

# Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **23rd October 2013**

AGENDA  
ITEM  
NUMBER

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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.

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

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



**Ward:** Publow And Whitchurch

**Parish:** Whitchurch

**LB Grade:**

**Ward Members:** Councillor P M Edