Saltford Primary school, subject to the agreement of the school Governing Body and subject to suitable additional accommodation being added to the school. The cost per place sum for 13.90 pupils would be £180,594.63, however this does not represent a viable solution to allow the school to organise in such a way that the children generated by the development can be accommodated. The feasibility study has indicated a cost of £1,158,088.00 to provide four classrooms to allow the school to organise on a PAN of 75.

Additional land may also be required in order to enlarge the school site. If it is required, it is possible that this could be provided by allocating some adjacent Council owned land to the school for use as playing fields.

There is sufficient capacity in the area to accommodate secondary and post 16 age pupils.

Youth Services provision places 9.9 places at a cost of £13,206.00.

ECOLOGY OFFICER comments made 3rd January 2012 - An ecological survey and assessment has been submitted of likely ecological impacts arising from the proposal, based on the indicative plans provided at this stage. Further bat surveys, and assessment of the buildings to determine whether bat surveys are required for them will be necessary and must be resolved prior to any decision to permit this outline application. Sensitive lighting is recommended in any case to avoid harm to bat activity

A number of other ecological issues are identified from the submitted survey which must be addressed.

The main habitats of value are the boundary hedgerows and trees, and stone wall along the southern boundary. The plans appear to indicate that most of the boundary hedgerows and trees will be retained, and where this is not the case a method statement and replacement planting have been proposed (as along Manor Rd). If retention of boundary vegetation and stone wall as indicated cannot be secured, further surveys would be required prior to a consent for this proposal.

Badger activity is present although no active setts were found on the site. Updated badger surveys will be required prior to development to check for activity and new setts. The proposals should also ensure sufficient provision of connective habitat outside of residential boundaries to allow passage of badgers around the development site and to and from land to the south and west.

The Masterplan shows indicative root protection zones for selected trees however exclusion zones will be required for all retained boundary hedgerows, shrubs and trees in accordance with the recommendations of the ecological report. This should be indicated on the drawings and layout. Insufficient area appears to have been provided or incorporated into the layout to provide new or replacement habitat, or public open space.

Updated comments made 15th April 2013 - Further to my comments of 2nd January 2013 an updated ecological survey has been submitted, which appears to satisfactorily address

the majority of the ecological issues raised. There is a requirement however to complete the outstanding bat surveys of the building, as identified in the report. This must be completed prior to any consent for this proposal, together with proposals for any necessary mitigation, if applicable. Once surveys have been completed I will provide concluding advice on this proposal.

Updated comments made 17th April 2013 - I am confident that it would be possible for the applicant to appropriately mitigate any potential impacts of the proposals on any potential use of the building for which bat surveys are currently still only partially complete.

Due to

1. the level of information available already about the roost potential of this building,
2. the assessment being a low risk of bats using the building, and likely to be crevice dwelling only, if present
3. the outline nature of the proposal which would allow plenty of scope to incorporate all necessary bat mitigation, if applicable (at the most extreme, the potential retention of the building in question if necessary), and would certainly provide sufficient scope for any necessary mitigation should crevice dwelling bats be found to be present, which if the building is used by bats are considered to be the most likely.

Given that survey findings will be available within weeks I am satisfied that any necessary mitigation could be satisfactorily secured as part of the reserved matters scheme, should an EPS licence be required.

It may be helpful if the applicant could confirm more specifically the likely species and mitigation that shall be proposed, should bats use this building, and the possibility, if absolutely necessary, of retaining the building.

ARCHAEOLOGIST comments made 21st January 2013 - The above proposed housing development site lies within a significant historic landscape, as demonstrated by some of the known sites and monuments (BANES Historic Environment Record) within the vicinity. Recent investigations on an adjoining site would suggest that the archaeological potential of the site is high. Consequently I would therefore recommend that a pre-determination archaeological field evaluation of the site is carried out (by geophysical survey and trial trenching) to fully assess any archaeological impacts of the development. However, in the absence of such an evaluation I would recommend that this application is refused as it is contrary to local planning policy (BH.11 and BH.12) and national guidance (NPPF 128).

Revised comments dated 8th April 2013 - Whilst a recent geophysical survey of the golf course to south revealed evidence of prehistoric settlement (hut circles and enclosures), given the results of this survey (Archaeological Surveys Ltd, March 2013) I am content that any further archaeological evaluation and/or mitigation could be secured by way of appropriate planning conditions.

PARKS OFFICER Comments made 30th January 2013

Formal open space provision:

Land purchase: NIL

Construction costs: NIL
Maintenance: NIL
Enhancement of existing facilities: £181,986.75

Allotment provision:

Land purchase: £4,410.45
Construction costs: £7,698.24
Maintenance: £8,892.18
Enhancement of existing facilities: NIL

Total contribution value: £202,987.62

Please note that there is no requirement for a contribution in respect of natural open space provision, by reason of the site's relatively rural location.

It is noted that the submitted Indicative Masterplan shows a strip of land to the northern edge of the site that is proposed as open space. However, it is considered that this area would not make a positive contribution to the development in open space terms, by reason of its location sandwiched between Manor Road and the proposed dwellings to the north of the site and also it's extremely modest scale. The likelihood is that this area of land would not be used as intended. The proposed open space has not therefore formed part of the assessment of the contribution that would be required.

The above calculation has been prepared in accordance with the Community Infrastructure Levy (Amendments) Regulations 2012 and the Council's adopted SPD 'Planning Obligations' adopted July 2009.

LANDSCAPE OFFICER comments made 15th January 2012 - There is some logic to the development of this site and there would appear to be limited visual impact on the area. Longer distance views from the AONB would be limited and the site would be seen in context of the existing housing / built form of Saltford. In terms of landscape character, I can also see that there would be limited damage to the wider landscape as the site is bounded on the south by an existing Golf Course / driving range. Whilst I would not have any 'in principle' objections, the current layout (BRS 2656_11B) still contains some areas of concern. Firstly, the scheme does not include any areas of public open space. The layout has not created any clear identity or any sense of place. It has not properly addressed existing vegetation in terms of protection and longer term management issues that would need to be addressed through primary design / layout.

URBAN DESIGN OFFICER comments made 18th January 2012 - The very limited matters submitted for determination and the indicative nature of the master plan does not provide any certainty that the layout and appearance of the scheme would mitigate for the harm it could cause to the green belt or the immediate landscape infrastructure within the green belt on its boundary. The development proposal as illustrated is harmful and unacceptable for a range of design and place making reasons.

Updated comments made 9th April 2013 - The applicant has submitted two revised illustrative master plans (BRS2656 11 - 1E for 72 dwellings and BRS 2656 11 - 2E for 99

dwellings). The revised plans represent a positive response to concerns previously raised and on that basis the issue of layout and design could be agreed as a basis for reserved matters before the forthcoming appeal.

CRIME PREVENTION LIAISON comments made 21st December 2012 The application is in outline and few details have been provided. Full details of how the development addresses crime and community safety should be provided. Social Housing should be to secured by design standards.

ARBORICULTURAL OFFICER comments made 17th January 2013 - The outline application relates to access only into the site from Manor Road which results in the loss of one tree according to the drawing 121018-LSOMR-AIA-AM. I have no objection to the proposed access point or loss of the tree but the submissions do not explain why the position of the access must be in this location. More of the hedge will require removal than shown to accommodate the access.

Should the indicative Masterplan be developed in it's current format then the applicant should make it clear that the provision of a footpath along the northern boundary will result in the loss of all the hedging and trees. This is not made clear from drawing 121018-LSOMR-AIA-AM.

The current layout threatens the long term future of T014, the only A category tree on the site. This tree will dominate the garden of plot 29, overhanging and causing significant shading when in leaf. I fully support the recommendations within the Arboricultural Impact Assessment (see 2.2.1) with regards to this tree. The layout should be informed by BS5837:2012 recommendations which currently is not demonstrated.

Councillor Mathew Blankley objects to the application and seeks its determination by the development Control committee.

Salford Parish Council object on the basis that the site is not sustainable, is within the green belt, does not accord with the NPPF, the TA is poor, and the school is at capacity. They challenge the comments within the statement of Community Involvement.

Keynsham Town Council Object to the application

The Council for the protection of Rural England (CPRE) B&NES District object to the development on the grounds of This application is inherently unacceptable, being on Green Belt land with no local circumstances, countywide policy framework or national policy to justify development. The proposal is also of poor quality in terms of design, being a standard 'cut and paste' cul-de-sac design that has simply been dropped into its surroundings with no reference to locality. The proposal is also of poor quality in terms of its intended use, having no public green space, no attempt at safe streets for children and no new cycling infrastructure.

Salford Environmental Group object to the proposals for the reasons listed below.

The development goes against Green Belt policies GB 1 and GB2.

The proposed development is not in accordance with the NPPF directive to protect land from unrestricted urban sprawl.

The plan is not in accordance with conserving local wildlife (Policy E3).

In addition, Salford Environment Group has major concerns about how such a development will impact on traffic, education and drainage infrastructure The development

of largish housing will not help solve national housing shortages and will not help provide affordable housing in the village.

Finally, the character of the village needs to be protected. Saltford must be allowed to remain a village. Housing needs must be addressed in other ways, not through the development of green belt land.

The Core Strategy does not identify any new development within Saltfords green belt.

Friends of Manor Road Community Woodland Object on the basis of traffic increase, green belt, and impact on ecology (including protected ecology).

Third parties

A petition signed by 878 people opposing the development has been received

A petition signed by 104 people opposing the development has been received

715 Objections have been received in connection with these proposals with the following concerns raised.

Adverse impact on Saltford character

Noise and dust

Traffic increase and associated impacts (including cycle routes)

Green Belt

Inadequate school facilities

Lack of amenities

Flooding

Overdevelopment

Pre-empts local plan process

Unsustainable

Inadequate public consultation

Local needs survey should inform what happens in Saltford

Loss of agricultural land

Impact on ecology

Pressure on local services (such as doctors)

2 letters of support have been received in connection with these proposals on the following basis.

People want to move to Saltford and there is no opportunity. The site is not true green belt as it was once intended for school. Many objectors are not local. Traffic is not a major issue. The school is capable of accommodating the expansion.

1 comment has been received in connection with these proposals.

It raises no objection in principle but thinks the density is too high and contributions to school places should be provided.

POLICIES/LEGISLATION

ADOPTED LOCAL PLAN

"Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007" was adopted October 2007. Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

IMP.1 Planning obligations
SC.1 Settlement classification
CF3 Community contributions
SR3 Recreational facilities
D2 General Design and public realm considerations
D4 Townscape considerations
T1 Overarching access policy
T3 Promotion of walking and use of public transport
T5 Cycling Strategy: improved facilities
T6 Cycling Strategy
T7 Cycling strategy strategic.
T8 Bus strategy
T24 General development control and access policy
T25 Transport assessment and travel plans
T26 On-site parking and servicing provision
ES.2 Energy conservation
ES3 Gas and Electric Services
ES.4 Water supply
ES.5 Foul and surface water drainage
ES.9 Pollution and nuisance
ES12 Noise and vibration
ES10 Air Quality
ES.15 Contaminated Land
GB.1 Control of Development in the Green Belt
GB2 Visual amenities of the Green Belt
NE.1 Landscape Character
NE5 Forest of Avon
NE10 Nationally important species
NE11 Locally important species
NE12 Natural Features
NE14 Flood Risk
BH.12 Archaeology
BH22 External lighting
HG.1 Meeting the District Housing requirement
HG.4 Residential development in the urban areas and R.1 and R.2 settlements
HG7 Minimum residential density
HG8 Affordable housing on allocated and large windfall sites
HG10 New dwellings outside settlements.
WM4 Waste Recycling

Joint Replacement Structure Plan - adopted September 2002

Policy 1
Policy 2
Policy 4
Policy 16
Policy 17
Policy 18
Policy 19
Policy 21

Policy 23
Policy 33
Policy 35
Policy 59

Regional Planning guidance 10
Policy VIS10
Policy SS2
policy SS3
Policy SS4
Policy EN1
Policy EN2
Policy EN5
Policy HO1
Policy HO2
Policy HO3
Policy HO6
Policy TRAN1
Policy TRAN 2
Policy TRAN 3
Policy TRAN4
Policy TRAN10
Policy RE2

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. However as it is not yet part of the statutory Development Plan the Council attaches' limited weight to policies objected to but substantive weight to those policies not objected to within the amended Core Strategy in the determination of planning applications of this type in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

RA1: Development in the Villages meeting the listed criteria
CP2: Sustainable construction
CP5 Flood Risk Management
CP6 Environmental Quality
CP7 Green Infrastructure
CP8 Green Belt
CP9 Affordable Housing
CP10 Housing Mix
DW1 District-wide spatial Strategy

NATIONAL PLANNING POLICY FRAMEWORK

National Planning Policy Framework (March 2012) can be awarded significant weight in this case.

Adopted Supplementary Planning Document Planning Obligations 2008

OFFICER ASSESSMENT
RELEVANT POLICY

The Development Plan in B&NES currently comprises RPG10 (until abolished by Sec of State on the 20th May 2013) saved policies from the Joint Replacement Structure Plan and saved policies from B&NES Local Plan. The NPPF is a material consideration in planning decisions.

Given that the Local Plan was adopted under the provisions of the 1990 Act paragraph 216 of the NPPF applies in relation to the weight that can be attached to it. This means that if there is inconsistency between the Local plan and the policies in the NPPF greater weight should be given to the policies in the NPPF.

In the present policy context, applications are primarily to be assessed against the NPPF with permission being granted for sustainable housing applications unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or unless specific policies in the NPPF indicate development should be restricted.

GREEN BELT

This assessment has been undertaken in the context of the National Planning Policy Framework. NPPF 88 requires that the Council should ensure that substantial weight is given to any harm to the Green Belt.

The application site is within the green belt and as a matter of logic, the decision-taker should follow a sequential approach to deciding whether planning permission can be granted.

1. Does the proposal amount to inappropriate development in the Green Belt?

The Joint Replacement Structure Plan sets out the extent of the Bristol/Bath Green Belt which is illustrated in both the Local Plan and the Draft Core Strategy. The application site is entirely within the Green Belt. Policy GB.1 of the Local Plan details that permission for development will not be given in the Green Belt except in very special circumstances for inappropriate development (which includes residential development as proposed). The NPPF further confirms that the form of development as proposed is regarded as inappropriate within the green belt. As set out within the NPPF paragraph 89 the proposed development would be inappropriate by definition and the applicant acknowledges this is the case.

2. Would there be any impact on the openness of the Green Belt, the purposes of green belt land and the effect of the proposal on the character and appearance of the area?

The site assists in safeguarding two fields south of Saltford from encroachment. The appearance of this area from Manor Road is of countryside and development here would clearly encroach into the open countryside. The situation of Saltford Golf Club as a buffer between Saltford and the agricultural land beyond does not change the impact on openness in this specific location. The golf club sits in a parkland type landscape and from Manor Road the perception is currently of open countryside and that openness would be lost.

The NPPF outlines the five purposes that green belt land may perform. These need to be considered also in understanding the role of the green belt at this location.

These purposes are;

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

It is considered that this site performs well against the purpose of safeguarding the countryside from encroachment although it is acknowledged that it doesn't perform a significant role against the other four purposes.

In terms of landscape impact it is acknowledged that there would be a limited visual impact were the development to proceed however longer distance views from the AONB would be limited and the site would be seen in context of the existing housing / built form of Salford. In terms of landscape character, there would only be limited damage to the wider landscape as the site is bounded on the south by an existing Golf Course / driving range.

3. Are there any benefits of the proposal?

On the basis of the current development plan, the Council cannot currently demonstrate a five year supply of deliverable housing sites. The applicant suggests that the shortage of housing land constitutes very special circumstances as the development would provide benefits in terms of housing provision including affordable housing and associated New homes Bonus. The financial considerations relating to that provision are noted to be relevant to consider and have been taken into account.

The applicant suggests that the shortage of housing land constitutes very special circumstances in this case and considers that significant weight should be given to that factor so as to override the harm to the green belt.

In this case in considering whether very special circumstances exist which would clearly outweigh the harm to the green belt and any other harm it is important to consider the wider impacts of the scheme so that any other areas of harm or benefit can be weighed in the balance to be struck to identify whether very special circumstances exist. This report now therefore goes on to consider the other material considerations before a concluding section which outlines whether very special circumstances are considered to exist.

AFFORDABLE HOUSING

Discussions have taken place with the applicant regarding the affordable housing mix and subject to details as part of the design stage of the development the affordable housing mix is in principle acceptable for the purposes of the Outline application. The applicant is proposing the use of affordable rent tenure (ART) instead of social rented housing. Housing Services seek the delivery of 35% affordable housing to a tenure split of 75% social rented & 25% shared ownership (new build home buy). It is to be noted that the use of public subsidy via the Homes & Communities Agencies (HCA) Affordable Rent Tenure (ART) to deliver affordable homes can only be approved upon the receipt and independent examination of a viability submission, which clearly demonstrates that to deliver affordable housing without public subsidy would render the scheme unviable. In the event that outline approval is granted and based upon the specific details of the

applicants proposal if ART is pursued then a viability study would be sought to support that position in line with the housing officer's advice.

HIGHWAYS

The development is not considered to impact unacceptably on the highway operation subject to mitigation. Contributions toward public transport will be necessary. However subject to those being secured the development would be acceptable from a highway perspective. Whilst strategic contributions have been sought by the highway officer they are not considered relevant to the site in question and would not be sought in this instance.

FLOOD RISK

There are no flood risk or drainage issues raised and subject to conditions it is considered these can be addressed satisfactorily.

ECOLOGY

Ecological surveys have been provided and the revised scheme retains hedgerows that are beneficial to ecology. There is an outstanding issue relating to the need to survey existing buildings on the site. The survey work would have to be carried out over a period of time and that work has commenced. Notwithstanding that the work is not complete it is considered that there are unlikely to be any bat roosts present given the current information available. There is an obligation to consider the three tests of the Habitat Regulations and it is considered that taking into account the potential for bats to be present it would be possible to adequately mitigate to ensure that bats are not prejudiced by any permission granted. In this regard it is considered relevant that the current proposals are in Outline form without agreement being given to the layout of the site and that there is flexibility to accommodate a range of ecological solutions in this case. In that regard it is not proposed to refuse the scheme on the basis of ecology but to ensure that if permission is granted for the outline scheme appropriate mitigation is secured. The Councils ecologist is satisfied that any necessary mitigation could be satisfactorily secured as part of the reserved matters scheme, should an EPS licence be required.

NOISE

Condition should be imposed to control construction activities but there are no specific noise issues relating to this site.

RECREATION AND OPEN SPACE

The appellant is providing formal response to the Councils requirements for provision toward recreation and open space in the event that this is not agreed the development would be contrary to the Local authorities Supplementary Planning Obligations document and refusal would be recommended. A further update on this position will be provided.

DESIGN

The initial illustrative Master plan demonstrated symptoms of over development due to the failure to demonstrate a plan that secured the protection and management of boundary hedgerow that were an identified asset and screen to the development from the countryside. Matters of connectivity were also raised.

Two subsequent revised illustrative Master plans were submitted. Both plans are based upon a similar landscape and access structure. Both now illustrate the potential to deliver

either 99 dwellings including smaller dwellings or a reduced number of larger units and include a c15m landscape buffer around the critical south and west hedgerow boundaries. Whilst the proposed method of protection management may require refinement, the revised plan illustrates the potential to achieve a mix of between 72 and 99 dwellings and secure boundary hedges. It is therefore capable of being a reasonable basis upon which to develop detailed proposals. Maintaining the boundary strip as available for public access and movement also makes a positive contribution to the provision of informal open space on-site. The revised plan creates an improved relationship of building frontages with the surrounding countryside. It is also accepted that internal arrangements are improved to a point where they are capable of being a basis to consider reserved matters.

LANDSCAPE AND TREES

The current application is in outline with access only to consider. Whilst there are detailed matters relating to landscape and trees to address it is considered that these can be satisfactorily addressed in the context of the reserved matters application.

ARCHAEOLOGY

The area is known to have archaeological remains of importance however based upon the information submitted with the application it is considered that conditions can acceptably address archaeological matters.

ADJOINING RESIDENTS

Whilst there are a number of objections to the development the residential use would not be an unacceptable use in this location and subject to an appropriate form of development from a design perspective it is considered that the development could accommodate the housing as proposed without detriment to neighbour amenity.

EDUCATION

Discussions have been undertaken with regard to education contributions and a feasibility study has been undertaken with regard to identifying how provision might be made. For clarity and to accord with the CIL Regs it is not appropriate to pursue as a necessity any requirements other than those directly relevant to the development. The developers do not agree with the appraisal of the education officer in respect of the need to scale up the level of contribution to meet the schools organisational needs they however do agree in principle to making appropriate levels of contributions in accordance with the CIL Regs. In this case it is considered that whilst discussions are unresolved in respect of the level of contribution sought there is a solution to providing the necessary education requirements and that the final solution can be acceptably agreed at reserved matters stage in the context of a more detailed scheme.

OTHER MATTERS

As the development is subject to appeal for non-determination any decision made will be put to the Inspectorate as a recommendation only.

The Local Planning authority have considered the development against the Environmental Impact Regulations and are of the opinion the development would not require an Environmental Statement.

DO VERY SPECIAL CIRCUMSTANCES EXIST

The NPPF paragraph 14 advises that where the development plan is absent, silent or relevant policies are out-of-date, permission for development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. Green Belt is identified as an area where this presumption may not apply. In this regard the NPPF paragraph 79 identifies that the Government attaches great importance to Green Belts and their protection. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In this case very special circumstances need to be demonstrated if permission is to be recommended.

Harm to the green belt has been identified in that the proposals represent inappropriate development which is by definition harmful. The introduction of up to 99 dwellings on these currently open fields would also significantly reduce openness. The application site also performs an important role in respect of safeguarding the countryside from encroachment. Significant harm to the green belt would therefore inevitably result were the development to proceed.

Weighed against this the development brings additional housing, including affordable housing, revenue through the new homes bonus and the Council is unable to demonstrate a five year land supply at this point. The Council does however forecast that the unmet housing need can be met without the requirement for the release of green belt land in Saltford. Paragraph 14 of the NPPF specifically excludes designated green belt land from the presumption in favour of sustainable development because the Government attaches significant weight to the retention of green belts. In the context of the irreversible and significant level of harm that would be caused to the green belt and the other harm identified it is not considered in this case that the benefits would clearly outweigh the harm and the benefits are not therefore considered to be capable of being very special circumstances in this case. The recommendation is therefore that this application would have been refused planning permission were the Council in a position to make a determination on the application.

In reaching this conclusion it is acknowledged that all other matters are capable of resolution by conditions or a section 106 legal agreement and in the event that the development were to be approved agreement would need to be reached in respect of the issues which are identified within the report. Representations would be made to the inspector in respect of those matters.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 If the Council had been in a position to make a decision on the application then the recommendation would be to REFUSE the application on the basis that the development would comprise inappropriate development within the green belt, harmful to openness, that would encroach into the countryside and for which no very special circumstances have been demonstrated that would clearly outweigh the very significant level of harm caused.

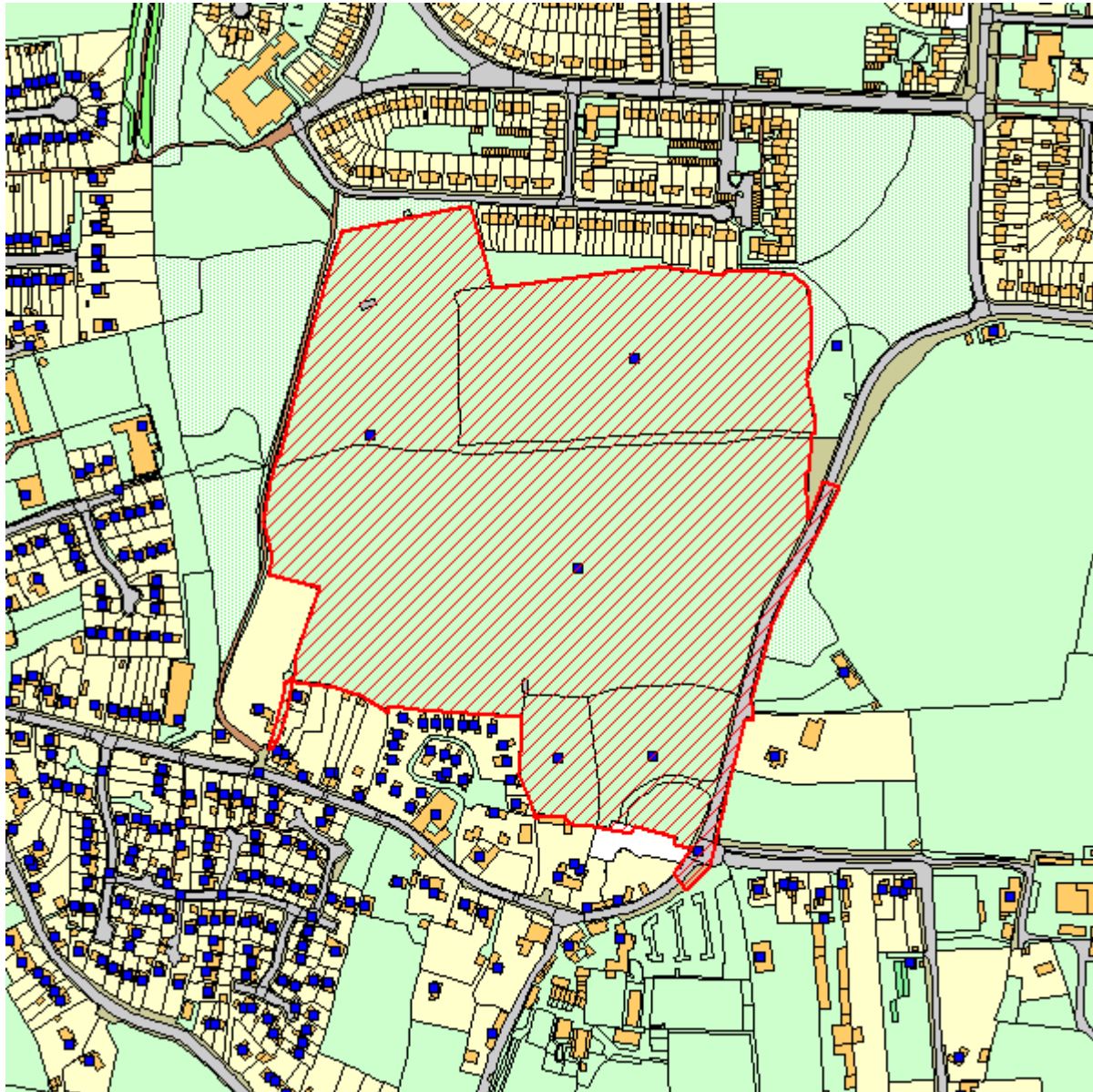
PLANS LIST:

1 PLANS LIST:10350/T08 B, 606, BRS.2656_11B, BRS.2656_12A, BRS.2656_13A

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework in that it has undergone appropriate pre-application engagement with the applicant and entered into discussions and negotiations throughout the application so as to ensure that the applicant had adequate opportunity to consider all of the issues raised.

Item No: 08
Application No: 12/04597/OUT
Site Location: Fields North Of Orchard Park Staunton Lane Whitchurch Bristol



Ward: Publow And Whitchurch

Parish: Whitchurch

LB Grade: N/A

Ward Members: Councillor P M Edwards

Application Type: Outline Application

Proposal: Residential development (up to 295 dwellings) including infrastructure, ancillary facilities, open space, allotments and landscaping. Construction of two new vehicular accesses from Stockwood Lane (Resubmission)

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Cycle Route, Forest of

Avon, Greenbelt, Housing Development Boundary, Public Right of Way, Sites of Nature Conservation Imp (SN), Safeguarded Roads,

Applicant: Robert Hitchins Ltd
Expiry Date: 11th January 2013
Case Officer: Sarah James

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been requested to be reported to Committee if approval is recommended on the request of Cllr Edwards on the basis that:-

1. Due to the suspension of the Core Strategy the relevance of the Local Plan must be taken into account
2. The Area of land in question is located outside of the Building Boundary contrary to HG4 and HG10
3. The introduction of 295 dwellings on a site which is currently open fields represents inappropriate development harmful to the Green Belt. No special circumstances exist, the proposal is contrary to Policies GB1 and GB2 of B&NES Local Plan (See comment 1 above) and advice contained within PPG2
4. The merging of Whitchurch Village with Stockwood South East Bristol is contrary to the already approved Core Strategy of Bristol City Council
5. Road congestion already exists due to the volume on the A37 and through traffic on Staunton Lane, Sleep Lane and Stockwood Lane trying to reach the A4 and Keynsham
6. Whitchurch Village is poorly served with public transport and a lack of shopping facilities thus the family cars will add to the congestion.
7. Where will Primary and Secondary School places be made available without causing even more traffic congestion?
8. The development is contrary to Policies SR3 and IMP1

THE SITE

The application site lies between Stockwood and the old village of Whitchurch, approximately 6km south of Bristol City Centre. The site is located outside of the Housing boundary within the Green Belt designation. It comprises approximately 13ha of land currently used for grazing. The site is bounded by a mobile home park and existing residential development to the south and residential development to the north. Adjoining the site to the west is an area of woodland beyond which lies the course of a former railway line. To the north east of the site immediately adjoining the site boundary, there is an area of common land designated as being of nature conservation interest. Sports pitches lie further to the east beyond Stockwood Lane and Whitchurch Green, which is used as open amenity space, lies directly to the north east of the site.

The site slopes from a high point of approximately 93m AOD at its south east boundary, to approximately 76m AOD at the northwest corner providing a fairly even gradient of 1:30 across the site. There are a number of existing hedgerows running through the site some of which include well established tree groups. The site is also bounded by existing hedgerows, particularly along the eastern side.

The only vehicular access into the site is that which serves Manor Farm in the south east corner. This is a low category informal road designed to serve only the farm and its

associated buildings and uses. There are existing public rights of way running through the site. A route through the site is safeguarded in the Local Plan for the route of the Whitchurch bypass.

THE PROPOSAL

The application is made in Outline with all matters reserved other than the access. 295 dwellings are proposed comprising 192 open market dwellings and 103 (35%) as affordable units. Although the details of the development are not for consideration at this stage the design and access statement indicates that the development would include a mixture of one to five bedroom dwellings which may include some flats with associated vehicular access, amenity space and parking.

5 hectares of public open space are proposed. This would include 1.6 to 1.8 hectares of outdoor sports provision which would be located in the flatter part of the site to the west and 2 play parks. Other areas of open space including a green wedge running across the site, an attenuation area and land beyond the safeguarded A37 bypass land together would form part of a wider green network of publicly accessible open space which would include a green way link along the existing footpath BA26/2.

There is an indicative design concept set out within the design and access statement. This includes an indication that development would be a mix of two, two and a half storey and some three storey landmark buildings. Around the site edges it is suggested that development would be limited to two storey. Dwelling height maximums are indicated to be 12 metres.

It is indicated that the design would take its inspiration and design cues from the existing character of Whitchurch Village rather than the area to the north within Stockwood. A combination of red brick and light render would be used along with grey stone walls. Roof materials would generally be profiled tiles or slate effect, reflecting the traditional vernacular materials in the area. Along key frontages to the public realm brick walls, metal railings and hedging would be used to clearly define property boundaries and areas of public and private realm whilst to the rear of properties close board or larch lap fencing would be used.

Sustainable construction measures are suggested to comprise of a combination of the following. Improved energy efficiency through siting, design and orientation of buildings. Sustainable Urban Drainage Systems (SUDS). Retention of existing vegetation in areas of wildlife and ecological value where possible. Local sourcing and recycling of materials.

It is proposed that the site would be served off two new vehicular access points located along Stockwood Lane. The primary access would be formed by the realignment of Stockwood Lane and the construction of a roundabout junction. A secondary access point would be located to the south of the primary access point again along Stockwood Lane. This would take the form of a simple T-Junction priority access and would also provide a vehicular link into Manor Farm to the south of the site. A greenway link through the site would encompass an existing footpath link. It is suggested that other footpaths may be realigned.

The applicant has submitted the following documents in support of the application - Design and Access Statement, Planning Statement including Regeneration Statement,

Affordable Housing Statement and Draft Heads of Terms, Summary of Pre-application Consultation, Noise Assessment, Waste Strategy, Air Quality Assessment, Flood Risk Assessment, Green Infrastructure Strategy, Landscape and Visual Assessment, Heritage Statement including Archaeological reports, Interim Travel plan, Preliminary Geo-Environmental Report, Sustainable Construction Checklist, Traffic Modelling Report, Transport Assessment, Ecological Assessment.

HISTORY

DC - 11/03236/OUT - RF - 13 October 2011 An application for Residential development (up to 295 dwellings) including infrastructure, ancillary facilities, open space, allotments and landscaping. Construction of two new vehicular accesses from Stockwood Lane was refused. An appeal was lodged but was subsequently withdrawn.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PLANNING POLICY OFFICER comments made 26th April 2013 -

1. This proposal is inappropriate development in the Green Belt in that it entails the construction of new buildings which affects the openness (NPPF para 89). The NPPF presumption in favour of Sustainable Development (NPPF paras 14 & 49) does not apply in this case, even where a 5 year housing supply against an adopted Local Plan cannot be demonstrated (see footnote 9 to NPPF para 14). However the applicant seeks to demonstrate very special circumstances re 5 year land supply and affordable housing to justify the development of the site. The Planning Policy comments in respect of very special circumstances is set out below.

2. It is accepted that the Council cannot demonstrate a 5-year supply of housing and against an adopted Local Plan. The housing policies in the B&NES Local Plan are out-of date and the Core Strategy (Part 1 of the new Local Plan) is under preparation but not yet adopted.

3. The up-to-date position on the Core Strategy is that it has been submitted for examination with the hearings due to resume in July 2013. In response to the Inspector's concerns, the Council has made changes to the Core Strategy to meet the objectively assessed requirement for housing. These changes were subject to consultation between 26th March and 8th May 2013. The changes include the proposal to release land from the Green Belt at Bath, Keynsham and Whitchurch/SE Bristol.

4. Whilst the Core Strategy is at an advanced stage of preparation and Council has identified Whitchurch/ SE Bristol as a location of Green Belt release, limited weight can be given to the Council's new housing target and its proposed strategy for meeting this requirement at this stage. Whilst the Council has consulted on changes that will enable the provision of a 5 year supply of housing plus 20% (actually 40%), those changes remain to be tested through the examination process.

5. However, a key part of the evidence base used to determine the housing requirements are the Interim 2011 Based CLG Household Projections. These were published on April 9th 2013 and for B&NES equate to annual growth of 440 per annum. Further analysis is needed of this projection (particularly the way that they deal with the growth of students) but for the present purpose they are taken as published.

6. In respect of 5 year supply, this would result in a requirement of 3,080 homes from 2011-18, rising to 4,247 once the shortfall from the previous Local Plan period is added. In 2011/12, 463 homes were completed and for 2012/13, 461 homes are forecast. This is 924 in total. If these completions are deducted from the target of 4,247 to 2018 the residual is 3,323; increasing this figure by 20% equals 3,987. This is the five year requirement in the context of the latest household projections and the previous Local Plan shortfall.

7. The current version of the housing delivery trajectory for the Core Strategy period, incorporating the latest changes and proposed Green Belt sites, identifies a potential supply of 4,423 between 2013 and 2018. This is a surplus (over the 20% buffer) of 436 i.e. a 33% buffer. Development at Whitchurch/SE Bristol (120 units) forms part of anticipated 5 year delivery.

8. Whilst limited weight can be given to the housing policies within the Core Strategy at this stage, the fact that the document is at an advanced stage is relevant as it demonstrates that the Council is on a clear path to putting in place a plan-led programme for the future development in B&NES. Whilst Whitchurch is proposed for growth, and exceptional circumstances (NPPF para 83) have been identified to justify a change to the Green Belt here, limited weight can be given to this proposal given that alternatives have yet to be tested in public via examination. The positive outlook in prospect of 5 year land supply in light of the latest CLG household projections is also an important consideration. On this basis the Planning Policy advice is that the demanding test of very special circumstances are not present that would support the conclusion that a Green Belt release for a major housing development is necessary at Whitchurch at this time.

9. Moreover, if the release of land at Whitchurch is found sound through the examination process, the Place making Plan (Part 2 of the new Local Plan) which is also currently under preparation, will identify the precise location for the development of 200 dwellings, provide a revised detailed Green Belt boundary and identify whether safeguarded land is required (NPPF para 85). Until this process has been undertaken, it is considered that under the extant guidance (The Planning System; General principles) para 17, this proposal should be refused for reasons of prematurity because granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.

HIGHWAY OFFICER comments made 20th November 2012 - Whilst there are unlikely to be any highway objections in principle, regarding the proposed development, subject to satisfactory resolution of our concerns, there remain too many unknowns to ascertain the impact of the proposed development and for planning permission to be granted.

Access cannot be approved; it is not a reserved matter, unless a detailed design with independent safety audit has been received for consideration. Furthermore, concern is expressed regarding forward visibility on the southbound approach to the proposed roundabout and the northbound approach to the priority junction on the northbound approach.

In addition to the above, whilst appearing to protect the Whitchurch Bypass route (Policy T17), as detailed, this does not appear to align with the crossing point on Staunton Lane.

Whilst pedestrian routes through/across the site appear to have been considered, no indication has been given to cycle routes and connections which should be convenient and direct in order to encourage sustainable travel.

Regarding the Transport Assessment, which has been examined in details by our Transportation Planning Team, our comments are as follows:

1) The submitted Transport Assessment (TA) does not adequately address issues raised in the Transport Assessment Scoping Study Review, prepared by Mott MacDonald (Sept 2010). This report was prepared in response to the original TA Scoping report, for the earlier application on the same site.

2) Trip rates.

The transport assessment includes trip rates from TRICS and a local traffic survey. Neither the TRICS outputs or the full traffic survey data has been provided. However, the local trip rates adopted (which are slightly higher than the TRICS values) provide a suitable approach.

3) All mode trip generation.

The all transport mode trip generation analysis uses 2001 census (mode of travel to work) data for Stockwood and Hengrove wards, plus data for the whole of Bristol City Council area. The development is within Whitchurch civil parish, so data for Whitchurch should be used, this has not been provided. As a result, this limits the relevance of the data provided.

4) Effect of Interim Residential Travel Plan.

The Interim Residential Travel Plan suggests that it will achieve car driver levels equal to the whole of Bristol City Council area. The applicant states this is equivalent to an 8% reduction. In fact, a reduction from 63% to 55% is equivalent to -12.6%. The applicant has therefore confused changes in percentage points with percentage reduction. No evidence is provided to support this level of trip reduction and figures in Table 6.6 do not accord with figures in the text. A more sensible approach would be to undertake a review of travel plan research and link actual mitigation measures with trip reduction.

5) Use of G-BATS3 model.

The SATURN modelling was undertaken with a higher number of units, but lower traffic flows, resulting in 'similar traffic generation predictions'. However, no figures are provided to support this statement and reporting of the SATURN modelling work is therefore unclear. It is also reported that existing queues and delays are under-represented in the model. The results of the SATURN modelling work therefore has little value and should be discounted.

6) Capacity Analysis

Para. 7.13 states that there won't be peak period growth on A37, but there will be peak spreading. This is still peak period growth, which will lead to an increase in queues and delays. Modelling was undertaken for 2010 only. It is not acceptable to undertake modelling on past years. Normally we would expect to be consulted on this issue and

would recommend modelling the year of opening and year of opening plus 5 or 10 years, depending on the size of the proposed development and proximity to the primary route network. (Given the location of this site and existing flows on A37, 10 years is recommended)

7) Craydon Rd/Stockwood Rd.

It is proposed to convert this junction from priority control to a mini roundabout, in order to accommodate traffic from the proposed development. This junction is within Bristol City Council's (BCC) area, so the applicant needs to secure BCC's consent before we can be confident that this junction alteration can be delivered.

8) Accidents

The TA fails to report that 50% of the injury accidents within B&NES (6/12) involve motorcycles.

9) Distribution

The Transport Assessment suggests that new residents will be encouraged to use Craydon Rd to the north and 64% of outbound AM peak trips are assumed to travel north (Craydon Rd/Stockwood Rd and Stockwood Lane). There is no evidence to support this distribution and Bristol City Council's view should have been sought on this issue before submitting the application. Craydon Road, Stockwood Rd and Stockwood Lane are all residential roads which are considered to be unsuitable for additional development traffic. Distribution estimates could have been informed by the junction count that was undertaken by the applicant at the Staunton Lane/Staunton Fields junction. Given these problems, little weight can be given to the results of the Paramics model.

10) Access Junction

In his email dated 10/8/10 (made for the earlier application on the same site) Matthew Cockburn of Bristol City Council raised an issue about the form of the access junction and the effect this may have on route choice into Bristol. He also requested a road safety assessment/audit on Bristol City Council roads just north of the sites. These queries have not been assessed in the Transport Assessment. Whilst we have not yet received Bristol City Council's comments on the current application, it is understood that their comments are unlikely to be any more favourable and concerns may even be strengthened. This Council will also require a safety audit on the access junctions.

11) A37/Staunton Lane junction.

The Paramics model is insufficient to test the effects of the proposed development on the A37/Staunton Lane junction. This assessment should have been undertaken using specialist software for signal junctions, using Linsig version 3.

12) Figure 5: Bus route plan.

There appear to be services missing from Figure 5, including services 67, 636 and 379.

13) Proposed Whitchurch Bypass

The transport assessment does not state the width that has been allocated for the proposed Whitchurch Bypass. It appears that only a relatively narrow alignment has been provided and elements of the development are located too close to this alignment, potentially providing insufficient separation.

A detailed bypass design has yet to be prepared for this scheme, but the alignment needs to provide for footways and verges on both sides of the carriageway. 16m would be a suitable width.

14) The needs of pedestrians and cyclists has not been adequately addressed in the Transport Assessment, including access to local schools.

Bearing in mind the above, the highway response is currently one of OBJECTION as the proposed development is contrary to policies T17, T24 & T25 of the adopted Bath and North East Somerset Local Plan.

Subject to the satisfactory resolution of the above, and completion of a S106 Agreement in accordance with the Council's requirements, there is unlikely to be any highway objections subject to conditions. However, the impact must be fully understood in order to ascertain what will be required with regards the S106 and we need to ensure that the designs of the accesses pass Audit and meet safety standards.

Additional comments made 27th February 2013 - Additional submissions have been made however I do not consider matters have moved on sufficiently to remove the highway Objection of 20th November 2012, save that reference to Policy T17 can be dropped.

HIGHWAYS DRAINAGE OFFICER comments made 26th November 2012 I have reviewed the proposals in particular the addendum to the Flood Risk Assessment written 14/10/2011. This addendum allayed the concerns of Wessex Water, Bristol City and the Environment Agency and has been submitted as an appendix to the current flood risk assessment for planning application 12/04597/OUT. I assume therefore that the points in the flood risk assessment addendum are part of the applicants proposals under 12/04597/OUT.

In the letter of 22/11/11, the Environment Agency proposed two surface water planning conditions. We support the establishment of these conditions on any outline planning permission granted. I believe that Wessex Water and the Environment Agency will be requesting conditions relating to other matters as well.

WESSEX WATER comments made 26th November 2012

Surface Water Drainage

As previously advised surface water disposal from the site affects the interests of Wessex Water; the Environment Agency and Flood Risk and Drainage Departments of both B&NES and Bristol City Council. Wessex Water is satisfied in principle with the surface water strategy in so far as it affects our interests.

Foul Water Drainage - There is limited capacity in the downstream foul sewerage network to accommodate the foul flows generated from this development. Mitigation works have been identified but arrangements not yet agreed. In view of these circumstances we request a planning condition

ENVIRONMENT AGENCY Comments made 19th December 2012 - No objection in principle subject to conditions

ENVIRONMENTAL MONITORING Comments made 3rd December 2012 - The application shows only minor increases in Air Quality and no exceedence of the air quality

objectives. The only concern would be the impacts which occur during the construction which should be managed/minimised by a Construction Management Plan.

PUBLIC RIGHTS OF WAY OFFICER comments made 1st November 2012 - The development shows proposed changes to the routes of the public footpaths BA26/8 and BA26/7. Planning permission should only be granted on the successful diversion of the two footpaths in question.

LAND CONTAMINATION OFFICER Comments made 16th November 2012 - A Preliminary Geo-Environmental Report has been submitted. Taking account of the findings further clarification of some matters is required and conditions to address these matters are suggested.

ENVIRONMENTAL HEALTH OFFICER Comments made 27th November 2012 - The detailed noise assessment provided has made recommendations in line with relevant British Standards. It has also identified that several properties on the proposed site may fall into Noise exposure Category B (NEC B) (as was formerly defined by PPG 24). It is anticipated that the applicable acoustic criteria will be achievable by way of noise control measures incorporated into the site and building design. The principal method of mitigating noise will be by way of adequately specified sound insulating external building fabric, particularly the glazing and ventilation systems. It is anticipated that relatively high specification glazing systems will be required in certain areas of the development site, potentially incorporating heavyweight laminated glass within double-glazed systems and/or secondary glazing installed on wide airspaces, particularly for habitable rooms facing directly towards the road. It is likely that lower specifications of glazing will be adequate for other façades facing away from dominant noise sources. In addition to the above, it is likely that some form of acoustically attenuated ventilation will be required, particularly to façades overlooking dominant noise sources, to ensure that internal acoustic criteria may be achieved whilst maintaining an adequate provision of ventilation.

HOUSING SERVICES comments made 20th November 2012 -The proposed development would in accordance with the Councils policies generate a requirement for affordable housing. The application does reference that affordable housing will be included in accordance with Local and National Policy and relevant SPD and that the application will make provision for 35% affordable Housing with the tenure split in accordance with the relevant SPD. A Section 106 legal agreement would need to secure all of the necessary requirements.

If permitted Housing services would require that the development is delivered to the needs / mix identified in the B&NES SHMA. Is fully compliant with B&NES planning Policy HG.8. Is Fully compliant with the requirements & standards of B&NES SPD + annexes. Is fully complaint with the Ark report `Opening Doors Improving access to affordable home ownership.

There are a range of detailed considerations that apply to the affordable housing requirements that would be required and these are set out in full within the Housing Officers consultation response. The applicant is advised to discuss the requirements further with the Housing Officer at an early stage.

EDUCATION OFFICER comments made 16th November 2012 The proposed development would generate a need for education provision to be secured by legal agreement in accordance with the Councils Planning Obligations Supplementary Planning Document (2009).As the precise housing mix is not known at this stage, average yield figures have been applied to calculate the number of children that will be generated by the development and the contributions that would be required.

Early Years age 0-2 places - 11.8 places at a cost of £221,127.28

Early Years age 3-4 places - 32.45 places at a cost of £608,100.02

The Childcare Act 2006 made law from April 2008 that Local Authorities have a statutory duty to ensure sufficient childcare is provided. There is no existing Early Years provision in Whitchurch that can be expanded to create more places, this facility will need to be located on the development site and the developer would be required to provide the land for this as part of their contribution.

Total for Early Years provision £829,227.30 plus sufficient land at nil cost to the Council for this to be located on the development site.

Secondary age pupil places - 44.25 places at a cost of £0. Sufficient provision is projected to be available at Broadlands school to serve the children generated by the development.

Post 16 places - 11.8 places. Broadlands school does not operate a sixth form. It is possible that some or all of the sixth form pupils generated would be able to be accommodated in existing provision in Keynsham at Wellsway school. If there was projected to be a shortfall of sixth form places, a developer contribution to expand existing off-site provision in Keynsham would be sought.

Updated comments 26th November confirm a contribution for sixth form places for the proposed development will not be sought.

Primary age pupil places - 91.45 pupils at a cost of £1,188,156.80. This area is served by Whitchurch Primary School, which is projected to be at capacity by 2016. Latest pupil projections indicate that by the start of the 2016 academic year there will be 206 pupils on roll at the school. Adding pupils from other previously approved housing developments in this area, the total number on roll is projected to be 220. Bristol City Council is also projecting that all of the primary school places in the adjacent area of Bristol to the north of Whitchurch will be full within this same period, therefore there is neither the ability for pupils generated from this development to go to a Bristol school nor for Bristol resident pupils at Whitchurch to be displaced to a Bristol school. A contribution is therefore required for all of the pupils expected to be generated by the development.

An assessment of Whitchurch Primary school has shown that the school would need to expand from 210 places to 315 in order to accommodate the pupils generated by the development and the school site and buildings would need to be enlarged in size. This would require capital to build the additional accommodation and an additional area of land to be provided on the development site to bring the total school site up to the appropriate size for a school with this number of pupils. This land would need to be provided by the developer at nil cost to the Council in addition to the financial contribution required to build the additional accommodation to provide the school places.

Whitchurch School site comprises a single elongated permanent build block, tarmac team games courts and a grassed team games playing field. The school accommodation fills its location with no possibility of extensions or new-build block sufficient for expansion to 315. The only available sites for any new-build development would be on the tarmac games courts and grassed playing field at the rear of the school. A new block could be built on the tarmac games courts but this facility would then require replacement. The assumption is that this would be a replacement tarmac games court which would adjoin the present tarmac area or be located on the grassed playing field. (If the facility replacement were a Multi Use Games Area (MUGA) this would also have to be located on part of the playing field).

The result is that the remaining playing field land then becomes too small to meet the minimum Sport England primary pitch size (2,500 sqm including run off). There is no other space on the school site where replacement of the grassed playing field is feasible or where an all-weather pitch of the correct size and dimensions could be provided and therefore a replacement playing field of a topography, condition and finish sufficient and suitable to deliver team games sports for primary age children will be required in order to allow expansion on the present Whitchurch site.

The school is situated on a busy main road and also parts of Staunton Lane do not have a continuous pavement. If the additional school land provided is not directly accessible from the current school site, there could be issues regarding the management of pupils accessing the detached part of the school site which would require careful consideration. Looking at the Master Plan it would appear that a footpath is proposed to run from the end of The Witheys on to the development site. Initial discussions with the Headteacher indicate that a playing field dedicated for school use located on the development site that could be accessed via a safe, secure route within easy walking distance from the school could be acceptable to the school. The proposed expansion of the school is subject to final agreement with the Headteacher and Governing Body.

If the pupils generated cannot be accommodated at an enlarged Whitchurch Primary as detailed above, a new 210 place primary school would need to be provided by the developer on the development site.

Total for school places £1,188,156.80 plus sufficient land at nil cost to the Council for the provision of a school sports pitch for Whitchurch Primary school.

Youth Services provision places - 29.5 places at a cost of £39,353.00

This contribution applies to all new houses of 2 beds or more as existing provision in Bath and North East Somerset is sufficient to meet the needs of the current population only.

Total for Youth provision £39,353.00

Therefore a total contribution sought of £2,056,737.10 plus land for an onsite Early Years facility and land for a school sports pitch.

As build costs are reviewed each financial year, the figures quoted may need to be recalculated if a Section 106 agreement or Unilateral Undertaking for this development has not been signed/completed by 31st March 2013. All developer contributions will be at the prevailing rate at the time of signature of the Section 106 agreement or completion of a Unilateral Undertaking document.

Further comments made 21st March 2013 - This development would result in a cost to the Council to pay for home to school transport for secondary age pupils as the nearest available walking route between the development site and Broadlands school is hazardous. The pedestrian route between the development site and Whitchurch Primary school would need to be a safe route - have a continuous pavement and safe crossing points if/where necessary.

ECOLOGY OFFICER comments made 23rd November 2012 - The proposed development site lies immediately adjacent to and between two Sites of Nature Conservation Interest with known habitats of ecological value and sensitivity. The proposed development site lies close to Stockwood Open Space Local Nature Reserve and Wildlife Trust Reserve.

Objections are raised to the proposal due to insufficient consideration of likely ecological impacts, especially with regard to adjacent and nearby designated Local Nature Reserve and Sites of Nature Conservation Interest, and insufficient information to demonstrate adequate ecological mitigation for impacts on these sites, and for impacts on hedgerow and grassland habitats within the proposed development land, for which there is insufficient quantitative information to properly assess impacts and mitigation requirements.

Reference is also made to comments submitted in connection with application reference 11/03236/OUT which are advised to still apply.

Further comments made 18th March 2013 - Following additional submissions No Objection subject to conditions

CRIME PREVENTION OFFICER comments made 23rd November 2012 - When a detailed planning application is submitted it is a requirement to include a section that shows that security and safety have been considered and demonstrates how this will be achieved. Failure to address this fully would result in an objection being raised.

ARCHAEOLOGIST comments made 26th November 2012 - The above proposed development site has been the subject of detailed archaeological investigation, including: (a) desk based assessment, (b) geophysical survey, and (c) field evaluation by trial trenching. This work has all been carried out in consultation with the council's archaeological officer and in accordance with approved method statements (written schemes of investigation). This work has revealed a number of significant archaeological features, including a Bronze Age ring ditch and Romano-British enclosures/occupation that are clearly of regional importance, and medieval to post-medieval field boundaries, banks and drainage ditches that are deemed to be of local importance. The heritage statement (executive summary) submitted with the application confirms an agreed approach that would preserve in situ the most significant archaeological features within the proposed amenity areas and public open space:

Further details concerning the exact position of the proposed roundabout and access road were submitted by email on the 4th October 2011 (Drawing No H370/6), and confirm that there would be no direct impact from these works on the archaeological features identified for preservation in situ. I would therefore recommend that conditions are attached to any planning consent:

PARKS OFFICER - Comments made 21st March 2013 - Given that the application seeks to have access determined, with all other matters reserved, these comments and any contributions required are indicative only at this stage. It is noted that the application includes a Concept Masterplan and it is this that has been used to assess the proposed open space provision. The annotation on the Concept Plan notes that the level of residential provision proposed would result in a resident population of 680 persons: This figure has been used as the occupancy that will create demand for open space.

It should be noted that there is no requirement for natural open space to be provided, by reason that Whitchurch is classed as a rural Parish with resultant easy access to open countryside.

The Council's data shows that there is a deficit of 1.33ha and 0.39ha in respect of formal green space and allotment provision respectively. There is therefore a requirement for the development to provide either on or off site provision to meet the demand generated by the development, or a capital contribution to the Council to provide such provision. Given the occupancy of 680 persons the development would be required to provide 1.02ha of formal green space and 0.204ha of allotment provision.

The key to the Concept Masterplan notes that 1.02ha of formal green space is proposed, with the same amount as natural green space. Other provision is also proposed as noted on the Concept Plan. It is not clear which areas of the site are proposed as formal or natural provision, but as stated above there is no requirement to provide natural open space, and the proposed provision is therefore well in excess of what is required by the Council's adopted Planning Obligations SPD.

The Concept Masterplan also shows a strip of land that is safeguarded for the A37 Bypass, which is addressed by Policy T.17 of the Council's adopted Local Plan. Given the Inspector's decision and comments relating to the Sleep Lane proposals in Whitchurch in the context of the bypass proposals, it may be that the case officer considers it unnecessary to safeguard the part of the site shown. This would be welcomed in green space terms, as if there is no need to safeguard the route for the bypass then an area of green space of greater quality will result.

Also shown on the Masterplan is an area of allotment provision equating to 0.2ha. This is broadly in accordance with the Council's adopted Planning Obligations SPD, which requires provision of 0.204ha. Given the outline form of the proposals the allotment provision is shown in an indicative location, which is considered to be appropriate. The applicant should be advised that due consideration should be given at the detailed design stage to vehicular access to the allotments to allow for transportation and unloading of tools etc that will be required. Consideration should also be given to security and the provision of a water supply to serve the allotments.

Given that the provision of natural open space is not required by the Council's adopted Planning Obligations SPD, the following contributions have been prepared on the basis that all of the provision shown on the submitted Concept Masterplan is to be formal green space totalling 4.796ha. The allotment figure that has been used is 0.204ha. These two figures are equal to 5ha, as detailed on the Concept Masterplan.

Formal green space provision:

Land purchase: NIL

Construction costs: NIL

Annual maintenance: £2,028,228.40

Enhance existing facilities: NIL

Allotment provision:

Land purchase: NIL

Construction costs: NIL

Annual maintenance: £20,359.20

Enhance existing facilities: NIL

It should be noted that the developer would be expected to maintain the on-site provision to the satisfaction of the Council for a period of no less than 12 months. After this time the developer would be required to demonstrate that the provision will be permanently maintained and managed, for example through a management company, or dedicate the provision to either the District or Parish Council and make a capital commuted contribution to cover their maintenance for a 10 year period. The maintenance contributions detailed above represent the annual cost of the maintenance of the provision.

I would recommend that any Section 106 agreement makes reference to the Council's Planning Obligations SPD and includes details of the calculation that will be used to determine the Section 106 contributions that will be required, rather than setting out precise figures that may need to be adjusted once the detailed design is finalised.

The above contributions have been calculated in accordance with the Community Infrastructure Levy (Amendments) Regulations 2012 and the Council's SPD 'Planning Obligations' adopted July 2009.

LANDSCAPE OFFICER - comments made 26th November 2012 - No objection subject to conditions. There is a concern relating to the change along Stockwood Lane. A greater degree of vegetation along the south side of the new roundabout is sought so that the houses are set behind vegetation as opposed to a very hard urban approach to a housing estate. This should be extended as far as the first entrance into the scheme itself. Public access and direct and logical routes need to be provided throughout and retention and on-going management of perimeter vegetation is key.

URBAN DESIGN OFFICER comments made 16th November 2012 -

Amount

The proposal appears to have considered the provision of housing and open space within the context of the localised landscape and provision of green infrastructure and open space. However the proposal represents a gross density of about 23 homes per hectare (or less than 30 per hectare on c70% net developable land). Given the size and variety of development form and density within Whitchurch, there is scope to establish a range of development density within the site without harm to the urban context, should the principle of development be established. The balance between landscape and open space provision, the area covered by homes and housing density should be reviewed to achieve optimum efficient use of green field land should the proposal move forward. It is acknowledged that the protected line of the Whitchurch by pass and adequate buffer space contributes to the area of undeveloped land.

Layout

The point of access appears logical. However, the cul de sac nature of the vehicle access will intensify traffic movement along the initial section of the access road, creating greater danger and severance of the southern housing area from the LEAP, open area and kickabout. Consideration should be given to secondary/ dispersed access and speed reduction design. It is acknowledged that pedestrian and cycle links are indicated to the west and north.

Form and Appearance

It is noted that the DAS begins to assess character. However, at this point no details are provided. The DAS does demonstrate a logical analysis of the site and may be an appropriate foundation to develop the scheme should the principle of development be established.

Bristol City Council - Comments made 18th February 2013 - object - The proposals constitute inappropriate development within the Green Belt. The application is premature, pending a full appraisal of other strategic options for delivering additional housing, which will be considered as part of the Council's Core Strategy Examination.

Further comments made 22nd March 2013 - add further objections on the basis of the above and in addition highway issues and the closing of an important gap.

Keynsham Town Council Objected with comments - The proposed development is in the Green Belt, in an area that forms part of a nature conservation site and is not included in the Local Plan. Concerns have been raised in respect of the envisaged increased traffic on Stockwood Lane into Keynsham and from Staunton Lane onto Charlton Road.

Whitchurch Parish Council Object and comment that the adopted Local Plan and NPPF are key policy consideration. The development would be harmful in the Green Belt. There are no very special circumstances in this case to justify approval of the development. The existing roads are congested and would become more so. Local schools are at capacity and 92 primary school places and 34 secondary school places will be required. The site is poorly served by public transport and the development would be unsustainable.

Avon Wildlife Trust comments made 26th November 2012 - The Trust supports the detailed comments made by the Council's ecologist and agrees that further quantitative information and more robust proposals for mitigation and compensation are needed to demonstrate compliance with existing natural environment policies. We are very

concerned about the impact an additional 295 dwellings, associated human/domestic pet disturbance, lighting, noise and other pollution will have on adjacent SNCI's which are protected sites under Bristol City Council's Local Plan and on our nearby nature reserve at Stockwood open space. This impact has not been assessed properly, quantified or any mitigation/compensation outlined. A precautionary approach must be applied and the application refused. In addition comments are made regarding the development being inappropriate within the Green Belt and the development is in conflict with emerging proposals for a Green Infrastructure Network.

Councillor Charles Gerrish - I believe the highways information by the applicant is incomplete, and thus inaccurate and flawed. No account has been taken of the impact of increased traffic onto Stockwood Lane and thus using Stockwood Hill which is a substandard road and already subject to overuse, equally there is also potential impact onto Charlton road in Keynsham, already over used for a residential road, for drivers seeking to access east Bristol.

Friends of Stockwood Open Spaces - We oppose the application. In planning terms, it is an assault on the green belt, extending the urbanisation of Bristol's green boundaries without even any attempt at justification. It appears that neither Bristol nor B&NES Core Strategies would readily tolerate, let alone encourage, development of any kind on this site.

In sustainability terms, the proposals merely add to the existing imbalance toward housing in the area, threatening significant added strain on such key services as school places, health services, employment, and road capacity. The applicants should be embarrassed by the weakness of their 'green infrastructure' and 'travel' submissions, which appear to be merely tokenistic. On both these counts, the proposals would make things worse, not better.

Whitchurch Village Action Group - Oppose the application. The application is premature pending consideration of the RSS. It would have a significant adverse impact on Whitchurch and its residents.

Third parties

585 Letters of objection have been received on the following grounds:-

- Contrary to Green Belt Policy with no special circumstances
- Planning Policies of the Local Plan / Draft Core Strategy
- Impact on wildlife/habitat
- Impact on the highways
- Lack of amenities such as schools health care and shops
- Whitchurch village would merge with Stockwood
- The village would double in size
- Loss of security
- Lack of sustainable transport eg bus routes

POLICIES/LEGISLATION

ADOPTED LOCAL PLAN

"Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007" was adopted October 2007. Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

IMP.1 Planning obligations
SC.1 Settlement classification
CF3 Community contributions
SR3 Recreational facilities
D2 General Design and public realm considerations
D4 Townscape considerations
T1 Over arching access policy
T3 Promotion of walking and use of public transport
T5 Cycling Strategy: improved facilities
T6 Cycling Strategy
T7 Cycling strategy strategic.
T8 Bus strategy
T17 Land safeguarded for major road improvement works
T24 General development control and access policy
T25 Transport assessment and travel plans
T26 On-site parking and servicing provision
ES.2 Energy conservation
ES3 Gas and Electric Services
ES.4 Water supply
ES.5 Foul and surface water drainage
ES.9 Pollution and nuisance
ES12 Noise and vibration
ES10 Air Quality
ES.15 Contaminated Land
GB.1 Control of Development in the Green Belt
GB2 Visual amenities of the Green Belt
NE.1 Landscape Character
NE5 Forest of Avon
NE9 Locally important wildlife sites
NE10 Nationally important species
NE11 Locally important species
NE12 Natural Features
NE14 Flood Risk
BH.12 Archaeology
BH22 External lighting
HG.1 Meeting the District Housing requirement
HG.4 Residential development in the urban areas and R.1 and R.2 settlements
HG7 Minimum residential density
HG8 Affordable housing on allocated and large windfall sites
HG10 New dwellings outside settlements.

Joint Replacement Structure Plan - adopted September 2002

Policy 1
Policy 2
Policy 4
Policy 16

Policy 17
Policy 18
Policy 19
Policy 33
Policy 35
Policy 59

Regional Planning guidance 10

Policy VIS10
Policy SS2
policy SS3
Policy SS4
Policy EN1
Policy EN2
Policy EN5
Policy HO1
Policy HO2
Policy HO3
Policy HO6
Policy TRAN1
Policy TRAN 2
Policy TRAN 3
Policy TRAN4
Policy TRAN10
Policy RE2

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. However as it is not yet part of the statutory Development Plan the Council attaches' limited weight to policies objected to but substantive weight to those policies not objected to within the amended Core Strategy in the determination of planning applications of this type in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

RA1: Development in the Villages meeting the listed criteria
CP2: Sustainable construction
CP5 Flood Risk Management
CP6 Environmental Quality
CP7 Green Infrastructure
CP8 Green Belt
CP9 Affordable Housing
CP10 Housing Mix
DW1 District-wide spatial Strategy

NATIONAL PLANNING POLICY FRAMEWORK

National Planning Policy Framework (March 2012) can be awarded significant weight in this case.

Adopted Supplementary Planning Document Planning Obligations 2007

OFFICER ASSESSMENT

RELEVANT POLICY

The Development Plan in B&NES currently comprises RPG10 (until abolished by Sec of State); saved policies from the Joint Replacement Structure Plan and saved policies from B&NES Local Plan. The NPPF is a material consideration in planning decisions.

Given that the Local Plan was adopted under the provisions of the 1990 Act paragraph 216 of the NPPF applies in relation to the weight that can be attached to it. This means that if there is inconsistency between the Local plan and the policies in the NPPF greater weight should be given to the policies in the NPPF.

In the present policy context, applications are primarily to be assessed against the NPPF with permission being granted for sustainable housing applications unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or unless specific policies in the NPPF indicate development should be restricted.

GREEN BELT

This assessment has been undertaken in the context of the National Planning Policy Framework. NPPF 88 requires that the Council should ensure that substantial weight is given to any harm to the Green Belt.

The application site is within the green belt and as a matter of logic; the decision maker should follow a sequential approach to deciding whether planning permission can be granted.

1. Does the proposal amount to inappropriate development in the Green Belt?

The Joint Replacement Structure Plan sets out the extent of the Bristol/Bath Green Belt which is illustrated in both the Local Plan and the Draft Core Strategy. The application site is entirely within the Green Belt. Policy GB.1 of the Local Plan details that permission for development will not be given in the Green Belt except in very special circumstances for inappropriate development (which includes residential development as proposed). The NPPF further confirms that the form of development as proposed is regarded as inappropriate within the green belt.

2. Would there be any impact on the openness of the Green Belt, the purposes of including land in the green belt, and the effect of the proposal on the character and appearance of the area?

The site assists in safeguarding an important gap between Whitchurch village and Stockwood. The encroachment of development onto this site would significantly affect the openness of the site resulting in significant harm to the fundamental purpose of green belts which is to retain openness. The purposes of including sites within the Green Belt is set out within the adopted Local Plan. Development of the proposed site would conflict with these purposes. A detailed analysis of the function this site performs in terms of Green Belt policy has been undertaken to inform this decision. This assessment has been undertaken in the context of the National Planning Policy Framework. NPPF 88 requires that the Council should ensure that substantial weight is given to any harm to the Green Belt. The NPPF outlines the five purposes that the green belt performs and it is important

to consider how the application site performs in relation to these purposes to understand more fully the value of the green belt in this location.

These are;

To check the unrestricted sprawl of large built-up areas;

To prevent neighbouring towns merging into one another;

To assist in safeguarding the countryside from encroachment;

To preserve the setting and special character of historic towns; and

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

The site performs an important role in respect of the first three Green Belt tests i.e. checking the unrestricted sprawl of Bristol, preventing neighbouring settlements merging which would compromise the character, identity and setting of the village of Whitchurch through closing the gap between the village and Bristol. Development of the site would also fail to safeguard a green wedge of countryside from being encroached upon. In view of the performance of the Green Belt in this location it is considered that substantial weight can and should be given to the harm that development would bring.

3. Are there any benefits of the proposal?

On the basis of the current development plan, the Council cannot currently demonstrate a five year supply of deliverable housing sites. The applicant suggests that the shortage of housing land constitutes very special circumstances. It is suggested that the proposals would deliver a wide

choice of quality housing, widen home ownership and create sustainable inclusive and mixed community. They would be in a sustainable location, there would be 35% affordable homes and the scheme would bring forward a financial benefit through the New homes bonus. The financial considerations relating to that provision are noted to be relevant to consider and have been taken into account. The scheme is also suggested to generate up to 354 construction jobs and approximately a further 708 jobs in the supply chain supporting the local community and aiding job mobility.

The applicant suggests that the shortage of housing land constitutes very special circumstances in this case and considers that significant weight should be given to that factor and the other benefits identified in the application so as to override the harm to the green belt. The wider impacts of the scheme need now to be considered so that any other areas of harm or benefit can be weighed in the balance to be struck to identify whether very special circumstances exist which clearly outweigh the harm to the green belt and any other harm.

AFFORDABLE HOUSING

The applicant has confirmed that the site would provide 35% affordable housing in line with the Council's adopted Policy. Other than providing confirmation as to the percentage of affordable housing proposed on site the applicant has not provided any further details such as mix and tenure. The Housing Officer has raised concern that the proposals are unacceptable and has set out the expectations in respect of the affordable housing that could and should be delivered if the development were to go ahead. It is considered that based upon the information provided it would be possible to incorporate and agree these details at reserved matters stage along with the working up of a detailed scheme for the site. Within the Design and Access Statement the applicant acknowledges that the tenure

split and mix of affordable housing provision will be determined by the Local Authority at Reserved Matters stage to accord with the SPD and Planning policies that apply. Notwithstanding the objection from the Housing Officer it is considered that a refusal on the grounds of concern raised could not be sustained.

FLOOD RISK

The applicant has submitted a flood risk assessment and an addendum to that assessment. The Drainage Officer has advised that the development would be capable of being acceptable subject to the points made in the addendum being secured by conditions along with other drainage matters suggested. Whilst in this regard there are a number of matters to be addressed in light of there being no objections raised on flood risk grounds and taking account of the potential to address these matters there are no flood risk or drainage concerns that would warrant refusal in this case.

HIGHWAYS

A Transport Assessment has been submitted however it is not considered to adequately quantify the impact of the development. The Highway Officer has provided detailed explanation as to the flaws within the document and consequently these flaws cast doubt on the validity and relevance of the data relied upon by the applicant to support the scheme. Furthermore opportunities to improve sustainable transport choices to reach mode choice targets have not been fully explored. This gives rise to concerns as to the highway impact of the development both in terms of sustainability and the effect on the highway infrastructure.

ECOLOGY

The proposed development would impact upon wildlife and species rich habitat. Key impacts will be on hedgerows, and loss of semi-improved grassland with some botanical diversity. This is recognised within the submission and compensation and mitigation has been proposed and the information provided is sufficient to address the concerns of the ecologist subject to conditions.

NOISE

With regard to noise it is identified that the building and site design may need specific measures to reduce noise. The proposed application is made in Outline and therefore positions of houses are yet to be determined however it is considered based upon the indicative layout scheme that it would be possible to adequately design the scheme to meet with relevant noise criteria. It has previously been suggested that the mitigation may include the requirement for a noise barrier alongside the safeguarded transport route. The applicant would need to establish if this is a requirement from the outset (i.e. this would need to be fully addressed in any reserved matters submission) to ensure that the proposed layout can accommodate this if it is a requirement so as to ensure the noise barrier has a satisfactory relationship with proposed dwellings. Subject to this it is considered that there would be no reason to refuse the application on noise grounds.

RECREATION AND OPEN SPACE

Based upon the information provided adequate green space provision would be made however that would be subject to a maintenance requirement that must be agreed and secured by a Section 106.

FOOTPATH DIVERSION

In connection with a previous scheme the Public Rights of Way Team advised there would be no objection to the planning application, so long as a condition of any planning permission is that it is not implemented until such time as the public footpaths on the site have been diverted onto the alignments shown on the Block Plan. Whilst their most recent advice is that planning permission should not be granted, there is no material planning reason why the condition as previously recommended could not be applied to overcome this issue.

DESIGN

Detailed design is withheld from consideration until Reserved Matters stage. Based on the indicative information and explanatory text provided which sets out some very general parameters as to the sort of development proposed it is considered that there are no over riding concerns to be raised with the design approach at this stage. The design and access statement suggests that 8.02 hectares of the site would be developed for residential uses (the remainder being Green Space and highways). The density equates to 37 dph (exc open space) which provides for an acceptable density in the context of the area.

LANDSCAPE AND TREES

Whilst it is agreed that there are few notable trees on the site there is a lack of clarity regarding what is proposed in respect of those that are present. It should be made clear on any submission what vegetation is to be removed or retained. The submissions made are unclear as to the impact upon trees and landscape and further clarity is required. However it is considered that there is sufficient scope to address this at Reserved Matters Stage subject to suitable conditions.

ARCHAEOLOGY

There are significant archaeological features within the vicinity of the site. The application has been accompanied by detailed archaeological information that has demonstrated to satisfaction that the significant archaeological features present can be adequately protected subject to conditions.

ADJOINING RESIDENTS

Residents have raised significant concern regarding the wider impacts of the development both locally and further away with regard to the principles of development of the site and these are noted and addressed within this report. However, it is considered that if the development were to be allowed as a principle, the development as has been indicatively shown would not affect residents immediately adjoining the site based upon the indications that the development alongside the boundary's would be confined to a maximum 2 storey height. Clearly more detailed consideration of the impact could only be made on the basis of a full plans submission and there would be opportunities to influence the detailed design at that stage to protect amenity.

EDUCATION

Whilst it is not possible at this stage to be precise in calculations required for education purposes due to the lack of clarity as to the detailed scheme, it is clear that this significant development would require a substantial educational contribution. It also appears possible if not likely that additional school buildings will be required and it is possible that land remote from the school would be required to be provided for siting those buildings on. This raises two issues first with regard to the logistical impact of running a school from two

sites and secondly with regard to the availability of a suitable site. As proposed the applicant has indicated within the draft Heads of Terms that they would provide education contributions to accord with the planning obligations SPD however the applicant's assessment of the need is not agreed with. As it stands the issue is unresolved and consequently refusal is recommended.

OTHER MATTERS

Following the Council's decision to present the revised Housing strategy to the inspector which includes the provision of 200 dwellings somewhere within the green belt in the Whitchurch area the applicant has confirmed that they would be happy to explore a reduced scheme on this site with officers. However officers do not consider that such a significant revision to the scheme could be properly accepted within the context of the current application as the implications of this are so great so as to constitute a different application which should be properly considered as such. On that basis the applicant has chosen to pursue the application as made.

The Local Planning authority have considered the development against the Environmental Impact Regulations and are of the opinion the development would not require an Environmental Statement.

This application is a departure from the development plan and in the event that it were recommended for approval it would have to be referred to the Secretary of State.

DO VERY SPECIAL CIRCUMSTANCES EXIST

The proposals for the site's development should be considered in the context of the NPPF presumption in favour of sustainable development taking into account relevant policies in relation to the site's location within the green belt. The NPPF paragraph 14 advises that where the development plan is absent, silent or relevant policies are out-of-date, permission for development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. Green Belt is identified as an area where this presumption may not apply. In this regard the NPPF paragraph 79 identifies that the Government attaches great importance to Green Belts and their protection. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In this case very special circumstances need to be demonstrated if permission is to be recommended.

Harm to the green belt has been identified in that the proposals represent inappropriate development which is by definition harmful. The introduction of up to 295 dwellings on these currently open fields would also significantly reduce openness. The application site performs an important role in respect of three of the green belt purposes. The site is a highly significant green belt site which if lost would undermine the green belt in this location. Harm has been identified to the highway network, sustainability and in respect of education provision which weighs against approving the application.

Weighed against this the development brings additional housing, including affordable housing, revenue through the new homes bonus, construction jobs and the Council is unable to demonstrate a five year land supply at this point. Paragraph 14 of the NPPF

however specifically excludes designated green belt land from the presumption in favour of sustainable development because the Government attaches significant weight to the retention of green belts. In the context of the irreversible and significant level of harm that would be caused to the green belt and the other harm identified it is not considered that the benefits would clearly outweigh the harm and they are not therefore considered to be capable of being very special circumstances in this case. The recommendation is therefore that this application should be refused planning permission.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 The introduction of 295 dwellings on a site, which is currently open fields represents inappropriate development harmful to the Green Belt. It would also harm the openness of the Green Belt and it would contribute to the sprawl of Bristol, encroach into the countryside and compromise the character, identity and setting of the village of Whitchurch through closing the gap between the village and Bristol, leading to an erosion of the rural character and the visual amenity of the Green Belt. No very special circumstances have been demonstrated that outweigh the identified harm. The proposal is therefore considered contrary to policies Policy GB.1 and GB.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 and paragraphs 88 and 89 of the National Planning Policy Framework.

2 The proposed residential development would generate a significant educational need which in the absence of any satisfactory proposals from the developer to meet that need is considered not to be satisfactorily provided for. The proposed development is therefore contrary to Policies CF3 and IMP1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007 and adopted Supplementary Planning Document Planning Obligations 2009 and paragraph 38 of the National Planning Policy Framework.

3 Inadequate information has been submitted to demonstrate that the development would not result in an unacceptable impact on the highway network and sustainable transport routes, and it is therefore contrary to Policies T.24 and T.25 of the Local Plan and paragraph 34 of the National Planning Policy Framework.

PLANS LIST:

1 This decision relates to the following list 189-000, 189-001 REV. C, 189-002 189-003 REV. C, 189-004, H.0250_02-12, H370/4 REV A, H.0250_01-5

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding the advice that was provided to the applicant in connection with this current application and discussions in relation to the issues arising during the consideration of the current planning application whereby the unacceptable nature of the proposals have been clearly conveyed to the applicant, and the applicant has been offered opportunities to address the

concerns and / or withdraw the proposals submitted the applicant has chosen to pursue the development in its current form and has chosen not to withdraw the application. Consequently and having regard to the need to avoid unnecessary delay the Local Planning Authority has moved forward and issued its decision.

Item No: 09
Application No: 12/05546/OUT
Site Location: Parcel 5400 Fosseway South Westfield Midsomer Norton



Ward: Midsomer Norton Redfield **Parish:** Midsomer Norton **LB Grade:** N/A
Ward Members: Councillor C Watt Councillor Paul Myers
Application Type: Outline Application
Proposal: Outline planning permission for up to 164 residential dwellings (C3), a 60 bed care home (C2), 200 sq m of retail/business/community space (A1/A3/B1/D1) along with 2 points of access and public open space.
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site,
Applicant: Strategic Land Partnerships
Expiry Date: 4th April 2013
Case Officer: Daniel Stone

REPORT

REASON FOR REPORTING APPLICATIONS TO COMMITTEE:

Councillors Chris Watts and Paul Myers requested that if the application is to be recommended for approval, it be referred to Committee based on the strategic nature and size of the site.

DESCRIPTION OF SITE AND APPLICATION

The site consists of an agricultural field on the southern edge of Midsomer Norton, between the Fosseway (A367) and Silver Street (the B3355). The site fronts onto The Fosseway to the East, and the existing residential area of Charlton Park to the north. To the south and west respectively are agricultural fields.

The site is located beyond the housing development boundary but has no other planning designations and is in Flood Zone 1. The southern boundary of the site forms the administrative boundary of Bath and North East Somerset with the adjoining Authority Mendip District Council.

PROPOSAL

Two planning applications have been submitted:

12/05546/OUT - This seeks outline consent for 164 dwellings, a 60 bed care home, 200 sqm retail / café / business / community space (A1/A3/B1/D1) with 2 points of access and public open space.

13/00127/OUT - This application is essentially the same, but would omit the proposed shop / café / community space, and instead seek consent for 165 dwellings.

Both applications are in outline, seeking consent for the means of access, but leaving the Appearance, Layout, Landscaping and Scale of development as reserved matters to be determined at a later stage. This means that the Council is considering the principle of the proposed housing, care home (and shop), and issues connected with the proposed access arrangements, but all other issues to be considered by means of a subsequent planning application for the "reserved matters". Issues connected with planning obligations do however need to be considered at this stage.

As the applications are essentially identical (but for the shop element) and raise the majority of the same issues, this report is intended to cover both applications. Likewise, officers accept that some objectors may have written in to object to one or other of the applications but in truth object to both proposals. Therefore the objections have been summarised and treated collectively as objections to both proposals.

In the conclusion and body of the report is a consideration of whether the minor differences between the two schemes makes any difference to the determination of the applications.

HISTORY

016561 - Erection of Supermarket with petrol station and car parking. Refused 07.01.94. Reasons for refusal: Intrusion into open countryside; loss of agricultural land; impact on vitality and viability of town centre; impact on residential amenity; unsafe means of access.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

REPRESENTATIONS:

A petition from 534 signatories was received on 4th March 2013 objecting to the proposed development. To date a total of 150 letters of objection been received to applications 12/05546/OUT and 13/00127/OUT. No letters of support have been received for either application. The responses can be summarised as follows:

Balance between Housing and Employment

- There is not enough employment to support the existing population / where will the residents work? They will have to commute to work, creating more congestion and increasing the already very high out-commuting rate.
- Midsomer Norton is increasingly a commuter town as there are no local jobs to support the residents.
- The application makes reference to employment opportunities within the Westfield job opportunities available. In recent months Integrity Print, one of the largest employers has been laying off staff. Other large employers such as Polestar (450 jobs) and Alcan (220 jobs) have closed and Welton Bibby Baron (330 jobs) is due to be relocated. Inadequate road and rail links make it difficult for new industries to be attracted to the area.
- No need for an additional care home / the care home isn't the sort of business that will support local residents.
- Principle of Development
- There are too many houses proposed. There are already hundreds of houses being erected on the old Alcan site, Withes Park, Purnels, Mardons, many of which are not selling.
- The area lacks the infrastructure to support this many new houses: junior and senior schools, doctors, dentists and policing. Local schools are at capacity, with no land onto which they can expand. The three schools discussed in the application have not been researched. Fosseyway school is a special school for statemented children with special needs, St Benedicts school is a catholic school, where priority is given to children in the catholic faith.
- Greenfield Development
- Development should go on the brownfield sites that are available within the town, not on greenfield sites.

- There are two sites earmarked for supermarkets (Welton Bibby and Continufirms sites) which would be much more suitable for residential development.
 - Approval of this application would encourage further greenfield development on the surrounding fields.
 - Object to the loss of agricultural land.
- Local Transport / Highway Safety Issues
 - Fosseway Road (A367) is a very busy, congested and dangerous road and traffic speeds are high, despite the 30 mph limit. There have been fatalities and the development will make it even more dangerous.
 - This development, with a single access point onto The Fosseway will increase traffic congestion. The Traffic Assessment shows that two of the three junctions assessed would be over capacity in the morning peak hour and all three over capacity in the afternoon rush hour. This is before the extra traffic created by the Alcan development has been factored in.
 - The development will increase already severe Rat-running through Charlton Park.
 - The application doesn't include any proposals to change the existing road layout to address the problems caused. Where can road improvements be made on Fosseway Road in order to accommodate traffic from the development?
 - There is no direct or convenient pedestrian or cycle route into Midsomer Norton or to local schools. If consent has to be granted, it should include a pedestrian route across the adjoining field and fund the creation of a pavement along Silver Street.
 - Insufficient parking for the care home (staff and visitors expected to use just 21 spaces)
 - Public transport along The Fosseway is poor.
 - The traffic surveys were undertaken at the wrong time of day.
- Strategic Transport Issues / Sustainability
 - All traffic from the site will have to travel through Midsomer Norton and Radstock along the heavily congested A367 in order to get to facilities and employment in Bath and Bristol. The development will worsen this and at present during evening rush hour the Bath New Road into Radstock is jammed for the full length of the hill. It can take anywhere between 25 - 70 mins to travel the 10 miles to Bath by car.
 - The houses are at the wrong side of town for getting to either Bristol or Bath.
- Landscape Impact
 - Loss of flat agricultural land.
 - The development would breach the existing building line, breaking out into greenfield land and creating pressure for development on the eastern side of Fosseway South, extending ribbon development along this arterial road
- Flooding
 - The site suffers from poor drainage with surplus rainwater frequently spilling onto and down the A367 and flooding the gardens of surrounding residents, including in Boundary Close.

- The detention ponds would be ineffective in overcoming drainage problems and would create a health and safety risk for children and care home residents, which will include dementia patients
- Design / Layout (The design and layout has not been confirmed at this stage)
- The development is not in keeping with the layout and design of the area and would be "bolted" onto the edge of the town rather than being properly integrated with the town
- The development will not benefit the southern approach to the town.
- The site is overdeveloped, with insufficient parking
- Amenity Impacts
 - The development will overlook and overshadow the existing residents who back onto the site.
 - Traffic noise from The Fosseway road already intrudes on sleep. The development will make this worse.
- Precedent
 - The issues raised in the objections (traffic and highway safety, loss of agricultural land, lack of school capacity) were highlighted by the Government Inspector the last time an application was made to develop the land. What has changed?
- Other
 - Concerned about the impact on ecology, within the fields and hedgerows backing onto Charlton Park.
 - The shop is not needed
 - The site is of high archaeological potential, being close to The Fosseway, a roman road.
 - The development will de-value property (note: Whilst understandably a valid concern for residents, this is not a material planning consideration.)

WESTFIELD PARISH COUNCIL- OBJECT

The Parish Council objects to the planning application on the grounds of the adverse impact on the schools and roads (particularly the A367 which is a main route into Bath). This development, combined with the proposed adjacent development would have a huge impact on Westfield. If the planning application is agreed, the impact on Westfield should be thoroughly examined and a substantial amount of S.106 funds should be allocated to improve the roads and schools in Westfield

MIDSOMER NORTON PARISH COUNCIL - OBJECT

The land is currently green-field. The development is against the Local Plan saved policy HG4 as the land is outside the current development boundary.

The land is on the fringe of the town and links to the town are not sufficient to encourage the community spirit we are trying to engender for the town.

We do not believe that the site is sustainable due to the lack of road/transport infrastructure and lack of local employment.

The development would reduce the amenity of the town removing the natural green boundary and set a precedent for further green-field developments along the south edge completely destroying the situation of the town as a semi-rural market town. Green-field development is unnecessary at this time with other brown-field options shortly to be available.

In the event that the application is to be approved, Midsomer Norton Town Council would like Section 106 contributions from the developer to address some of the issues the town sees as priorities to help integrate the development with the town centre and thereby the local community:

Greater links to the town centre via walking and cycling along with better signage to the town centre and its facilities - encourage a sense of linkage with the town centre.

Improvements to green spaces in the town which is recognised has having a shortage of such amenities and which new residents could use and feel part of and support the community

Improvements to community facilities in the town centre - particularly recreational/cultural activities for example in community buildings which with the existing 100 community groups would engender a sense of civic pride and belonging to Midsomer Norton.

Full Comments:

The land is currently in agricultural use and so this development would be building on a Greenfield site, against the direction of the Local plan. The limitation of green-field development has been carried forward into the new Core Strategy so presumably the arguments for maintaining it continue to apply.

The field provides a visual and physical boundary to Midsomer Norton and should be retained to provide a green-field border to the town. The site is outside the current development boundary for Midsomer Norton and is therefore against saved policy HG4 - [B&NES Local Plan]. Other sites under construction in the neighbourhood are delivering the local housing need and growth already and the land on the Welton Bibby and Baron Site is currently under consideration. There would seem to be no justification for allowing development on a completely new site especially as the authority's own existing SHLAA (MSN23) deems the site unsuitable.

The Town Centre is stated to "provide a wide range of employment opportunities", but the town centre is in decline at present. There are certainly not many employment opportunities and several of the areas larger employers have or are planning to relocate. [Welton, Bibby & Baron and CFH]

The developer makes much of the fact that the proposed development adjoins existing built up area but the town already has a strong edge at the boundary of the existing development and does not need a new edge.

The application mentions the lack of an adopted local plan and that B&NES had not made appropriate housing provision for the future, we would dispute that this proposed area is suitable to take any additional housing. The areas to comply with further growth are already established - Withies Bridge 112 homes and the Welton, Bibby and Baron site, the old Polestar site at Paulton and the Alcan Mardon's factory site at Westfield.

This development is against the direction of future economic strategy for our town. This looks to maintain a sense of local identity and community and will be seriously compromised by the sanction of urban spread and extension of existing housing estates around the edge of the parish.

The aspiration for the area is for improved transport links but there is no improvement planned for the main commuting routes and there is unlikely to be any improvement in the transport infrastructure in the foreseeable future. Adding more homes will only increase the problems. This proposed development is not on the greater Bristol bus network and so is more than likely to increase the out commuting from the area.

We do not believe that the development is sustainable. The NPPF demands that for development to be sustainable it must lead to economic growth. There seems to be no mention in the papers of the economic benefits of the development and its sustainability and one can only assume the developer recognises that there are none. Economic and strategic studies for the Somer Valley, and the town's own experience of the detrimental effect of excessive house building without employment and transport infrastructure investment, demonstrate the opposite. With the closure of the traditional local businesses associated with printing and manufacturing, and without the introduction of alternative employment at the present time, the outward travel to Bath and Bristol and other employment centres by the existing population should be addressed first. Given that one of the reasons put forward for the lack of employment opportunities and economic development in Midsomer Norton at the present time is the substandard road infrastructure, it is not unreasonable to suppose that increased traffic on the roads will only exacerbate the reluctance of businesses to relocate to the area.

MIDSOMER NORTON SOCIETY - OBJECT

- the proposal will provide housing without accompanying local employment, thus adding to the already high level of out-commuting,
- there are insufficient local amenities: education, medical care, recreation, etc. to support this level of development,
- the additional vehicular traffic that this proposal subtends would put unacceptable pressure on a road network that is already overstretched, and
- this site is not identified within the B&NES Core Strategy development plan, and there is already adequate availability of brownfield sites within Midsomer Norton to satisfy agreed housing targets; why is this greenfield site even being considered?

• COUNCILLORS WATT AND MYERS - OBJECT

- There is no policy justification to support the application. It is very clear that many local people are concerned about:
- Increased traffic resulting from this development upon Midsomer Norton's already congested road infrastructure.

- Sustainability in terms of the NPPF - where are all these new residents going to work - largely contributing further to the 60% commute out rate.
- The creation of a 'community bubble' at the farthest edge of Midsomer Norton with no sense of connection with the town/existing community in either literally in terms of bus routes and in a sense of belonging.
- The existing SHLAA (MSN23) deems the site unsuitable and it remains clear that it is not required to maintain housing supply for the Somer Valley. The Somer Valley has not only consistently delivered new housing supply but also has a robust supply for the next five years.

Midsomer Norton housing supply - reviewing the original Core Strategy period April 2006 to March 2026, by 31st December 2012, Midsomer Norton had already completed/given permission to 439 houses - 74% of its 2026 target. If this development were to be permitted we would exceed our 2026 target now. Whatever the B&NES record, Midsomer Norton has a proven track record of not only meeting but exceeding targets in the supply of new housing.

Somer Valley housing supply overall - the B&NES submission to the Inspector provided a strong and robust defence of the Somer Valley element of the SHLAA and how it can deliver the required five year housing supply utilising a number of brownfield sites without the need to build on greenfield sites such as being proposed here by the developer.

Increased supply resulting from Somer Valley Supermarket applications - Since the Core Strategy inspection commenced likely supply has increased as a result of the Somer Valley Supermarket applications. There are currently three sites (CFH, Welton Bag and South Road) at various stages of proposal, only one of which (most likely South Road) will succeed. The two sites not approved for a supermarket will certainly become available to contribute to further housing and more than meet, even if you accept the Developers argument, any housing shortfall in the Somer Valley.

The 12 acres at Welton bag is currently allocated as 50:50 housing and employment. If this supermarket application is denied the developer will certainly advance proposals for housing on the full 12 acres.

CFH have made clear that they require circa 6 acres for the development of their new premises, 50% of their current land holding. If the application for the Westfield site to be converted to a supermarket is denied proposals will be advanced to allocate 50% of this site for housing with CFH concentrating their operation on the remaining 50%.

If South Road is denied an application for a supermarket and it becomes clear that it cannot deliver economic regeneration, B&NES corporate property managers may decide to extract maximum value from the site by making it available to contribute to future housing supply.

The Developer's arguing against the B&NES SHLAA (in their response to the Inspector) present no firm local evidence as to why the largely former employment sites should not come forward for housing. Indeed, vague references to sites being 'related to the former mining industry' and 'contamination' have surely got more to do with the comparative costs of developing brownfield sites in comparison to greenfield than the needs of the people of the Somer Valley/Midsomer Norton.

In addition, these brownfield sites which the developer is so keen to dismiss in the SHLAA figures being put forward by B&NES in order to justify greenfield sites have, since the growth of the town, become surrounded by housing development. It is our view that if these brownfield sites can be converted to housing, recompense could and should be made with Section 106 contributions to enable new employment sites such as Old Mills near Paulton and further development of the Bath Business Park at Peasdown St John.

INTERNAL AND EXTERNAL CONSULTATION RESPONSES

PLANNING POLICY:

- The Core Strategy makes a provision for 2,400 homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasdown St John. The Strategic Housing Land Availability Assessment (SHLAA) identified 2,100 homes taking into account the existing commitments, likely development on large vacant brownfield sites and an allowance for small windfall developments. Therefore 300 dwellings need to be identified to meet the housing requirements. The Housing Development Boundary will be reviewed in the Place making Plan to enable provision of around 2,400 homes.
- The Council is seeking to identify and allocate the sites through the Place making Plan. In accordance with the spirit of the Localism Act the Council will undertake this work with the close involvement of the local community.
- Work has commenced on the Place making Plan. It is anticipated that consultation will take place on a Launch Document in early summer, moving towards a Preferred Options document late 2013/early 2014.
- In determining planning applications now for residential development outside the HDBs a prematurity argument could be raised. However, it is emerging that limited weight can now be attached to prematurity.
- If it is accepted that only limited weight can be attached to the prematurity argument then an assessment will need to be undertaken as to whether the application site represents a sustainable solution (when judged against the policies in the NPPF) to meeting an element of the 300 dwellings figure referred to above.

- HIGHWAYS - NO OBJECTIONS, subject to conditions and a S. 106 agreement securing the implementation of Personal Travel Planning (marketing, vouchers, monitoring, training etc.) and funds to improve cycle and pedestrian infrastructure, public transport access, speed reductions on The Fosseway as follows:
 - Cycle parking at key destinations within a 5 miles cycle distance of the site (assuming 20 'Sheffield' stands at £100 each) - £2,000.00
 - Extension of First bus services 179 and S.C.C. bus service 414/424 (£25,000 per annum) - £125,000.00
 - Toucan Crossing, including extension of foot/cycleway north to the new crossing from the north boundary of the site, and continued foot/cycleway to Charlton Lane junction - up to £87,657
 - TRO for the extension of the 30mph speed limit on Fosseway - £6,000.00
 - Gateway Feature on Fosseway - £8,500.00

- "Safeguarding" contingency sums:
- Additional area-wide travel planning - £30,000.00
- Implementation, consultation and administration of traffic management along Charlton Park £10,000.00

To avoid duplication, the detailed highway comments have been incorporated into the officer assessment part of this report.

SOMERSET COUNTY COUNCIL HIGHWAYS - NO OBJECTIONS subject to suitable conditions being imposed.

Without some mitigation, the impact on the Fosseyway /Wells Road roundabout could be significant and the resulting congestion would be unacceptable. The proposed mitigation is in the form of trip offsetting through off-site personalised travel planning. While the applicant's assertion that a 10 per cent modal shift can always be achieved is not backed up by the available evidence, some analysis of the demographics of the surrounding area might show that this is a suitable environment for such improvements.

Somerset County Council has some experience of Personalised Travel Planning and its effectiveness. It has been slow to be taken up by developers but can prove a useful tool in mitigating potential problems. In order for this method of mitigation to be effective, it will need to be contained in an agreed Travel Plan which can be appended to a Section 106 agreement to secure the necessary financial contributions to achieve the required result.

It is proposed to extend the 30 mph zone to incorporate the development which will require a Traffic Regulation Order. Lowering the speed limit is essential for achieving a safe access and for creating an attractive environment for pedestrians and cyclists who may wish to walk alongside the road. A gateway feature has been introduced to try and create an environment where motorists are encouraged to slow down. The road currently has a very rural feel and the form of the development will do little to change that. There is planting proposed at the site boundary and a drainage feature behind. The start of development, therefore, will be some way back from the road so the motorist will still have the impression of a rural road rather than an urban street. It may be that this approach has been pursued due to other factors but it means that the speed limit could be widely ignored. While horizontal or vertical deflection may not be appropriate in this location, there are other ways that the speed limit can be reinforced such as signs and lines. A more rigorous assessment of traffic calming and how the proposed speed limit can be encouraged will be necessary as part of the technical approval stage while the TRO is being processed.

JOINT RESPONSE FROM REGENERATION, SKILLS & EMPLOYMENT AND PLANNING POLICY - NO OBJECTIONS, subject to S. 106 agreement securing:

Construction Phase

1. Provision of onsite opportunities for employment, skills and training during construction

Post Construction Phase : Local Employment

2. agreement to be put in place to secure 50% local recruitment for shop and Care Home, to be delivered through an employer led Pre-employment Academy.
3. Provision by Care Home provider and retail operator of a structured training and development course to provide skills and basic qualifications appropriate to the sectors of employment. This would be undertaken before the opening of the Care Home and local shop and would be free of charge to the employer.

Economic Development

4. Contributions of circa £256,000 to fund the construction of new office accommodation in the Somer Valley.

Commentary

Within the Somer Valley the working age population has increased slowly over time by approximately 100 people per year. In addition, since 2006 the area has experienced job losses in the manufacturing sector, at Polestar, Alcan and more recently Welton Bibby Baron. This combination has led to increasing numbers of workers commuting out of the area which is unsustainable and counter to the Local Plan and Core Strategy vision that "the southern part of the District will become more self-reliant, facilitated by economic-led revitalisation".

Alongside this the range of local employment opportunities is restricted. The Smart Growth Report (2011) identifies that, to meet Core Strategy employment growth target for the Somer Valley of 1,000 net new jobs, will require a gross increase of 1900 jobs to take account of existing and projected job losses. The report indicates that the focus of new employment will be office and service sector based.

In comparison to B&NES overall the Somer Valley area has higher levels of unemployment, a higher proportion of long term unemployed, lower skills levels and a higher percentage of working age people with low or no skills. It is important that new developments contribute to addressing these issues by :

- Assisting in enabling and/or delivering local employability initiatives and opportunities for up-skilling the local work force
- Forge links where applicable with the B&NES Learning Partnership and local Colleges in relation to the delivery of local projects

Given the current picture regarding losses and gains in employment space in the Somer Valley set against the restricted current supply there is a clear need to promote opportunities to deliver new floor space, which will in turn assist in providing local employment opportunities for the residents of the new dwellings.

The current application is not on an allocated housing site in the Local Plan and does not comply with the Spatial Strategy for the Somer Valley set out in policy SV1. However should the above proposal proceed then, in order to promote a sustainable approach to additional residential development in the Somer Valley, the Development & Regeneration

team would, in line with policy SV1b in the Core Strategy, require a contribution towards the creation of local employment.

The application includes 200sqm of retail space which will deliver approximately 10 jobs and the applicants indicate that the Care Home could provide up to 60 jobs. This will go some way towards offsetting the local employment impact of the additional housing, however in addition there should be a financial contribution, based on the number of houses, towards the creation of employment space in a more suitable location in the Somer Valley.

We would also require the developer to make a financial contribution towards the delivery of a local training, skills and employment plan to tackle and employment issues in the wider Somer Valley, together with associated training, skills and employment outputs in relation to the construction of the scheme.

URBAN DESIGN - OBJECT

Concerns were raised that the scheme was unsustainable by reason of distance and quality of connection with surrounding uses / areas. The site is located outside of the settlement within open countryside. It is not allocated and sequentially less sustainable than sites within the settlement boundary and the amount and balance of uses proposed is not considered to contain the critical mass and balance to create a viable sustainable community.

The southern settlement boundary to Westfield is well defined and the rural landscape and existing clarity of urban edge of Westfield makes a positive contribution to local character and distinctiveness. The development would dilute this relationship. The landscape is not of special value, but the boundary hedgerow along The Fosseway is continuous and distinctive rural character. Its loss would be harmful.

Density relatively high (c 35 per hectare net). The quantity of development is unlikely to create a "new community" or support retail unit without additional connected community.

The site is relatively flat and capable of supporting higher density development. Retained and reinforced landscape on boundaries could screen development of c 2 storeys.

LANDSCAPE OFFICER - OBJECT

This is an important rural site on the southern edge of Midsomer Norton and currently provides an appropriate and effective buffer between Charlton Park and the open countryside to the south. This is not an allocated site and it is outside the development boundary.

The land provides an important part of the setting of Midsomer Norton and a change from open agriculture to residential would have a substantial adverse effect. The loss of agricultural land would also be regrettable and I would object to the proposal in principle. The proposed double access will also result in the loss of lengths of important hedge along the Fosseway. Overall, I conclude that development on this site would be inappropriate.

ECOLOGY: - No Objection, subject to the imposition of conditions requiring the submission of a Wildlife Management and Enhancement Scheme.

PARKS MANAGER -NO OBJECTIONS subject to contributions of approximately £392,552.14 (for application 12/05546/OUT) or contributions of approximately £393,071.83 (for application 13/00127/OUT) being secured to fund the provision of natural and formal open space and allotments off-site to serve the population, the exact amount of the contribution to be calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009 prior to reserved matters consent being granted, depending on the extent of public open space being provided within the development.

ARBORICULTURE: NO OBJECTION, subject to conditions being applied requiring the submission of an Arboricultural Method Statement with Tree Protection Plan.

EDUCATION - NO OBJECTIONS subject to contributions of approximately £433,699.91 for application 12/05546/OUT or £437,797.74 for application 13/00127/OUT being secured to fund primary and Youth Services provision places. The final contribution is to be confirmed once the housing mix is known.

ARCHAEOLOGY: No objections subject to conditions

HOUSING SERVICES - NO OBJECTIONS

This application sits outside the Housing Development Boundary but does provide for 35% affordable Housing. A 60-bed Dementia Care Home is proposed in addition to the affordable housing contribution. This fits with B&NES Older Peoples Strategies and Adult Care Housing and Health requirements for the MSN area and is fully supported by Strategic Housing Services.

Subject detailed issues being resolved Strategic Housing Services support this application.

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

- The affordable housing obligation is secured in perpetuity through a section 106 Agreement.
- 35% of the overall residential provision to be secured as affordable and grant free housing with a max 75 /25 per cent split between Social Rent and Intermediate Market housing.
- All the affordable housing units to be benchmarked against Housing Corporation's 'Design and Quality Standards' and that Code for Sustainability level 4 or 5 be achieved depending upon the timing of each construction phase and as required by the Design and Quality Standards at the time and availability of any grant being subject to a full economic viability assessment.
- All the affordable housing units to be benchmarked against the design requirements contained within the B&NES Planning Obligations SPD & annexes
- To transfer the units to a partnering Registered Social Landlord (RSL) or other Affordable Housing Provider (AHP) as approved by the Council.
- The affordable housing land is transferred to a RSL or AHP at nil cost.
- Phasing conditions on affordable housing triggers to be set out in the Section 106 Agreement.

- Public subsidy (grant) will only be made available in the event that the RSL's or AHP's supportable deficit is insufficient to pay for the build costs. Grant will be subject to a comprehensive financial viability assessment. Where the assessment justifies a 35% contribution cannot be achieved, the full 35% affordable housing must still be identified on plan to ensure a later transfer of all affordable dwellings subsequent to grant aid being available.

ENVIRONMENT AGENCY: NO OBJECTION

Following the receipt of an addendum to the Flood Risk Assessment, the E.A withdrew their former objection, subject to the inclusion of conditions requiring the submission of a surface water drainage masterplan and details of rainwater attenuation. The drainage system / S.U.D.s system to be designed to achieve Greenfield run-off rates (rainwater outflow from the site not exceeding the levels from the current undeveloped site).

WESSEX WATER: NO OBJECTION subject to conditions requiring details of foul surface water drainage and limiting the rate of outflow from the site.

It is understood that surface water will be attenuated on site and discharged to a system to the north east of the site. Confirmation is being sought regarding the ownership and outfall of this existing system. The public surface water systems in vicinity of the site have limited capacity to accommodate additional flows.

HIGHWAY DRAINAGE: NO OBJECTION, subject to the conditions recommended by the Environment Agency being imposed.

CONTAMINATED LAND: NO OBJECTION, subject to conditions covering contamination remediation.

ENVIRONMENTAL MONITORING - AIR QUALITY - No objections subject to a condition being applied to require a Construction Dust Management Plan to protect adjoining residents.

CRIME PREVENTION: NO OBJECTIONS IN PRINCIPLE

WASTE SERVICES - Insufficient information is available to comment.

POLICIES/LEGISLATION

Policies/Legislation:

Policies/Legislation:

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

D.2: General design and public realm considerations
D.4: Townscape considerations
IMP.1: Planning obligations
CF.3: Contributions from new development to community facilities
CF.6: Residential Care Homes
ES.5: Foul and surface water drainage
ES.15: Contaminated land
HG.1: Meeting the District housing requirement
HG.7: Minimum housing density
HG.10: Housing outside settlements (agricultural and other essential dwellings)
SR.3: Provision of recreational facilities to meet the needs of new developments
NE.4: Trees and woodland conservation
NE.9: Locally important wildlife sites
NE.10: Nationally important species and habitats
NE.11: Locally important species and their habitats
NE.12: Natural features: retention, new provision and management
T.1: Overarching access policy
T.24: General development control and access policy
T.25: Transport assessments and travel plans
T.26: On-site parking and servicing provision

DRAFT CORE STRATEGY, MAY 2011

Draft Core Strategy Policies:

DW1: District wide spatial strategy
SV1: Somer Valley Spatial Strategy
CP2: Sustainable construction
CP6: Environmental quality
CP7: Green Infrastructure
CP9: Affordable housing
CP10: Housing mix
CP13: Infrastructure provision

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into effect on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's). The NPPF is of primary consideration in the determination of this application.

Whilst the NPPF confirms at Para 214 that full weight can be given to relevant (local) Policies for a period of 12 months from the date of its publication, this is conditional on those policies having been made in accordance with the 2004 Planning and Compulsory Purchase Act. In the case of the B&NES Local Plan, although adopted in 2007 this was made in accordance with 1990 Town and Country Planning Act and therefore Para 215 of the NPPF is applicable where it is stated "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

Chapter 3, Rural Areas of ID28 (The Inspector's Preliminary Conclusions on The Core Strategy) is pertinent to this application

Ministerial statement entitled 'Planning for Growth', 23 March 2011

OFFICER ASSESSMENT

A APPROACH TO THE ASSESSMENT OF THE PRINCIPLE OF DEVELOPMENT

A significant body of objection has been raised to the principle of the proposed development, in that the site lies beyond the adopted development boundary for Midsomer Norton. Related concerns have been raised that green-field sites such as this should not be developed ahead of "brownfield" sites within the town itself, and about an imbalance between housing and employment, with insufficient jobs in the town to support the population and high levels of out-commuting.

In terms of the policy context, policy SV1 of the Core Strategy sets out the proposed strategy for the Somer Valley. The key objective of the strategy in terms of Midsomer Norton is to address the imbalance between housing and employment provision which has resulted in high levels of out-commuting from the town. The site is located outside the adopted development boundary and therefore ordinarily the proposals would be recommended for refusal on these grounds.

However, as has been widely publicised, the Core Strategy Inspector required significant changes to the Core Strategy, and concluded that the strategy did not make sufficient provision for housing land, enough to meet the requirements over a 5-year period.

In response to the criticisms made of the Core Strategy and approach to housing, the Council has published recommended changes to the Core Strategy which were adopted for the purposes of Development Control by the Full Council on 4th March. In the amended Core Strategy, the housing figures have been revised upwards from the level originally set out, leading to a requirement for an additional 1870 houses to be provided across the district.

Policy SV1 (4a) Housing is proposed to be amended to read as follows:

Review the HDBs to enable up to around 2,400 new homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John. This will include affordable housing, providing more choices of housing to meet the needs of the local communities. (Policies RA1 and RA2 are applicable to the other settlements in Somer Valley.)

It explains in Paragraph 4.5 that there is already a significant number of housing commitments in the Somer Valley and a limited capacity to generate new jobs. New housing in the Somer Valley will therefore be restrained in the interest of sustainability but some additional housing will be needed to meet the District Housing land requirement. The Core Strategy plans for 300 homes to come forward in the Plan period in addition to existing commitments, estimated capacity on large brownfield sites and windfall sites. The HDB will be reviewed in the Placemaking Plan to facilitate this. However in light of the objective of economic led revitalisation, it is important that the additional housing does not

significantly worsen the balance between homes and jobs and the out-commuting problems and the council may therefore seek to ensure an economic benefit from new housing

The National Planning Policy Framework (NPPF), paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development" and that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year land supply of deliverable housing".

Para 14 of the NPPF states that "where the development plan is absent, silent or the relevant policies are out of date" the local authority should grant permission unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme".

In terms of the policy position, the key messages from this are that the Authority does not have an up-to-date Local Plan, or an Adopted Core Strategy, and the Council now considers that it can demonstrate a 5-year housing land supply, but only with the additional housing numbers set out in the amended Core Strategy, and in particular an additional 300 houses in the Somer Valley. The outcome of this analysis is that the application should be principally assessed against the policies in the NPPF, with the amended Core Strategy being given limited weight as a material consideration in any decision. The housing policies in the Adopted Local Plan are to be given little weight in the determination of the application.

Given the policy position as set out in the NPPF, a presumption applies in favour of the development, unless the adverse impacts of granting consent would significantly or demonstrably outweigh the benefits of the scheme.

B. IS THE PRINCIPLE OF RESIDENTIAL DEVELOPMENT ACCEPTABLE?

Officers consider that in principle the development is in accordance with amended Core Strategy policy SV1, and the development would assist in providing the larger proportion of the additional 300 dwellings. However it should be stressed that this additional housing requirement is identified for the Somer Valley as a whole. The location and distribution of this housing would be determined through the Placemaking Plan which has yet to take place.

Whilst as expressed through the report there are concerns about the balance between employment and housing in Midsomer Norton, if an additional 300 dwellings are to be accommodated in Midsomer Norton, Radstcok, Westfield, Paulton and Peasedown St. John, it is reasonable that a significant part of this housing should be accommodated in the towns with adequate services such as Midsomer Norton.

Officers share residents' significant concerns in respect of the imbalance between housing and employment provision in the town, and it is clear that this application would exacerbate this imbalance. The development, which would incorporate a 60-bed Care home and (in the case of application 12/05546/OUT) a shop unit, would provide approximately 70 jobs for a population of approximately 200 economically active residents

and therefore would further increase the imbalance of housing supply over employment supply.

Given the potential social consequences in terms of unemployment implications and increased out-commuting, this is of great concern. However, through the submission version of the Core Strategy, the Council has already sought to restrict housing development in Midsomer Norton to the existing commitments and to schemes which bring forth employment in tandem with housing, and this approach was rejected by the Core Strategy Inspector, who concluded that notwithstanding these concerns, limited additional housing was needed over and above existing commitments.

Therefore whilst ideally officers might wish to resist a development of this scale, which may exacerbate the problems in Midsomer Norton, it is not considered that such an approach could be defended at appeal, as it would run directly counter to the Inspector's conclusions on the Core Strategy. Officers conclude that the benefits of delivery of housing, including affordable housing, must be given significant weight as a material consideration in favour of the development.

Whilst the intention is that the location of the additional 300 houses in the Somer Valley should be determined through the Placemaking Plan, it would not be possible to refuse this application as being premature to this process, as the main intention of the NPPF is to force Authorities that have under-delivered housing in the past (such as BaNES) to expedite its delivery now.

Councillors Watt and Myer have provided detailed commentary on the availability of brownfield sites in the centre of Midsomer Norton, the argument being that the 5-year housing land supply can be achieved without having to resort to developing Greenfield sites. Officers consider that these arguments have already been rehearsed through the Core Strategy process, and in his preliminary conclusions on the Core Strategy (document ID/28 - June 2012) the Inspector concluded that the Council had not been able to demonstrate a 5-year housing land supply.

The Town Council is correct that during the Examination in Public the Council defended the approach of the SHLAA to Midsomer Norton (document BNES/35). However the Inspector considered and rejected this evidence, raising significant specific concerns about the approach adopted in the SHLAA in Midsomer Norton. The Inspector concluded:

3.58 Overall, the SHLAA does not provide a reliable or consistent assessment of the housing potential of the Somer Valley towns to inform the strategy.

3.59 Given the limitations of the supporting evidence it is difficult to draw any firm conclusions as to the soundness of the proposed 2,700 dwellings (in the Somer Valley). It would be unsound to preclude the prospect of additional housing above existing commitments, particularly given the economic restructuring which is occurring in the area and the Council's plans for town-centre redevelopment.

Councillors Watt and Myers also questioned whether a different, less supportive approach should be adopted to housing proposals in Midsomer Norton than other parts of the district, given, in their view, the high level of housing delivery in the Town, and the relative lack of housing delivery in other parts of the district.

Two key points should be made in response.

Firstly the wording of paragraphs 14. and 49.of the NPPF does not allow for consideration of local variations of housing supply across districts. Local Planning Authorities are required to demonstrate a five-year land supply of deliverable housing. If they cannot or do not, the policies are to be considered out of date, a presumption in favour of sustainable development applies and applications are to be considered against the NPPF. The wording of these clauses is clear: if a 5-year housing supply cannot be demonstrated across a Local Authorities district, a presumption in favour of sustainable development applies. This direction would have no effect if the presumption in favour of development did not apply to the whole of a Local Planning Authority's jurisdiction, and the wording does not offer any support for discretion being applied in situations where there are variations in housing delivery across a district area.

Secondly, it is clear from the commentary in ID/28 that the Inspector found the Council's position in terms of 5-year housing supply to be unreliable, both in terms of the overall methodology used across the district in predicting housing numbers, and in terms of the deliverability of the housing sites that had been identified at a local level in Midsomer Norton.

In response to the Inspectors comments, the Council has updated the background document which assesses the housing supply (known as the SHLAA). This includes many of the sites mentioned as being preferable brownfield sites to the application site (including Welton Bibby and Polestar) the point being that even assuming that all of these sites are delivered additional housing land to support 300 extra homes will also be needed.

Therefore whilst the comments of the Town Council and the many comments from residents are noted, officers do not consider that the application could sustainably be refused by reference to either the availability of preferable brownfield sites elsewhere in Midsomer Norton or the adopted housing development boundary. The Council's position in the amended Core Strategy is that available brownfield sites will not be sufficient to meet the revised housing requirement, and that housing development boundaries must be reviewed in order to accommodate the provision of around 2,400 homes.

The analysis in the inspector's assessment of the submitted Core Strategy and in the revisions to the Strategy (and policy SV1) to address his concerns are material considerations that would be given weight in any appeal (and which would weigh in favour of granting consent), and consequently, officers do not consider that the application should be refused as being contrary to the emerging Core Strategy.

C. IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN TERMS OF TRANSPORT AND HIGHWAY SAFETY CONSIDERATIONS?

This section incorporates the detailed comments prepared by the Highways Officer.

Principle of Development and Location of Site in Relation to Services and Public Transport

The site lies outside the development boundary of Norton-Radstock and therefore raises automatic concerns in respect of accessibility and sustainability i.e. whether the occupants of the site can access the usual key residential facilities (schools, shops, employment opportunities etc.) without dependence on the use of a car. It is therefore vital that access to these facilities is available via other modes of transport, within reasonable distances and with infrastructure of an appropriate standard.

Currently, the site is relatively inaccessible in terms of the opportunity to travel by alternative modes of transport - while some facilities (the local shop, school etc.) are within a reasonable distance, the local infrastructure is not ideal with indirect/discontinuous pedestrian and cycle links. There are currently no direct pedestrian or cycle links to the development site from the adjacent housing estate (Charlton Park). Access to regular bus services is also some distance from the proposed development.

The Strategic Housing Land Availability Assessment commented that the site was remote from the town centre, local facilities and public transport with limited pedestrian accessibility.

On the whole Planning and Highway officers agree with this assessment. The site is in a remote, peripheral location in the overall context of the town, and at present is relatively inaccessible in terms of the opportunity to travel by alternative modes of transport. As stated above, as existing pedestrian and cycle links are poor and routes to Norton Hill School and the Town centre are indirect and inconvenient. All traffic, both vehicular and pedestrian would exit the site via two access points onto The Fosseway, and whilst the Fosseway does have footways, it is not a particularly pleasant walking environment, being heavily trafficked.

Bus services passing through the vicinity of the site are reasonable. Services 379 (1 service a week) and 777 (hourly) pass along The Fosseway and provide access to Bristol, Radstock, Paulton Tesco's, Shepton Mallet, Midsomer Norton and Pensford. A wider range of bus services pass along Charlton Road, to Bristol, Frome, Timsbury, Keynsham, Clutton, Farrington Gurney and Weston Super Mare. Whilst services are reasonable, at present the bus stops are some distance from the site.

The application proposes that the development would incorporate bus access, with a bus stop (fitted with real time information) located within the development, adjacent to the shop. Funds would be set aside from the development to fund the extension and diversion of services 179 and 414/424 through the site.

The development offers to fund the creation of a pedestrian crossing on the Fosseway near Charlton Lane. In addition, a widened foot / cycle path is proposed that would lead along The Fosseway from the application site to the new crossing, to enable improved pedestrian access to St. Benedicts Roman catholic Primary school and the Westfield employment area.

Two options for the crossing are proposed, and both include improved footway provision on the east side of the A367. This would be an asset to existing residents of Charlton Park, as well as the residents of the development.

Highways officers advise that the result of these improvements ensures that the development would meet the relevant criteria in terms of travel by public transport and by cycling, and by walking to local employment. The location of local schools - particularly non-denominational and secondary is less convenient, and in this regard it is regrettable that a link to Charlton Park could not be created for pedestrians and cyclists. The inclusion of a shop within the development obviously reduces the need to travel further afield for convenience shopping. Therefore, as a whole the improvements result in a much more accessible development in travel terms, which is generally in accordance with the relevant guidance: 'Manual for Streets' and Regional Planning Guidance 10.

Highway Safety

Two vehicular access points are proposed on the A367. Both are simple give-way tee junctions. Highways advise that visibility to/from both these junctions would be satisfactory, while this is not dependent on the lowering of speeds of traffic on the main road the relocation of the existing speed limit to the south of the site, and the introduction of a gateway feature will enhance and reinforce that limit. This would need to be agreed through a Traffic Regulation Order, a separate regulatory process and secured either through a legal agreement, or a 'Grampian' condition.

Highways officers advise that the proposals are acceptable in terms of highway safety.

Traffic Congestion

A significant level of concern has been raised in the public comments in respect of traffic congestion, both locally in and around the development, and on the major road routes from Midsomer Norton to Bath and Bristol.

The submitted Transport Assessment considers the impact of vehicular movements generated by the development, based on the assessment of likely trips generated in comparison with existing movements and assessing the impact on local junctions.

The impact in the morning and evening peak hours has been assessed in consideration of traffic levels in three scenarios - on the date of application (2012), in 2017 to include traffic growth and other significant committed development, and in 2022 (with the same added factors).

In simple terms, the assessment shows the development is likely to increase two-way traffic flow on the A367 in the AM and PM peaks by 11.5% and 13.4% respectively. As this traffic distributes, the increase on the Charlton Lane roundabout is 4% and 6% respectively, on the Charlton Road junction 3.5% and 4%, and on the B3139 junction (to the south of the development) by 2.3 and 2.7%.

The subsequent detailed analysis of these three junctions shows that in 2017 there is very little adverse impact on the B3139 junction, which continues to operate well with minimal delay and therefore no increased queuing.

The impact on the Charlton Lane junction has minimal impact during the morning peak; however in the afternoon there are increased delays in exiting Charlton Lane and therefore increased queues.

Charlton Road experiences queuing and delays in the peak hours at present, inevitably therefore it is shown that these will increase. The assessments undertaken show delays on Charlton Road increasing in 2017 from over 5 minutes (without development) to 6.5 minutes with development, and to nearly 9.2 minutes in 2022. As a matter of context however, it should be pointed out that in 2022 without development, natural traffic growth increases delays at this arm of the junction to almost 7.2 minutes in any event.

Proposed Mitigation for Congestion

Highways officers were originally concerned about the lack of obvious measures to mitigate for increased traffic congestion resulting from the development. In the Transport assessment submitted with the application, the developers advised that people "would choose to alter their behaviour to take account of this delay by taking alternative routes or travelling at different times".

This was not considered to be acceptable as it relies on changing travel habits for people who may not have that choice i.e. work and school trips at times which have no flexibility, and for which alternative routes are not convenient. The most convenient alternative route to avoid the queues exiting Charlton Road would be through the Charlton Park housing estate, the impact of which had not been considered. In this respect, many residents have raised concerns about the potential for the development to exacerbate problems with "rat-running" through Charlton Park.

The applicants have since responded to these concerns, and have submitted a travel plan which would aim to promote alternative modes of travel, lessen overall road use and thereby offset the impact of traffic generated by the development. The Travel Plan expands in some detail on the opportunities available to improve alternative travel, for the development and also commits to carrying out personalised travel planning within Charlton Park and Westfield Industrial Estate. The stated measures are detailed and costed within the Travel Plan, and would include the following:

Hard measures

- Up to £87,757 for a Toucan crossing over A367 and the creation of a 3 metre wide footway / cycleway along the site frontage to the new pedestrian crossing near Charlton Lane and a 2 metre wide footway from the Crossing to the Charlton Lane junction.
- £2000 for cycle parking at destinations within cycle range (5 miles) in Norton-Radstock, e.g. in the town centre, at Westfield Industrial Estate, local primary and secondary schools, leisure centres or supermarkets.
- £6,000 for the securing and introduction of a Traffic Regulation Order for the relocation of the 30mph speed limit on the A367.
- £8,500 for the introduction of a 'gateway' feature at the location of the proposed relocated speed limit.
- £25,000 per year for a period of 5 years the enhancement and ongoing operation of bus-services 179, 414 and 424 to service the site

- Provision of a bus-stop within the site including bus-shelters, timetables, raised kerbs and real-time information.
- Soft Measures
 - Appointment of a Travel Plan co-ordinator, to manage the implementation of the travel plan
 - Travel information packs to be disseminated to households and employees on occupation, including walking and cycling maps, home delivery services, lift sharing, cycle training etc
 - £200 bus and cycle vouchers to be offered to all households and employees on the site
 - Provision of umbrellas / high visibility jackets / puncture repair kits to residents
 - Provision of travel notice boards
 - Marketing during sales phase
 - Promotional events - annual newsletter, sustainable travel days
 - Yearly monitoring of travel plan and transport habits within the site for 3 years, including annual travel questionnaire and traffic surveys
 - Personalised travel planning to be carried out in Charlton Park and Westfield Industrial Estate, at a cost of £30,000
- Where the acceptability of a development in terms of congestion or highway safety depends in part on the effectiveness of "soft" demand management measures to reduce traffic levels, Officers have experience from other authorities of requiring additional funding if critical thresholds of traffic levels are exceeded at specific locations. The Travel Plan includes the following such additional measures:
 - Extension of Area wide Travel Planning to include Norton Hill and Westfield at a cost of £30,000
 - £10,000 towards the implementation , consultation and administration of traffic management measures along Charlton Park to combat "rat running"
 - The travel plan proposes that funding for these additional measures would be triggered if travel plan targets (for the proportion of residents travelling by non-car mode) are not met, or if critical traffic generation levels are exceeded. Were members resolved to approve the application, further work would be required to agree the thresholds above which these additional measures would be triggered, and to incorporate these requirements into a Section 106 agreement.

Effectiveness of Mitigation

Highways officers advise that the approach proposed has been used to great effect in other locations in the country, and is endorsed by Somerset County Council. The Travel Plan illustrates in detail how effective this has been in these other areas, and the consultants who prepared the Travel Plan have wide experience in working with other authorities to help deliver their Personalised Travel Planning aspirations.

If successful, to the same extent that other schemes across the country have been, the area-wide reduction in car trips (i.e. Charlton Park and Westfield Industrial Estate) could

be such that the impact of traffic generated by the development is entirely negated i.e. a target reduction of 88 trips in each peak, compared to the predicted development traffic of 83 and 99 (am and pm peaks respectively). The assessments show that during the peak hours the Charlton Road junction does reach and exceed capacity, measures introduced to reduce traffic flow have been shown to reduce this impact, and that on-going monitoring and funding will continue to identify and address issues arising. Importantly, where targets are not met, additional "safeguarding" funding will be secured to address any issues arising as a result, or to expand the Personalised Travel Planning to include a wider area as appropriate.

As a result, Highways officers advise that the application is acceptable, subject to conditions, and the package of measures being secured through the Travel Plan, agreed as per appendix C of that document.

The absence of the retail unit in application 13/00127/OUT does raise the reconsideration of sustainability of the development given the need to travel further to convenience shopping (the small shop on the corner of Charlton Road, or the larger mini-supermarket further along Fosseyway). However a recent appeal decision in Farmborough concluded that the inclusion of a shop to cater for a new development was not fundamental to its sustainability, especially as its long-term provision could never be guaranteed. Therefore the absence of the shop does not change the recommendation for this application.

D. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR DESIGN AND LAYOUT?

The application is in outline with all matters reserved but access. Therefore whilst an indicative layout has been submitted, the only aspects of the development that are fixed at this stage are the access points and the nature of the development coming forward (either a care home, shop and 164 dwellings for application 12/05546/OUT or a care home, and 165 dwellings for application 13/00127/OUT).

As a result the finer aspects of the layout, the design and form of buildings and the spaces between them cannot be considered at this stage, however it is appropriate to consider whether the amount of development proposed is likely to be able to be accommodated in an acceptable form in subsequent reserved matters applications, and in this respect the Illustrative Layout is useful in illustrating how this amount of development might look on the site.

Whilst reservations have been raised in the urban design comments about the illustrative layout submitted, officers consider that an acceptable layout and form of development is capable of being brought forward at reserved matters stage. The density of development is considered to be acceptable, and officers consider that a development could be carried out without giving rise to unacceptable overlooking or overshadowing of the existing properties on the southern edge of Charlton Park. Self-evidently the development would result in a significant change in the outlook from these properties, but this would arise with any development of this scale, and is not considered to be a sustainable reason for the refusal of the scheme.

E. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR LANDSCAPE IMPACTS?

In its present condition the southern boundary of Charlton Park (the adjoining residential estate) forms a firm and obvious boundary to the southern edge of the town. Whilst the site is not prominent in the wider landscape, the proposed development would breach this boundary and cause localised landscape harm through its intrusion into the open countryside and the loss of an existing Greenfield site.

Officers acknowledge that the development would result in openings having to be created in the boundary hedge fronting onto The Fosseway, resulting in the continuity of the boundary hedge being lost. This clearly would comprise part of the landscape harm caused by the development, but officers consider that in the longer term, this harm could be compensated by the creation of a suitable replacement boundary treatment, or by the reinforcement of the existing boundary hedge.

F. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF FLOOD RISK ISSUES?

Some nearby residents raised concerns about potential flood risk issues, the perception being that the site is poorly drained at present with properties adjoining the site in Boundary Close experiencing localised flooding and excess water draining onto The Fosseway.

In the Addendum to their Flood Risk Assessment, the applicants acknowledge that there is a problem with land drainage inundating the rear of properties in Charlton Park, but comment that their development has been designed so that it would intercept these flows and direct them to swales (grassed depressions) on the western and southern boundaries of the site. These swales would in turn be routed into a 0.8m deep infiltration basin which would be fitted with an outflow to the existing land drainage pipe.

Significant attenuation would be provided on-site, either through attenuation ponds or below ground storage so that rainwater outflows from the site would be limited to existing rates and rates that the downstream drainage system can cope with.

The applicants comment that through their drainage strategy there would be no increase in flood risk off site and some of the existing flooding problems in Charlton Park are alleviated. The Environment Agency (E.A) and the councils Drainage team accept this and do not object to the application.

The EA originally objected on the grounds that the reuse of the existing surface water drainage pipe connection in the north-east corner of the site was unproven as its destination was unknown. Likewise the council's drainage team originally objected on the basis that the development would depend on being drained via a highway drain in the verge of the A367 Fosseway on the north east corner of the site.

The applicants investigated the drain by dye testing to confirm its destination and as a result the Environment Agency removed their objection to the development. There is no objection either from Wessex Water or from the councils own Highways Drainage team and the applicants have confirmed that Wessex Water would consider taking over the maintenance of the existing highway drain.

As a result, subject to the imposition of conditions recommended by the Environment Agency, there are no objections to the application on Flood Risk grounds.

Concerns have been raised about the safety of the detention ponds, particularly given the proximity to the care home. Officers consider that this is an issue that can be resolved at reserved matters stage through the incorporation of appropriate railings and other safety features.

G. IS THE PROPOSED CARE HOME ACCEPTABLE?

Local Plan policy CF.6 advises that care homes will be permitted provided that they are well related to the public transport service and within reasonable walking distance of a city, town, district or Local centre and provided that there is adequate communal garden space to meet the needs of the residents.

With the proposed improvements to public transport provision servicing the development, the care home will be well served by public transport, however the site is not within walking distance of a local centre. Officers consider however that the employment benefits of the care home (generating 50 full-time equivalent jobs) outweigh any concerns over its location and it is seen as a welcome aspect of the development. The Council's housing department are fully in support of this aspect of the proposals and comment on the need for a care home in the area, and a letter of support has been received from Waypoints, a specialist dementia care home operator expressing interest in the site. The developers have also submitted a report assessing the likely economic viability of a care home, which concludes that there is an unmet demand and that it would be a viable concern.

The detailed layout of the care home and its access to communal garden space would be considered at reserved matters stage, at which point the landscaping and layout of the site will become fixed.

H. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF ECOLOGY IMPACTS?

The Council's ecologist has raised no objections to the proposed development and has advised that the site predominantly comprises ecologically low value arable land with few additional features of value to wildlife.

The main habitats of any value are the boundary vegetation, of which the boundary with the highest overall habitat value is the southernmost hedgerow, within which is a mature native black poplar, which is of high nature conservation value, and would be retained in the development.

The recommendations of the ecological report submitted with the application should be secured by condition and incorporated into any detailed layout and planting scheme to follow, including a requirement for the provision of native hedgerow planting along the boundaries as shown in the masterplan, together with provision of other additional wildlife habitat, native planting and enhancements within the landscape scheme.

I. IS THE PROPOSED SHOP/ BUSINESS / COMMUNITY SPACE ACCEPTABLE?

The key difference between the two applications is the shop / business use / café restaurant / community space proposed as part of application 12/05546/OUT, but not proposed in application 13/00127/OUT.

The indicative masterplan shows that this would be likely to be sited on the entrance to the site adjacent to the bus stop. In order to encourage the unit to be occupied, the applicants have proposed that it could be used flexibly in either use classes A1, A3, B1 or D1.

Such a variety of uses raise potential amenity issues with adjoining residential properties which can be resolved through any subsequent reserved matters application, but in principle the unit comprises a small element of the proposals which would assist the sustainability and self-sufficiency of the proposed development. The Council's urban design officer has raised concerns about whether this unit would be viable. Officers do not consider that the presence or absence of the unit would make any significant difference to the outcome of the application, and it would not be legally possible to require the shop to be in operation to serve the development.

J. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR EFFECT ON BELOW GROUND ARCHAEOLOGY?

The site is of potential archaeological importance due to its location adjacent to The Fosseyway, a Roman road. As a result archaeological excavations took place prior to the submission of the application which revealed two parallel ditches of what may be pre-historic origin. Archaeological mitigation can be achieved through the application of conditions on this consent, and through any subsequent reserved matters application, where there may be potential to preserve the ditches in situ by reconfiguring the areas of public open space.

K. ARE THE PROPOSALS CONSIDERED TO BE ACCEPTABLE IN TERMS OF PLANNING OBLIGATIONS?

As set out in the Consultation responses, the development would be expected to provide the obligations set out below. There is also discussion of planning obligations that have been requested but cannot be justified.

1 Affordable Housing

- Affordable housing at 35%. As the application is in outline, the housing mix, location and detail of the affordable housing would be agreed subsequently, as part of the reserved matters application

2. Education Contributions

- £437,797.74 if application 13/00127/OUT were to be implemented.
- £433,699.91 if application 12/005546/OUT were to be implemented.

The finalised contribution would to be confirmed at reserved matters stage at which point the housing mix will be confirmed.

3. Public Open Space and Recreation

- £393,071.83 if application 13/00127/OUT were to be implemented.
- £392,552.14 if application 13/00127/OUT were to be implemented.

This contribution would fund the provision of natural and formal open space and allotments off-site to serve the population, the exact amount of the contribution to be calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009 prior to reserved matters consent being granted, depending on the extent of public open space being provided within the development.

Midsomer Town Council have discussed the potential for some of these funds to be directed to the Town Park and / or the recreational ground at West Clewes Football club. Officers consider that directing contributions to the Town Park could well be justified as this would be a central facility serving the whole town, but are less convinced that funds could be justifiably directed to the West Clewes recreation ground, as there may be public spaces closer to the development that would be more likely to be used by residents of the development. Funds would be allocated towards the enhancement of recreational facilities and open spaces by Bath and North East Somerset Council in discussion with Midsomer Norton, Radstock and Westfield Town Councils.

4. Employment and Skills Obligations

The Council's Economic Regeneration team have requested the following planning obligations:

- Provision of onsite opportunities for employment, skills and training during construction
- agreement to be put in place to secure 50% local recruitment for shop and Care Home, to be delivered through an employer led Pre-employment Academy.
- Provision by Care Home provider and retail operator of a structured training and development course to provide skills and basic qualifications appropriate to the sectors of employment.

There is no policy basis on which these planning obligations could be demanded, and the Planning obligations SPD includes no mention of such planning obligations. As a result it is not considered that these obligations can be justifiably sought.

Contributions of circa £256,000 have also been requested to fund the construction of new office accommodation in the Somer Valley. The Core Strategy Inspector rejected the original wording of policy SV1 which would only have allowed housing developments where accompanied by employment benefits, therefore there is no policy support in place for requiring this contribution, and no evidence to demonstrate that it would be necessary to make the application acceptable in planning terms.

5. Public Transport, Walking and Cycling Provision and off-site highway works

The physical and travel plan measures summarised in Section C. of the Officer Assessment.

The Town Council have also requested that signage be provided in order to provide better links between the development and the Town Centre. Officers consider that appropriate signage can be provided as part of the cycleway / footway in order to meet this aspiration, and that such a requirement would be directly related to the development and reasonable in scale to the development proposed.

6. Contributions to the Town Hall

Midsomer Norton Town Council have also requested that the development provide contributions towards the Town Hall, which would be more intensively used as a result of the development going ahead.

Officers agree that this is a centrally located facility which is likely to serve the whole town, including the application site. The Town Council have presented a 42-page report looking at options for the development of the Town Hall, however no details have been received as to what contribution is sought from this development, what exactly it would pay for or why it is needed. Therefore at present it is not possible to demonstrate that a contribution is necessary or reasonably related in scale to the development proposed, or that the development would be unacceptable without such a contribution. Therefore, at present no contribution can be justified against the legal tests for planning obligations.

CONCLUSION:

As discussed, due to the existing policy position, the application falls to be considered against the NPPF. This advises that where the development plan is absent, silent or the relevant policies are out of date the local authority should grant permission unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme". This is the key test that the application should be considered against, with the Core strategy being given limited weight as a material consideration in any application.

First setting out the harm that would result from the development, officers share the concerns expressed by residents regarding the imbalance between housing and employment in Midsomer Norton. However, the original wording of Core Strategy policy SV1, which placed significant restraint on additional housing in the town, was rejected by the Core Strategy Inspector, who found that it would be unsound to preclude the prospect of additional housing above existing commitments, particularly given the economic restructuring which is occurring in the area and the Council's plans for town centre redevelopment.

The Core Strategy is proposed to be amended to address this criticism, making provision for 2,400 homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John. The (SHLAA) identified 2,100 homes taking into account the existing commitments, likely development on large vacant brownfield sites and an allowance for

small windfall developments. Therefore 300 additional dwellings need to be identified to meet the housing requirements.

As a result, it is considered that the principle of the proposed development is in line with the amended wording of policy SV1 and a refusal on these grounds would be very unlikely to succeed, as it would run directly counter to the outcomes of the Core Strategy examination process.

The development would also give rise to localised landscape harm and would breach what is currently a very firm southern boundary to the town, and would be poorly integrated with adjoining development in Charlton Park.

Without adequate mitigation, the development raises significant concerns in respect of traffic congestion on the local network. However, the development does incorporate improvements to cycling and walking infrastructure and public transport, and also a detailed travel plan has been submitted which has the support of transport officers and would have the effect of reducing traffic flows. On this basis highways officers in BANES and Somerset County Council advise that an objection on transport grounds cannot be sustained.

Turning to the benefits, the development would provide housing which would help to meet the identified shortfall within the district, including the provision of affordable housing at a rate of 35% and a 60-bed care home, for which there is also an identified need. Given the policy context and the guidance in the NPPF these benefits are considerations that must be given significant weight in favour of the development.

The development would also provide the appropriate contributions to off-set the impact of the development, both in terms of school capacity, funds to enhance public open space, improvements to pedestrian, cycle and public transport infrastructure. The improvements to public transport, walking and cycling infrastructure would benefit both future and existing residents of the area.

In conclusion, whilst officers do have concerns about the proposed development, in terms of the balance between employment and housing in the town, landscape impact, congestion, and the integration of the scheme into Charlton Park, it is still considered that when assessed against the key test above, the adverse impacts of the development would not significantly or demonstrably outweigh the benefits of the development. Therefore, a recommendation to approve the application is put forward, subject to the completion of a Section 106 Agreement.

RECOMMENDATION

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

CONDITIONS

Authorise the Development Manager, in consultation with the Planning and Environmental Law Manager, to enter into a section 106 agreement to secure the following:

Affordable Housing

1. The provision, on site, of 35% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

Education

2. Contributions to fund the need for primary and secondary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be provided prior to the commencement of development.

Open Space and Recreational Facilities

3. Contributions to fund the provision of formal open space and allotments off-site to serve the population, and fund the maintenance of any open space provided within the development, the amount of the contribution to be calculated prior to reserved matters consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development. The allocation of funds within the local area will be determined by the Local Planning Authority following the determination of the application.

Transport

4. The implementation of the travel plan submitted in April 2013 in accordance with the timetable set out in Appendix C of the Travel Plan, including but not limited to the following measures:

- Up to £87,757 for a Toucan crossing over A367 and the creation of a widened footway / cycleway from the site to the new pedestrian crossing near Charlton Lane, incorporating signage to the town centre,
- £6,000 for the securing and introduction of a Traffic Regulation Order for the relocation of the 30mph speed limit on the A367
- £8,500 for the introduction of a 'gateway' feature at the location of the proposed relocated speed limit
- £25,000 per year for a period of 5 years for enhancement and on-going operation of bus-services
- Provision of on-site bus-stop(s) including bus-shelters, timetables, raised kerbs and real-time information.
- The appointment of a Travel Plan co-ordinator to implement the measures set out in Appendix C of the Travel Plan.

5. A programme of travel monitoring (looking at modal shift) and traffic counts over a 3-year period to be assessed against agreed modal targets for travel patterns and critical thresholds for traffic levels, to be agreed by the Council. The methodology of traffic counts, reporting procedures to the Council, modal targets and critical thresholds are to be agreed. If the agreed targets are not met or thresholds are exceeded the following additional traffic demand measures are to be triggered:

- Extension of Area wide Travel Planning to include Norton Hill and Westfield at a cost of £30,000
- £10,000 towards the implementation , consultation and administration of traffic management measures along Charlton Park to combat "rat running"

CONDITIONS

Upon completion of the agreement, authorise the Development Manager to permit the application subject to the following conditions:

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

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

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

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

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

- Details of native hedgerow planting and boundary treatment to provide wildlife habitat, together with details of long term wildlife friendly management specifications
- Details of all other wildlife habitat provision, native planting and ecological enhancements

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

Reason: In order to safeguard protected species at and around the site.

4

Details of a surface water drainage masterplan shall be submitted to, and agreed in writing by the Local Planning Authority as part of subsequent applications for reserved matters consent. The masterplan shall be in accordance with the Flood Risk Assessment (FRA) and Addendum (prepared by Robson Liddle and dated 25th February 2013) and include details of the phasing of surface water drainage infrastructure including source control

measures. The development shall be implemented in accordance with the approved scheme.

REASON:

To prevent the increased risk of flooding as a result of the development in accordance with the National Planning Policy Framework (NPPF).

5

No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON:

To prevent the increased risk of flooding as a result of the development in accordance with the NPPF.

6 No development shall commence until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory method of foul sewage drainage and in compliance with policy ES.5 of the adopted Local Plan.

7 The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

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

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

9 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

10 Plans showing on-site access, parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All areas shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to the satisfaction of the Local Planning Authority before the development commences.

Reason: In the interests of amenity and highway safety.

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

Reason: To ensure the safe operation of the highway.

12 No ground preparation or development activity shall take place until an Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals and to ensure that the approved method statement is complied with for the duration of the development.

13

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

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

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

14

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

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

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

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

16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

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

Reason: The site is within an area of major archaeological interest and the Council will wish to protect the archaeological remains.

19 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features, which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

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

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

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

21 Prior to the commencement of development at the site details of a Construction Dust Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Construction Dust Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

PLANS LIST:

1 This decision relates to drawing nos:

INDICATIVE MASTERPLAN LAYOUT Drawing MP2 REV C
SITE LOCATION PLAN - OS Extract - Drawing 26126/SB002
SITE SURVEY Drawing 26126/004/SS1
SUPERSEDED PROPOSED SITE ACCESS Drawing 26126/002/002 REVISION
A

AFFORDABLE HOUSING STATEMENT Jan 2013
AIR QUALITY ASSESSMENT
ARBORICULTURAL IMPACT ASSESSMENT REPORT
ARCHAEOLOGICAL EVALUATION
ARCHAEOLOGICAL GEOPHYSICAL SURVEY
CARE HOME LETTER AND REPORT
COVERING LETTER
DESIGN AND ACCESS STATEMENT
DESK-BASED HERITAGE ASSESSMENT
DORMOUSE AND BAT HABITAT ASSESSMENT
ECOLOGICAL REPORT
ENERGY STATEMENT
ENVIRONMENTAL NOISE ASSESSMENT
FOUL DRAINAGE ASSESSMENT
LANDSCAPE AND VISUAL APPRAISAL
LEVEL 2 FLOOD RISK ASSESSMENT V5 09.01.2013
PHASE 1 GEOENVIRONMENTAL DESK STUDY
PLANNING STATEMENT
TRANSPORT ASSESSMENT REPORT
SURFACE WATER DRAINAGE SURVEY
FLOOD RISK ASSESSMENT ADDENDUM - received 25 Feb 2013

2 ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO

Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

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

4 Decision Taking Statement

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

5 Reasons for Approval

Taking account of Section 38(6) of the Planning and Compulsory Purchase Act 2004, it has been concluded that the development accords with the National Planning Policy Framework - March 2012 and emerging Core Strategy policies.

The site falls outside of the adopted development boundary as defined in the adopted Local Plan. However, the authority neither has an Adopted Core Strategy or up-to-date Local Plan and as set out in the draft amended Core Strategy, the Authority is only able to demonstrate a 5-year-housing land supply by allowing additional sites to come forward outside the Development Boundary including (through amended Core Strategy policy SV1) an additional 300 dwellings in the Somer Valley.

Therefore, in accordance with the guidance in the National Planning Policy Framework the application is to be considered against the policies in the NPPF, with consent being granted unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme".

In this case the development would give rise to locally significant landscape harm, due to its location on an agricultural field beyond the established footprint of the settlement, and would give rise to additional traffic congestion in the vicinity of the site. However the adverse impacts of the development would not significantly or demonstrably outweigh the benefits of the scheme in terms of the delivery of housing and therefore, in accordance with national policy, the application has been approved.

6 Informative: Drainage Conditions

Conditions 4 - 6 inclusive have been recommended to ensure that the principles of the agreed FRA are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated FRA / masterplan which show discharge rates and SuDs control measures for each plot.

Each reserved matters application will need to demonstrate a suitable drainage scheme in accordance with the approved masterplan to allow us to recommend approval for any detailed layout proposals.

The surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to 5l/s/ha or Greenfield run-off rates whichever is lowest.
2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

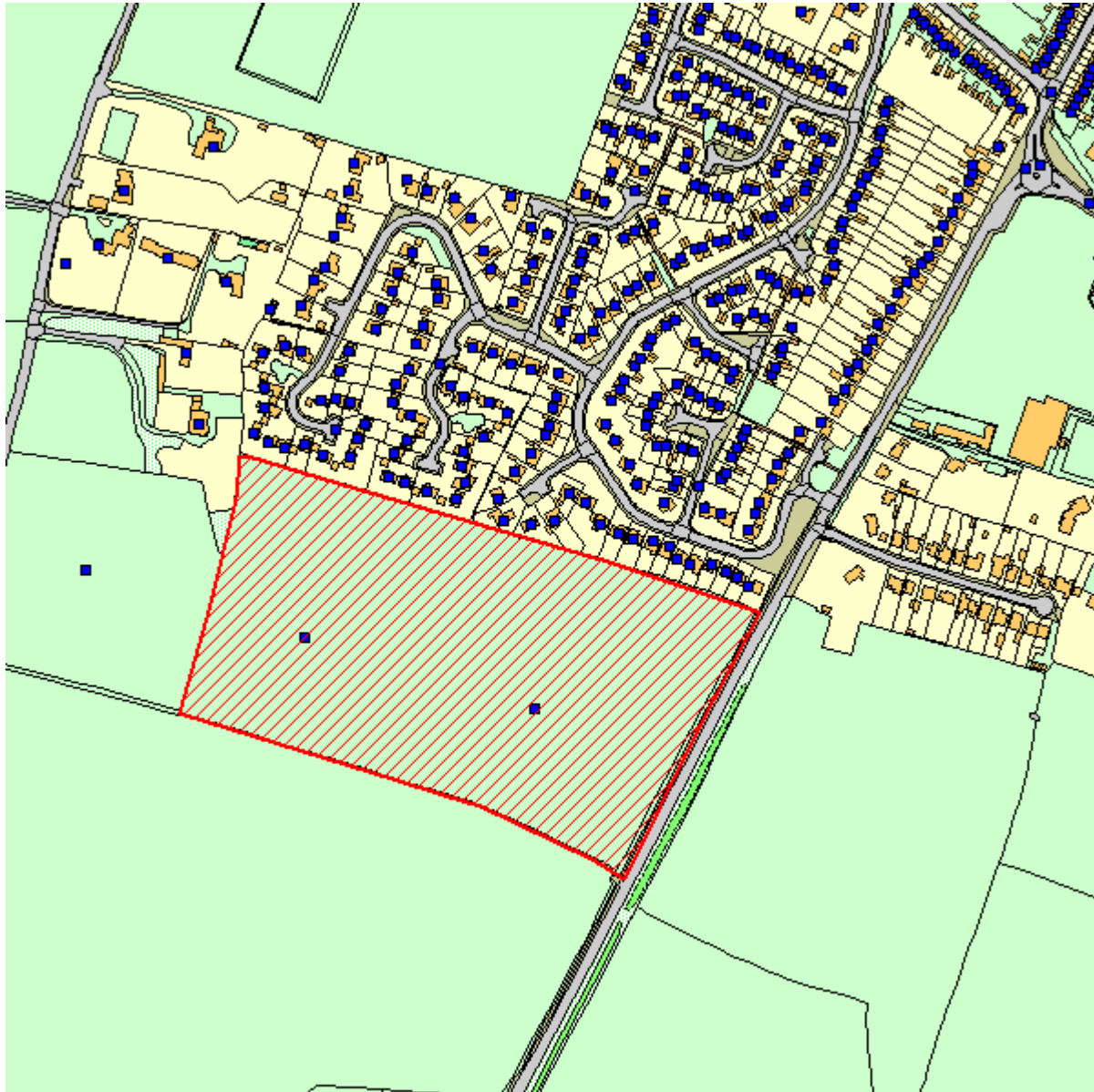
IMPORTANT:

Maintenance of the drainage infrastructure on site must be set out within a comprehensive legal agreement and any commuted sums required agreed within the outline permission. An as-built volume check of the drainage infrastructure must be undertaken once constructed because it is critical that the agreed attenuation volumes are provided for and maintained for the lifetime of the development.

The Council will need to see the following information when the applicant applies to discharge these conditions:

- A clearly labelled drainage layout plan showing the pipe networks and attenuation. This plan should show any pipe node numbers referred to in the drainage calculations, volume of attenuation provided and the invert and cover levels of manholes.
- A manhole schedule
- Simulations to demonstrate how the system functions in a 1 in 100 year plus climate change storm and showing how the storage has been modelled.
- Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
- If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with The NPPF.

Item No: 10
Application No: 13/00127/OUT
Site Location: Parcel 5400 Fosseway South Westfield Midsomer Norton



Ward: Midsomer Norton Redfield **Parish:** Midsomer Norton **LB Grade:** N/A
Ward Members: Councillor C Watt Councillor Paul Myers
Application Type: Outline Application
Proposal: Outline planning permission for up to 165 residential dwellings (C3) and 60 bed care home (C2), 2 points of access and public open space.
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site,
Applicant: Strategic Land Partnerships
Expiry Date: 15th April 2013
Case Officer: Daniel Stone

REPORT

REASON FOR REPORTING APPLICATIONS TO COMMITTEE:

Councillors Chris Watts and Paul Myers requested that if the application is to be recommended for approval, it be referred to Committee based on the strategic nature and size of the site.

DESCRIPTION OF SITE AND APPLICATION

The site consists of an agricultural field on the southern edge of Midsomer Norton, between the Fosseway (A367) and Silver Street (the B3355). The site fronts onto The Fosseway to the East, and the existing residential area of Charlton Park to the north. To the south and west respectively are agricultural fields.

The site is located beyond the housing development boundary but has no other planning designations and is in Flood Zone 1. The southern boundary of the site forms the administrative boundary of Bath and North East Somerset with the adjoining Authority Mendip District Council.

PROPOSAL

Two planning applications have been submitted:

12/05546/OUT - This seeks outline consent for 164 dwellings, a 60 bed care home, 200 sqm retail / café / business / community space (A1/A3/B1/D1) with 2 points of access and public open space.

13/00127/OUT - This application is essentially the same, but would omit the proposed shop / café / community space, and instead seek consent for 165 dwellings.

Both applications are in outline, seeking consent for the means of access, but leaving the Appearance, Layout, Landscaping and Scale of development as reserved matters to be determined at a later stage. This means that the Council is considering the principle of the proposed housing, care home (and shop), and issues connected with the proposed access arrangements, but all other issues to be considered by means of a subsequent planning application for the "reserved matters". Issues connected with planning obligations do however need to be considered at this stage.

As the applications are essentially identical (but for the shop element) and raise the majority of the same issues, this report is intended to cover both applications. Likewise, officers accept that some objectors may have written in to object to one or other of the applications but in truth object to both proposals. Therefore the objections have been summarised and treated collectively as objections to both proposals.

In the conclusion and body of the report is a consideration of whether the minor differences between the two schemes makes any difference to the determination of the applications.

HISTORY

016561 - Erection of Supermarket with petrol station and car parking. Refused 07.01.94. Reasons for refusal: Intrusion into open countryside; loss of agricultural land; impact on vitality and viability of town centre; impact on residential amenity; unsafe means of access.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

REPRESENTATIONS:

A petition from 534 signatories was received on 4th March 2013 objecting to the proposed development. To date a total of 150 letters of objection been received to applications 12/05546/OUT and 13/00127/OUT. No letters of support have been received for either application. The responses can be summarised as follows:

Balance between Housing and Employment

- There is not enough employment to support the existing population / where will the residents work? They will have to commute to work, creating more congestion and increasing the already very high out-commuting rate.
- Midsomer Norton is increasingly a commuter town as there are no local jobs to support the residents.
- The application makes reference to employment opportunities within the Westfield job opportunities available. In recent months Integrity Print, one of the largest employers has been laying off staff. Other large employers such as Polestar (450 jobs) and Alcan (220 jobs) have closed and Welton Bibby Baron (330 jobs) is due to be relocated. Inadequate road and rail links make it difficult for new industries to be attracted to the area.
- No need for an additional care home / the care home isn't the sort of business that will support local residents.

Principle of Development

- There are too many houses proposed. There are already hundreds of houses being erected on the old Alcan site, Withes Park, Purnels, Mardons, many of which are not selling.
- The area lacks the infrastructure to support this many new houses: junior and senior schools, doctors, dentists and policing. Local schools are at capacity, with no land onto which they can expand. The three schools discussed in the application have not been researched. Fossey school is a special school for statemented children with special needs, St Benedicts school is a catholic school, where priority is given to children in the catholic faith.

Greenfield Development

- Development should go on the brownfield sites that are available within the town, not on greenfield sites.

- There are two sites earmarked for supermarkets (Welton Bibby and Continuforms sites) which would be much more suitable for residential development.
- Approval of this application would encourage further greenfield development on the surrounding fields.
- Object to the loss of agricultural land.

Local Transport / Highway Safety Issues

- Fosseway Road (A367) is a very busy, congested and dangerous road and traffic speeds are high, despite the 30 mph limit. There have been fatalities and the development will make it even more dangerous.
- This development, with a single access point onto The Fosseway will increase traffic congestion. The Traffic Assessment shows that two of the three junctions assessed would be over capacity in the morning peak hour and all three over capacity in the afternoon rush hour. This is before the extra traffic created by the Alcan development has been factored in.
- The development will increase already severe Rat-running through Charlton Park.
- The application doesn't include any proposals to change the existing road layout to address the problems caused. Where can road improvements be made on Fosseway Road in order to accommodate traffic from the development?
- There is no direct or convenient pedestrian or cycle route into Midsomer Norton or to local schools. If consent has to be granted, it should include a pedestrian route across the adjoining field and fund the creation of a pavement along Silver Street.
- Insufficient parking for the care home (staff and visitors expected to use just 21 spaces)
- Public transport along The Fosseway is poor.
- The traffic surveys were undertaken at the wrong time of day.

Strategic Transport Issues / Sustainability

- All traffic from the site will have to travel through Midsomer Norton and Radstock along the heavily congested A367 in order to get to facilities and employment in Bath and Bristol. The development will worsen this and at present during evening rush hour the Bath New Road into Radstock is jammed for the full length of the hill. It can take anywhere between 25 - 70 mins to travel the 10 miles to Bath by car.
- The houses are at the wrong side of town for getting to either Bristol or Bath.

Landscape Impact

- Loss of flat agricultural land.
- The development would breach the existing building line, breaking out into greenfield land and creating pressure for development on the eastern side of Fosseway South, extending ribbon development along this arterial road

Flooding

- The site suffers from poor drainage with surplus rainwater frequently spilling onto and down the A367 and flooding the gardens of surrounding residents, including in Boundary Close.
- The detention ponds would be ineffective in overcoming drainage problems and would create a health and safety risk for children and care home residents, which will include dementia patients

Design / Layout (The design and layout has not been confirmed at this stage)

- The development is not in keeping with the layout and design of the area and would be "bolted" onto the edge of the town rather than being properly integrated with the town
- The development will not benefit the southern approach to the town.
- The site is overdeveloped, with insufficient parking

Amenity Impacts

- The development will overlook and overshadow the existing residents who back onto the site.
- Traffic noise from The Fosseyway road already intrudes on sleep. The development will make this worse.

Precedent

- The issues raised in the objections (traffic and highway safety, loss of agricultural land, lack of school capacity) were highlighted by the Government Inspector the last time an application was made to develop the land. What has changed?

Other

- Concerned about the impact on ecology, within the fields and hedgerows backing onto Charlton Park.
- The shop is not needed
- The site is of high archaeological potential, being close to The Fosseyway, a roman road.
- The development will de-value property (note: Whilst understandably a valid concern for residents, this is not a material planning consideration.)

WESTFIELD PARISH COUNCIL- OBJECT

The Parish Council objects to the planning application on the grounds of the adverse impact on the schools and roads (particularly the A367 which is a main route into Bath). This development, combined with the proposed adjacent development would have a huge impact on Westfield. If the planning application is agreed, the impact on Westfield should be thoroughly examined and a substantial amount of S.106 funds should be allocated to improve the roads and schools in Westfield

MIDSOMER NORTON PARISH COUNCIL - OBJECT

The land is currently green-field. The development is against the Local Plan saved policy HG4 as the land is outside the current development boundary.

The land is on the fringe of the town and links to the town are not sufficient to encourage the community spirit we are trying to engender for the town.

We do not believe that the site is sustainable due to the lack of road/transport infrastructure and lack of local employment.

The development would reduce the amenity of the town removing the natural green boundary and set a precedent for further green-field developments along the south edge completely destroying the situation of the town as a semi-rural market town. Green-field development is unnecessary at this time with other brown-field options shortly to be available.

In the event that the application is to be approved, Midsomer Norton Town Council would like Section 106 contributions from the developer to address some of the issues the town sees as priorities to help integrate the development with the town centre and thereby the local community:

Greater links to the town centre via walking and cycling along with better signage to the town centre and its facilities - encourage a sense of linkage with the town centre.

Improvements to green spaces in the town which is recognised as having a shortage of such amenities and which new residents could use and feel part of and support the community

Improvements to community facilities in the town centre - particularly recreational/cultural activities for example in community buildings which with the existing 100 community groups would engender a sense of civic pride and belonging to Midsomer Norton.

Full Comments:

The land is currently in agricultural use and so this development would be building on a Greenfield site, against the direction of the Local plan. The limitation of green-field development has been carried forward into the new Core Strategy so presumably the arguments for maintaining it continue to apply.

The field provides a visual and physical boundary to Midsomer Norton and should be retained to provide a green-field border to the town. The site is outside the current development boundary for Midsomer Norton and is therefore against saved policy HG4 - [B&NES Local Plan]. Other sites under construction in the neighbourhood are delivering the local housing need and growth already and the land on the Welton Bibby and Baron Site is currently under consideration. There would seem to be no justification for allowing development on a completely new site especially as the authority's own existing SHLAA (MSN23) deems the site unsuitable.

The Town Centre is stated to "provide a wide range of employment opportunities", but the town centre is in decline at present. There are certainly not many employment

opportunities and several of the areas larger employers have or are planning to relocate. [Welton, Bibby & Baron and CFH]

The developer makes much of the fact that the proposed development adjoins existing built up area but the town already has a strong edge at the boundary of the existing development and does not need a new edge.

The application mentions the lack of an adopted local plan and that B&NES had not made appropriate housing provision for the future, we would dispute that this proposed area is suitable to take any additional housing. The areas to comply with further growth are already established - Withies Bridge 112 homes and the Welton, Bibby and Baron site, the old Polestar site at Paulton and the Alcan Mardon's factory site at Westfield.

This development is against the direction of future economic strategy for our town. This looks to maintain a sense of local identity and community and will be seriously compromised by the sanction of urban spread and extension of existing housing estates around the edge of the parish.

The aspiration for the area is for improved transport links but there is no improvement planned for the main commuting routes and there is unlikely to be any improvement in the transport infrastructure in the foreseeable future. Adding more homes will only increase the problems. This proposed development is not on the greater Bristol bus network and so is more than likely to increase the out commuting from the area.

We do not believe that the development is sustainable. The NPPF demands that for development to be sustainable it must lead to economic growth. There seems to be no mention in the papers of the economic benefits of the development and its sustainability and one can only assume the developer recognises that there are none. Economic and strategic studies for the Somer Valley, and the town's own experience of the detrimental effect of excessive house building without employment and transport infrastructure investment, demonstrate the opposite. With the closure of the traditional local businesses associated with printing and manufacturing, and without the introduction of alternative employment at the present time, the outward travel to Bath and Bristol and other employment centres by the existing population should be addressed first. Given that one of the reasons put forward for the lack of employment opportunities and economic development in Midsomer Norton at the present time is the substandard road infrastructure, it is not unreasonable to suppose that increased traffic on the roads will only exacerbate the reluctance of businesses to relocate to the area.

MIDSOMER NORTON SOCIETY - OBJECT

- the proposal will provide housing without accompanying local employment, thus adding to the already high level of out-commuting,
- there are insufficient local amenities: education, medical care, recreation, etc. to support this level of development,
- the additional vehicular traffic that this proposal subtends would put unacceptable pressure on a road network that is already overstretched, and
- this site is not identified within the B&NES Core Strategy development plan, and there is already adequate availability of brownfield sites within Midsomer Norton to satisfy agreed housing targets; why is this greenfield site even being considered?

COUNCILLORS WATT AND MYERS - OBJECT

There is no policy justification to support the application. It is very clear that many local people are concerned about:

- Increased traffic resulting from this development upon Midsomer Norton's already congested road infrastructure.
- Sustainability in terms of the NPPF - where are all these new residents going to work - largely contributing further to the 60% commute out rate.
- The creation of a 'community bubble' at the farthest edge of Midsomer Norton with no sense of connection with the town/existing community in either literally in terms of bus routes and in a sense of belonging.

The existing SHLAA (MSN23) deems the site unsuitable and it remains clear that it is not required to maintain housing supply for the Somer Valley. The Somer Valley has not only consistently delivered new housing supply but also has a robust supply for the next five years.

- Midsomer Norton housing supply - reviewing the original Core Strategy period April 2006 to March 2026, by 31st December 2012, Midsomer Norton had already completed/given permission to 439 houses - 74% of its 2026 target. If this development were to be permitted we would exceed our 2026 target now. Whatever the B&NES record, Midsomer Norton has a proven track record of not only meeting but exceeding targets in the supply of new housing.

Somer Valley housing supply overall - the B&NES submission to the Inspector provided a strong and robust defence of the Somer Valley element of the SHLAA and how it can deliver the required five year housing supply utilising a number of brownfield sites without the need to build on greenfield sites such as being proposed here by the developer.

Increased supply resulting from Somer Valley Supermarket applications - Since the Core Strategy inspection commenced likely supply has increased as a result of the Somer Valley Supermarket applications. There are currently three sites (CFH, Welton Bag and South Road) at various stages of proposal, only one of which (most likely South Road) will succeed. The two sites not approved for a supermarket will certainly become available to contribute to further housing and more than meet, even if you accept the Developers argument, any housing shortfall in the Somer Valley.

The 12 acres at Welton bag is currently allocated as 50:50 housing and employment. If this supermarket application is denied the developer will certainly advance proposals for housing on the full 12 acres.

CFH have made clear that they require circa 6 acres for the development of their new premises, 50% of their current land holding. If the application for the Westfield site to be converted to a supermarket is denied proposals will be advanced to allocate 50% of this site for housing with CFH concentrating their operation on the remaining 50%.

If South Road is denied an application for a supermarket and it becomes clear that it cannot deliver economic regeneration, B&NES corporate property managers may decide

to extract maximum value from the site by making it available to contribute to future housing supply.

The Developer's arguing against the B&NES SHLAA (in their response to the Inspector) present no firm local evidence as to why the largely former employment sites should not come forward for housing. Indeed, vague references to sites being 'related to the former mining industry' and 'contamination' have surely got more to do with the comparative costs of developing brownfield sites in comparison to greenfield than the needs of the people of the Somer Valley/Midsomer Norton.

In addition, these brownfield sites which the developer is so keen to dismiss in the SHLAA figures being put forward by B&NES in order to justify greenfield sites have, since the growth of the town, become surrounded by housing development. It is our view that if these brownfield sites can be converted to housing, recompense could and should be made with Section 106 contributions to enable new employment sites such as Old Mills near Paulton and further development of the Bath Business Park at Peasdown St John.

INTERNAL AND EXTERNAL CONSULTATION RESPONSES

PLANNING POLICY:

- The Core Strategy makes a provision for 2,400 homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John. The Strategic Housing Land Availability Assessment (SHLAA) identified 2,100 homes taking into account the existing commitments, likely development on large vacant brownfield sites and an allowance for small windfall developments. Therefore 300 dwellings need to be identified to meet the housing requirements. The Housing Development Boundary will be reviewed in the Placemaking Plan to enable provision of around 2,400 homes.
- The Council is seeking to identify and allocate the sites through the Placemaking Plan. In accordance with the spirit of the Localism Act the Council will undertake this work with the close involvement of the local community.
- Work has commenced on the Placemaking Plan. It is anticipated that consultation will take place on a Launch Document in early summer, moving towards a Preferred Options document late 2013/early 2014.
- In determining planning applications now for residential development outside the HDBs a prematurity argument could be raised. However, it is emerging that limited weight can now be attached to prematurity.
- If it is accepted that only limited weight can be attached to the prematurity argument then an assessment will need to be undertaken as to whether the application site represents a sustainable solution (when judged against the policies in the NPPF) to meeting an element of the 300 dwellings figure referred to above.

HIGHWAYS - NO OBJECTIONS, subject to conditions and a S. 106 agreement securing the implementation of Personal Travel Planning (marketing, vouchers,

monitoring, training etc.) and funds to improve cycle and pedestrian infrastructure, public transport access, speed reductions on The Fosseway as follows:

- Cycle parking at key destinations within a 5 miles cycle distance of the site (assuming 20 'Sheffield' stands at £100 each) - £2,000.00
- Extension of First bus services 179 and S.C.C. bus service 414/424 (£25,000 per annum) - £125,000.00
- Toucan Crossing, including extension of foot/cycleway north to the new crossing from the north boundary of the site, and continued foot/cycleway to Charlton Lane junction - up to £87,657
- TRO for the extension of the 30mph speed limit on Fosseway - £6,000.00
- Gateway Feature on Fosseway - £8,500.00

- "Safeguarding" contingency sums:
 - Additional area-wide travel planning - £30,000.00
 - Implementation, consultation and administration of traffic management along Charlton Park £10,000.00

To avoid duplication, the detailed highway comments have been incorporated into the officer assessment part of this report.

SOMERSET COUNTY COUNCIL HIGHWAYS - NO OBJECTIONS subject to suitable conditions being imposed.

Without some mitigation, the impact on the Fosseway /Wells Road roundabout could be significant and the resulting congestion would be unacceptable. The proposed mitigation is in the form of trip offsetting through off-site personalised travel planning. While the applicant's assertion that a 10 per cent modal shift can always be achieved is not backed up by the available evidence, some analysis of the demographics of the surrounding area might show that this is a suitable environment for such improvements.

Somerset County Council has some experience of Personalised Travel Planning and its effectiveness. It has been slow to be taken up by developers but can prove a useful tool in mitigating potential problems. In order for this method of mitigation to be effective, it will need to be contained in an agreed Travel Plan which can be appended to a Section 106 agreement to secure the necessary financial contributions to achieve the required result.

It is proposed to extend the 30 mph zone to incorporate the development which will require a Traffic Regulation Order. Lowering the speed limit is essential for achieving a safe access and for creating an attractive environment for pedestrians and cyclists who may wish to walk alongside the road. A gateway feature has been introduced to try and create an environment where motorists are encouraged to slow down. The road currently has a very rural feel and the form of the development will do little to change that. There is planting proposed at the site boundary and a drainage feature behind. The start of development, therefore, will be some way back from the road so the motorist will still have the impression of a rural road rather than an urban street. It may be that this approach has been pursued due to other factors but it means that the speed limit could be widely ignored. While horizontal or vertical deflection may not be appropriate in this location, there are other ways that the speed limit can be reinforced such as signs and lines. A

more rigorous assessment of traffic calming and how the proposed speed limit can be encouraged will be necessary as part of the technical approval stage while the TRO is being processed.

JOINT RESPONSE FROM REGENERATION, SKILLS & EMPLOYMENT AND PLANNING POLICY - NO OBJECTIONS, subject to S. 106 agreement securing:

Construction Phase

1. Provision of onsite opportunities for employment, skills and training during construction

Post Construction Phase : Local Employment

2. agreement to be put in place to secure 50% local recruitment for shop and Care Home, to be delivered through an employer led Pre-employment Academy.

3. Provision by Care Home provider and retail operator of a structured training and development course to provide skills and basic qualifications appropriate to the sectors of employment. This would be undertaken before the opening of the Care Home and local shop and would be free of charge to the employer.

Economic Development

4. Contributions of circa £256,000 to fund the construction of new office accommodation in the Somer Valley.

Commentary

Within the Somer Valley the working age population has increased slowly over time by approximately 100 people per year. In addition, since 2006 the area has experienced job losses in the manufacturing sector, at Polestar, Alcan and more recently Welton Bibby Baron. This combination has led to increasing numbers of workers commuting out of the area which is unsustainable and counter to the Local Plan and Core Strategy vision that "the southern part of the District will become more self-reliant, facilitated by economic-led revitalisation".

Alongside this the range of local employment opportunities is restricted. The Smart Growth Report (2011) identifies that, to meet Core Strategy employment growth target for the Somer Valley of 1,000 net new jobs, will require a gross increase of 1900 jobs to take account of existing and projected job losses. The report indicates that the focus of new employment will be office and service sector based.

In comparison to B&NES overall the Somer Valley area has higher levels of unemployment, a higher proportion of long term unemployed, lower skills levels and a higher percentage of working age people with low or no skills. It is important that new developments contribute to addressing these issues by :

- Assisting in enabling and/or delivering local employability initiatives and opportunities for up-skilling the local work force

- Forge links where applicable with the B&NES Learning Partnership and local Colleges in relation to the delivery of local projects

Given the current picture regarding losses and gains in employment space in the Somer Valley set against the restricted current supply there is a clear need to promote opportunities to deliver new floor space, which will in turn assist in providing local employment opportunities for the residents of the new dwellings.

The current application is not on an allocated housing site in the Local Plan and does not comply with the Spatial Strategy for the Somer Valley set out in policy SV1. However should the above proposal proceed then, in order to promote a sustainable approach to additional residential development in the Somer Valley, the Development & Regeneration team would, in line with policy SV1b in the Core Strategy, require a contribution towards the creation of local employment.

The application includes 200sqm of retail space which will deliver approximately 10 jobs and the applicants indicate that the Care Home could provide up to 60 jobs. This will go some way towards offsetting the local employment impact of the additional housing, however in addition there should be a financial contribution, based on the number of houses, towards the creation of employment space in a more suitable location in the Somer Valley.

We would also require the developer to make a financial contribution towards the delivery of a local training, skills and employment plan to tackle and employment issues in the wider Somer Valley, together with associated training, skills and employment outputs in relation to the construction of the scheme.

URBAN DESIGN - OBJECT

Concerns were raised that the scheme was unsustainable by reason of distance and quality of connection with surrounding uses / areas. The site is located outside of the settlement within open countryside. It is not allocated and sequentially less sustainable than sites within the settlement boundary and the amount and balance of uses proposed is not considered to contain the critical mass and balance to create a viable sustainable community.

The southern settlement boundary to Westfield is well defined and the rural landscape and existing clarity of urban edge of Westfield makes a positive contribution to local character and distinctiveness. The development would dilute this relationship. The landscape is not of special value, but the boundary hedgerow along The Fosseway is continuous and distinctive rural character. Its loss would be harmful.

Density relatively high (c 35 per hectare net). The quantity of development is unlikely to create a "new community" or support retail unit without additional connected community.

The site is relatively flat and capable of supporting higher density development. Retained and reinforced landscape on boundaries could screen development of c 2 storeys.

LANDSCAPE OFFICER - OBJECT

This is an important rural site on the southern edge of Midsomer Norton and currently provides an appropriate and effective buffer between Charlton Park and the open

countryside to the south. This is not an allocated site and it is outside the development boundary.

The land provides an important part of the setting of Midsomer Norton and a change from open agriculture to residential would have a substantial adverse effect. The loss of agricultural land would also be regrettable and I would object to the proposal in principle. The proposed double access will also result in the loss of lengths of important hedge along the Fosseyway. Overall, I conclude that development on this site would be inappropriate.

ECOLOGY: - No Objection, subject to the imposition of conditions requiring the submission of a Wildlife Management and Enhancement Scheme.

PARKS MANAGER -NO OBJECTIONS subject to contributions of approximately £392,552.14 (for application 12/05546/OUT) or contributions of approximately £393,071.83 (for application 13/00127/OUT) being secured to fund the provision of natural and formal open space and allotments off-site to serve the population, the exact amount of the contribution to be calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009 prior to reserved matters consent being granted, depending on the extent of public open space being provided within the development.

ARBORICULTURE: NO OBJECTION, subject to conditions being applied requiring the submission of an Arboricultural Method Statement with Tree Protection Plan.

EDUCATION - NO OBJECTIONS subject to contributions of approximately £433,699.91 for application 12/05546/OUT or £437,797.74 for application 13/00127/OUT being secured to fund primary and Youth Services provision places. The final contribution is to be confirmed once the housing mix is known.

ARCHAEOLOGY: No objections subject to conditions

HOUSING SERVICES - NO OBJECTIONS

This application sits outside the Housing Development Boundary but does provide for 35% affordable Housing. A 60-bed Dementia Care Home is proposed in addition to the affordable housing contribution. This fits with B&NES Older Peoples Strategies and Adult Care Housing and Health requirements for the MSN area and is fully supported by Strategic Housing Services.

Subject detailed issues being resolved Strategic Housing Services support this application.

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

- The affordable housing obligation is secured in perpetuity through a section 106 Agreement.

- 35% of the overall residential provision to be secured as affordable and grant free housing with a max 75 /25 percent split between Social Rent and Intermediate Market housing.
- All the affordable housing units to be benchmarked against Housing Corporation's 'Design and Quality Standards' and that Code for Sustainability level 4 or 5 be achieved depending upon the timing of each construction phase and as required by the Design and Quality Standards at the time and availability of any grant being subject to a full economic viability assessment.
- All the affordable housing units to be benchmarked against the design requirements contained within the B&NES Planning Obligations SPD & annexes
- To transfer the units to a partnering Registered Social Landlord (RSL) or other Affordable Housing Provider (AHP) as approved by the Council.
- The affordable housing land is transferred to a RSL or AHP at nil cost.
- Phasing conditions on affordable housing triggers to be set out in the Section 106 Agreement.
- Public subsidy (grant) will only be made available in the event that the RSL's or AHP's supportable deficit is insufficient to pay for the build costs. Grant will be subject to a comprehensive financial viability assessment. Where the assessment justifies a 35% contribution cannot be achieved, the full 35% affordable housing must still be identified on plan to ensure a later transfer of all affordable dwellings subsequent to grant aid being available.

ENVIRONMENT AGENCY: NO OBJECTION

Following the receipt of an addendum to the Flood Risk Assessment, the E.A withdrew their former objection, subject to the inclusion of conditions requiring the submission of a surface water drainage masterplan and details of rainwater attenuation. The drainage system / S.U.D.s system to be designed to achieve Greenfield run-off rates (rainwater outflow from the site not exceeding the levels from the current undeveloped site).

WESSEX WATER: NO OBJECTION subject to conditions requiring details of foul surface water drainage and limiting the rate of outflow from the site.

It is understood that surface water will be attenuated on site and discharged to a system to the north east of the site. Confirmation is being sought regarding the ownership and outfall of this existing system. The public surface water systems in vicinity of the site have limited capacity to accommodate additional flows.

HIGHWAY DRAINAGE: NO OBJECTION, subject to the conditions recommended by the Environment Agency being imposed.

CONTAMINATED LAND: NO OBJECTION, subject to conditions covering contamination remediation.

ENVIRONMENTAL MONITORING - AIR QUALITY - No objections subject to a condition being applied to require a Construction Dust Management Plan to protect adjoining residents.

CRIME PREVENTION: NO OBJECTIONS IN PRINCIPLE

WASTE SERVICES - Insufficient information is available to comment.

POLICIES/LEGISLATION

Policies/Legislation:

Policies/Legislation:

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

D.2: General design and public realm considerations

D.4: Townscape considerations

IMP.1: Planning obligations

CF.3: Contributions from new development to community facilities

CF.6: Residential Care Homes

ES.5: Foul and surface water drainage

ES.15: Contaminated land

HG.1: Meeting the District housing requirement

HG.7: Minimum housing density

HG.10: Housing outside settlements (agricultural and other essential dwellings)

SR.3: Provision of recreational facilities to meet the needs of new developments

NE.4: Trees and woodland conservation

NE.9: Locally important wildlife sites

NE.10: Nationally important species and habitats

NE.11: Locally important species and their habitats

NE.12: Natural features: retention, new provision and management

T.1: Overarching access policy

T.24: General development control and access policy

T.25: Transport assessments and travel plans

T.26: On-site parking and servicing provision

DRAFT CORE STRATEGY, MAY 2011

Draft Core Strategy Policies:

DW1: District wide spatial strategy

SV1: Somer Valley Spatial Strategy

CP2: Sustainable construction

CP6: Environmental quality

CP7: Green Infrastructure

CP9: Affordable housing

CP10: Housing mix

CP13: Infrastructure provision

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into effect on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's). The NPPF is of primary consideration in the determination of this application.

Whilst the NPPF confirms at Para 214 that full weight can be given to relevant (local) Policies for a period of 12 months from the date of its publication, this is conditional on those policies having been made in accordance with the 2004 Planning and Compulsory Purchase Act. In the case of the B&NES Local Plan, although adopted in 2007 this was made in accordance with 1990 Town and Country Planning Act and therefore Para 215 of the NPPF is applicable where it is stated "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

Chapter 3, Rural Areas of ID28 (The Inspector's Preliminary Conclusions on The Core Strategy) is pertinent to this application

Ministerial statement entitled 'Planning for Growth', 23 March 2011

OFFICER ASSESSMENT

A. APPROACH TO THE ASSESSMENT OF THE PRINCIPLE OF DEVELOPMENT

A significant body of objection has been raised to the principle of the proposed development, in that the site lies beyond the adopted development boundary for Midsomer Norton. Related concerns have been raised that green-field sites such as this should not be developed ahead of "brownfield" sites within the town itself, and about an imbalance between housing and employment, with insufficient jobs in the town to support the population and high levels of out-commuting.

In terms of the policy context, policy SV1 of the Core Strategy sets out the proposed strategy for the Somer Valley. The key objective of the strategy in terms of Midsomer Norton is to address the imbalance between housing and employment provision which has resulted in high levels of out-commuting from the town. The site is located outside the adopted development boundary and therefore ordinarily the proposals would be recommended for refusal on these grounds.

However, as has been widely publicised, the Core Strategy Inspector required significant changes to the Core Strategy, and concluded that the strategy did not make sufficient provision for housing land, enough to meet the requirements over a 5-year period.

In response to the criticisms made of the Core Strategy and approach to housing, the Council has published recommended changes to the Core Strategy which were adopted for the purposes of Development Control by the Full Council on 4th March. In the amended Core Strategy, the housing figures have been revised upwards from the level originally set out, leading to a requirement for an additional 1870 houses to be provided across the district.

Policy SV1 (4a) Housing is proposed to be amended to read as follows:

Review the HDBs to enable up to around 2,400 new homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John. This will include affordable housing, providing more choices of housing to meet the needs of the local communities. (Policies RA1 and RA2 are applicable to the other settlements in Somer Valley.)

It explains in Paragraph 4.5 that there is already a significant number of housing commitments in the Somer Valley and a limited capacity to generate new jobs. New housing in the Somer Valley will therefore be restrained in the interest of sustainability but some additional housing will be needed to meet the District Housing land requirement. The Core Strategy plans for 300 homes to come forward in the Plan period in addition to existing commitments, estimated capacity on large brownfield sites and windfall sites. The HDB will be reviewed in the Placemaking Plan to facilitate this. However in light of the objective of economic led revitalisation, it is important that the additional housing does not significantly worsen the balance between homes and jobs and the out-commuting problems and the council may therefore seek to ensure an economic benefit from new housing

The National Planning Policy Framework (NPPF), paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development" and that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year land supply of deliverable housing".

Para 14 of the NPPF states that "where the development plan is absent, silent or the relevant policies are out of date" the local authority should grant permission unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme".

In terms of the policy position, the key messages from this are that the Authority does not have an up-to-date Local Plan, or an Adopted Core Strategy, and the Council now considers that it can demonstrate a 5-year housing land supply, but only with the additional housing numbers set out in the amended Core Strategy, and in particular an additional 300 houses in the Somer Valley. The outcome of this analysis is that the application should be principally assessed against the policies in the NPPF, with the amended Core Strategy being given limited weight as a material consideration in any decision. The housing policies in the Adopted Local Plan are to be given little weight in the determination of the application.

Given the policy position as set out in the NPPF, a presumption applies in favour of the development, unless the adverse impacts of granting consent would significantly or demonstrably outweigh the benefits of the scheme.

B. IS THE PRINCIPLE OF RESIDENTIAL DEVELOPMENT ACCEPTABLE?

Officers consider that in principle the development is in accordance with amended Core Strategy policy SV1, and the development would assist in providing the larger proportion of the additional 300 dwellings. However it should be stressed that this additional housing

requirement is identified for the Somer Valley as a whole. The location and distribution of this housing would be determined through the Placemaking Plan which has yet to take place.

Whilst as expressed through the report there are concerns about the balance between employment and housing in Midsomer Norton, if an additional 300 dwellings are to be accommodated in Midsomer Norton, Radstcok, Westfield, Paulton and Peasedown St. John, it is reasonable that a significant part of this housing should be accommodated in the towns with adequate services such as Midsomer Norton.

Officers share residents' significant concerns in respect of the imbalance between housing and employment provision in the town, and it is clear that this application would exacerbate this imbalance. The development, which would incorporate a 60-bed Care home and (in the case of application 12/05546/OUT) a shop unit, would provide approximately 70 jobs for a population of approximately 200 economically active residents and therefore would further increase the imbalance of housing supply over employment supply.

Given the potential social consequences in terms of unemployment implications and increased out-commuting, this is of great concern. However, through the submission version of the Core Strategy, the Council has already sought to restrict housing development in Midsomer Norton to the existing commitments and to schemes which bring forth employment in tandem with housing, and this approach was rejected by the Core Strategy Inspector, who concluded that notwithstanding these concerns, limited additional housing was needed over and above existing commitments.

Therefore whilst ideally officers might wish to resist a development of this scale, which may exacerbate the problems in Midsomer Norton, it is not considered that such an approach could be defended at appeal, as it would run directly counter to the Inspector's conclusions on the Core Strategy. Officers conclude that the benefits of delivery of housing, including affordable housing, must be given significant weight as a material consideration in favour of the development.

Whilst the intention is that the location of the additional 300 houses in the Somer Valley should be determined through the Placemaking Plan, it would not be possible to refuse this application as being premature to this process, as the main intention of the NPPF is to force Authorities that have under-delivered housing in the past (such as BaNES) to expedite its delivery now.

Councillors Watt and Myer have provided detailed commentary on the availability of brownfield sites in the centre of Midsomer Norton, the argument being that the 5-year housing land supply can be achieved without having to resort to developing Greenfield sites. Officers consider that these arguments have already been rehearsed through the Core Strategy process, and in his preliminary conclusions on the Core Strategy (document ID/28 - June 2012) the Inspector concluded that the Council had not been able to demonstrate a 5-year housing land supply.

The Town Council is correct that during the Examination in Public the Council defended the approach of the SHLAA to Midsomer Norton (document BNES/35). However the

Inspector considered and rejected this evidence, raising significant specific concerns about the approach adopted in the SHLAA in Midsomer Norton. The Inspector concluded:

3.58 Overall, the SHLAA does not provide a reliable or consistent assessment of the housing potential of the Somer Valley towns to inform the strategy.

3.59 Given the limitations of the supporting evidence it is difficult to draw any firm conclusions as to the soundness of the proposed 2,700 dwellings (in the Somer Valley). It would be unsound to preclude the prospect of additional housing above existing commitments, particularly given the economic restructuring which is occurring in the area and the Council's plans for town-centre redevelopment.

Councillors Watt and Myers also questioned whether a different, less supportive approach should be adopted to housing proposals in Midsomer Norton than other parts of the district, given, in their view, the high level of housing delivery in the Town, and the relative lack of housing delivery in other parts of the district.

Two key points should be made in response.

Firstly the wording of paragraphs 14. and 49.of the NPPF does not allow for consideration of local variations of housing supply across districts. Local Planning Authorities are required to demonstrate a five-year land supply of deliverable housing. If they cannot or do not, the policies are to be considered out of date, a presumption in favour of sustainable development applies and applications are to be considered against the NPPF. The wording of these clauses is clear: if a 5-year housing supply cannot be demonstrated across a Local Authorities district, a presumption in favour of sustainable development applies. This direction would have no effect if the presumption in favour of development did not apply to the whole of a Local Planning Authority's jurisdiction, and the wording does not offer any support for discretion being applied in situations where there are variations in housing delivery across a district area.

Secondly, it is clear from the commentary in ID/28 that the Inspector found the Council's position in terms of 5-year housing supply to be unreliable, both in terms of the overall methodology used across the district in predicting housing numbers, and in terms of the deliverability of the housing sites that had been identified at a local level in Midsomer Norton.

In response to the Inspectors comments, the Council has updated the background document which assesses the housing supply (known as the SHLAA). This includes many of the sites mentioned as being preferable brownfield sites to the application site (including Welton Bibby and Polestar) the point being that even assuming that all of these sites are delivered additional housing land to support 300 extra homes will also be needed.

Therefore whilst the comments of the Town Council and the many comments from residents are noted, officers do not consider that the application could sustainably be refused by reference to either the availability of preferable brownfield sites elsewhere in Midsomer Norton or the adopted housing development boundary. The Council's position in the amended Core Strategy is that available brownfield sites will not be sufficient to

meet the revised housing requirement, and that housing development boundaries must be reviewed in order to accommodate the provision of around 2,400 homes.

The analysis in the inspector's assessment of the submitted Core Strategy and in the revisions to the Strategy (and policy SV1) to address his concerns are material considerations that would be given weight in any appeal (and which would weigh in favour of granting consent), and consequently, officers do not consider that the application should be refused as being contrary to the emerging Core Strategy.

C. IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN TERMS OF TRANSPORT AND HIGHWAY SAFETY CONSIDERATIONS?

This section incorporates the detailed comments prepared by the Highways Officer.

Principle of Development and Location of Site in Relation to Services and Public Transport

The site lies outside the development boundary of Norton-Radstock and therefore raises automatic concerns in respect of accessibility and sustainability i.e. whether the occupants of the site can access the usual key residential facilities (schools, shops, employment opportunities etc.) without dependence on the use of a car. It is therefore vital that access to these facilities is available via other modes of transport, within reasonable distances and with infrastructure of an appropriate standard.

Currently, the site is relatively inaccessible in terms of the opportunity to travel by alternative modes of transport - while some facilities (the local shop, school etc.) are within a reasonable distance, the local infrastructure is not ideal with indirect/discontinuous pedestrian and cycle links. There are currently no direct pedestrian or cycle links to the development site from the adjacent housing estate (Charlton Park). Access to regular bus services is also some distance from the proposed development.

The Strategic Housing Land Availability Assessment commented that the site was remote from the town centre, local facilities and public transport with limited pedestrian accessibility.

On the whole Planning and Highway officers agree with this assessment. The site is in a remote, peripheral location in the overall context of the town, and at present is relatively inaccessible in terms of the opportunity to travel by alternative modes of transport. As stated above, as existing pedestrian and cycle links are poor and routes to Norton Hill School and the Town centre are indirect and inconvenient. All traffic, both vehicular and pedestrian would exit the site via two access points onto The Fosseway, and whilst the Fosseway does have footways, it is not a particularly pleasant walking environment, being heavily trafficked.

Bus services passing through the vicinity of the site are reasonable. Services 379 (1 service a week) and 777 (hourly) pass along The Fosseway and provide access to Bristol, Radstock, Paulton Tesco's, Shepton Mallet, Midsomer Norton and Pensford. A wider range of bus services pass along Charlton Road, to Bristol, Frome, Timsbury, Keynsham, Clutton, Farrington Gurney and Weston Super Mare. Whilst services are reasonable, at present the bus stops are some distance from the site.

The application proposes that the development would incorporate bus access, with a bus stop (fitted with real time information) located within the development, adjacent to the shop. Funds would be set aside from the development to fund the extension and diversion of services 179 and 414/424 through the site.

The development offers to fund the creation of a pedestrian crossing on the Fosseyway near Charlton Lane. In addition, a widened foot / cycle path is proposed that would lead along The Fosseyway from the application site to the new crossing, to enable improved pedestrian access to St. Benedicts Roman catholic Primary school and the Westfield employment area.

Two options for the crossing are proposed, and both include improved footway provision on the east side of the A367. This would be an asset to existing residents of Charlton Park, as well as the residents of the development.

Highways officers advise that the result of these improvements ensures that the development would meet the relevant criteria in terms of travel by public transport and by cycling, and by walking to local employment. The location of local schools - particularly non-denominational and secondary is less convenient, and in this regard it is regrettable that a link to Charlton Park could not be created for pedestrians and cyclists. The inclusion of a shop within the development obviously reduces the need to travel further afield for convenience shopping. Therefore, as a whole the improvements result in a much more accessible development in travel terms, which is generally in accordance with the relevant guidance: 'Manual for Streets' and Regional Planning Guidance 10.

Highway Safety

Two vehicular access points are proposed on the A367. Both are simple give-way tee junctions. Highways advise that visibility to/from both these junctions would be satisfactory, while this is not dependent on the lowering of speeds of traffic on the main road the relocation of the existing speed limit to the south of the site, and the introduction of a gateway feature will enhance and reinforce that limit. This would need to be agreed through a Traffic Regulation Order, a separate regulatory process and secured either through a legal agreement, or a 'Grampian' condition.

Highways officers advise that the proposals are acceptable in terms of highway safety.

Traffic Congestion

A significant level of concern has been raised in the public comments in respect of traffic congestion, both locally in and around the development, and on the major road routes from Midsomer Norton to Bath and Bristol.

The submitted Transport Assessment considers the impact of vehicular movements generated by the development, based on the assessment of likely trips generated in comparison with existing movements and assessing the impact on local junctions.

The impact in the morning and evening peak hours has been assessed in consideration of traffic levels in three scenarios - on the date of application (2012), in 2017 to include traffic

growth and other significant committed development, and in 2022 (with the same added factors).

In simple terms, the assessment shows the development is likely to increase two-way traffic flow on the A367 in the AM and PM peaks by 11.5% and 13.4% respectively. As this traffic distributes, the increase on the Charlton Lane roundabout is 4% and 6% respectively, on the Charlton Road junction 3.5% and 4%, and on the B3139 junction (to the south of the development) by 2.3 and 2.7%.

The subsequent detailed analysis of these three junctions shows that in 2017 there is very little adverse impact on the B3139 junction, which continues to operate well with minimal delay and therefore no increased queuing.

The impact on the Charlton Lane junction has minimal impact during the morning peak; however in the afternoon there are increased delays in exiting Charlton Lane and therefore increased queues.

Charlton Road experiences queuing and delays in the peak hours at present, inevitably therefore it is shown that these will increase. The assessments undertaken show delays on Charlton Road increasing in 2017 from over 5 minutes (without development) to 6.5 minutes with development, and to nearly 9.2 minutes in 2022. As a matter of context however, it should be pointed out that in 2022 without development, natural traffic growth increases delays at this arm of the junction to almost 7.2 minutes in any event.

Proposed Mitigation for Congestion

Highways officers were originally concerned about the lack of obvious measures to mitigate for increased traffic congestion resulting from the development. In the Transport assessment submitted with the application, the developers advised that people "would choose to alter their behaviour to take account of this delay by taking alternative routes or travelling at different times".

This was not considered to be acceptable as it relies on changing travel habits for people who may not have that choice i.e. work and school trips at times which have no flexibility, and for which alternative routes are not convenient. The most convenient alternative route to avoid the queues exiting Charlton Road would be through the Charlton Park housing estate, the impact of which had not been considered. In this respect, many residents have raised concerns about the potential for the development to exacerbate problems with "rat-running" through Charlton Park.

The applicants have since responded to these concerns, and have submitted a travel plan which would aim to promote alternative modes of travel, lessen overall road use and thereby offset the impact of traffic generated by the development. The Travel Plan expands in some detail on the opportunities available to improve alternative travel, for the development and also commits to carrying out personalised travel planning within Charlton Park and Westfield Industrial Estate. The stated measures are detailed and costed within the Travel Plan, and would include the following:

Hard measures

- Up to £87,757 for a Toucan crossing over A367 and the creation of a 3 metre wide footway / cycleway along the site frontage to the new pedestrian crossing near Charlton Lane and a 2 metre wide footway from the Crossing to the Charlton Lane junction.
- £2000 for cycle parking at destinations within cycle range (5 miles) in Norton-Radstock, e.g. in the town centre, at Westfield Industrial Estate, local primary and secondary schools, leisure centres or supermarkets.
- £6,000 for the securing and introduction of a Traffic Regulation Order for the relocation of the 30mph speed limit on the A367.
- £8,500 for the introduction of a 'gateway' feature at the location of the proposed relocated speed limit.
- £25,000 per year for a period of 5 years the enhancement and on-going operation of bus-services 179, 414 and 424 to service the site
- Provision of a bus-stop within the site including bus-shelters, timetables, raised kerbs and real-time information.

Soft Measures

- Appointment of a Travel Plan co-ordinator, to manage the implementation of the travel plan
- Travel information packs to be disseminated to households and employees on occupation, including walking and cycling maps, home delivery services, lift sharing, cycle training etc
- £200 bus and cycle vouchers to be offered to all households and employees on the site
- Provision of umbrellas / high visibility jackets / puncture repair kits to residents
- Provision of travel notice boards
- Marketing during sales phase
- Promotional events - annual newsletter, sustainable travel days
- Yearly monitoring of travel plan and transport habits within the site for 3 years, including annual travel questionnaire and traffic surveys
- Personalised travel planning to be carried out in Charlton Park and Westfield Industrial Estate, at a cost of £30,000

Where the acceptability of a development in terms of congestion or highway safety depends in part on the effectiveness of "soft" demand management measures to reduce traffic levels, Officers have experience from other authorities of requiring additional funding if critical thresholds of traffic levels are exceeded at specific locations. The Travel Plan includes the following such additional measures:

- Extension of Area wide Travel Planning to include Norton Hill and Westfield at a cost of £30,000
- £10,000 towards the implementation , consultation and administration of traffic management measures along Charlton Park to combat "rat running"

The travel plan proposes that funding for these additional measures would be triggered if travel plan targets (for the proportion of residents travelling by non-car mode) are not met, or if critical traffic generation levels are exceeded. Were

members resolved to approve the application, further work would be required to agree the thresholds above which these additional measures would be triggered, and to incorporate these requirements into a Section 106 agreement.

Effectiveness of Mitigation

Highways officers advise that the approach proposed has been used to great effect in other locations in the country, and is endorsed by Somerset County Council. The Travel Plan illustrates in detail how effective this has been in these other areas, and the consultants who prepared the Travel Plan have wide experience in working with other authorities to help deliver their Personalised Travel Planning aspirations.

If successful, to the same extent that other schemes across the country have been, the area-wide reduction in car trips (i.e. Charlton Park and Westfield Industrial Estate) could be such that the impact of traffic generated by the development is entirely negated i.e. a target reduction of 88 trips in each peak, compared to the predicted development traffic of 83 and 99 (am and pm peaks respectively). The assessments show that during the peak hours the Charlton Road junction does reach and exceed capacity, measures introduced to reduce traffic flow have been shown to reduce this impact, and that on-going monitoring and funding will continue to identify and address issues arising. Importantly, where targets are not met, additional "safeguarding" funding will be secured to address any issues arising as a result, or to expand the Personalised Travel Planning to include a wider area as appropriate.

As a result, Highways officers advise that the application is acceptable, subject to conditions, and the package of measures being secured through the Travel Plan, agreed as per appendix C of that document.

The absence of the retail unit in application 13/00127/OUT does raise the reconsideration of sustainability of the development given the need to travel further to convenience shopping (the small shop on the corner of Charlton Road, or the larger mini-supermarket further along Fosseyway). However a recent appeal decision in Farmborough concluded that the inclusion of a shop to cater for a new development was not fundamental to its sustainability, especially as its long-term provision could never be guaranteed. Therefore the absence of the shop does not change the recommendation for this application.

D. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR DESIGN AND LAYOUT?

The application is in outline with all matters reserved but access. Therefore whilst an indicative layout has been submitted, the only aspects of the development that are fixed at this stage are the access points and the nature of the development coming forward (either a care home, shop and 164 dwellings for application 12/05546/OUT or a care home, and 165 dwellings for application 13/00127/OUT).

As a result the finer aspects of the layout, the design and form of buildings and the spaces between them cannot be considered at this stage, however it is appropriate to consider whether the amount of development proposed is likely to be able to be accommodated in an acceptable form in subsequent reserved matters applications, and in this respect the

Illustrative Layout is useful in illustrating how this amount of development might look on the site.

Whilst reservations have been raised in the urban design comments about the illustrative layout submitted, officers consider that an acceptable layout and form of development is capable of being brought forward at reserved matters stage. The density of development is considered to be acceptable, and officers consider that a development could be carried out without giving rise to unacceptable overlooking or overshadowing of the existing properties on the southern edge of Charlton Park. Self-evidently the development would result in a significant change in the outlook from these properties, but this would arise with any development of this scale, and is not considered to be a sustainable reason for the refusal of the scheme.

E. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR LANDSCAPE IMPACTS?

In its present condition the southern boundary of Charlton Park (the adjoining residential estate) forms a firm and obvious boundary to the southern edge of the town. Whilst the site is not prominent in the wider landscape, the proposed development would breach this boundary and cause localised landscape harm through its intrusion into the open countryside and the loss of an existing Greenfield site.

Officers acknowledge that the development would result in openings having to be created in the boundary hedge fronting onto The Fosseway, resulting in the continuity of the boundary hedge being lost. This clearly would comprise part of the landscape harm caused by the development, but officers consider that in the longer term, this harm could be compensated by the creation of a suitable replacement boundary treatment, or by the reinforcement of the existing boundary hedge.

F. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF FLOOD RISK ISSUES?

Some nearby residents raised concerns about potential flood risk issues, the perception being that the site is poorly drained at present with properties adjoining the site in Boundary Close experiencing localised flooding and excess water draining onto The Fosseway.

In the Addendum to their Flood Risk Assessment, the applicants acknowledge that there is a problem with land drainage inundating the rear of properties in Charlton Park, but comment that their development has been designed so that it would intercept these flows and direct them to swales (grassed depressions) on the western and southern boundaries of the site. These swales would in turn be routed into a 0.8m deep infiltration basin which would be fitted with an outflow to the existing land drainage pipe.

Significant attenuation would be provided on-site, either through attenuation ponds or below ground storage so that rainwater outflows from the site would be limited to existing rates and rates that the downstream drainage system can cope with.

The applicants comment that through their drainage strategy there would be no increase in flood risk off site and some of the existing flooding problems in Charlton Park are

alleviated. The Environment Agency (E.A) and the councils Drainage team accept this and do not object to the application.

The EA originally objected on the grounds that the reuse of the existing surface water drainage pipe connection in the north-east corner of the site was unproven as its destination was unknown. Likewise the council's drainage team originally objected on the basis that the development would depend on being drained via a highway drain in the verge of the A367 Fosseway on the north east corner of the site.

The applicants investigated the drain by dye testing to confirm its destination and as a result the Environment Agency removed their objection to the development. There is no objection either from Wessex Water or from the councils own Highways Drainage team and the applicants have confirmed that Wessex Water would consider taking over the maintenance of the existing highway drain.

As a result, subject to the imposition of conditions recommended by the Environment Agency, there are no objections to the application on Flood Risk grounds.

Concerns have been raised about the safety of the detention ponds, particularly given the proximity to the care home. Officers consider that this is an issue that can be resolved at reserved matters stage through the incorporation of appropriate railings and other safety features.

G. IS THE PROPOSED CARE HOME ACCEPTABLE?

Local Plan policy CF.6 advises that care homes will be permitted provided that they are well related to the public transport service and within reasonable walking distance of a city, town, district or Local centre and provided that there is adequate communal garden space to meet the needs of the residents.

With the proposed improvements to public transport provision servicing the development, the care home will be well served by public transport, however the site is not within walking distance of a local centre. Officers consider however that the employment benefits of the care home (generating 50 full-time equivalent jobs) outweigh any concerns over its location and it is seen as a welcome aspect of the development. The Council's housing department are fully in support of this aspect of the proposals and comment on the need for a care home in the area, and a letter of support has been received from Waypoints, a specialist dementia care home operator expressing interest in the site. The developers have also submitted a report assessing the likely economic viability of a care home, which concludes that there is an unmet demand and that it would be a viable concern.

The detailed layout of the care home and its access to communal garden space would be considered at reserved matters stage, at which point the landscaping and layout of the site will become fixed.

H. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF ECOLOGY IMPACTS?

The Council's ecologist has raised no objections to the proposed development and has advised that the site predominantly comprises ecologically low value arable land with few additional features of value to wildlife.

The main habitats of any value are the boundary vegetation, of which the boundary with the highest overall habitat value is the southernmost hedgerow, within which is a mature native black poplar, which is of high nature conservation value, and would be retained in the development.

The recommendations of the ecological report submitted with the application should be secured by condition and incorporated into any detailed layout and planting scheme to follow, including a requirement for the provision of native hedgerow planting along the boundaries as shown in the masterplan, together with provision of other additional wildlife habitat, native planting and enhancements within the landscape scheme.

I. IS THE PROPOSED SHOP/ BUSINESS / COMMUNITY SPACE ACCEPTABLE?

The key difference between the two applications is the shop / business use / café restaurant / community space proposed as part of application 12/05546/OUT, but not proposed in application 13/00127/OUT.

The indicative masterplan shows that this would be likely to be sited on the entrance to the site adjacent to the bus stop. In order to encourage the unit to be occupied, the applicants have proposed that it could be used flexibly in either use classes A1, A3, B1 or D1.

Such a variety of uses raise potential amenity issues with adjoining residential properties which can be resolved through any subsequent reserved matters application, but in principle the unit comprises a small element of the proposals which would assist the sustainability and self-sufficiency of the proposed development. The Council's urban design officer has raised concerns about whether this unit would be viable. Officers do not consider that the presence or absence of the unit would make any significant difference to the outcome of the application, and it would not be legally possible to require the shop to be in operation to serve the development.

J. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR EFFECT ON BELOW GROUND ARCHAEOLOGY?

The site is of potential archaeological importance due to its location adjacent to The Fosseway, a Roman road. As a result archaeological excavations took place prior to the submission of the application which revealed two parallel ditches of what may be pre-historic origin. Archaeological mitigation can be achieved through the application of conditions on this consent, and through any subsequent reserved matters application, where there may be potential to preserve the ditches in situ by reconfiguring the areas of public open space.

K. ARE THE PROPOSALS CONSIDERED TO BE ACCEPTABLE IN TERMS OF PLANNING OBLIGATIONS?

As set out in the Consultation responses, the development would be expected to provide the obligations set out below. There is also discussion of planning obligations that have been requested but cannot be justified.

1 Affordable Housing

- Affordable housing at 35%. As the application is in outline, the housing mix, location and detail of the affordable housing would be agreed subsequently, as part of the reserved matters application

2 Education Contributions

- £437,797.74 if application 13/00127/OUT were to be implemented.
- £433,699.91 if application 12/005546/OUT were to be implemented.

The finalised contribution would to be confirmed at reserved matters stage at which point the housing mix will be confirmed.

3 Public Open Space and Recreation

- £393,071.83 if application 13/00127/OUT were to be implemented.
- £392,552.14 if application 13/00127/OUT were to be implemented.

This contribution would fund the provision of natural and formal open space and allotments off-site to serve the population, the exact amount of the contribution to be calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009 prior to reserved matters consent being granted, depending on the extent of public open space being provided within the development.

Midsomer Town Council have discussed the potential for some of these funds to be directed to the Town Park and / or the recreational ground at West Clewes Football club. Officers consider that directing contributions to the Town Park could well be justified as this would be a central facility serving the whole town, but are less convinced that funds could be justifiably directed to the West Clewes recreation ground, as there may be public spaces closer to the development that would be more likely to be used by residents of the development. Funds would be allocated towards the enhancement of recreational facilities and open spaces by Bath and North East Somerset Council in discussion with Midsomer Norton, Radstock and Westfield Town Councils.

4. Employment and Skills Obligations

The Council's Economic Regeneration team have requested the following planning obligations:

- Provision of onsite opportunities for employment, skills and training during construction

- agreement to be put in place to secure 50% local recruitment for shop and Care Home, to be delivered through an employer led Pre-employment Academy.
- Provision by Care Home provider and retail operator of a structured training and development course to provide skills and basic qualifications appropriate to the sectors of employment.

There is no policy basis on which these planning obligations could be demanded, and the Planning obligations SPD includes no mention of such planning obligations. As a result it is not considered that these obligations can be justifiably sought.

Contributions of circa £256,000 have also been requested to fund the construction of new office accommodation in the Somer Valley. The Core Strategy Inspector rejected the original wording of policy SV1 which would only have allowed housing developments where accompanied by employment benefits, therefore there is no policy support in place for requiring this contribution, and no evidence to demonstrate that it would be necessary to make the application acceptable in planning terms.

5. Public Transport, Walking and Cycling Provision and off-site highway works

The physical and travel plan measures summarised in Section C. of the Officer Assessment.

The Town Council have also requested that signage be provided in order to provide better links between the development and the Town Centre. Officers consider that appropriate signage can be provided as part of the cycleway / footway in order to meet this aspiration, and that such a requirement would be directly related to the development and reasonable in scale to the development proposed.

6. Contributions to the Town Hall

Midsomer Norton Town Council have also requested that the development provide contributions towards the Town Hall, which would be more intensively used as a result of the development going ahead.

Officers agree that this is a centrally located facility which is likely to serve the whole town, including the application site. The Town Council have presented a 42-page report looking at options for the development of the Town Hall, however no details have been received as to what contribution is sought from this development, what exactly it would pay for or why it is needed. Therefore at present it is not possible to demonstrate that a contribution is necessary or reasonably related in scale to the development proposed, or that the development would be unacceptable without such a contribution. Therefore, at present no contribution can be justified against the legal tests for planning obligations.

CONCLUSION:

As discussed, due to the existing policy position, the application falls to be considered against the NPPF. This advises that where the development plan is absent, silent or the relevant policies are out of date the local authority should grant permission unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme". This is the key test that the application should be considered against, with the Core strategy being given limited weight as a material consideration in any application.

First setting out the harm that would result from the development, officers share the concerns expressed by residents regarding the imbalance between housing and employment in Midsomer Norton. However, the original wording of Core Strategy policy SV1, which placed significant restraint on additional housing in the town, was rejected by the Core Strategy Inspector, who found that it would be unsound to preclude the prospect of additional housing above existing commitments, particularly given the economic restructuring which is occurring in the area and the Council's plans for town centre redevelopment.

The Core Strategy is proposed to be amended to address this criticism, making provision for 2,400 homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John. The (SHLAA) identified 2,100 homes taking into account the existing commitments, likely development on large vacant brownfield sites and an allowance for small windfall developments. Therefore 300 additional dwellings need to be identified to meet the housing requirements.

As a result, it is considered that the principle of the proposed development is in line with the amended wording of policy SV1 and a refusal on these grounds would be very unlikely to succeed, as it would run directly counter to the outcomes of the Core Strategy examination process.

The development would also give rise to localised landscape harm and would breach what is currently a very firm southern boundary to the town, and would be poorly integrated with adjoining development in Charlton Park.

Without adequate mitigation, the development raises significant concerns in respect of traffic congestion on the local network. However, the development does incorporate improvements to cycling and walking infrastructure and public transport, and also a detailed travel plan has been submitted which has the support of transport officers and would have the effect of reducing traffic flows. On this basis highways officers in BANES and Somerset County Council advise that an objection on transport grounds cannot be sustained.

Turning to the benefits, the development would provide housing which would help to meet the identified shortfall within the district, including the provision of affordable housing at a rate of 35% and a 60-bed care home, for which there is also an identified need. Given the policy context and the guidance in the NPPF these benefits are considerations that must be given significant weight in favour of the development.

The development would also provide the appropriate contributions to off-set the impact of the development, both in terms of school capacity, funds to enhance public open space, improvements to pedestrian, cycle and public transport infrastructure. The improvements

to public transport, walking and cycling infrastructure would benefit both future and existing residents of the area.

In conclusion, whilst officers do have concerns about the proposed development, in terms of the balance between employment and housing in the town, landscape impact, congestion, and the integration of the scheme into Charlton Park, it is still considered that when assessed against the key test above, the adverse impacts of the development would not significantly or demonstrably outweigh the benefits of the development. Therefore, a recommendation to approve the application is put forward, subject to the completion of a Section 106 Agreement.

RECOMMENDATION

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

CONDITIONS

Authorise the Development Manager, in consultation with the Planning and Environmental Law Manager, to enter into a section 106 agreement to secure the following:

Affordable Housing

1. The provision, on site, of 35% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

Education

2. Contributions to fund the need for primary and secondary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be provided prior to the commencement of development.

Open Space and Recreational Facilities

3. Contributions to fund the provision of formal open space and allotments off-site to serve the population, and fund the maintenance of any open space provided within the development, the amount of the contribution to be calculated prior to reserved matters consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development. The allocation of funds within the local area will be determined by the Local Planning Authority following the determination of the application.

Transport

4. The implementation of the travel plan submitted in April 2013 in accordance with the timetable set out in Appendix C of the Travel Plan, including but not limited to the following measures:

- Up to £87,757 for a Toucan crossing over A367 and the creation of a widened footway / cycleway from the site to the new pedestrian crossing near Charlton Lane, incorporating signage to the town centre,
- £6,000 for the securing and introduction of a Traffic Regulation Order for the relocation of the 30mph speed limit on the A367
- £8,500 for the introduction of a 'gateway' feature at the location of the proposed relocated speed limit
- £25,000 per year for a period of 5 years for enhancement and ongoing operation of bus-services
- Provision of on-site bus-stop(s) including bus-shelters, timetables, raised kerbs and real-time information.
- The appointment of a Travel Plan co-ordinator to implement the measures set out in Appendix C of the Travel Plan.

5. A programme of travel monitoring (looking at modal shift) and traffic counts over a 3-year period to be assessed against agreed modal targets for travel patterns and critical thresholds for traffic levels, to be agreed by the Council. The methodology of traffic counts, reporting procedures to the Council, modal targets and critical thresholds are to be agreed. If the agreed targets are not met or thresholds are exceeded the following additional traffic demand measures are to be triggered:

- Extension of Area wide Travel Planning to include Norton Hill and Westfield at a cost of £30,000
- £10,000 towards the implementation , consultation and administration of traffic management measures along Charlton Park to combat "rat running"

CONDITIONS

Upon completion of the agreement, authorise the Development Manager to permit the application subject to the following conditions:

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

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

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

This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of

the Town and Country Planning Act (as amended) and Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

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

- Details of native hedgerow planting and boundary treatment to provide wildlife habitat, together with details of long term wildlife friendly management specifications
- Details of all other wildlife habitat provision, native planting and ecological enhancements

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

Reason: In order to safeguard protected species at and around the site.

4

Details of a surface water drainage masterplan shall be submitted to, and agreed in writing by the Local Planning Authority as part of subsequent applications for reserved matters consent. The masterplan shall be in accordance with the Flood Risk Assessment (FRA) and Addendum (prepared by Robson Liddle and dated 25th February 2013) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

REASON:

To prevent the increased risk of flooding as a result of the development in accordance with the National Planning Policy Framework (NPPF).

5

No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON:

To prevent the increased risk of flooding as a result of the development in accordance with the NPPF.

6 No development shall commence until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory method of foul sewage drainage and in compliance with policy ES.5 of the adopted Local Plan.

7 The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

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

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

9 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

10 Plans showing on-site access, parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All areas shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to the satisfaction of the Local Planning Authority before the development commences.

Reason: In the interests of amenity and highway safety.

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

Reason: To ensure the safe operation of the highway.

12 No ground preparation or development activity shall take place until an Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially

harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals and to ensure that the approved method statement is complied with for the duration of the development.

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

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

15 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local

Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

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

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

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

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

Reason: The site is within an area of major archaeological interest and the Council will wish to protect the archaeological remains.

19 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features, which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

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

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

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

21 Prior to the commencement of development at the site details of a Construction Dust Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Construction Dust Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

PLANS LIST:

1 Plans List

This decision relates to drawing nos:

INDICATIVE MASTERPLAN LAYOUT Drawing MP2 REV C
SITE LOCATION PLAN - OS Extract - Drawing 26126/SB002
SITE SURVEY Drawing 26126/004/SS1
SUPERSEDED PROPOSED SITE ACCESS Drawing 26126/002/002 REVISION
A

AFFORDABLE HOUSING STATEMENT Jan 2013
AIR QUALITY ASSESSMENT

ARBORICULTURAL IMPACT ASSESSMENT REPORT
ARCHAEOLOGICAL EVALUATION
ARCHAEOLOGICAL GEOPHYSICAL SURVEY
CARE HOME LETTER AND REPORT
COVERING LETTER
DESIGN AND ACCESS STATEMENT
DESK-BASED HERITAGE ASSESSMENT
DORMOUSE AND BAT HABITAT ASSESSMENT
ECOLOGICAL REPORT
ENERGY STATEMENT
ENVIRONMENTAL NOISE ASSESSMENT
FOUL DRAINAGE ASSESSMENT
LANDSCAPE AND VISUAL APPRAISAL
LEVEL 2 FLOOD RISK ASSESSMENT V5 09.01.2013
PHASE 1 GEOENVIRONMENTAL DESK STUDY
PLANNING STATEMENT
TRANSPORT ASSESSMENT REPORT
SURFACE WATER DRAINAGE SURVEY
FLOOD RISK ASSESSMENT ADDENDUM - received 25 Feb 2013

2 ADVICE NOTE:

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

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

4 Decision Taking Statement

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

5 Reasons for Approval

Taking account of Section 38(6) of the Planning and Compulsory Purchase Act 2004, it has been concluded that the development accords with the National Planning Policy Framework - March 2012 and emerging Core Strategy policies.

The site falls outside of the adopted development boundary as defined in the adopted Local Plan. However, the authority neither has an Adopted Core Strategy or up-to-date Local Plan and as set out in the draft amended Core Strategy, the Authority is only able to demonstrate a 5-year-housing land supply by allowing additional sites to come forward

outside the Development Boundary including (through amended Core Strategy policy SV1) an additional 300 dwellings in the Somer Valley.

Therefore, in accordance with the guidance in the National Planning Policy Framework the application is to be considered against the policies in the NPPF, with consent being granted unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme".

In this case the development would give rise to locally significant landscape harm, due to its location on an agricultural field beyond the established footprint of the settlement, and would give rise to additional traffic congestion in the vicinity of the site. However the adverse impacts of the development would not significantly or demonstrably outweigh the benefits of the scheme in terms of the delivery of housing and therefore, in accordance with national policy, the application has been approved.

6 Informative: Drainage Conditions

Conditions 4 - 6 inclusive have been recommended to ensure that the principles of the agreed FRA are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated FRA / masterplan which show discharge rates and SuDs control measures for each plot.

Each reserved matters application will need to demonstrate a suitable drainage scheme in accordance with the approved masterplan to allow us to recommend approval for any detailed layout proposals.

The surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to 5l/s/ha or Greenfield run-off rates whichever is lowest.
2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

IMPORTANT:

Maintenance of the drainage infrastructure on site must be set out within a comprehensive legal agreement and any commuted sums required agreed within the outline permission. An as-built volume check of the drainage infrastructure must be undertaken once

constructed because it is critical that the agreed attenuation volumes are provided for and maintained for the lifetime of the development.

We will need to see the following information when the applicant applies to discharge these conditions:

- A clearly labelled drainage layout plan showing the pipe networks and attenuation. This plan should show any pipe node numbers referred to in the drainage calculations, volume of attenuation provided and the invert and cover levels of manholes.
- A manhole schedule
- Simulations to demonstrate how the system functions in a 1 in 100 year plus climate change storm and showing how the storage has been modelled.
- Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
- If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with The NPPF.

Item No: 11
Application No: 12/04590/OUT
Site Location: Parcel 0025 Monger Lane Welton Midsomer Norton



Ward: Midsomer Norton North **Parish:** Midsomer Norton **LB Grade:** N/A
Ward Members: Councillor B J Macrae Councillor Michael Evans
Application Type: Outline Application
Proposal: Residential development comprising up to 135 dwellings, vehicular access from Monger Lane, public open space, and other associated infrastructure
Constraints: Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Public Right of Way,
Applicant: Taylor Wimpey

Expiry Date:	14th February 2013
Case Officer:	Rachel Tadman

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been requested to be reported to Committee at the request of Councillor Gerry Curran due to concerns that the site is located outside of the Housing Development Boundary.

DESCRIPTION OF SITE AND APPLICATION:

The site is located on the northern edge of Midsomer Norton. The site is approx. 5.8 hectares in size and is currently split into 3 fields all of which are in agricultural use with a mixture of grazing and arable land. The site contains a number of natural hedgerows and trees and a watercourse also runs from north to south across one of the fields. The site slopes downwards from North to South.

The site is bound to the north and east by Monger Lane with agricultural land and the village of Paulton beyond. To the south and west the site is bound by residential development fronting onto Phillis Hill and the Persimmon development of Blackberry Way and Bluebell Rise along with houses at Greenhill Place.

The proposed development is for residential development comprising up to 135 dwellings, vehicular access from Monger Lane, public open space and other associated infrastructure. The proposal is in outline with access under consideration. All other matters are reserved.

The development proposes two points of vehicular access, on Monger Lane opposite Somer Ridge and on Monger Lane via a priority access junction at the south eastern edge of the site. The provision of the eastern access, approaching the site from the south, also includes the widening of the existing lane to 5.5m road carriageway in addition to a 2m wide pedestrian footway. Re-grading of the land will also be required and a replacement hedgerow is indicated as being provided.

Pedestrian only links are also proposed into the adjoining Persimmon development at Blackberry Way and Bluebell Rise.

It is proposed that the development will contain surface water attenuation ponds, designed to maximise the ecological value of the site and improve the existing drainage network within the area.

The scheme has provided a very basic layout that forms part of a masterplan for the site. This indicates that the site can accommodate up to 135 dwellings with a range of dwelling types from two to four bedroom houses although dwelling mix and location will be determined at reserved matters stage.

EIA SCREENING:

Prior to the submission of this application a screening opinion had already been adopted in accordance with the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011 Ref: 11/05121/SCREEN.

At that time the proposed development was for residential development comprising 150 dwellings but in all other respects was the same as the application now under consideration. In light of this the adopted screening opinion is still in force and a further screening opinion is not necessary.

The adopted screening opinion considered that the proposed development comprises an urban development project under Paragraph 10(b) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Furthermore the site area, at 5.5ha, is in excess of the 0.5ha threshold in Para 10(b) for the requirement for screening as Schedule 2 development.

The EIA screening opinion concluded that the proposed development at 150 dwellings falls well below the threshold of 1000 dwellings and that the significance of the impact of the development would be localised.

Based on an assessment of the relevant regulations and guidance it was considered that the proposed development is not classified as EIA Development.

PLANNING HISTORY:

There is no relevant planning history for this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PLANNING POLICY: The Core Strategy makes a provision for 2,400 homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John. The Strategic Housing Land Availability Assessment (SHLAA) identified 2,100 homes taking into account the existing commitments, likely development on large vacant brownfield sites and an allowance for small windfall developments. Therefore 300 dwellings need to be identified to meet the housing requirements. The Housing Development Boundary will be reviewed in the Placemaking Plan to enable provision of around 2,400 homes.

The Council is seeking to identify and allocate the sites through the Placemaking Plan. In accordance with the spirit of the Localism Act the Council will undertake this work with the close involvement of the local community.

Work has commenced on the Placemaking Plan. It is anticipated that consultation will take place on a Launch Document in early summer, moving towards a Preferred Options document late 2013/early 2014.

In determining planning applications now for residential development outside the HDBs a prematurity argument could be raised. However, it is emerging that limited weight can now be attached to prematurity

If it is accepted that only limited weight can be attached to the prematurity argument then an assessment will need to be undertaken as to whether the application site represents a

sustainable solution (when judged against the policies in the NPPF) to meeting an element of the 300 dwellings figure referred to above.

HIGHWAYS DEVELOPMENT OFFICER: The proposal would involve the development of the site to accommodate up to 135 dwellings, with a mix of 2, 3 and 4 -bed units.

The application has been submitted for outline consent, but detailed permission has been sought for the means of access.

The development site would be served by two points of access from Monger Lane, with the intention that development road would form the priority route, such that the middle section of Monger Lane remains as a country lane.

The eastern access into the site will take the form of the priority route, with the northern section of Monger Lane forming a T-junction to it. The central section of Monger Lane is narrow and without separate footways and lighting, and the intention of the alteration to the road priority is to retain the rural character of the lane, whilst also providing for better vehicular access through new development access roads.

The carriageway width of Monger Lane, to the north of Welton Grove will be increased to 5.5m to allow for two vehicles to pass leading in to the site, and a new 2m wide footway will be constructed to the eastern side to provide a continuous link road into the development. There would also be footways for an initial section into the country lane section of Monger Lane, together with opportunities for pedestrian crossing.

The existing pedestrian facilities on the eastern side of Monger Lane do not include dropped kerbs for pedestrians crossing the junction of Welton Grove, and these will be required to provide appropriate and continuous links for pedestrian movement. Such provision will need to be addressed through the highway works.

The proposed access off the northern section of Monger Lane will form a crossroads junction with Somer Ridge, and traffic will be encouraged through the development site, through appropriate signage. The site access road will be 5.5m wide with 2m footways to either side of the carriageway. Junction visibility is shown to be 2.4m by 43m, in line with guidance in Manual for Streets.

Having regard to the position of the access, and the need to accommodate access into Somer Ridge, the road alignment on Monger Lane cannot be amended to provide priority into the site access road, and therefore careful treatment of the section of Monger Lane to the east of this site access will be required, in order to guide traffic through the development site. Alternatively, the proposed site access could be located further east of its current proposed position, which would allow for a similar junction arrangement as proposed for the eastern access.

Visibility from the junction of Monger Lane with Phillis Hill has been measured as 2.4m by 45m, to accord with guidance in Manual for Streets. The same level of visibility is shown at the junction of Monger Lane with West Road, but the visibility to the east is reliant on the removal of a section of wall, which is the subject of enforcement action.

The applicants have indicated enhancements to the signage and road markings on Phillis Hill and West Road to encourage lower vehicle speeds, and 20mph speed limit signs are proposed for the site access roads, to keep speeds to a minimum. These improvements are welcomed.

The trip generation and distribution data in the Transport Assessment has been considered and is agreed, and the junctions of Monger Lane with Phillis Hill and West Road have sufficient capacity to cater for the development traffic. The roundabout junction of West Road/Phillis Hill has also been demonstrated to operate within capacity at year of opening (2013) + 10 years.

The provision of two access points to serve the development will offer a choice in the direction of travel, such that movements would be split between the West Road and Phillis Hill junctions.

The site is located outside of the Housing Development Boundary, but is located close to public transport and local facilities. Having regard to recent appeal decisions and the Inspectors comments on the draft Core Strategy, together with the guidance in the National Planning Policy Framework, a highway objection on sustainability grounds could not be substantiated.

With regard to accessibility, the Transport Assessment details the key facilities within Midsomer Norton, and concludes that they are within a comfortable walking and cycling distance, but that there is also good access to public transport facilities from bus stops on Phillis Hill and West Road.

Whilst the site does have access to pedestrian and cycle routes, the Senior Engineer (Cycling and Pedestrian) has advised that there is a lack of safe facilities for access to the Tesco supermarket, and whilst Boxbury Hill would offer a quieter route to the supermarket, there would be a need for improved lighting along the route, and pedestrian crossing facilities at the Tesco roundabout and over Phillis Hill.

It is also suggested that improvements could be made to the links to the Norton Radstock Greenway through crossing facilities on West Road and improved signage to the Greenway.

With regard to access to public transport facilities, the Transport Assessment indicates that the two site accesses are within 400m of the bus stops, but many of the proposed dwellings would exceed this desirable walking distance to a bus stop. The level of transport services from these bus stops provides access to the major centres of Bath and Bristol, but the frequency of services may not meet the needs of residents for commuting purposes. The local service 768 would provide access to the town centre and interchanges for other services, and would provide a valuable service for residents requiring access to the town centre, and further afield.

I understand from my colleague in Public Transport that in order to maintain this service, a low floor accessible bus is required, at a cost of £60,000. Having regard to the local benefits of this service, I feel it is appropriate to request a contribution to secure this on-going provision.

The development is also applicable for a contribution towards the strategic highway and transport works throughout the district, in line with the Supplementary Planning Document on Planning Obligations (SPD). Two of the listed schemes within the SPD are now fully funded, with only the Bath Package now requiring funding. This reduces the contribution per trip to £387.49.

Whilst the Transport Assessment provides details of peak trip rates for the proposed development, there is no corresponding daily trip rate per dwelling, and in the absence of such information, I would have to apply the daily trip rate of 7 set out in the SPD for the purposes of calculating the strategic contribution.

Therefore, on the basis of a development of 135 dwellings, this would be calculated as 135 dwellings x 7 trips per dwelling x £387.49 = £366,178.05.

Having regard to the above, whilst the position of the northern access could be relocated to provide a better arrangement for priority of traffic through the development access roads, the proposals are considered to be generally acceptable, with the alterations to Monger Lane to facilitate access into the development, and to maintain a country lane for the middle section of Monger Lane.

I therefore recommend that no highway objection be raised subject to the prior completion of a legal agreement to secure the highway works comprising: the widening of Monger Lane at the south eastern side of the site; the provision of a new footway to the east of Monger Lane and provision of dropped kerb pedestrian crossing points to Welton Grove; the formation of new accesses and alterations to the priority of Monger Lane into the development; improvements and alterations to signage and road markings (including Traffic Regulation Orders) on Phillis Hill, Monger Lane and West Road.

The agreement should also include highway contributions of £366,178.05 towards strategic highway and transport works within the Council's administrative area, £60,000 towards maintaining the local bus services, together with a contribution towards improvements to the Norton Radstock Greenway and the route of Broxbury Hill, including pedestrian facilities to link with the Tesco supermarket, for which details of costs will be forwarded shortly.

I would also recommend that conditions be attached to any permission granted.

ADDITIONAL COMMENTS - 6th March 2013.

Further to my highway recommendations dated 19th December 2012, I have now received details of the estimates for the highway works for improved pedestrian/cycle facilities.

In order to assess the possibility and nature of crossing facilities on Phillis Hill and West Road, it is recommended that a contribution of £5,000 be sought to enable a feasibility study to be undertaken. If appropriate crossing facilities can be achieved, a contribution would be required for the works, which would be likely to fund a refuge island and connecting footway at Monger Lane/Phillis Hill and a zebra crossing on West Road.

Improvements to the Greenway route would involve signage, and Broxbury Hill is likely to require tactile paving, dropped kerbs and improved lighting.

The total estimated costs of the above works, including the design, would be £60,000, and therefore a total contribution of £65,000 is sought to include for the feasibility study and the design and implementation of the highway works.

The Coal Authority: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Coal Mining Development Referral Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Mining Technical Summary Report (9 November 2012), which accompanies this planning application.

The Mining Technical Summary Report correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority records indicate the presence of two recorded mine entries within the site.

The Mining Technical Summary Report summarises previous desk-based and on-site geophysical work to investigate for the mine entries. The Report concludes with appropriate recommendations for intrusive site investigation works prior to development in order to establish the exact situation regarding the mine entries and identify any necessary remedial measures.

The Report also correctly notes that the presence of the mine entries should inform the proposed future site layout; this is in line with The Coal Authority's adopted policy, to avoid new development over such features.

The Coal Authority's Recommendation to the LPA:

The Coal Authority concurs with the recommendations of the Mining Technical Summary Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entries to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

The Coal Authority considers that the content and conclusions of the Mining Technical Summary Report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made,

safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of conditions.

Education Services: Should this development of 135 dwellings at Monger lane Welton go ahead, we estimate that the children generated by the development will create the following need and we would be seeking a Developer Contribution as follows:

As the precise housing mix is not known at this stage, we have used average yield figures to calculate the number of children that will be generated by the development and the contributions that would be required. These figures assume all of the dwellings are 2 bed plus. Once the precise dwelling mix is known (whether they are flats or houses and the number of bedrooms), an exact contribution can be calculated.

Total for Early Years provision £0 (Sufficient provision in the area)
Total for school places £232,694.24
Total for Youth provision £18,009.00

Therefore a total contribution is sought of £250,703.24

Updated comments Received 22 March 2013 - The calculations have been updated since the original submission of the application and the following indicative contribution has been provided by Education Services:

Total for Early Years provision £0 (Sufficient provision in the area)
Total for school places £310,258.98
Total for Youth provision £18,009.00
Therefore a total contribution sought of £328,267.98

Arboricultural Officer: The application is limited to access only and has included a tree survey, tree constraints plan and overview of the arboricultural implications which have informed the proposal. At this stage retained policy NE.4 Trees and Woodlands has been given due consideration.

I have no objection to this outline application subject to conditions requiring a full arboricultural impact assessment and heads of terms for an arboricultural method statement.

Archaeological Officer: In line with my pre-application advice the applicants have submitted a geophysical survey and desk-based archaeological assessment of the site. I agree with the overall conclusions of the assessment (Heritage Statement, Ben Stephenson, 24 August 2012) and would therefore recommend that archaeological conditions are attached to any planning consent, to ensure (1) a field evaluation of the site, (2) a subsequent programme of archaeological work or mitigation, and (3) publication of the results. The scope of conditions 2 and 3 will depend on results of the field evaluation (condition 1):

Environment Agency: We consider that outline planning permission could be granted to the proposed development if the following planning condition and in formatives are included as set out below.

Highways Drainage: The Engineering Design Team provided pre-application advice to the proposed development under the application reference 12/00003/PADEV.

- We are disappointed to see that our advice has not wholly being taken on board in the applicants Flood Risk Assessment.
- The applicant proposes to discharge surface water from the proposed development to the watercourse that runs through the proposed development site at an attenuated green field discharge rate. This equates to a 1 in 100 year +30% discharge rate of 269.9 l/s.
- We object to this strategy as we believe that the total discharge from the proposed site should be set by an assessment of the capacity of the downstream receiving drainage system and watercourse.
- At the very least a more detailed assessment of the downstream impacts of the proposed discharge from the site is required.
- To the north east of the site, we have records of flooding along Monger Lane caused by the runoff from the adjacent land. In line with our pre-app advice the applicant should address the crossing of run off from the northern land into the proposed development with the extension of the existing watercourse in a road crossing terminating with a headwall within the bounds of the highway. This is necessary to minimise the risk of flooding to properties to the north of the proposed development and to protect Monger Lane which the applicant proposes to use as access to the proposed development.

Further comments dated 19 April 2013 - We wish to remove our objection to planning application 12/04590/OUT, but with the proviso that the planning condition requested by the Environment Agency is imposed. Additionally to discharge the above condition the applicant will need to supply an electronic copy of the Windes Calculations for us to audit.

Drainage works will be required within the highway to reduce flood risk to the north east of the site. The developer will need to carry out these works as part of the overall s106 highway works with the design and program for these drainage works having been agreed by this office prior to construction. Please can you make provision within the s106 agreement for the construction of a crossing under the highway, to collect surface flows from upstream and pass them safely into the proposed development site.

Wessex Water: No objections subject to conditions.

Crime Prevention Design Officer: At this early stage where only outline planning is sought, it is very difficult from a crime reduction/prevention point of view to give any detailed comments as they are very seldom included within the Design & Access Statement. It could be considered unreasonable to object at this stage but it should be noted that when a detailed planning application is submitted it is a requirement to include a section that shows that security and safety have been considered and demonstrates how this will be achieved. Failure to include this at planning application stage will result in an objection.

If there should be social housing within this development it is likely to require 'Secured by Design' part 2 accreditation. This will include pepper potting and tenure blind status for the social housing aspect of the development.

Affordable Housing: The affordable housing contribution is insufficiently detailed. The applicant has chosen that details of the affordable housing are not for consideration at this stage.

However should the application be permitted, for example at outline stage with affordable housing to be determined as reserved matters, Housing Services insist the associated legal document (Section 106) is strictly worded to ensure the affordable housing delivery meets the full range of B&NES planning policy & SPD requirements to enable the affordable housing to be satisfactory delivered on site.

It is the applicant's responsibility to ensure their application can physically accommodate the affordable housing to full policy requirements.

Green and Open Spaces: The application seeks outline planning permission for 'residential development comprising up to 135 dwellings, vehicular access from Monger Lane, public open space, and other associated infrastructure'.

Formal green space provision:

Land purchase: £26,730.00
Construction costs: £212,760.00
Maintenance: £228,366.00
Enhance existing facilities: NIL

Natural green space provision:

Land purchase: £26,730.00
Construction costs: £39,042.00
Maintenance: £64,530.00
Enhance existing facilities: NIL

Allotment provision:

Land purchase: £5,346.00
Construction costs: £9,331.20
Maintenance: £10,778.40
Enhance existing facilities: NIL

Total contribution value: £623,613.60

It is noted that the application has been submitted in outline form, with access to be determined and all other matters reserved. As such, a number of assumptions have been made in calculating the above contribution which clearly have a direct impact on the level of contributions sought. Therefore, the above contributions should be considered as being indicative only at this stage and will be revised once the reserved matters application is being considered.

The above calculation has been prepared in accordance with the Community Infrastructure Levy (Amendments) Regulations 2012 and the Council's adopted SPD 'Planning Obligations' adopted July 2009.

Economic Development: Object as the scheme is not acceptable in its current form:

Economic Development - Within the Somer Valley the working age population has increased slowly over time (ONS 2011), at approximately 100 people per annum. In addition to this, since 2006 the area has experienced job losses in the manufacturing sector, notably at Polestar (450 jobs), Alcan (220 jobs) and more recently Welton Bibby Baron (330 jobs). The combination of industrial restructuring and increases in the working age population has led to increasing numbers of workers commuting out of the area which is unsustainable and counter to the Local Plan and Core Strategy vision that "the southern part of the District will become more self-reliant, facilitated by economic-led revitalisation".

Alongside this the range of local employment opportunities is restricted. The Smart Growth Report (2011) identifies that, to meet Core Strategy employment growth target for the Somer Valley of 1,000 net new jobs, will require a gross increase of 1900 jobs to take account of existing and projected job losses. The report indicates that the focus of new employment will be office and service sector based.

Conclusion - Given the current losses and gains in employment space in the Somer Valley set against the restricted current supply there is a clear need to promote opportunities to deliver new floor space in line with the strategic approach set out in both the Local Plan and the draft Core Strategy, which will in turn assist in providing local employment opportunities for the residents of the new dwellings.

The current application is not on an allocated housing site in the Local Plan and does not comply with the Spatial Strategy for the Somer Valley set out in policy SV1. However should the above proposal proceed then, in order to promote a sustainable approach to additional residential development in the Somer Valley, the Development & Regeneration team would, in line with policy SV1b in the Core Strategy, require a contribution towards the creation of local employment. This should be either through the inclusion of employment space on site or, given the location of this specific site, a financial contribution, based on the number of houses, towards the creation of employment space in a more suitable location in the Somer Valley.

We would also require the developer to make a financial contribution towards the delivery of a local training, skills and employment plan to tackle and employment issues in the wider Somer Valley, together with associated training, skills and employment outputs in relation to the construction of the scheme.

Additional Comments dated 21 March 2013:

To address the Core Strategy strategic objectives for the Somer Valley and ensure that the scheme can be viewed as sustainable development the applicants are requested to enter into a Section 106 Agreement which :

- Secures their engagement in construction phase employability & skills initiatives as set out in paragraphs 10-12 above

- Given the geographic location of the Monger Lane site, which is not suited to employment provision, secures a significant contribution towards off-site employment provision a set out in paragraphs 6-9 above

Ecology: A comprehensive ecological survey and assessment has been completed, and a summary ecological mitigation and enhancement strategy has been proposed.

These recommendations appear so far to have been incorporated into the indicative drawings and layout. If the outline consent is obtained, the ecological mitigation measures incorporated thus far must be sustained within reserved matters proposals. Provided the recommendations of the ecological reports are fully incorporated in the proposals and implemented, I consider the scheme to be ecologically acceptable and have no objection subject to conditions.

Urban Design: Not acceptable in its current form:

These comments follow those made in connection with pre-application scheme 12/00003/PADEV.

Density: The density of proposed development has dropped slightly from the pre-application proposal. This may be justified on grounds of responding to Town Council engagement. The topography of the site continues to be a significant barrier to higher density.

Accessibility: Access to the site remains largely limited to Monger Lane. Together with topography, this will reduce the realistic opportunities for walking and cycling trips. There are no pedestrian connections formed to the south, contrary to pre-application engagement feedback.

Draft Layout: The illustrative layout creates a network of streets and blocks and retained hedgerow. Set largely within communal areas. Subject to establishing the principle of development, it may be the basis of an appropriate master plan.

Conclusion: In principle, the development of this site will cause landscape impact, the level of harm caused will be considered by the landscape Officer.

Due to the constraints of topography and the failure to create links to the southern boundary, the proposal does not optimise the opportunities to deliver development that promotes sustainable transportation and movement and is likely to be a car use based environment.

As a result its credentials as a sustainable site are compromised.

The illustrative layout may be suitable to progress into reserved matters.

Environmental Health: I am unable to comment on the application as no air quality assessment has been submitted as required for developments which propose more than 100 dwellings. This is shown on the Local Requirements Checklist for Air Quality which states that an assessment is required:

- Providing development in excess of 100 dwellings or 10,000m² new floor space (or an equivalent combination) anywhere in the district;

I would prefer that at least a screening assessment is carried out prior to planning permission being granted to ensure that there are no adverse effects on air quality which affect any receptors in the surrounding area. A condition is also suggested to be attached to any permission.

Further comments: Following the submission of further information, including a scoping assessment, again it would have been preferred that a more detailed screening assessment been submitted. Although the additional information states none of the assessment criteria have been met, it would have been useful for them to summarise this along with local monitoring and the results of the transport assessment i.e. how many additional transport movements etc. so that it was clear. As it stands at the moment our policy is that an assessment is required for 100 houses as in some areas of the Local Authority this may be significant.

Notwithstanding this, on this occasion I am happy to accept the scoping assessment, however as there is no assessment and therefore no information on construction and surrounding residential properties an appropriately worded condition should be attached

Landscape Officer: There is inevitable harm to the landscape caused by this development. Loss of open land, loss of boundary hedgerow and pressure on the remaining retained vegetation. Having said that, there is an opportunity for a comprehensive scheme of planting and on-going management, as illustrated on Tyler Grange Drg No 1318/2011/P28, which would go some way to mitigate for this impact.

Should other wider issues be resolved and permission be granted, then I would ask for appropriate conditions to be attached. On-going management will be a key consideration and a fully detailed LMP needs to be prepared in conjunction with the detailed landscape scheme.

Contaminated Land Officer: The application is for a significant quantity of residential properties with associated gardens and landscaping. Due to the sensitive nature of the proposed development (i.e. 120-140 residential dwellings), I advise that conditions regarding contaminated land are applied, should permission be granted.

Midsomer Norton Town Council: Object with the following summarised comments::

The development is not sustainable and the planning statement gives no evidence to support the claim that it is sustainable.

The development will put an unacceptable burden upon the local infrastructure such as transport. The local transport infrastructure was developed on the basis of moving coal by rail. Rail services which are no longer there.

The road network was neglected, so is incapable of sustaining the demands now being made on it. The proposed development would just aggravate the situation. The development will not contribute to the local economy as there are no local employment opportunities. A sustainable development is one where residents live where they work.

The development is on a green space outside the town envelope (housing boundary). Whilst the Monger Lane site is listed in the SHLAA it was deemed unsuitable.

The land is currently in agricultural use so the proposal is for a greenfield site development. This is against the direction of local planning in the Somer Valley taken since the late 1990s and the replacement of the Wansdyke Local Plan with the Bath and North East Somerset Local Plan (adopted finally in 2007). Successive Councils' agreement to limit green field destruction in the area has been carried forward into the Core Strategy so presumably the arguments for maintaining it continue to apply. No convincing new reason has been put forward to reverse the status quo (as exemplified by the "saved" policies).

Sites under construction in the neighbourhood (Withies Bridge and Polestar are significant examples) are delivering local housing need and growth already and the land on the Welton Bibby and Baron site is currently under consideration. There would need to be strong justification for allowing development on a completely new site especially as the authority's own existing SHLAA (MSN23) deems the site unsuitable.

The whole of the proposal is outside the housing development boundary for Paulton and Midsomer Norton (against saved policy HG4) and against the direction of future economic strategy for our town. This looks to maintain a sense of local identity and community and will be seriously compromised by the sanction of urban spread and extension of existing housing estates around the edge of the parish. There are other brown-field and infill developments taking place now and earmarked for the future which more than cover the need for housing without extending the boundary.

The field provides both a visual and physical boundary to Midsomer Norton. The land slopes down towards the town so viewed from the south and south-west the reduction in physical gap between the two settlements, which in itself is unacceptable, would give a visual impression of a single conurbation. The rural hillside backdrop which characterises the northern boundary would be lost and undoubtedly the character and appearance of the locality would be seriously affected as a consequence.

Comments on the submitted Planning Statement

The applicants claim that two adjacent planning applications are relevant but this is not so because 1) the six house development to the north of Monger Lane was agreed by committee but the decision was based on the unlikelihood of the site continuing as a viable employment site and was a brown field site; 2) Outline planning permission was granted for the second under the Wansdyke Local Plan in the 1990s. It is within the housing boundary. The principle of not allocating further green field land for housing has been prominent in successor plans and the basis for alternative allocation.

The planning officer states in the environmental impact assessment that the proposed development will have local impact but the statement chooses to omit this in its summary.

The statement provides quite an accurate interpretation of current and previous planning policy but then chooses to over-emphasise minor elements and phrases to justify the application. There is a tangible lack of evidence to demonstrate that other elements of the

plans on which the "appropriateness" and "sustainability" of the proposal depends will be delivered.

The statement makes much of the apparent deficit in housing numbers within Bath & North East Somerset as a whole. This Council believes there should be proper reassessment of all locations within the authority and an "easy option" proposal outside the housing development boundary should be robustly challenged.

The conclusion (5.14) that the authority must consider the application based on the presumption in favour of sustainable development may or may not be sound but the key point is that the document fails to provide any evidence to support the statement that it is. This makes the question of whether or not the authority can demonstrate its five year housing land supply irrelevant.

The NPPF demands that for development to be sustainable it must lead to economic growth. The applicant states that "new housing in this location would help to contribute to growth in the local and wider economy" but does not state how. Economic and strategic studies for the Somer Valley, and the town's own experience of the detrimental effect of excessive house building without employment and transport infrastructure investment, demonstrate the opposite. With the closure of the traditional local businesses associated with printing and manufacturing, and without the introduction of alternative employment at the present time, the outward travel to Bath and Bristol and other employment centres by the existing population should be addressed first.

Increasing the number of residents is not sustainable therefore and neither is the location despite the unsubstantiated statement to the contrary (5.24). Adjoining an existing development in itself does not make the plot sustainable (5.26) and there is an officer statement relating to a previous application stating that the location is too far from the centre of Midsomer Norton, its retail focus, facilities and amenities, for it to be considered so. 5.44 mentions "a number of corner shops" which is misleading as it implies sustainability when there are none in the immediate vicinity.

It is our opinion that undue reliance is put on walking and cycling and that the low frequency, timing and journey time of bus routes to and from the area necessitate car use for most journeys rather than alleviating it. The statement's admission that the current road structure can cope with an increase in the number of vehicles implies non-sustainability of the location in avoiding car use. The basis for reducing the number of cars on Monger Lane through having two access points is unclear given that the total number of journeys to and from the estate will be an increase from zero at this location.

A 102 page transport assessment prepared on behalf of the applicant and reduced to a few short paragraphs supporting the sustainability argument is suspicious and requires further scrutiny. Given that one of the reasons put forward for the lack of employment opportunities and economic development in Midsomer Norton at the present time is the substandard road infrastructure, it is not unreasonable to suppose that increased traffic on the roads will only exacerbate the reluctance of businesses to relocate to the area.

That there is no negative impact on the local character (5.25) has been addressed in our general comments about the site. The fact that there is some residential development bordering the site does not justify the loss of open land and rural landscape outside the

housing boundary. The proposed tree screening on the south side will not protect given the loss of leaves in the winter and significant contour differences. That the site is well screened on the other boundaries (5.49) is over-optimistic in our view.

Further comments received on 25 March 2013.

In the event that B&NES decides to approve the Application for the development, the Midsomer Norton Town Council would like Section 106 contributions from the developer to address some of the issues the Town Council sees as priorities to help integrate the development with the town centre and thereby the local community.

We would like to see:

Transport: Greater links to the town centre via walking and cycling along with better signage to the town centre and its facilities - encourage a sense of linkage with the town centre.

Green Space & Play: Improvements to green spaces in the town which is recognised as having a shortage of such amenities and which new residents could use and feel part of and support the community

Sport & Recreation: Improvements to community facilities in the town centre - particularly recreational/cultural activities for example in community buildings which with the existing 100 community groups would engender a sense of civic pride and belonging to Midsomer Norton.

Paulton Parish Council: Object - The effect of the traffic from the development will increase the highway problems in Paulton and the highways in the area of the development are unsafe and unsuitable for cycling and walking. No proposals have been put forward to address these issues. The junction of Monger Lane with Phillis Hill is not safe or suitable for the additional traffic that will be generated. In addition the information in the application misrepresents the available facilities in the area.

OTHER REPRESENTATIONS / THIRD PARTIES

A total of 41 representations have been received with regard to this application, 3 of these made general comments and 37 were in objection. The comments and concerns raised are summarised below:

- Increased traffic on the existing narrow lanes and congested road network would have a harmful impact on highway safety
- The widening of Monger Lane will encourage traffic to use it at speed.
- Lack of employment opportunities within Midsomer Norton will encourage out commuting and have an adverse impact on highway safety.
- The development would have a harmful impact on ecology, the ancient hedgerows, trees and wildlife currently on the site.
- Development on the existing green fields may result in an increased risk of flooding to local properties especially as drainage on the site is already a problem.
- Development of green field sites should not be considered whilst brownfield sites exist locally.

- Impact on the character of the surrounding area and the town of Midsomer Norton.
- The site was considered unsuitable for residential development in the SHLAA dated May 2011.
- Loss of open space
- Lack of infrastructure, schools, doctors etc, will be exacerbated by this and other on-going developments.
- Harmful impact on the landscape and visual amenity
- Development of this land is contrary to the Local Plan.
- The development is unsustainable.

Councillor McRae: Object with the following summarised comments:

The information submitted has chosen to ignore the information and balanced advice provided by the Planning Department in their initial Guidance notes (dated 12 April, 2012) regarding the potential issues (of a full range of local Planning principles) that would need to be incorporated into a subsequent formal/outline Application.

The local consultation exercise carried out has chosen to totally ignore all/any such LOCAL comments.

The entire justification for pursuing this current appalling application is shown by the clearly stated reliance upon ONLY the one (rather poor) fact that an external Planning Inspector has recently indicated that (in HIS personal, but unsupported by data) Banes' current Local Core Strategy may not provide sufficient additional land to provide for a 5/10 year strategic totally new site supply/land bank. somewhere within the entire BANES area.

The submission of my Ward Member views have been delayed until after so many of my local residents had had their opportunity to express their own views. However I 100% support the very clearly expressed and obviously honest & knowledgeable views of the many (40) locals who will be seriously & negatively impacted by the current awful proposals.

I do not intend to merely repeat the many words so eloquently provided by those who have already written in. But I will highlight some extra aspects that serve best to illustrate the sheer duplicity of this opportunist big developer (whether by design or obfuscation)

Of most particular and entirely 'planning' based concerns, are:

FLOODING: At a local level, the most significant fear of residents is about the very high risk of major ADDITIONAL flooding that will be caused by this development. This is particularly relevant in respect of the existing houses to the south & west of the development site. A number of Somermead & Phillis Hill houses have regularly, and again only very recently, been subjected to new flooding arising DIRECTLY from the regular winter surface water flowing off of this site [as is clearly illustrated in some of the excellent submitted local photos].

The applicants have produced evidence in which they claim proves that their major development will not exacerbate this already serious Flood Risk position. And even THAT

statement is caveated by 'WSP is unable to guarantee the accuracy of information that has been provided'.

Members will note that they state that the site has a less than 1:1000 probability of flooding. Based upon it's zoning NOT being likely to either sea/tidal, or river flooding ! This land is over 350ft above sea level, it is over 20 miles from the nearest coast! Their professional expert, supporting conclusion? ..(I quote) 'it is therefore considered that the site is at LOW risk of tidal flooding.' These same advisors also admit that the actual stream ..running, very visibly, THROUGH this site is unlikely to have (been) assessed and then their report states that Wellow Brook is the 'nearest significant watercourse'. That brook is over 1000 ft to south of this site... it is also some 100ft BELOW the datum level of their greenfield/agricultural/still being farmed development site.

How can they simply ignore the FACT, so clearly pointed out by every one of their claimed consultees and by Banes Officers, that water from ABOVE their proposed site regularly floods not only across the very centre of their own speculation site, but also through many other estates at Somermead, Sunnymead, Spencer Drive, Welton Grove, Phillis Hill, Thicket Mead and Green Lane. Wellow Brook is, in fact, directly 'fed' by those same surface waters that flow downhill from Monger Lane/Paulton area. i.e. from .this site!

Beyond that 'surface' water flooding, their submitted proposals clearly envisage foul water being discharged in two new connections into the existing Bluebell Rise & Blackberry Way drainage. Indeed their plan indicates ONE such new pipe some 10 ft deep running directly through MY OWN (as well as my neighbours') front garden/driveway (at 11 & 12 Bluebell Rise)!!. Clearly we will not agree to this imposition and the developer must therefore be required to totally rethink this fundamental aspect of their present proposal.

In this respect, perhaps the most likely alternative. due to the closest main sewer being S.East of the site (in Station Road) might well require a re-design to incorporate such drainage within their VITAL improvements to the Monger Lane roadway and it's junction with West Road.

However, those same professional experts SPECIFICALLY highlight that this pipe has several non-return valves located along the route and the syphon is known to have limited capacity to convey additional flows (to the Radstock WTP). Out of their own mouths Unsustainability!! but proven by their own consultants!!

Turning to various other equally relevant matters:

SITE/LAND CONDITION: I am actually very confident that both the developers and our Planners have formally noted their experts' advice that FOUR (named !) distinct coal seams run NW/SE directly across this site. Plus the fact that the Coal Authority formally concurs that the local coal mine legacy potentially poses a risk to the proposed development.

Furthermore, the soil of the entire site is clayey (impermeable!), requiring expensive special measures to control natural water flows (including 'ponding' although swamping might be a little more accurate!?!), that will subsequently require significant on-going maintenance to be funded by the Local Authorities to avoid future flooding!!

Would ANYONE, after a legal Search, prior to purchase seriously want to buy ANY new family house in such an uninsurable, high risk location?

Furthermore, the BANES Urban Design Team have concluded that this development WILL cause landscape impact/ harm, fails to optimise local community links and does NOT promote sustainable transport solutions. This scheme also impacts very significantly upon the amenity of adjacent houses.

It concludes that (this site's) credentials as a sustainable site are compromised.

TRAFFIC AND ROAD SAFETY: The submission's scant attention to the very serious question of additional traffic generation (plus the probability of 'rat-running' West Road/Philis Hill) is absolutely unacceptable (as has been formally recognised by the Council's professional Highways Team).

Few can dispute that 135 new houses (unless a higher number are proposed in a detailed/ final application or subsequent 'variation' submission) WILL generate more than 300 extra vehicles directly owned by the estate's occupants; plus another 100 for their casual visitors & daily trade vehicle movements which quite obviously indicates more than 700 actual vehicle movements EVERY DAY whether to work, school, shopping etc. PLUS extra rat-runners!!

The Philis Hill junction is already regulated/ constrained. BUT T-W dismiss the need for significant road/junction improvements. especially on to West Road. A view which seems, quite incredibly, to be based upon the speculators statements that 'a solid centre roundabout would be required (but) land is not available' yes, it is!...but they just don't own it - AND it is our considered opinion that a mini roundabout would actually be detrimental to road safety.

I will actually be happy to rely very firmly upon our own Highway experts, whose professional views are more honest, realistic & well founded than those of the speculators.

The original submission formally acknowledges that this site is outside the development boundary and thus, in that regard, is contrary to CURRENT planning policy..

Their local consultation gave them a figure that 6% believe that their proposals can meet the 'affordable local housing NEEDS' of our town. Thus, it is OBVIOUS that 94% did not!

Their superficial acknowledgement of the very significant existing wildlife mix on this site, suggests that such animals will continue to live/use their newly concreted habitat!

But still T-W submit this grossly speculative scheme. AND do seem to be offering, if successful, to buy this site from the current landowner, who has made continuous agricultural use of these fields, since long before we moved here.

It is an undisputable fact that our Town already has overly high numbers of Residential Planning Approvals (not all of them yet taken up). As have both adjacent Paulton (where very few houses are now even attracting buyers) & Westfield (with major sites still at final planning stage); plus, of course, nearby Peasdown [an acknowledged 'dormitory' growth point'].

Midsomer Norton is not, and must NEVER be allowed to become simply a cheap overspill dormitory especially to the over heating economies of the City of Bath or the City of Bristol.

If new development is even to be considered, it MUST respect our well evidenced Local Strategic Plan's entirely correct requirement to incorporate both JOBS & improved Community Amenities. Neither aspect seems to have been given even the slightest hint of attention by these speculators.

Members of the Planning Board may well wonder whether this incredible discrepancy could be because T-W have determined that they can quite simply just sell 135 new house.at an average price of (say?) £200,000 each for a mere £23 million pounds?

In conclusion, I am truly heartened by our Banes Officers' clarity in pointing out various levels of essential s106/ Commuted receipts that all developments of this scale must be required to provide to mitigate education, highway & public transport provisions due to this unfounded & utterly speculative type of development making absolutely ZERO contribution to my local community's health, welfare, care, leisure, cultural, retail, the environment, infrastructure or (overwhelmingly THE most vital omission) to local vibrancy & local JOBS for current local residents !!

It does NOT by ANY honest measure provide for my present community's local needs.

POLICIES/LEGISLATION

POLICY CONTEXT:

"Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007" was adopted October 2007. Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

- IMP.1 Planning obligations
- SC.1 Settlement classification
- CF3 Community contributions
- SR3 Recreational facilities
- D2 General Design and public realm considerations
- D4 Townscape considerations
- ES.2 Energy conservation
- ES3 Gas and Electric Services
- ES.4 Water supply
- ES.5 Foul and surface water drainage
- ES.9 Pollution and nuisance
- ES12 Noise and vibration
- ES10 Air Quality
- ES.15 Contaminated Land
- NE.1 Landscape Character
- NE12 Natural Features
- BH.12 Archaeology
- HG.1 Meeting the District Housing requirement
- HG.4 Residential development in the urban areas and R.1 and R.2 settlements

HG7 Minimum residential density
HG8 Affordable housing on allocated and large windfall sites
HG10 New dwellings outside settlements.
T1 Over-arching access policy
T3 Promotion of walking and use of public transport
T5 Cycling Strategy: improved facilities
T6 Cycling Strategy
T7 Cycling strategy strategic.
T8 Bus strategy
T24 General development control and access policy
T25 Transport assessment and travel plans
T26 On-site parking and servicing provision

Joint Replacement Structure Plan - adopted September 2002

Policy 1
Policy 2
Policy 17
Policy 18
Policy 33
Policy 35
Policy 59

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. However as it is not yet part of the statutory Development Plan the Council attaches' limited weight to policies objected to but substantive weight to those policies not objected to within the amended Core Strategy in the determination of planning applications of this type in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

SV1 - Somer Valley Spatial Strategy
CP2: Sustainable construction
CP5 Flood Risk Management
CP6 Environmental Quality
CP7 Green Infrastructure
CP9 Affordable Housing
CP10 Housing Mix
DW1 District-wide spatial Strategy

NATIONAL PLANNING POLICY FRAMEWORK

National Planning Policy Framework (March 2012) can be awarded significant weight in this case.

Adopted Supplementary Planning Document Planning Obligations 2007

Planning for Growth

OFFICER ASSESSMENT

BACKGROUND INFORMATION:

The application documents refer to the consideration of residential development on this site through the Development Team process resulting in a response dated 30 April 2012.

The response concluded that the overriding issue for this site is the consideration that it is unacceptable in principle for housing under Policy HG.4 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007 and Policy SV1 of the Draft Core Strategy.

In addition it also identified that development of the site would have a significant harmful effect on the rural and landscape character and setting of the area and result in a visually prominent and intrusive development. The scheme would close up a valuable gap between the built up area of Midsomer Norton and existing houses at Monger Lane and further up towards the edges of Paulton and also obscure the crest of the hill to the north which has been identified as an important landscape feature. This was considered to be unacceptable and was contrary to Policy NE.1 and NE.3 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007

The response also included guidance on developer contributions and also identified a level of information that would need to be provided should an application for planning permission be submitted.

The Development Team response reflected Officer's informal views based on the Policy situation at that time. This situation has since changed, as detailed in the consideration of the application below, and the proposed development should now, therefore, be considered on its merits.

PRINCIPLE OF THE PROPOSED DEVELOPMENT:

The proposed development, for the erection of housing, is to be located beyond the adopted housing development boundary for Midsomer Norton which is contrary to Policy HG4 of the Local Plan as part of the statutory Development Plan. Due to the publication of the NPPF the Local Plan policies can only be given weight according to their conflict with the policies within the NPPF. In this case the Policy HG.4 is in conflict with the NPPF and therefore can be given little weight.

The location of the site outside the Housing Development Boundary has resulted in a significant level of objection with regard to the principle of development on this site. Objections have also included concerns that green-field sites such as this should not be developed ahead of "brownfield" sites within the town itself, and about an imbalance between housing and employment, with insufficient jobs in the town to support the population and high levels of out-commuting.

In terms of the policy context, policy SV1 of the Core Strategy sets out the proposed strategy for the Somer Valley. The key objective of the strategy in terms of Midsomer Norton is to reverse the imbalance between housing and employment provision which has resulted in high levels of out-commuting from the town. The site is located outside the adopted development boundary and therefore ordinarily the proposals would be recommended for refusal on these grounds.

However, as has been widely publicised, the Core Strategy Inspector required significant changes to the Core Strategy, and concluded that the strategy and the methodology used did not demonstrate a five year land supply.

In response to the criticisms made of the Core Strategy and approach to housing, the Council has recently published recommended changes to the Core Strategy. Whilst the Core Strategy can only be given limited weight until it has undergone a further examination in public, the housing figures have been revised upwards from the level originally set out, leading to a requirement for an additional 1870 houses to be provided across the district.

Policy SV1 (4a) Housing is proposed to be amended to read as follows:

"There is already a significant number of housing commitments (2000) in the Somer Valley and a limited capacity to generate new jobs. New housing in the Somer Valley will therefore be restrained in the interest of sustainability but some additional housing will be needed to meet the District Housing land requirement. The Housing Development Boundary will be reviewed in the Placemaking Plan to enable an additional 300 homes to come forward in the plan period in addition to existing commitments."

The National Planning Policy Framework (NPPF), paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development" and that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year land supply of deliverable housing".

Para 14 of the NPPF states that "where the development plan is absent, silent or the relevant policies are out of date" the local authority should grant permission unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme".

In terms of the policy position, the key messages from this are that the Authority does not have an up-to-date Local Plan, or an Adopted Core Strategy, and the Council is not in a position to demonstrate a 5-year housing land supply. The outcome of this analysis is that the application should be principally assessed against the policies in the NPPF, with the amended core Strategy to be given limited weight as a material consideration in any decision.

Given the policy position as set out in the NPPF, a presumption applies in favour of the development, unless the adverse impacts of granting consent would significantly or demonstrably outweigh the benefits of the scheme.

Furthermore, although limited weight can be given to Policy SV1 of the Core Strategy, Officers consider that in principle the development is in accordance, and the development would assist in providing a significant proportion of the additional 300 dwellings identified within. However it should be stressed that this additional housing requirement is identified for the Somer Valley as a whole. The location and distribution of this housing would be ordinarily be determined through the Placemaking Plan which has yet to take place. However prematurity is not a ground for refusal of this application having regard to Para 14 of the NPPF.

It has been raised by numerous objectors, including Midsomer Norton Town Council and Councillor McRae, that this site was assessed under the SHLAA and found to be unsuitable at that time. It is therefore argued that this approach should be maintained and that the site remains unsuitable for residential development.

During the Examination in public, the Council defended the approach of the SHLAA to Midsomer Norton (BNES/35) but the Inspector considered and rejected this evidence, raising significant specific concerns about the approach adopted in the SHLAA in Midsomer Norton. The Inspector concluded:

3.58 Overall, the SHLAA does not provide a reliable or consistent assessment of the housing potential of the Somer Valley towns to inform the strategy.

3.59 Given the limitations of the supporting evidence it is difficult to draw any firm conclusions as to the soundness of the proposed 2,700 dwellings (in the Somer Valley). It would be unsound to preclude the prospect of additional housing above existing commitments, particularly given the economic restructuring which is occurring in the area and the Council's plans for town-centre redevelopment.

It has also been argued by various objectors that brownfield sites, of which there are many within the district, should be developed first.

The Council has in recent weeks updated the SHLAA and it now includes many of the sites mentioned as being preferable brownfield sites to the application site (including Welton Bibby and Polestar). This means that the development of all these sites is already necessary to meet the required housing numbers for the district and as the Authority cannot demonstrate a 5 year housing land supply it is not in a position to resist additional housing developments, even if they are in addition to existing brownfield sites. Furthermore there is no in principle objection outlined in the NPPF to the development of greenfield land.

Furthermore, the amended Core Strategy identifies that an additional 300 homes are required in the Somer Valley to meet the overall housing numbers. Whilst limited weight can be given to this the proposed housing development would nevertheless go some way to meeting this identified additional need.

Therefore whilst the comments of the Town Council, Councillor McRae and the many comments from residents are noted, officers do not consider that the application could sustainably be refused by reference to either the availability of preferable brownfield sites elsewhere in Midsomer Norton or the adopted housing development boundary. The lack of a 5 year housing land supply adds considerable weight to this view. Furthermore, even though limited weight can be given to the amended Core Strategy, it does specify that available brownfield sites will not be sufficient to meet the revised housing requirement, and that housing development boundaries must nevertheless be reviewed in order to accommodate the additional 300 dwellings.

This analysis in the inspector's assessment of the submitted Core Strategy and in the revisions to the Strategy (and policy SV1) to address his concerns are material considerations that would be given weight in any appeal, and consequently, officers do not

consider that the application can justifiably be refused as being contrary to the emerging Core Strategy.

Concerns have also been raised about the balance between employment and housing in Midsomer Norton, by both objectors and the Economic Development Officer, however if residential development is to be proposed outside any adopted Housing Development Boundaries, it is reasonable that the majority of this housing should be accommodated in the town with the most services, which is Midsomer Norton.

Officers share residents' concerns in respect of the imbalance between housing and employment provision in the town, and it is clear that this application would exacerbate this imbalance.

Given the potential social consequences in terms of unemployment implications and increased out-commuting, this is of great concern. However, through the original version of the Core Strategy, the Council has already sought to restrict housing development in Midsomer Norton to the existing commitments and to schemes which bring forth employment in tandem with housing. Unfortunately this approach was rejected by the Core Strategy Inspector, who concluded that, notwithstanding these concerns, limited additional housing was needed over and above existing commitments.

Therefore whilst concerns remain about the potential social consequences in terms of unemployment implications, it is considered that such an approach could not be defended at appeal, as it would run directly counter to the Inspector's conclusions on the Core Strategy and the amended wording of the Core Strategy.

In the absence of a 5 year housing land supply and the limited weight that can be given to the amended Core Strategy Officers conclude that the proposed development is in accordance with the NPPF and therefore a presumption applies in favour of the development. The proposed development will result in benefits such as the delivery of housing, including affordable housing, which must be given significant weight as a material consideration in favour of the development. Therefore, in this case, it is considered that the adverse impacts of granting consent would not significantly or demonstrably outweigh the benefits of the scheme and therefore it would be unreasonable to refuse planning permission on these reasons.

Furthermore, notwithstanding the limited weight of the amended Core Strategy, the preferable option would be to determine the location of any additional houses in the Somer Valley through the Placemaking Plan. However given the above conclusions it would not be possible to refuse this application as being premature to this process, as the main intention of the NPPF is to force Authorities that have under-delivered housing in the past to expedite its delivery now.

SUSTAINABILITY OF THE SITE AND HIGHWAY SAFETY:

This section incorporates the detailed comments prepared by the Highways Officer.

The site lies outside the development boundary of Norton-Radstock and therefore raises concerns in respect of accessibility and sustainability. The Urban Design Officer has noted that, together with topography, the main access being from Monger Lane will reduce

the realistic opportunities for walking and cycling trips which will lead to a reliance on the car.

Whilst this is of concern, the Transport Assessment details the key facilities within Midsomer Norton, and concludes that they are within a comfortable walking and cycling distance, but that there is also good access to public transport facilities from bus stops on Phillis Hill and West Road. Furthermore the site does have access to pedestrian and cycle routes and the indicative plans do show pedestrian links at two points into the Persimmon development to the South.

Nevertheless, although the concerns remain, there are a number of areas where the sustainability and accessibility of the site can be improved and are detailed in the Highways Development Officer's comments and are outlined below:

At present there is a lack of safe facilities for access to the Tesco supermarket, at Old Mills, Paulton, and whilst Boxbury Hill would offer a quieter route to the supermarket, there is a need for improved lighting along the route, and pedestrian crossing facilities at the Tesco roundabout and over Phillis Hill.

Midsomer Norton Town Council have also suggested that the development should provide greater links to the town centre via walking and cycling along with better signage to the town centre and its facilities to encourage a sense of linkage with the town centre. It is considered that this could be incorporated into improvements in the signage to the Norton Radstock Greenway along with improvements to the links to the Greenway through crossing facilities on West Road as suggested by the Highways Development Officer.

With regard to access to public transport facilities, the Transport Assessment indicates that the two site accesses are within 400m of the bus stops, but many of the proposed dwellings would exceed this desirable walking distance to a bus stop. The level of transport services from these bus stops provides access to the major centres of Bath and Bristol, but the frequency of services may not meet the needs of residents for commuting purposes. The local service 768 would provide access to the town centre and interchanges for other services, and would provide a valuable service for residents requiring access to the town centre, and further afield.

It is understood that, in order to maintain this service, a low floor accessible bus is required, and it is considered that the local benefits of this service, would justify a contribution of £60,000 to secure this on-going provision.

In conclusion, whilst the site is outside the Housing Development Boundary, and that there are concerns about the sustainability and accessibility of the site, the Highways Development Officer is of the view that, having regard to recent appeal decisions and the Inspectors comments on the draft Core Strategy, together with the guidance in the National Planning Policy Framework, a highway objection on sustainability grounds could not be substantiated.

Officers concur with this view and are also of the view that the sustainability and accessibility of the site can be further enhanced through the provisions to improve access public transport facilities, pedestrian links to the Greenway and local facilities identified above which can be achieved through a S106 legal agreement.

Turning to the proposals to achieve access to the site the application has been submitted with a comprehensive Transport Assessment which proposes that the development has two points of access from Monger Lane, with the middle section of Monger Lane remaining as a country lane.

The eastern access into the site will take the form of a priority route off Monger Lane, with the northern section of Monger Lane forming a T-junction to it. The central section of Monger Lane would remain narrow and without separate footways and lighting, with the intention of retaining the rural character of the lane, whilst also providing for better vehicular access through new development access roads. The two access points will offer a choice in the direction of travel, such that movements would be split between the West Road and Phillis Hill junctions.

The Highways Development Officer, as a result of the findings of the Transport Assessment, is of the view that a number of improvements to the highways network are required in order for the scheme to be considered acceptable. These include:

Increasing the carriageway width of Monger Lane, to the north of Welton Grove, to 5.5m to allow for two vehicles to pass leading in to the site, along with a new 2m wide footway to the eastern side to provide a continuous link road into the development.

Providing dropped kerbs on the eastern side of Monger Lane for pedestrians crossing the junction of Welton Grove.

Enhanced signage and road markings on Phillis Hill and West Road, to encourage lower vehicle speeds, and 20mph speed limit signs for the site access roads, to keep speeds to a minimum.

Whilst a significant number of objections have been raised in relation to the increase in congestion on local roads as a result of the development, the information submitted as part of the application have not echoed these concerns. The trip generation and distribution data in the Transport Assessment has shown that the junctions of Monger Lane with Phillis Hill and West Road have sufficient capacity to cater for the development traffic. The roundabout junction of West Road/Phillis Hill has also been demonstrated to operate within capacity at year of opening (2013) + 10 years. This information has been considered, and agreed, by the Highways Development Officer.

The Highways Development Officer has stated that the development should make a contribution towards the strategic highway and transport works, in line with the Supplementary Planning Document on Planning Obligations (SPD). On the basis of a development of 135 dwellings, this has been calculated as £366,178.05. However as these funds would be used for the Bath Package it is considered that the contribution is not directly related to the development and is therefore not justified.

Therefore, despite significant concerns from objectors, including Midsomer Norton Town Council, there are no highway objections to the development subject to the prior completion of a legal agreement to secure the highway works which include:

1. the widening of Monger Lane at the south eastern side of the site;

2. the provision of a new footway to the east of Monger Lane and provision of dropped kerb pedestrian crossing points to Welton Grove;
3. the formation of new accesses and alterations to the priority of Monger Lane into the development
4. improvements and alterations to signage and road markings (including Traffic Regulation Orders) on Phillis Hill, Monger Lane and West Road.
5. £60,000 towards maintaining the local bus services
6. £65,000 for a feasibility study to assess the possibility and nature of crossing facilities on Phillis Hill and West Road and improvements to the Greenway route including signage to the Greenway and Midsomer Norton Town Centre

DESIGN AND LAYOUT:

The detailed design and layout of the proposed development are reserved matters and not under consideration at this time. The indicative information provided is very basic but based on this, and the explanatory text, it is considered that there are no over-riding concerns to be raised with the design approach at this stage. The context masterplan states that the site will accommodate up to 135 dwellings, at an average density of approx. 35 dwellings per hectare which provides for an acceptable density in the context of the area. The site would also include areas of open space.

ARCHAEOLOGY:

The application has been accompanied by detailed archaeological information that has demonstrated to satisfaction that the site area has low potential for hitherto unidentified sub-surface archaeological deposits and any remains are likely to be of local interest only and can be adequately protected subject to conditions.

RESIDENTIAL AMENITY:

Whilst significant concerns have been raised by residents adjoining the site in relation to the impact of the development on their residential amenity, the detailed design and layout of the proposed development are reserved matters and not under consideration at this time.

Therefore more detailed consideration of any impact on residential amenity could only be made on the basis of a full plans submission and there would be opportunities to influence the detailed design at that stage to overcome any identified issues arising.

It is considered in principle therefore that an acceptable layout could be achieved for up to 135 dwellings without prejudicing neighbouring amenity or the amenity of future occupiers.

LANDSCAPE AND TREES:

In landscape terms this is a sensitive site with a significant and wide ranging Zone of Visual Influence. The site is rural in character and also contains important and mature existing vegetation. The upper parts of the site are obviously more visually sensitive than the lower areas as they are more prominent in the wider landscape.

The site currently makes a significant contribution to the distinct gap between the houses to the north of West Road and the houses along Monger Lane and then further up towards the hospital and edges of Paulton. The proposal would extend development up the open slopes of this hill, closing the gap and obscuring, in part, the crest of the hill to the north.

It is therefore inevitable that the resulting change from open agricultural land to residential dwellings would harm the rural character and appearance of the area, and would not achieve the objective of conserving or enhancing the landscape as the development would be visually prominent on the hillside.

However, from the indicative layout, it is clear that the topography and landscape constraints have informed the development with many of the trees and hedgerows being retained. A tree survey, tree constraints plan and overview of the arboricultural implications has also been provided and, in this respect, it is considered that the development is in accordance with retained policy NE.4 Trees and Woodlands.

Furthermore there is a significant opportunity for the impact on the landscape to be further addressed and mitigated through a sensitive approach to the design and layout at reserved matters stage. The site is also enclosed by Monger Lane at present and does not project into open countryside.

ECOLOGY:

The application has been accompanied by a comprehensive ecological survey and assessment which also includes a summary ecological mitigation and enhancement strategy. These recommendations appear so far to have been incorporated into the indicative drawings and layout. The information so far submitted has been sufficient to address the concerns of the ecologist subject to conditions.

RECREATION AND OPEN SPACE:

The submitted documents indicate that provision will be made within the site for open space, however in the absence of a more detailed scheme it is difficult to confirm whether that provision is appropriate or in accordance with the planning obligations SPD.

Nevertheless the applicant states in the Planning Statement that the site will include provision of on-site landscaping and public open space and a Local Equipped Area of Play (LEAP). It is also stated that there will be an appropriate contribution to off-site public open space and recreation facilities, potentially the Town Park, where this can be demonstrated to meet the needs of the proposed development.

These provisions would appear to be in line with the indicative request made by Parks and Open Spaces and also those made by Midsomer Norton Town Council. However as the application is made in Outline with all matters reserved aside from access it is considered that whilst provisions and contributions can be included in a S106 agreement at this stage, the detailed final contributions will be further addressed at Reserved Matters stage.

COMMUNITY FACILITIES:

Midsomer Norton Town Council have requested that the development provide contributions towards the Town Hall, which would be more intensively used as a result of the development going ahead.

Officers agree that this is a centrally located facility which is likely to serve the whole town, including the application site. The Town Council have presented a 42-page report looking at options for the development of the Town Hall, however no details have been received as to what contribution is sought from this development, what exactly it would pay for or why it is needed. Therefore at present it is not possible to demonstrate that a contribution is necessary or reasonably related in scale to the development proposed, or that the development would be unacceptable without such a contribution. Therefore, at present no contribution can be justified against the legal tests for planning obligations.

AIR QUALITY:

The Environmental Monitoring Officer has expressed concerns about the lack of an air quality assessment which has been addressed by the submission of additional information by the Applicant.

Following the submission of a scoping assessment the Environmental Monitoring Officer has continued to express concerns and would have preferred that a more detail screening assessment was submitted. However, in this case she is happy to accept the scoping assessment below subject to an appropriately worded condition seeking the submission of a Construction Dust Management Plan prior to the commencement of development.

In light of this Officers are of the view that this is an acceptable approach.

FLOOD RISK

A significant level of concern has been expressed about flooding that is already experienced both on the site and within the locality and the impact that the development will have on an existing poor situation.

The application has been submitted accompanied by a flood risk assessment which identifies a number of measures to deal with flood risk and also drainage. This approach includes the provision of surface water attenuation ponds which, in conjunction with other drainage improvement measures along Monger Lane, will improve the existing drainage network in the area. Following initial objections from the Highways Drainage Team this information was then expanded and now includes, amongst other things, drainage works within the highway to reduce flood risk to the north east of the site which will need to be carried out as part of a S106 agreement.

As a result the Highways Drainage Team have withdrawn their objection and are now of the view that the development is acceptable subject to conditions and provision within the S106 agreement for the construction of a crossing under the highway, to collect surface flows from upstream and pass them safely into the proposed development site.

This viewpoint also reflects that of the Environment Agency who have also raised no objections to the approach and measures subject to conditions.

Cllr McRae has identified that the proposed development proposes off site works on private land in Bluebell Rise to achieve a foul sewer connection. In this respect the applicant has confirmed that there is a preliminary proposal, based on their foul sewage strategy, for a foul sewer connection from the site to the nearest manhole within Bluebell Rise. They have also confirmed that, if, subject to detailed design the foul connection is required to pass under the private drives of 11 & 12 Bluebell Rise, Wessex Water through their existing powers will be able to requisition the appropriate land in order to undertake the works before reinstating to a condition agreed with the owners.

Overall it is considered that the scheme now provides an acceptable approach to both the existing issues of flooding and also to deal with drainage pressures that will result from the development.

AFFORDABLE HOUSING:

The applicant has confirmed that the site would provide 35% affordable housing which is in line with the Councils adopted Policy. Other than providing confirmation as to the percentage of affordable housing proposed on site, the applicant has not provided any further details such as mix and tenure.

The Housing Officer has raised concerns that the proposals are insufficiently detailed and has set out the expectations in respect of the affordable housing that could and should be delivered if the development were to go ahead.

It is considered that based upon the information provided it would be possible to incorporate and agree these details at reserved matters stage along with the working up of a detailed scheme for the site. Within the Planning Statement the applicant acknowledges that the tenure split and mix of affordable housing provision will be determined through further discussions with the Local Authority, Strategic Housing Services and other stakeholders to accord with the SPD and Planning policies that apply.

EDUCATION:

It is not possible at this stage to be precise in calculations required for education purposes as the scheme is in outline and the precise numbers of dwellings and housing mix have not been provided.

However Education Services have provided an indicative figure of £328,267.98 for education purposes. The applicant has indicated within the draft Heads of Terms that they would provide appropriate education contributions to meet the needs arising as a result of the proposed development where they cannot be met by existing provisions.

ECONOMIC DEVELOPMENT:

The Economic Development Officer has raised concerns that the Somer Valley has undergone a period of both job and employment space losses and therefore in order to address the Core Strategy strategic objectives the development should secure the following in a S106 Agreement:

- Engagement in construction phase employability & skills initiatives.

- A significant contribution towards off-site employment provision in the order of £590,000.

The Economic Development Officer's views rely on the original wording of Policy SV1 of the Core Strategy and the commentary which seeks to ensure that any new housing should have direct economic, employment and community benefits.

However the wording of Policy SV1 has since been amended to address the comments of the Core Strategy Inspector following his rejection of the original wording of policy SV1. As a result there is now no policy support in place for requiring the above requirements and no evidence to demonstrate that they would be necessary to make the application acceptable in planning terms.

CONCLUSION:

As discussed, due to the existing policy position, the application falls to be considered against the NPPF. This advises that where the development plan is absent, silent or the relevant policies are out of date the local authority should grant permission unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme". This is the key test that the application should be considered against, with the Core strategy being given substantive weight as a material consideration in any application.

First setting out the harm that would result from the development, officers share the concerns expressed by consultees and residents regarding the imbalance between housing and employment in Midsomer Norton. However, the original wording of Core Strategy policy SV1, which placed significant restraint on additional housing in the town, was rejected by the Core Strategy Inspector, who found that insufficient housing land had been supplied and that some housing growth was still needed over and above existing commitments. The Core Strategy is proposed to be amended to address this criticism, allowing scope for an additional 300 dwellings in the Somer Valley.

As a result, it is considered that the principle of the proposed development is in line with the amended wording of policy SV1 and a refusal on these grounds would be very unlikely to succeed, as it would run directly counter to the outcomes of the Core Strategy examination process.

The development has raised no objections from the Highways Development Officer who is of the view that the proposal are acceptable and agrees with the findings of the Transport Assessment that the surrounding highway network has spare capacity and that, therefore, this development would not unacceptably increase congestion. In conjunction with works to provide satisfactory highway access to the site the development also incorporates a number of improvements to cycling and walking infrastructure and public transport. On this basis it is the view that the development is, overall, acceptable and would not have a detrimental impact on highway safety.

Significant concerns have been raised by local residents in relation to existing flooding on the site and within the surrounding area and further concerns that this will be exacerbated as a result of the development. In order to overcome these existing issues and plan for the future pressure of the development on drainage and flooding the application has

proposed a number of mitigation measures. These have been found to be acceptable to both the Highway Drainage Team and the Environment Agency. Officers are therefore satisfied that the concerns in relation to drainage and flooding can be overcome to a satisfactory degree.

It has been identified that the proposed development would have a harmful impact on the rural character and appearance of the area and would not achieve the objective of conserving or enhancing the landscape as the development would be visually prominent on the hillside.

Furthermore the proposal would erode the existing contribution that the site makes to the distinct gap between the houses to the north of West Road and the houses along Monger Lane and then further up towards the hospital and edges of Paulton. This would result in an extension of development up the open slopes of this hill, closing the gap and obscuring, in part, the crest of the hill to the north.

However, from the indicative layout, the topography and landscape constraints have informed the development with many of the trees and hedgerows being retained and it has been confirmed by the Arboricultural Officer that the development is in accordance with retained policy NE.4 Trees and Woodlands.

Furthermore it is considered that there is a significant opportunity for the impact on the landscape to be further addressed and mitigated through a sensitive approach to the design and layout at reserved matters stage.

Turning to the benefits, the development would provide housing which would help to meet the identified shortfall within the district, including the provision of affordable housing at a rate of 35%. Given the policy context and the guidance in the NPPF these benefits are considerations that must be given significant weight in favour of the development.

The development would also provide the appropriate contributions to off-set the impact of the development, both in terms of school capacity, funds to enhance public open space, improvements to pedestrian, cycle and public transport infrastructure. The improvements to public transport, walking and cycling infrastructure would benefit both future and existing residents of the area.

In conclusion, whilst officers do have concerns about the proposed development, in terms of the balance between employment and housing in the town and landscape impact, it is still considered that when assessed against the key test above, the adverse impacts of the development would not significantly or demonstrably outweigh the benefits of the development. Therefore, a recommendation to approve the application is put forward, subject to the completion of a Section 106 Agreement.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

Authorise the Development Manager, in consultation with the Planning and Environmental Law Manager, to enter into a section 106 agreement to provide the following:

Affordable Housing

1. To secure an acceptable level of affordable housing provision to ensure that it is delivered:
 - a) 35% affordable housing to the needs / mix identified in the B&NES SHMA
 - b) Fully compliant with B&NES planning Policy HG.8 or subsequent relevant policy
 - c) Fully compliant with the requirements & standards contained within the B&NES SPD + annexes
 - d) Fully compliant with the Ark report 'Opening Doors Improving access to affordable home ownership.

Highways

2. To secure the highway works and contributions comprising:
 - the widening of Monger Lane at the south eastern side of the site;
 - the provision of a new footway to the east of Monger Lane and provision of dropped kerb pedestrian crossing points to Welton Grove;
 - the formation of new accesses and alterations to the priority of Monger Lane into the development
 - improvements and alterations to signage and road markings (including Traffic Regulation Orders) on Phillis Hill, Monger Lane and West Road.
 - £60,000 towards maintaining the local bus services
 - £65,000 for a feasibility study to assess the possibility and nature of crossing facilities on Phillis Hill and West Road and improvements to the Greenway route including signage to the Greenway and Midsomer Norton Town Centre

Highways Drainage

3. To secure the construction of a drainage crossing under Monger Lane, to collect surface flows from upstream and pass them safely into the proposed development site.

Landscape and Open Space

4. Contributions to fund the provision of formal open space, natural open space and allotments off-site to serve the population, and fund the maintenance of any formal open space, natural open space and allotments provided within the development, the amount of the contribution to be calculated prior to reserved matters consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development.

5. A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. This shall set out on going management objectives for any green community space and areas of retained and new planting provided within the development and not to be adopted by the Local Authority, shall indicate the areas to be managed and set out the scope, timing and frequency of specific maintenance operations to achieve these objectives.

Education

6. Contributions to fund the need for primary and secondary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations,

adopted July 2009. The agreed contributions shall be provided prior to the commencement of development.

Upon completion of the agreement, authorise the Development Manager to permit the application subject to the following conditions:

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

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

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

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

3 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

4 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

5 No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations

such as the storage, handling and mixing of materials on site, burning; location of site office, service run locations including soakaway locations and street lighting and movement of people and machinery.

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

6 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

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

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

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

8 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

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

9 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of 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 may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

10 Site Characterisation - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced.

The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES.15 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES.15 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

12 Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES.15 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

13 Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES.15 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

14 Long Term Monitoring and Maintenance - A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation to be agreed with the Local Planning Authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES.15 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

15 No development, other than works required discharge this condition, shall commence until intrusive site investigation works have been undertaken in accordance with the recommendations of the submitted Mining Technical Summary Report and the findings submitted to and approved in writing by the Local Planning Authority.

In the event that the site investigations confirm the need for remedial works to treat the mine entries to ensure the safety and stability of the proposed development, no development shall commence until full details of any remedial works identified by the site investigation have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in strict accordance with the approved details.

Reason: The coal mining legacy potentially poses a risk to the proposed development and the exact situation regarding coal mining legacy issues needs to be established.

16 No development shall commence until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority and should be implemented in accordance with the approved details.

Reason: To ensure a satisfactory method of foul sewage drainage and in compliance with policy ES.5 of the adopted Local Plan.

17 Prior to the commencement of development at the site details of a Construction Dust Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Construction Dust Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

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

(i) Production of a Construction and Environmental Management Plan (CEMP) setting out details of specific wildlife protection and mitigation measures that shall be implemented during site preparation and construction, to include locations and specifications for exclusion zones and protective fencing around retained habitats including hedgerows and trees, and prevention of harm to badgers and their setts, reptiles, nesting birds and other wildlife as applicable.

(ii) Details of sensitive lighting including provision of lux level contour plans showing acceptable lighting levels and avoidance of light spill onto wildlife habitat and provision of dark zones and corridors for use by wildlife

(iii) Detailed Mitigation Strategy for habitats (trees, hedgerows, scrub, & the ditch corridor) and species (amphibians, badger, bats, birds, invertebrates and reptiles), based on the approved Ecological Assessment (Tyler Grange 4th September 2012) to include details of long term management objectives and techniques that shall be applied to all habitats and in areas of public open space

(iv) Details of all other mitigation and enhancement measures as set out in the approved Ecological Assessment (Tyler Grange 4th Sept 2012).

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

Reason: In the interests of protected species.

19 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

The applicant should be aware that the surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to Greenfield run-off rates and discharged incrementally for all return periods up to and including the 1 in 100 year storm.
2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.
4. The adoption and maintenance of the drainage system must be addressed and clearly stated. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

The variety of SuDS techniques available means that virtually any development should be able to include a scheme based around these principles.

The following details should be submitted when discharging the above condition:

- A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes.
- A manhole schedule
- Model runs to demonstrate that the critical storm duration is being used.
- Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
- Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with Table 5 of the Technical Guidance to the NPPF.
- Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- An electronic copy of the Windes Calculations for us to audit

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

20 The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m and which shall be kept free of obstruction above a height of 600mm.

Reason: In the interests of highway safety.

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

Reason: To ensure the safe operation of the highway.

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

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

PLANS LIST:

1 This decision relates to drawing nos 1001, 1601, 1318_2011/P28

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

3 ADVICE NOTE:

Any work or structures affecting ordinary watercourses, such as the spring-fed culvert near the site, may require Land Drainage Consent from the Lead Local Flood Authority (Somerset County Council). Please contact Glyn Parry at Somerset County Council for further guidance on how to apply - tel. 01823 355418, email: gparry@somerset.gov.uk .

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

4 REASONS FOR GRANTING APPROVAL

Taking account of Section 38(6) of the Planning and Compulsory Purchase Act 2004, it has been concluded that the development accords with the National Planning Policy Framework - March 2012 and emerging Core Strategy policies.

The site falls outside of the adopted development boundary as defined in the adopted Local Plan. However, the authority neither has an Adopted Core Strategy or up-to-date Local Plan. Also, although the draft amended Core Strategy indicates that the Authority is able to demonstrate a 5-year-housing land supply by allowing additional sites to come forward outside the Development Boundary including (through amended Core Strategy policy SV1) to provide an additional 300 dwellings in the Somer Valley, this has not been examined and can only be given limited weight at this time.

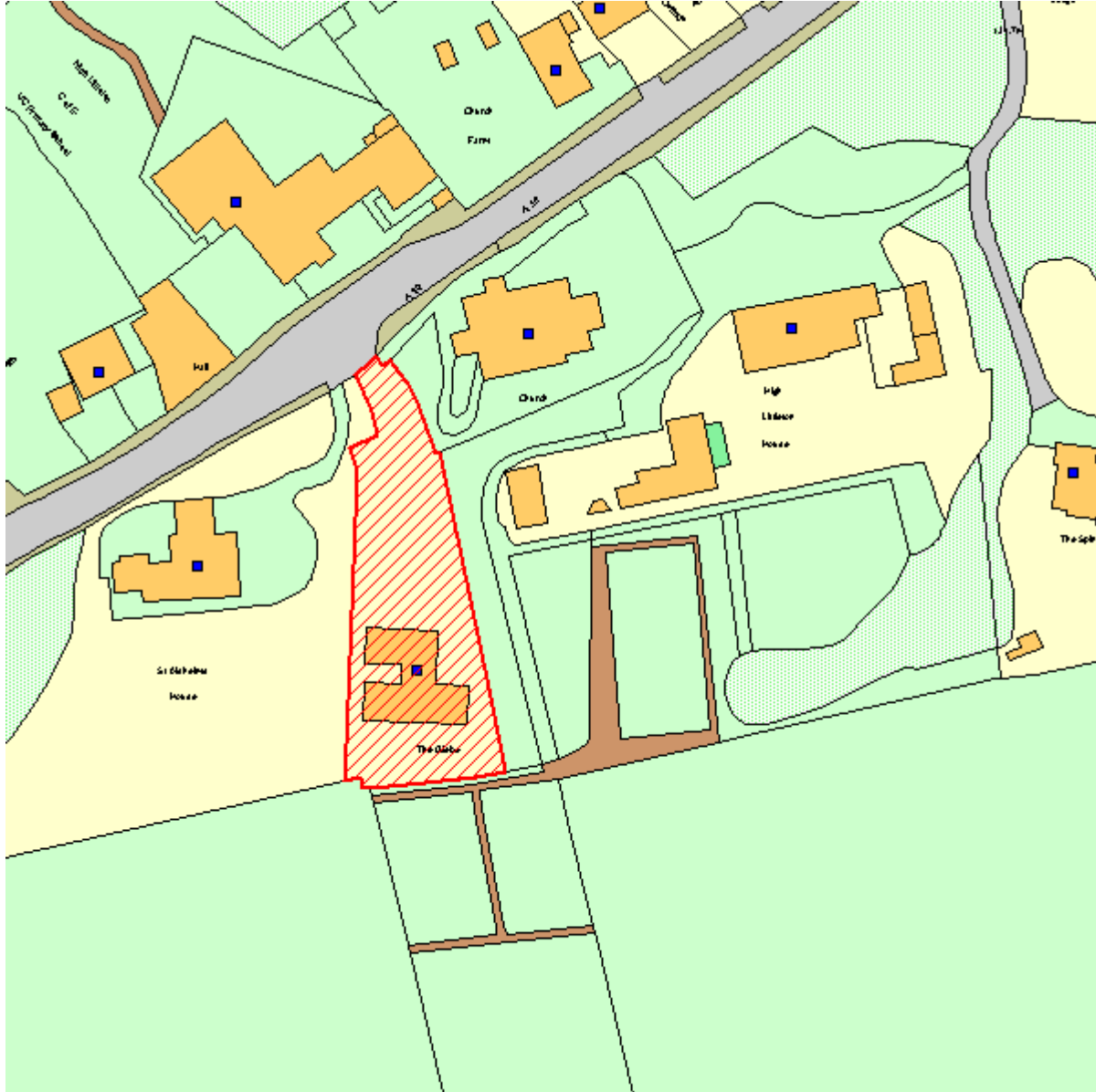
Therefore, in accordance with the guidance in the National Planning Policy Framework the application is to be considered against the policies in the NPPF, with consent being granted unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme".

In this case the development would give rise to locally significant landscape harm, due to its location on an agricultural field beyond the established footprint of the settlement. However the adverse impacts of the development would not significantly or demonstrably outweigh the benefits of the scheme in terms of the delivery of housing and therefore, in accordance with national policy, the development is considered acceptable.

5 DECISION TAKING STATEMENT

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

Item No: 12
Application No: 13/00689/FUL
Site Location: The Glebe Church Hill High Littleton Bristol Bath And North East Somerset



Ward: High Littleton **Parish:** High Littleton **LB Grade:** N/A

Ward Members: Councillor L J Kew

Application Type: Full Application

Proposal: Conversion and extension of garage for form family room, new entry hall, bathroom, garage and attic storage following removal of carport and provision of a pitched roof to existing open oil storage tank.

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Housing Development Boundary, Tree Preservation Order,

Applicant:	Mr R P Hooke
Expiry Date:	11th April 2013
Case Officer:	Heather Faulkner

REPORT

Reasons for reporting application to committee

The application has been referred to Committee due to a request from the ward councillor. The Parish Council also support the application.

The application relates to a property in High Littleton. The existing property is a bungalow which is set back from Church Hill and accessed via a driveway. The property is of relatively modern construction with an unusual footprint. It has a pitched roof and is constructed mainly of reconstituted stone. The property also incorporates an integral garage.

The property is not within a conservation area, however the church on the adjacent plot is Listed. The property is not within the Green Belt

There are several mature trees on the site and in the neighbouring garden. The trees to the north of the site are subject to a Tree Preservation Order.

The application seeks to extend the property in two ways. Firstly the main part of the extension works are to the front of the property. It is proposed to remove an existing car port to the side of the property and extension to the front and side of the building. The extension would be over 18 metres long and project from the front of the building by around 9.7 metres. The extension would have accommodation in the roof space making it higher than the existing house. It would be gable fronted with a projecting window at the front. The extension would incorporate a garage, hallway, bathroom and family room.

The second part of the application relates to a single storey extension to the side of the property at the rear attached to the existing kitchen and allowing for a walkway into the rear garden. The extension would have a pitched roof and would incorporate a laundry room.

There is no relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Neighbouring properties were consulted and no representations have been received.

High Littleton Parish Council - Support

Highways - no comment

Arboriculture - the proposed extension would be in close proximity to two yew trees in the neighbouring garden and these could be affected during construction. The exterior wall of the proposed family room should be constructed on a pile and beam foundation. The

details of this should be submitted and approved. The canopy of the northern yew tree overhangs the property and remedial tree surgery will be necessary to reduce the crown of the tree to accommodate the proposed family room extension and scaffolding during the construction phase. A schedule of tree works should be submitted. An arboricultural method statement is required.

POLICIES/LEGISLATION

The following "saved" policies in the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 are relevant to this proposal:

D.2 - General design

D.4 - Townscape

NE.4 - Trees

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. Policies D.2 and D.4 of the local plan are proposed as saved policies within the submission core strategy.

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

Section 7: Requiring good design

OFFICER ASSESSMENT

There are three main issues to consider here and these are the design and appearance of the building, the impact on neighbouring properties and the impact on trees.

Design and Appearance

The main policies to consider here are D.2 and D.4. The general relevant principles of these policies are that extensions should be in keeping with the character of the surrounding area and complement the host building.

It is recognised that the existing bungalow is of limited architectural merit and there is no objection in principle to it being extended or altered to improve its overall appearance. However, such alterations should respect and complement the host building.

The proposed extension to the front of the property represents a significant increase in the overall size of the building and the front projection of nearly 10 metres is at odds with the existing form of the building. This issue is compounded when the increased height of the extension is considered. Unlike the existing building the proposed extension would have accommodation in the roof form this means that the pitch of the roof is different from the rest of the property and ridge is 0.8 metres higher. The proposed extension therefore looks out of keeping with the existing house and is overly dominant and not subservient.

The smaller extension to the rear is considered to be a minor addition to the building which does not affect the overall appearance of the building and is considered to be acceptable.

The proposal to extend to the front of the building is contrary to policy D.2 as it fails to respect and complement the appearance of the host building.

Looking at the wider area it is acknowledged that due to the set back from the road the property is not highly visible from the wider area. However the building can be seen from the road as well as the adjacent church yard. It is also of note that the house is adjacent to the Listed Church. As discussed above there are serious concerns in respect of the design of the proposals. It is considered that the proposals fail to comply with policy D.2 as the character of the public realm would not be enhanced as the development is not considered to be of a high quality design.

Impact on neighbouring properties

The small extension to the east side of the property would have no significant impact on neighbouring properties. The extension to the front would be right on the boundary with the adjacent neighbour, St. Aldhelms House. When considered together the existing house and extension would run some 26.5 metres along the boundary. However, given the existing boundary treatment and the distance of the building from the neighbouring house the overall impact is not considered to be sufficiently harmful to warrant the applications refusal on this basis.

Trees

Concerns have been expressed by the tree officer in respect of the adjacent trees. The applicant has confirmed that pile and beam foundations can be used for the extensions construction. If the application were to be approved conditions would be required in respect of the construction method of the extension, tree mediation methods and tree protection.

Conclusion

The proposed extension fails to respect the character and appearance of the host dwelling and wider area and is therefore recommended for refusal.

It should also be noted that the applicant was given the opportunity to amend the proposals during the application process however no amendments were forthcoming.

Plans

This decision relates to the following drawings all received on 14th February 2013:
Site Location Plan, RPH/01, RPH/02, RPH/03, RPH/04, RPH/05 and RPH/06.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 By reason of its inappropriate size, mass and siting, the proposed front/side extension would fail to respect the character, form and appearance of the host dwelling and would result in an incongruous addition to the property. The appearance of the building would therefore have a detrimental impact on the surrounding area. The proposals are therefore contrary to Policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) October 2007.

PLANS LIST:

1 This decision relates to the following drawings all received on 14th February 2013:
Site Location Plan, RPH/01, RPH/02, RPH/03, RPH/04, RPH/05 and RPH/06.

2 DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The applicant was advised of the concerns with the design during the application process and was given the opportunity to amend the proposals. The applicant chose not to make any amendments. The proposal was considered unacceptable for the reasons given and the agent 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 this the Local Planning Authority moved forward and issued its decision.

Case Officer: Heather Faulkner

REPORT

Reasons for reporting application to committee

The application has been referred to Committee due to a request from the ward councillor and the Parish Council also object to the application.

The application is a retrospective application relating to the Hay Barn at Abbey Farm. The barn has recently been reconstructed and building work is nearing completion to create a four bedroom holiday accommodation unit. The Hay Barn forms part of a small complex of barns which were originally associated with Abbey Farm the works on the other barns and their conversion has been completed. The barns are curtilage Listed as part of the farm complex, with the farm house being the principal Listed Building which is grade II Listed.

The buildings are not in a conservation area or the Green Belt.

The application has been submitted following an enforcement complaint. The external works to the barn have mostly been completed and it appears that the height of the barn and the form of the roof differ from the approved drawings. The ridge of the roof has been raised by approximately 89cm. The footprint of the building has remained unaltered. The increase in height has allowed for an additional floor to be added internally which means the proposal is now for a four bed rather than a two bedroom unit. The alterations also mean that the positioning of the windows and doors has altered and roof lights have been added to the west roof slope.

A Listed Building application 13/00691/LBA has also been submitted for these works

Relevant Planning History

04/02123/FUL - PERMIT - 9 May 2005 - Conversion of redundant barns to holiday accommodation with partial demolition and rebuilding

04/02190/LBA - CONSENT - 21 April 2005 - Conversion of redundant barns to holiday accommodation, including demolition of modern farm building

06/04203/VAR - PERMIT - 18 April 2007 - Variation of condition 5 of planning permission 04/02123/FUL dated 21st April 2005 for the continued use of barns as holiday accommodation

09/03519/COND - RF - 20 January 2010 - Discharge of conditions 1,2,3,4,5,6 and 7 of application 06/04203/VAR (Conversion of redundant barns to holiday accommodation with partial demolition and rebuilding)

09/03520/COND - SPLIT - 14 January 2010 - Discharge of conditions 1,2,3,4,5,6,7,8,9,10,11,12 and 13 of application 04/02190/LBA (Conversion of redundant barns to holiday accommodation, including demolition of modern farm building)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Neighbouring properties were consulted and no representations have been received.

Camerton Parish Council - Object for the following reasons:

The application is contrary to policies BH.2, BH.4, ET.9, D.2 AND T.24 and policy RA.2 in the Draft Core Strategy and the NPPF.

The height of the building brings it above others on the site affecting the character of the Listed Building is affected by its scale and design.

The increase in height is not in character and scale with the surrounding area.

The parking is overly dominant and more will be required.

It is development outside the housing boundary.

It should only be allowed for holiday accommodation.

Highways - no objection subject to condition.

Historic Environment - the works are not considered to cause any significant harm to the heritage asset. The rafter feet are an unacceptable detail and should be removed. Listed Building consent is required for the works.

POLICIES/LEGISLATION

The following "saved" policies in the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 are relevant to this proposal:

BH.2 - Listed Buildings and their setting

BH.4 - Change of use of a Listed Building

ET.8 - Farm Diversification

ET.9 - Re-use of rural buildings

T.1 - Overarching access policy

T.24 - General Development control and access policy

D.2 - General design and public realm considerations

D.4 - Townscape considerations

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches little weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. Policies D.2 and D.4 of the local plan are proposed as saved policies within the submission core strategy.

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

Section 7: Requiring good design

Section 11: Conserving and enhancing the historic environment

OFFICER ASSESSMENT

Principle of development

The application refers to part of a site which had already secured planning permission in 2004 and varied in 2007. The works associated with this consent are nearing completion and therefore the original consent is a significant material consideration. The original permission approved the removal of a modern barn on the site of the hay barn and the reconstruction of a building on this site to be used as for holiday lettings. Therefore the principle of the suitability of this use is considered to be acceptable. The main issue here

is whether the changes to the proposed Hay Barn building are significantly different to the approved plans and whether they result in harm to setting of the Listed Building and the wider area.

Prior to work commencing on this site a larger modern barn was in place on the site of the Hay barn and in the assessment of the previous application it was acknowledged that this building detracted from the character of the area and its removal and the reconstruction of the building was considered to be an improvement.

Whilst there is some doubt over the approved levels in the previous application there is no doubt that the building as constructed is higher than previously approved and the pitch of the roof has been altered.

The complex of buildings is very visible from a number of vantage points due to its elevated hillside position. Whilst the building may be visible this is as much as a result of the massing of the north west elevation as the height of the newly constructed roof.

The drawings indicate that the height of the building has been increase by 890mm. Whilst this is not insignificant it does not have a harmful effect on the overall appearance of the building from views of the site and as a result the application could not be recommended for refusal on this basis.

Looking more closely at the impact of the alterations on the setting of the Listed Building it again must be considered what has already been approved and the relative improvement of the setting of the building following the removal of the modern barn.

The Listed Building Officer has commented on the current application and has raised no objection to the changes. The officer has commented about the justification of the removal of the original barn, this justification was given when the original consent was granted as only the gable ends of the original barn existed at this time.

The Listed Building Officer considers that the form and design of the building, including the clay pantile steeply pitched roof and rubble stone walling is of vernacular character and appearance which harmonises with the surrounding heritage assets. In long distance views in the conservation area the building is visually prominent, but it satisfactorily groups with and links to the surrounding structures. When the materials have weathered its prominence will be significantly reduced. It cannot therefore be considered to cause any significant degree of harm.

The Listed Building officer also considers that the five roof lights on the west facing roof slope are somewhat excessive and intrude on the appearance, but they do not cause significant harm to the heritage assets. However, he considers that the exposed rafter feet are an unacceptable detail which should be removed. These are not features normally associated with historic humble farm buildings such as this 'barn' and appear visually incongruous. A condition will therefore be attached to the listed building consent to ensure that this detailing is removed.

The Parish has commented on the parking arrangements, however, these have not significantly altered from the original approval.

Overall the appearance of the building is considered to be acceptable and does not harm the setting of the Listed Building or the surrounding area.

There has been no objection from the Highways Team. They comment that the site lies very marginally outside the village development boundary, which would normally raise concerns in respect of sustainability (car-dependant development). However the development boundary is only the other side of Camerton Hill, and that rural holiday accommodation such as this is inevitably located in more remote locations. The NPPF also reiterates this and would appear to support such development and the principle of the development has already been agreed. A condition was recommended in respect of keeping the parking area clear, however, this was not on the original permission so it seems unreasonable for it to be attached now.

It is acknowledge that the number of bedrooms in the unit has increased from two to four. However, as a holiday let it is not considered that this will lead to a significant increase in traffic generation or demands for parking.

The original consent had a number of conditions attached and it would seem reasonable where relevant to attach the same conditions to this consent. A number of the conditions previously attached are no longer relevant, for example as the external work of the building is complete and the materials used are acceptable there is no requirement for the material conditions. Condition 5 was an occupancy condition which was varied as part of application 06/04203/VAR it is reasonable for this to be reattached in its original wording. The original conditions attached to the previous consent in relation to the surfacing of the access (previously condition 6) and in respect of surface water drainage (previously condition 7) will be retained.

Conclusions

The alterations to the Hay Barn represent a changed from what was originally approved. However, these alterations are considered to be acceptable and approval is recommended.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 The development hereby approved shall not be occupied other than for the purposes of holiday lets or other short term lettings and shall not be used by the same person for more than 6 months duration, or any other period as may be first approved in writing by the Local Planning Authority. Written records of lettings and occupiers shall be made available for inspection by the Local Planning Authority up to three times in a calendar year within 7 days of a written request.

Reason : The buildings are by reason of their close position to one another, lack of suitable parking and access arrangements are unsuitable for permanent residential use.

2 Before the accommodation hereby approved is first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed between the public highway and the proposed parking area, details of which shall have first been submitted to the Local Planning Authority for approval.

Reason: In the interests of highway safety.

3 Before the accommodation hereby approved is first occupied provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the public highway, details of which shall have first been submitted to the Local Planning Authority for approval.

Reason: In the interests of highway safety.

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

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

PLANS LIST:

1 This decision relates to the following drawings and documents all received on 15th February 2013:

Approved Drawings

1119/01

1119/10

1119/11

1119/12

119/13

Planning Statement

Previously approved drawing for information

825/4C

2 REASONS FOR GRANTING APPROVAL:

The decision to grant approval has taken account of the Development Plan, relevant emerging Local

Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below.

All other material considerations, including the views of third parties, have been considered, and they do not outweigh the reasons for approving the proposed development.

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the character of the area and would not significantly harm any interests of acknowledged importance.

Therefore the proposed development accords with Policies BH.2, BH.4, ET.8, ET.9, T.1, T.24, D.2 & D.4 Bath & North East Somerset Local Plan including waste and Minerals Policies 2007.

DECISION TAKING STATEMENT

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

Expiry Date:	16th May 2013
Case Officer:	Heather Faulkner

REPORT

Reasons for reporting application to committee

The application has been referred to Committee due to a request for the planning application to be called to the committee by the ward councillor and an objection from the Parish Council. Therefore for the sake of consistency both applications will be determined by the planning committee.

The application is a retrospective application relating to the Hay Barn at Abbey Farm. The barn has recently been reconstructed and building work is nearing completion to create a four bedroom holiday accommodation unit. The Hay Barn forms part of a small complex of barns which were originally associated with Abbey Farm the works on the other barns and their conversion has been completed. The barns are curtilage Listed as part of the farm complex, with the farm house being the principle Listed Building which is grade II Listed.

Abbey Farmhouse is an early to late mid-C17 grade II listed building, with its adjacent group of farm outbuildings forming a courtyard to the north-west. All buildings are constructed in stone. The outbuildings would appear to date from the C18 with later alterations. The outbuildings are curtilage listed buildings (heritage assets) and form an important grouping with the listed farmhouse itself. Their elevated position results in the buildings and adjoining walling being clearly seen in both long and short distance views within the village and from the main road.

The application has been submitted following an enforcement complaint. The external works to the barn have mostly been completed and it appears that the height of the barn and the form of the roof differ from the approved drawings. The ridge of the roof has been raised by approximately 890mm. The footprint of the building has remained unaltered. The increase in height has allowed for an additional floor to be added internally which means the proposal is now for a four bed rather than a two bedroom unit. The alterations also mean that the positioning of the windows and doors has altered roof lights have been added to the west roof slope.

A Planning application 13/00690/FUL has also been submitted for the development.

Relevant Planning History

04/02123/FUL - PERMIT - 9 May 2005 - Conversion of redundant barns to holiday accommodation with partial demolition and rebuilding

04/02190/LBA - CONSENT - 21 April 2005 - Conversion of redundant barns to holiday accommodation, including demolition of modern farm building

06/04203/VAR - PERMIT - 18 April 2007 - Variation of condition 5 of planning permission

04/02123/FUL dated 21st April 2005 for the continued use of barns as holiday accommodation

09/03519/COND - RF - 20 January 2010 - Discharge of conditions 1,2,3,4,5,6 and 7 of application

09/03520/COND - SPLIT - 14 January 2010 - Discharge of conditions 1,2,3,4,5,6,7,8,9,10,11,12 and 13 of application 04/02190/LBA (Conversion of redundant barns to holiday accommodation, including demolition of modern farm building)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A site notice was erected and no comments have been received.

NB. The closing date for comments is the 24th April and therefore the consultation period is still open at the time of writing. Any further comments received will be reported to the committee.

Camerton Parish Council - no comments received for the Listed Building application however an objection to the planning application was made for the following reasons:

The application is contrary to policies BH.2, BH.4, ET.9, D.2 AND T.24 and policy RA.2 in the Draft Core Strategy and the NPPF.

The height of the building brings it above others on the site affecting the character of the Listed Building is affected by its scale and design.

The increase in height is not in character and scale with the surrounding area.

The parking is overly dominant and more will be required.

It is development outside the housing boundary.

It should only be allowed for holiday accommodation.

Historic Environment - No objection subject to conditions. The comments have been summarised below (and are expanded on in the report below)

The barn is probably curtilage listed, it is considered that although it is visually prominent in local views the increase in height does not harm these views of the setting of the heritage assets. The building satisfactorily groups with and link to the surrounding structures, including the distinctive high stone wall at its north east corner. When the materials have weathered its prominence will be significantly reduced. It cannot therefore be considered to cause any significant degree of harm.

The roof lights are excessive but do not cause significant harm. The eaves feet detail are unacceptable and should be removed.

Concerns are raised in respect of the visual impact on the parking.

POLICIES/LEGISLATION

LEGISLATION

The primary consideration is the duty placed on the Council under S 16 of the Listed Buildings Act 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.

NATIONAL POLICY

Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the government's high-level policies concerning heritage and sustainable development. The Historic Environment Planning Practice Guide published jointly by CLG, dcms, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.

OFFICER ASSESSMENT

The application refers to part of a site which had already secured Listed Building consent in 2004. The works associated with this consent are nearing completion and therefore the original consent is a significant material consideration. The original permission approved the removal of a modern barn on the siting of the hay barn and the reconstruction of a building on this site to be used as for holiday lettings. Therefore the principle of the suitability of this use is considered to be acceptable. The main issue here is whether the changes to the proposed Hay Barn building are significantly different to the approved plans and whether they result in harm to setting of the Listed Building and the wider area.

It is understood that only part of the north end stone gable wall and a small section of a return wall survived from the former historic structure prior to commencement of the works and that the remainder of the building is a rebuild. The building levels are excavated below the original internal ground level, and the ridge height has been increased to allow for insertion of first floor accommodation. The issue to address is whether or not the building works carried out cause harm of any significance to the heritage assets.

The form and design of the building as built, including the clay pantile steeply pitched roof and rubble stone walling is of vernacular character and appearance which harmonises with the surrounding extant heritage assets. The increased roof pitch is characteristic of local vernacular built form. Although it is visually prominent in local views, the increase in ridge height of about 890mm does not harm these views or the setting of the heritage assets. The building satisfactorily groups with and link to the surrounding structures, including the distinctive high stone wall at its north east corner. When the materials have weathered its prominence will be significantly reduced. It cannot therefore be considered to cause any significant degree of harm.

The five roof lights on the west facing roof slope are somewhat excessive and intrude on appearance, but again it is not considered that they cause any significant harm to the heritage assets. The exposed rafter feet are an unacceptable detail which should be removed. These are features which are not associated with historic humble farm buildings such as this 'barn' and appear visually incongruous. If they were exposed they would normally be of untreated oak or sawn timber (if a later build), and set at wider intervals and of greater section.

Concerns have been raised in respect of the parking for the converted buildings which is visually damaging to their setting as heritage assets. This area of the site was not included in the previous Listed Building application. The parking is ill-defined and extends in to the more open countryside adjoining. However, this was approved under the previous planning consent as therefore it is not reasonable to seek an amendment of this as part of this application.

In terms of conditions, other relevant conditions from the previous consent will be attached to the consent.

RECOMMENDATION

CONSENT with condition(s)

CONDITIONS

1 Prior to the occupation of the development the exposed rafter feet must be removed and replaced by a traditional eaves detail. Large scale drawings of the detail are to be submitted to and approved by the local planning authority for approval prior to works being completed

Reason: to respect and safeguard the character and appearance of the setting of the listed building and adjacent heritage assets.

2 At no time shall any flues, vents, meter boxes or other fixtures be attached to the exterior of the building other than those approved as part of this permission, without the prior approval in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the building.

3 There shall be no external meter boxes whatsoever. The position of meter units internally shall be submitted to and approved by the Local Planning Authority and shall once agreed be implemented and maintained in strict accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the character of the Listed Building.

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

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

PLANS LIST:

1 This decision relates to the following drawings and documents all received on 15th February 2013:

Approved Drawings

1119/01

1119/10

1119/11

1119/12

119/13

119/14

1119 Images

Planning Statement

Previously approved drawing for information

825/4C

2 REASONS FOR GRANTING CONSENT

The decision to grant consent subject to conditions has been made in accordance with Planning (Listed Buildings o& Conservation Areas) Act 1990 and Government Policy:

Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework, which sets out the government's high-level policies concerning heritage and sustainable development; the Historic Environment Planning Practice Guide published jointly by CLG, DCMS and English Heritage, which provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites, and in light of views of third parties. The Council regards that the proposal because of its location, design, detailing and use of materials preserves the building and its features of special architectural or historic interest.

DECISION TAKING STATEMENT

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

Item No: 15
Application No: 12/04318/OUT
Site Location: Land Between Old Lane And Conygre Brook Old Lane Farmborough Bath



Ward: Farmborough **Parish:** Farmborough **LB Grade:** N/A
Ward Members: Councillor S Davis
Application Type: Outline Application
Proposal: Erection of 12no dwellings and construction of vehicular and pedestrian accesses following demolition of bungalow
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Sites of Nature Conservation Imp (SN),

Applicant:	The Executors Of The Estate Of The Late Miss M R James
Expiry Date:	31st January 2013
Case Officer:	Jonathan Fletcher

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE: The consultation response from Farmborough Parish Council raises an objection to the application and a request has been received from Councillor Sally Davis for the application to be referred to the Development Control Committee (DCC) if officers are minded to approve. The Chair has agreed for the item to be considered by the DCC.

DESCRIPTION OF SITE AND APPLICATION: The application relates to a site located within the Farmborough housing development boundary. The site forms part of a large open field which is bounded by residential development to the north, west and south. The application seeks outline planning permission for the erection of twelve dwellings and the construction of an access road. The layout, appearance and landscaping are indicated to be reserved matters with access and scale to be determined at this stage.

The development is comprised of a mixture of single storey, two storey and split level dwellings. An existing access from Old Lane is proposed to be altered to serve ten dwellings with the two remaining dwellings fronting onto Bridge Gardens to the south boundary of the site. There is a single storey detached dwelling located to the west of the access from Old Lane which is proposed to be demolished to accommodate the layout of the development.

RELEVANT PLANNING HISTORY:

11/05112/OUT - RF - 6 February 2012 - Erection of 8no. bungalows and construction of access.

11/05123/OUT - RF - 8 February 2012 - Erection of 2no. dwellings and formation of access (adjacent to 13 Bridge Gardens).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

Affordable Housing: The development generates an affordable housing contribution of 4 dwellings which should be secured by legal agreement.

Arboricultural Officer: The revised layout of the site is welcomed with the retention of T7 and T10. A Tree Preservation Order has since been made on T7 (Walnut). No objection is raised to the proposal subject to a condition to secure an Arboricultural Method Statement.

Ecologist: The information submitted indicates that no European Protected Species licence is needed for this proposal with respect to bats and the proposal would not cause harm to otters. No objection is raised to the proposal subject to a condition to secure a Wildlife Protection and Enhancement Scheme.

Environment Agency: No comments

Environmental Health Officer: No objection is raised to the proposal subject to a condition to ensure appropriate sound attenuation measures are incorporated into the development.

Flood Risk Management Technician: A surface water drainage strategy following Sustainable Drainage (SuDS) principles should be submitted to support the application.

Highway Development Officer: The new access incorporating a 'left out only' arrangement is considered to be sufficient to serve 10 dwellings. The impact of the addition of two dwellings on Bridge Gardens is not considered to be significant. No objection is therefore raised to the development subject to five conditions relating to layout, surfacing materials, off-street parking and turning provision, retention of garages and management of the construction phase of the development.

Landscape Architect: The revised scheme is considered to provide a better use of the available land and the footpath is welcomed. No objection is raised to the proposal subject to conditions to secure a landscape scheme and tree protection measures.

Parks and Open Spaces: A contribution of £20,220.75 is sought for formal open space provision and £921.69 for allotment provision.

Urban Designer: The level of development being proposed is considered to create potential issues in relation to residential amenity. Landscape boundaries would need to be considered in light of these issues. The more comprehensive approach to the development of the site is considered to create an improved indicative landscape strategy.

Wessex Water: Waste water connections will be required from Wessex Water to serve the proposed development. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice in relation to the relocation of the sewer.

Representations: 45 representations have been received in objection to the application which raise concern in relation to;

- the unsustainable location of the site
- the loss of an open space/amenity land
- highway safety
- residential amenity
- the visual impact of the development
- flood risk
- Drainage
- access to mains services
- ecology
- over supply of housing within the village
- the provision for waste collection.

POLICIES/LEGISLATION

Bath and North East Somerset Local Plan (including minerals and waste policies) - adopted October 2007.

The following policies are relevant in this case:

SC.1: Settlement classification
HG.4: Residential development in the urban areas and R.1 settlements
HG.8: Affordable housing on allocated and large windfall sites
D.2: General design and public realm considerations
D.4: Townscape considerations
T.24: General development control and access policy
T.26: On-site parking provision
NE.1: Landscape character
NE.4: Flood Risk
SR.3: Provision of recreational facilities to meet the needs of new development
BH.15: Visually important open spaces

Bath & North East Somerset Draft Core Strategy December 2010

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. However for those policies concerning housing given the significant unresolved objections in respect of housing only limited weight is attached to these policies.

The following policies are relevant in this case:

RA2: Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
CP5: Flood Risk Management
CP6: Environmental Quality
CP9: Affordable Housing
CP10: Housing Mix

National Planning Policy Framework (NPPF) - March 2012

The NPPF guidance in respect of the issues which this particular application raises does not conflict with the Local Plan policies set out above.

OFFICER ASSESSMENT

INTRODUCTION: The primary issues to consider when determining this application relate to the principle of new residential development in this location, the visual impact of the development, highway safety, residential amenity, affordable housing and ecology. The application site was previously divided into two sites with planning permission being sought for two dwellings on Bridge Gardens and eight dwellings accessed from Old Lane. Both applications were refused due to concerns relating to urban design, residential amenity, landscaping and the lack of affordable housing. The current application seeks to overcome these concerns through a comprehensive approach to the development of both sites within a single site boundary.

PRINCIPLE OF THE DEVELOPMENT: The site lies within the Farmborough housing development boundary and policy HG.4 of the Local Plan confirms that new residential development is acceptable in principle in this location. The representations which have been submitted draw attention to the criteria set out in policy RA1 of the draft Core Strategy which requires a village to possess three key facilities in order to accommodate new development in and adjoining the housing development boundary. Firstly, it should be noted that this document can only be given limited weight as it is not adopted and does not therefore form part of the development plan for Bath and North East Somerset. It is recognised however that Farmborough does not meet the criteria of policy RA1 as there is currently no local convenience shop or post office within the village. Policy RA2 should therefore be considered instead which confirms that new residential development is acceptable in principle within the housing development boundary.

It should be noted that residential development on other sites within Bath and North East Somerset which fall outside of housing development boundaries are currently being considered on the basis of the presumption in favour of sustainable development, as set out in the NPPF unless restrictive designations dictate otherwise. Although the Local Plan policies relating to housing development boundaries are not considered to be up-to-date for the purposes of the assessment within the NPPF, the current proposal does not represent a departure from these Local Plan policies and the provision of housing is in line with a key aim of the NPPF therefore the principle of development does not need to be considered on this basis. The delivery of housing is however a key material consideration which can be taken into account when determining the application.

VISUAL IMPACT: The application site forms part of an open field which is bounded by residential development to the north, south and west. The ten dwellings proposed to the upper part of the site would be closely related to the properties located to the north of the application site on Bath Road which are predominantly two storey buildings, constructed from natural rubble stone. The application site is also bounded to the east by the curtilage of two properties which have recently been completed following planning permission being granted in 2010 (ref: 09/04896/FUL). The topography of the surrounding landscape slopes down from north to south and the development area for the ten dwellings has been defined in response to these contours utilising the plateau to the northwest corner. The two dwellings to the south of the site would be constructed between the existing rows of properties on Bridge Gardens and Bellifants.

A key consideration in relation to this proposal is the value of retaining this field as undeveloped land due to its importance as an open space in accordance with policy BH.15. This land was previously designated as a visually important open space under the Wansdyke Local Plan however, following the comments set out in the Inspector's Report for the Bath and North East Somerset Local Plan Inquiry, such sites under policy BH.15 must now be assessed on a case-by-case basis. In this instance the open field is deemed to be a significant characteristic of this part of the village and therefore careful consideration has been given to the impact of the proposed development in this regard. The Council's Landscape Architect has raised particular concern in relation to the loss of open space adjacent to Timsbury Road however a development within the red line boundary set out in this application is deemed to be less contentious. These properties would be contained between the existing residential development surrounding the site and would be sufficiently separated from the remaining undeveloped section of the field by virtue of the topography of the landscape. The proposal is not therefore deemed to be

contrary to policy BH.15 in that the application site does not form part of a visually important open space.

Concern was raised in relation to the two previous applications regarding the lack of a comprehensive approach to the development of the site with reference to the fact that the area within the blue line is entirely under the ownership of the applicant. The revised scheme has been submitted under a single application with a red line boundary incorporating all twelve dwellings and a landscaped footpath. This approach would support an improved layout which would facilitate connectivity for pedestrian movement through the site and an appropriate landscape setting. It should be noted however that layout and landscaping are reserved matters which would need to be given further consideration under a subsequent application. It is recommended that conditions are attached at this stage to secure the provision of a landscape scheme incorporating the footpath.

The scale of the development proposed is considered to be acceptable in this context. The Council's Urban Designer has noted that the incorporation of two storey buildings on the upper part of the site would not harm local character. The demolition of the existing bungalow on the site and the rerouting of the sewer line provides greater flexibility to form the curtilages of the ten properties to the north of the site. The scale of the two dwellings fronting onto Bellifants would be consistent with the existing properties adjacent to the site. The layout, appearance and landscaping of the development will be critical in assessing the visual impact of the final scheme which there will be an opportunity to revisit at reserved matters stage. An appropriate pallet of materials would be expected which respond to the properties surrounding the application site.

Although further details will need to be considered in relation to the layout, appearance and landscaping for the development, the scale of the dwellings proposed is deemed to be acceptable at this stage.

HIGHWAY SAFETY: A number of concerns have been raised through the consultation process for the previous and current applications in relation to the impact of the development on highway safety. The Council's Highway Development Officer has undertaken an assessment of the revised proposal and has concluded that the proposed access arrangement, which is to be determined at outline stage, would be acceptable to serve the development.

It is recognised that the junction of Old Lane onto Timsbury Road provides a substandard level of visibility for vehicles egressing at this point and therefore the intensified use of this junction could not be supported. The junction of Old Lane onto the A39, Bath Road meets current design standards and could accommodate additional traffic movements. The application has been submitted with a left turn only egress from the application site in order to force traffic to use the junction to the west onto the A39. This would need to be supported by a Traffic Regulation Order. The increase in the number of dwellings from eight to ten which would be served by this access is considered to be acceptable given that the existing bungalow would be demolished.

The impact of the vehicular movements created by the two dwellings to the south of the site would not be significant in terms of the operation of Bridge Gardens and Bellifants.

The majority of the existing properties benefit from at least two parking spaces and consequently the demand for on-street parking does not adversely impact on road safety.

RESIDENTIAL AMENITY: The representations which have been received through the consultation process for the previous and current applications have raised concern in relation to the loss of privacy and the increased levels of disturbance which would be created by the development. The introduction of two storey development has increased the potential for overlooking and indeed the Council's Urban Designer has recommended that the proposal is not acceptable in its current form on this basis. As noted above however, the rerouting of the sewer line would allow greater flexibility for the layout of the site. The previous application for eight dwellings was refused on the basis of the proximity of Plot 4 to Rose Cottage located to the north of site. The indicate layout which has been provided includes annotations to demonstrate the outlooks from the primary habitable rooms of the proposed dwellings. The restriction of windows to specific elevations and a commitment to achieving adequate separation distances between the existing and proposed properties could ensure that overlooking is prevented. Moreover, it may be necessary to reduce the level of two storey development where overlooking is unavoidable from individual plots once the floorplans are available for consideration.

The indicative layout is considered to be sufficient to demonstrate that a finalised scheme could be formulated to prevent an adverse impact on residential amenity. Separation distances of at least 20m would be maintained from the adjacent dwellings to the north and south of the site where there is an outlook from a primary habitable room. Plot 6 would be located 16m from the adjacent property and consequently two storey development is unlikely to be acceptable in this area. In general terms it is noted that the proposed layout is however heavily reliant on the limitation of windows to certain elevations and the orientation of properties to achieve outlooks at an oblique angle. These issues would need to be given careful assessment under a subsequent application for reserved matters, the siting of windows being considered under appearance and the siting of buildings under layout.

It is considered to be necessary to remove permitted development rights for extensions and alterations to the dwellings given that the development will be reliant on restricting outlooks to certain elevations and maintaining separation distances.

The Council's Environmental Health Officer raised an objection to the previous applications based on the lack of a noise survey. The current application is supported by a noise assessment which demonstrates the site falls into noise exposure category C and consequently it is recommended that sound attenuation measures are secured by condition.

The wider issues which have been raised in relation to the level of disturbance created by the development are not considered to be sufficient to warrant a refusal of the application. The level of noise generated by a residential development of this density would not exceed levels which are to be expected in this context. The site is capable of providing adequate facilities for refuse collection and this issue could also be addressed by condition.

ECOLOGY: A Phase 1 Habitat Survey has been provided which confirms that the demolition of the existing bungalow would not have an adverse impact on bats. An

updated survey was provided in response to a representation indicating that an otter had been sighted in the area which concluded that the adjacent brook is not a suitable habitat for otters.

PLANNING OBLIGATIONS: The previous applications were refused as the proposals amounted to the piecemeal development of the site which circumvented the requirement for affordable housing. The current application for a net development of eleven dwellings on a site area of over 0.5 hectares would generate an affordable housing requirement of four dwellings. This is recognised in the heads of terms provided with the application. Further contributions of £21142.44 are sought in relation to the enhancement of existing open space and allotment provision.

A request has been received from the Council's Highway Development Officer for a contribution of £36002.74 for strategic highways works to fund transport schemes within Bath. These contributions are sought on the basis that a proportion of the future occupiers of the site are likely to regularly travel to Bath which would place demand on transport services within the City. The tests set out in The Community Infrastructure Levy Regulations 2012 require that planning obligations must be; necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development. In this instance the provision of transport scheme are not considered to be directly related to the development and consequently a contribution would not be necessary to make the development acceptable in planning terms. It is therefore not deemed to be reasonable to request this contribution. Aside from the strategic highways contributions, the local works relating to clearance and kerbing of the north side of Old Lane opposite the access to the development are considered to be appropriate.

CONCLUSION: In light of the points raised above the proposal for outline planning permission is considered to be acceptable and is recommended for approval. The issues relating to residential amenity could be reassessed under a subsequent application for reserved matters. Financial contributions would be sought on the basis of a section 106 legal agreement as set out in the heads of terms below.

RECOMMENDATION

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

CONDITIONS

Authorise the Development Manager, in consultation with the Planning and Environmental Law Manager, to enter into a section 106 agreement to secure the following:

1. Transport

Clearance and kerbing of the north side of Old Lane, from opposite the access to the development towards its junction with the A39, to maximise the carriageway width.

2. Affordable Housing

The provision, on site, of 35% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council.

3. Open Space and Recreational Facilities

£20,220.75 to fund the enhancement of existing open space provision.

£921.69 to fund the enhancement of existing allotment provision.

and grant permission subject to the following conditions:

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

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

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 Approval of the details of the layout, appearance and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

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

4 No development shall commence until a sample panel of all external walling and roofing materials to be used has been erected on site and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and the samples shall be kept on site for reference until the development is completed.

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

5 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

6 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

7 No demolition or development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within that 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. The statement should also include the control of potentially harmful operations such as the demolition of the existing building and ground preparation; proposed level changes; the storage, handling and mixing of materials on site, burning, location of site office, service run locations and movement of people and machinery.

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

8 No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement unless agreed in writing by the Local Planning Authority.

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

9 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dB_LA_{eq,T} for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB_LA_{max}.

Reason: In the interest of residential amenity

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

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

11 No development shall commence until plans showing the access, parking and turning areas have been submitted to and approved in writing by the Local Planning Authority. All areas shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority and constructed before the dwellings are occupied and shall not be used other than for the access, parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

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

Reason: To retain adequate off-street parking provision.

13 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority which shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.

Reason: To ensure the safe operation and ongoing condition of the highway.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

15 No dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected, details of which shall have first been submitted and approved in writing by the Local Planning Authority. The means of enclosure shall thereafter retained in accordance with these approved details.

Reason: In the interests of privacy and/or visual amenity.

16 No development shall commence until plans detailing the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To clarify the terms of the planning permission.

17 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 SITE LOCATION PLAN received 19 November 2012.

1580/02 REV G, 1580/03 REV C received 21 January 2013 subject to details approved under a subsequent application for reserved matters.

REASONS FOR GRANTING APPROVAL

1. New residential development is acceptable in principle in this location. Further consideration can be given to the impact of the development under a subsequent application for appearance, layout and landscaping which are reserved matters. The scale of the development would not have an adverse impact on the visual amenity of the surrounding area. The proposed access to the site would not have an adverse impact on highway safety. The development could be implemented in a manner which would maintain the residential amenity of adjacent occupiers.

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

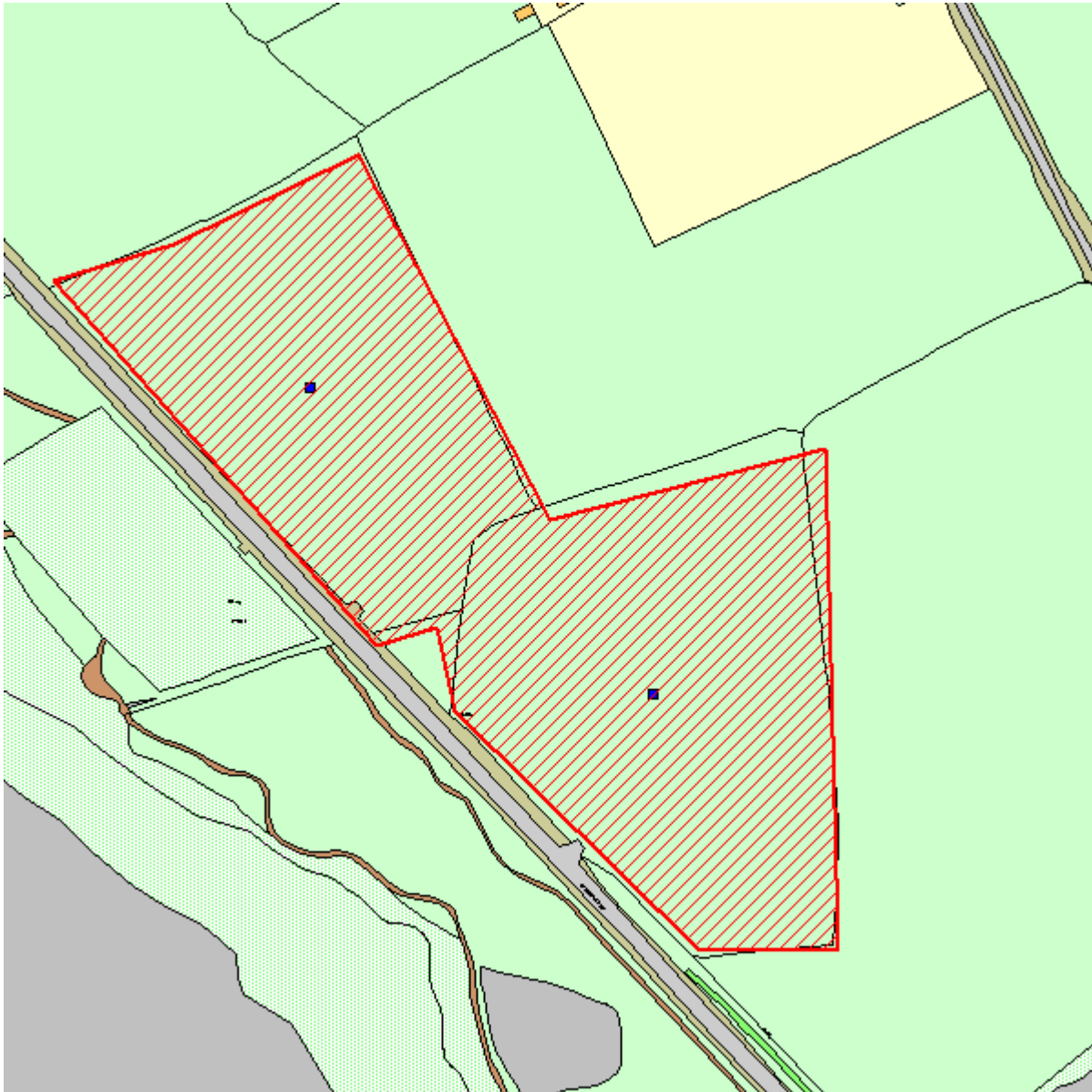
A

BH.15, NE.1, HG.4, HG.8, T.24, T.26, D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

2 DECISION MAKING STATEMENT

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

Item No: 16
Application No: 12/05105/FUL
Site Location: Parcel 0087 Walley Lane Chew Magna Bristol



Ward: Chew Valley North

Parish: Chew Magna

LB Grade: N/A

Ward Members: Councillor Liz Richardson

Application Type: Full Application

Proposal: Change of use of field from agriculture to equestrian and erection of block of 4no stables (Resubmission)

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

Applicant: Mr David Baron

Expiry Date: 26th February 2013

Case Officer: Richard Stott

REPORT

This application relates to a parcel of land situated adjacent to the main road on the eastern edge of Chew Valley Lake, to the north of Bishop Sutton. The land is bounded by a mature hedge

which largely screens the field from the highway however a public footpath runs along the northern edge of the site. The site is located within the Bath/Bristol Green Belt.

Full planning permission is sought for the change of use of the agricultural field to equestrian use with the erection of a block of four stables and associated works to the access.

The application is supported by an agricultural appraisal by Cooper and Tanner Surveyors.

The application is a resubmission following the refusal of a scheme for the segmentation of the land into 9no. 1 acre "pony paddocks".

RELEVANT HISTORY

12/02691/FUL - Change of use of field from agriculture to equestrian and erection of 9no. stables - REFUSED

REASON FOR REFERRING TO COMMITTEE

Chew Magna Parish Council have supported this application, contrary to the officer recommendation and as a consequence the application was referred to the Chairman of the Committee in accordance with the adopted Scheme of Delegation who decided that the application should be determined by the Committee stating:

"This application has the support of the Parish Council and is a difficult one to determine in respect of the NPPF"

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION:

CHEW MAGNA PARISH COUNCIL: Support

- "Following the reduction in the number of stables; provision of parking facilities and the improvement in the access arrangements Chew Magna Parish Council supports this application"
- **ENVIRONMENTAL HEALTH:** No Comment
- **HIGHWAY DEVELOPMENT:** Objection in its current form:
 - The proposed set back distance of the gates of 6.5 metres would not be sufficient for a vehicle with horsebox. A suitable set back distance for gates would be 12 metres.
 - The level of visibility should be achieved from a point measured 2.4m back into the access and extending a distance of 160 metres to the nearside carriageway edge.

PUBLIC RIGHTS OF WAY: Comments

- Public footpath CL3/76 runs through the application site as shown in purple on the attached plan.
- If the path is to be fenced off then 2 metres must still be left for the footpath. No new gates or stiles are to be erected across the public footpath without the express permission of the Public Rights of Way Team.

DRAINAGE: No Objection

REPRESENTATIONS:

1x Letter of objection received raising concerns about the potential for conflicts in vehicle movements along this busy stretch of road and the potential for horses on the road due to a lack of footway.

POLICIES/LEGISLATION

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

NE.1 Landscape Character

ET.7 Use of Agricultural Land

GB.1 Control Over Development in the Green Belt

GB.2 Visual Amenities of the Green Belt

T.1 Overarching Access Policy

T.24 General Development Control and Access Policy

DRAFT CORE STRATEGY, MAY 2011

The Draft Core Strategy is currently suspended however remains a material consideration; at this stage it has limited weight.

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF has been considered in light of this application. Due regard has been had to the amendments to policies relating to the Green Belt, particularly paragraphs 79, 80, 81, 87, 88 and 89.

OFFICER ASSESSMENT

PREAMBLE

In 2012 an application for the change of use on this site was rejected due to the following reasons:

- the level and intensity of development (9no. paddocks with associated works and stables),
- a lack of justification for the loss of agricultural land,
- impact on the openness of the green belt (due to the level of development)
- impact on travel patterns
- use of a substandard access.

Since the refusal of the earlier application, the applicant has liaised with the LPA in order to find a suitable way forward. It was agreed that minimal intervention on the appearance of the landscape was required and to avoid visual clutter the stables should be more centrally located rather than spread across the site. In addition an agricultural justification was requested along with a reconfigured entrance to show that an adequate and safe means of access could be formed. This application has been submitted taking into account the above and in light of the previous refusal it now seeks permission for four stable blocks centred on the site without partitioning the fields.

JUSTIFICATION AND FARM DIVERSIFICATION:

The applicant has stated that the land, the subject of this application has been used for turf cutting since 1988. Whilst classified as being land falling into agricultural land class 3 this application is supported by an agricultural appraisal which concludes that following many years of extensive cutting the viability of the land as agricultural grade land has been compromised. In addition to the current state of the land, the submitted statement confirms that generally the number of holdings in this area has been reduced over the years due to a lack of demand and that the size of the parcel, the subject of this application is unsuited for commercial agricultural purposes.

The previous application was refused in part on the lack of a justification for the development with concern raised about the loss of agricultural land and the diversification of farming practices. In light of the submitted statement and given the separation of the land from a farm it is considered that the case has been made to confirm that (a) the land is no longer of a suitable grade for continued viable farming practices, and (b) the loss of these parcels of land to another rural use would not adversely prejudice wider farming enterprises of the area or conflict with the principles of farm diversification. Overall it is considered that this application is acceptable in terms of the prevailing farm diversification policies set out in the local plan and it is felt that the applicant has satisfactorily addressed the concern raised with the previous application.

National Policy as set out in Chapter 3 of the NPPF states that authorities should promote the diversification of agricultural businesses in order to support a prosperous rural economy, in this regard it is considered that the application proposes a form of development that is in accordance with this part of national policy.

PRINCIPLE OF CHANGE OF USE

Whilst the Core Strategy remains unadopted, the Bath and North East Somerset Local Plan, remains the extant local policy. GB.1 of the local plan states that change of use of land in the green belt is appropriate provided openness is preserved. Openness will be unaffected by this application by virtue of the minimal levels of actual development across the site (this will be expanded on later). To this end it is concluded that the proposed change of use is in accordance with the extant local plan.

Notwithstanding the general thread running through the NPPF promoting opportunities for outdoor sport and recreation Para 90 has removed the previous PPG.2 reference to material changes of use being appropriate "other" forms of development in the green belt and thus it must be taken that the proposed change of use represents inappropriate development in the green belt.

Having assessed the current application, notwithstanding the position of the extant local policy it is considered that as a change of use in the green belt is not mentioned in the NPPF as being appropriate development this application represents a form of development that is in fact inappropriate. As no very special circumstances have been demonstrated it is concluded that significant weight should be given to the provisions of the more up to date NPPF and this application should be refused planning permission.

OPENNESS AND LANDSCAPE CHARACTER

The previous application was considered unacceptable as it proposed the fragmentation of the holding into nine individual plots each with its own stable block. By contrast, as stated the proposed will not result in the fragmentation of the field and will maintain the visual amenities currently enjoyed on the site. The level of development proposed is minimal and is contained to the central portion of the site against the backdrop of the existing hedgerow. Views into the site are at best restricted and it is considered that the improvement works to the hedgerow to facilitate the better access arrangements will not adversely harm rural character.

In terms of the stable block, this is comprised of four stables within one unit. There is no tack room or feed store proposed. The stable will be set on a hardstanding formed of compact limestone scalplings. The amount of hardstanding required is minimal and again has been located sensitively so as not to adversely harm character. The only means of enclosure proposed is the erection of a post and rail fence separating the field from the hard standing. The overall impact of this is contained to a single area and will not prejudice openness or character.

Overall it is considered that the proposed layout and general arrangement of the site is more appropriate within the rural setting when compared to the previous scheme. Having assessed the site in the context of the current and previous applications it is concluded that the proposed would not adversely harm openness or landscape character therefore the proposed is deemed to be in accordance with extant local, and prevailing national policies.

ACCESS AND HIGHWAY SAFETY

It is noted that the highway officer has objected to the application in terms of the set back of the gate from the road and the need for confirmation of the visibility splays.

In respect of the location of the proposed gate the highway officer has requested that this is set 12m back from the highway as opposed to 6.5m as currently shown on plan. The logic for this is to allow for larger vehicles and vehicles towing horseboxes to pull in and be off the carriageway whilst opening the gate. Whilst the logic for the 12m set back request is understood it is considered inappropriate as it would significantly break the line of the site boundary and have an adverse visual impact on the area. 12m would allow for a vehicle to pull in at 90 degrees to the carriageway and be clear of the road however it is noted that the proposal includes the provision of a 32m clear frontage which would also allow vehicles to pull in from the highway albeit at a lesser angle and still be clear from the carriageway. Given the level of clearance being made available it is felt that there is adequate provision to accommodate vehicles off the highway so as to not prejudice

safety. Further to this, it should be noted that there is an access into the site which is set less than 6m from the highway and the current frontage of the entrance measures less than 10m. The current access is well established but substandard and has been used in the past by vehicles with trailers without the ability to fully pull off the carriageway. To refuse the current proposal on the grounds of providing insufficient access depth is not considered robust given the genuine fall-back position of the existing access arrangements and the substantial improvements being offered by this application.

In respect of the request for confirmation of visibility splays, it is noted that the hedgerow is set c.2.5m back from the carriageway edge and visibility for vehicles exiting the site and looking right exceeds 200m. The proposed is not considered to conflict with the standards for a 50mph road (namely 2.4m set back extending 160m to the nearside carriageway edge). Having measured the site entrance and in consideration of the proposed improvements to the general arrangements it is considered that satisfactory visibility exists for exiting vehicles. As stated above there is the genuine fall-back position of the existing entrance and this application is proposing substantial improvements.

Overall, whilst the comments of the highway officer are noted for the reasons set out above it is considered that the proposal would not adversely prejudice highway safety. One of the criticisms of the previous scheme was that the applicant had failed to demonstrate a safe means of access to the site however it is felt that this issue has been adequately resolved by this scheme.

CONCLUSION

Overall having considered this application in light of the amendments made following the previously refused scheme whilst it is considered that the applicant has complied with the majority of reasons for refusal previously listed it is concluded that as the NPPF does not list material changes of use of land in the green belt as appropriate development the proposed development is inappropriate and, by definition, harmful to the green belt.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 The proposed material change of use of the land from its use as agriculture, to recreational use (equestrian), in the absence of very special circumstances to outweigh any harm to the Green Belt, would comprise inappropriate development within the Green Belt which is, by definition, harmful and therefore unacceptable in principle. The proposed material change of use of the land is contrary to Chapter 9 of the National Planning Policy Framework, 2012.

PLANS LIST:

1 This decision relates to the Design and Access Statement, Floor Risk Assessment, Agricultural Appraisal, Site Location Plan and drawings 1571A and 1572A date stamped 19th November 2012 and to the gable elevation drawings date stamped 27th November 2012.

2 DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

Item No: 17
Application No: 12/05281/FUL
Site Location: Bubblers Dyche High Street Wellow Bath Bath And North East Somerset



Ward: Bathavon South

Parish: Wellow

LB Grade: N/A

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Erection of 2no detached two storey houses with attached garages following demolition of existing single storey house (Resubmission).

Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Housing Development Boundary,

Applicant: Hesketh Ventures Ltd

Expiry Date: 28th February 2013

Case Officer: Tessa Hampden

REPORT

Reasons for reporting application to committee

The application has been referred to Committee due to the comments of the Parish Council, who object to the application for the reasons summarised in the representation section below. Further an application for a similar development was previously refused at Committee.

Site description and proposal

The application relates to the garden of a property known as Bubblers Dytch, and the dwelling itself which is located off the High Street in the village of Wellow. The site is located within the designated Green Belt and an Area of Outstanding Natural Beauty, but outside of the Wellow Conservation Area. The application site is also within the Housing Development Boundary of Wellow.

The existing dwelling known as Bubblers Dytch appears as a single storey property from the front, and a two storey dwelling to the rear. The site backs onto open countryside and is fronted by the High Street. It is bound on either side by detached dwellings.

Planning permission was granted in 2011 for the erection of a detached dwelling on the application site. Further a Certificate of Lawful Proposed Development for extending the existing dwelling was issued in 2010. Planning permission was refused by Planning Committee in 2012 for the erection of 2 dwellings, which was of a similar form and design to that proposed under this planning application. The reasons for refusal were as follows:

1 The proposed development is considered to be of an inappropriate design. The high wall is considered to be out of keeping with the character of the area. Further the glazing element to the south elevation is considered to form a large prominent incongruous element when seen across the valley. The development is therefore considered to be contrary to Policies D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007

2 The proposed development is considered to represent the overdevelopment of the site with the narrowness of the gap between the buildings being considered to be inappropriate. The development is therefore considered to be contrary to Policies D2 and D4 of the Bath and North East Somerset Local Plan (including Minerals and waste) adopted October 2007

The application has been resubmitted in an attempt to overcome the reasons for refusal. The application again seeks planning permission for the erection of two detached dwellings following the demolition of the existing dwelling. The dwellings are of a contemporary design, built behind a high boundary wall, under a sedum roof.

The main changes from the previous application include further information and justification for the high boundary wall elements of the scheme, and to the rear, the inclusion of louvers/blinds and a balcony to visually break up the expanse of glass and provide privacy where required. Finally, the houses have marginally been reduced in size

in order to increase the gap between them. The proposed gap is now at 2 metres at its narrowness and 4.4 metres at its widest. This compares to the previous application where the gap was 1 metre at its narrowest and 3.4 metres at its widest

Relevant planning history

DC - 10/03200/CLPU - LAWFUL - 17 September 2010 - Erection of a single storey rear extension and a front porch (Certificate of Lawful Proposed Development).

DC - 11/00228/FUL - PERMIT - 4 April 2011 - Erection of a three bedroom dwelling

DC - 12/01857/FUL - RF - 30 August 2012 - Erection of 2no detached two storey houses with attached garages following demolition of existing single storey house.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - No objection subject to the inclusion of conditions.

Highway Drainage - Following discussion with the applicant, the original objection has been withdrawn, subject to a number of conditions being included on any planning permission.

Wellow Parish Council - objects to the application and the comments can be summarised as follows;

- Scheme varies insufficiently from the last application
- A high stone wall in this area is out of keeping and detrimental to the character and appearance of the village
- The development would have an overbearing effect and do nothing to enhance the location
- The narrowness of the gap between the buildings still obscures the valley view and retains the bunker effect
- The local plan states that flat roofs are not part of the vernacular. Viewed from the north, the flat roof will look unattractive
- The south side glass walling is still a large expanse, now with the unfortunate effect of looking like a block of flats with balconies.- visible from a busy bridleway across the land opposite
- At just over 3,000 square feet per building, this represents gross overdevelopment of a modest site
- There appears to be no visibility splay
- -The Drainage/Highways Department object to the scheme as being too close to water courses
 - This site was formerly the village rubbish tip. In view of this and the potential flood risk we question the stability of the land.
- 5 objection comments have been received. The comments can be summarised as follows:
 - -development out of keeping with character of area
 - -flat roof and high wall inappropriate
 - -Impact upon Conservation Area and Area of Outstanding Natural Beauty

- -Impact upon neighbouring occupiers
- -Highway safety/garages impacting upon
- -Over development of the site/Lack of space between dwellings and neighbouring dwellings
- -Loss of views
- Prominence of glazing across the valley/light spill
- -Turn table inappropriate for this rural location/unlikely to be used
- -Drainage issues
- -Inaccuracies of plans
- -Little change from original plans
- -Proposed dwelling materially larger than that to which it is replace
- -Ecology issues

POLICIES/LEGISLATION

Bath and North East Somerset Council -including minerals and waste October 2007

HG6 Residential development in R3 settlements

D.2: General design and public realm considerations

D.4: Townscape considerations

ES14 Unstable Land

GB1 Control of development within the Green Belt

GB2 Visual amenities of the Green Belt

NE2 Areas of Outstanding Natural Beauty

T24 General development control and access policy

T26 On site parking and servicing provision

NE10 Nationally important species and habitats

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National

Planning Policy Framework.

National Planning Policy Framework (March 2012) - The NPPF was published on 27 March 2012 and has been considered in relation to this application. The NPPF guidance in respect of the issues which this particular application raises is in accordance with the Local Plan policies set out above.

OFFICER ASSESSMENT

Principle of development

As stated above there is an extant planning permission for the erection of an additional dwelling within the current application site. The site is within the Housing Development Boundary of Wellow, which is defined as an R3 village within Policy SC1 of the Local Plan. However the site is also within the designated Green Belt, where strict controls over

development exist. An appropriate form of development within the Green Belt can be infilling in accordance with Policy HG.6 in the villages defined as R3 villages. Infilling can be defined as the filling in of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage. The plot will generally be surrounded on at least three sides by developed sites or roads. Given the context of the site it is considered that this development at the location proposed could be considered as infilling.

The dwellings will be seen in the context of the surrounding development, and given the fact that one dwelling is replacing an existing dwelling; the visual impact of the dwellings on the Green Belt is limited. The development will take advantage of the topography of the site, with part of the development built into the slope, again reducing the impact of the development on the openness of the Green Belt. Given the appropriate design, siting and use of materials, the proposed dwelling is not considered to result in significant harm to the openness of the Green Belt.

The proposed development is therefore not considered to result in inappropriate development in the Green Belt and can be considered to be acceptable in principle.

Character and appearance

The existing dwelling is not considered to contribute positively to the visual amenities of the area, and is considered to be of little architectural merit. There is therefore no objection to its loss. The site as a whole appears to have not been well maintained and overall does not play a valuable part in the wider amenities of the area. There is therefore an opportunity to develop the site and to enhance the overall character and appearance of the area. Whilst the proposed dwellings are not of a traditional design, the dwellings are sited outside of the centre of the village, and the Wellow Conservation Area, and this more contemporary approach is considered to be acceptable.

Whilst the dwellings have been brought forward within the site, towards the High Street, the impact of this is reduced by the dwellings being built behind the new boundary wall. The garages, behind the boundary walls are built up to the road frontage, and whilst from certain views this may make the development more prominent in the street scene, the overall impact of the development is minimised by the overall design of the properties. There are a number of other examples within the street scene, where developments, including garages, are built up against the road frontage. On balance therefore it is considered that the siting of the proposed development is not inappropriate.

It is recognised that the amount of built form on the site will be increased, and the proposals will take the development close to the boundary with the neighbouring properties. However, there will be a sufficient amount of outdoor amenity space which will help in ensuring that, on balance, the development does not appear as a cramped form of development. The design of the overall scheme takes advantage of the site, in terms of its topography and relationship with the road, to ensure that the development fits comfortably within the site. It is noted that there is only a limited gap between the two dwellings but this is considered to be enough to visually separate the buildings. This has the result of reducing the overall bulk of the buildings, and ensures that these detached dwellings are more in keeping with the surrounding development. Members previously considered that the limited gap between the dwellings to be inappropriate. This has been increased by

marginally reducing the overall footprint of the proposed dwellings. Officers consider that the gap between the dwellings is sufficient to break up the bulk of the buildings, with the space between the two buildings retaining an element of spaciousness that is more common in this rural context.

When taken within the context of the overall village, high boundary walls are not considered to be uncommon, and the development is therefore considered to complement the local vernacular of the area. As the Design Access statement recognises, there are examples of high boundary walls in the area, and this will be reflected with the proposed development with the dwelling being built behind a boundary wall under a sedum roof. Third party comments have been raised with regards to the maintenance of the sedum roof with concerns that this will not be properly managed. This can however be controlled through an appropriate condition. Further it is considered that additional details are needed with regards to the wall, including coping details etc. Although the wall is said to be faced in Bath Stone, it is critical that the details of the wall are acceptable as this is effectively the 'face' of the development. This can be secured through the inclusion of a condition on any permission.

The Design and Access Statement also cites that court yards that open out onto the High Street are a recognisable feature within the village. This is acknowledged and the court yard style designed forward in this application is not considered to be out of context with the surrounding development. Concern has also been raised with regards to the flat roofs of the development. However, outside of the Conservation Area, to the edge of the village, the overall design, with the flat roofs on this contemporary form is not considered to be unacceptable or harmful to the visual amenities of the area.

Concerns have also been raised with regards to the light spill from the large glazed areas to the rear of the dwellings. A condition can be included on any permission to ensure that appropriate measures are taken to reduce light spill, to ensure that excessive light spill does not result in significant harm to the rural character of the area. This can include the type of lights used and the siting of these within the dwelling, dimmer switched, blinds etc. It is noted that the louvers and canopy proposed will aid in reducing light spill.

Members previously considered that a glazing element to the south elevation was formed a large prominent incongruous element when seen across the valley. In response to this, the proposal now includes blinds/louvers in order to break up the rear elevation. Officers consider that this is appropriate and the rear elevation will have an acceptable appearance, which will not be harmful to the rural character of the area.

Overall, the proposed development is considered to be of a satisfactory overall design, siting, and scale that will respect the visual amenities of the area, the wider rural character of the area and the Area of Outstanding Beauty in which the site is set.

Residential amenity

The roof line of the dwelling is at a level that will ensure that the development will not result in an overbearing impact upon the neighbouring dwellings. Although the built form, in particular the garage element of the building will be set forward of the building line of the adjacent dwellings, this is not considered to have an adverse impact upon their amenity. The two adjoining dwellings have either a detached or integral garage that adjoins the

application site, and as such the loss of light to habitable windows of these dwellings is not considered to be significant enough to warrant a refusal. Given the siting of the dwellings, and their respective windows, there is not considered to be any significant loss of privacy for the neighbouring occupiers. The addition of the louvers reduces any overlooking or loss of privacy for the existing neighbouring occupiers, or the future occupiers of the proposed dwellings.

The development, by bringing the dwellings forward within the site, provides the future occupiers with a more acceptable level of outdoor amenity space. The overall living conditions of the future occupiers are considered to be acceptable.

On balance therefore the proposed development is not considered to result in any significant harm to the residential amenity enjoyed by the neighbouring occupiers and is considered to provide satisfactory living conditions for the future occupiers of the development.

Highway safety

The vehicular access to the site remains broadly similar to that of the development previously approved and there is some improvement in the on-site turning facilities for the proposed development. It is not considered that, when compared to the existing permitted development, the proposed development will result in a materially unacceptable intensification in use of the access. Further no objection has been raised with regards to the impact of the development upon the visibility splays of the neighbouring properties. Overall therefore, the proposed development is not considered to result in harm upon highway safety.

Ecology

The Council's Ecologist has recently requested a bat survey due to the demolition of the existing bungalow. This has now been requested from the agent, and if the findings are provided prior to the Committee they will be reported to the Members at this meeting.

Land drainage

Although no objection was raised with regards to drainage at the time of the last application the Council's drainage engineers initially raised an objection to this development until further information was submitted, due to recent evidence of flooding near the site. However, the land drainage team have had detailed discussions with the applicant to overcome these concerns and have now removed their objection to the scheme subject to the inclusion of a number of conditions on any planning permission. These conditions relate to establishing the precise location of the existing culvert running across the site, and demonstrating how this will be protected during the course of the works. There are therefore no objections to the development with regards to highway drainage

Land stability

The issue of subsidence was raised during the previous application when planning permission was granted for a dwelling on this site. It was cited that the ground has been subject to some degree of movement, the results of which can be seen by subsidence damage to the existing property Bubblers Dytch. This issue was been raised with the agent, who confirmed that the existing bungalow adjacent the proposed site has some cracking problems which are probably due to inadequate foundations. Before building works commence it is the client's intention to undertake a full site investigation to determine the most appropriate method of constructing the new foundations which may involve piling. It was not believed there would be any risk to neighbouring property when foundation works are undertaken. Appropriate notices and procedures will be adopted under the Party Wall etc. Act 1996 and will be used as required by law. All necessary precautions will be taken. This issue would be dealt with in full at the building control stage.

Other issue/conclusion

No other issues have arisen as a result of this planning application and for the reasons as set out above, the planning application is recommended for approval. The previous reasons for refusal have been noted, but Officers consider that these reasons have been overcome. The development is not considered to result in inappropriate development within the Green Belt, is considered to be of a satisfactory overall design, siting, and scale that will respect the visual amenities of the area and the wider rural character of the area. Subject to conditions the development is not considered to result in any undue harm to highway safety, or the residential amenity of the neighbouring occupiers. Subject to the satisfactory conclusion of the requested bat report, there are no overall objections to the proposals. It is therefore recommended that the committee delegates authority to the Development Manager to permit this development.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

Subject to a satisfactory Ecology Report being submitted to the Local Planning Authority authorise the Development Manager to Permit subject to the following conditions.

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

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

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

Reason: In the interests of amenity and highway safety

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

Reason: In the interests of highway safety.

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

Reason: To retain adequate off-street parking provision

5 The development hereby permitted shall not be occupied until visibility splays with an 'x' distance of 3.4 metres and 'y' distances of 25.0 metres have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

6 The access hereby permitted shall not be used until the related footway/verge crossing has been constructed in accordance with the standard specification of the Highway Authority, and any highway furniture/statutory undertaker's plant located on the highway and within the limits of the access, has been relocated all to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

7 The gradient of the access shall not, at any point, be steeper than 1 in 15 for a distance of 6 metres into the site from its junction with the public highway.

Reason: In the interests of highway safety.

8 The development hereby permitted shall not be occupied until all means of access, not forming the proposed means of access, have been permanently closed and the public highway features, including footway, verge and kerb line, have been permanently reinstated in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

9 No dwelling shall be occupied until details of measures to prevent light spillage from the rear south east elevation have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved mitigation measures shall be permanently retained.

Reason: To prevent excessive light spillage from the development in the interests of amenity

10 No development shall commence until details of a planting and maintenance scheme for the sedum roof has been submitted to and approved in writing by the Local Authority. The sedum roof must be maintained as approved, unless otherwise approved by the Local Planning Authority.

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

11 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

12 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

14 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

15 Prior to the commencement of development, additional elevations/sections including details of copings at 1:20 of the front boundary wall shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details,

Reason: In the interests of the amenity of the area

16 Prior to construction work on site a CCTV survey and report detailing the precise location and the condition of the existing highway drainage culvert on site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of flood risk management and to protect an existing highway drainage culvert.

17 Prior to the construction of the proposed dwellings a method statement describing how the existing highway drainage culvert will be protected during the construction process should be submitted to and approved in writing by the Local Planning Authority. The proposed dwellings shall be constructed in accordance with the approved method statement as approved.

Reason: In the interests of flood risk management and to protect an existing highway drainage culvert.

18 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 REASONS FOR GRANTING APPROVAL:

1. The proposed development is considered to be infilling within the Housing Development Boundary of an R3 village. The development is not considered to have a detrimental impact upon the openness or the visual amenities of the Green Belt or the Area of Outstanding Natural Beauty. The design, siting, size, scale and use of materials is not considered to be detrimental to the rural character of the area. The development is not considered to cause any undue harm to the amenity of neighbouring occupiers or to highway safety. The issue of landslip and contamination have been given due consideration. No other significant issues have arisen as a result of this planning application.

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

A The Bath and North East Somerset Local Plan (including minerals and waste policies) October

2007. The following policies are material considerations:-

D2 , D4 , GB1, GB2, HG6, T24. T26, ES14, NE2, NE10 of the Bath & North East Somerset Local

Plan (including minerals and waste policies) 2007.

DECISION TAKING STATEMENT

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

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

3 ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the

"what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.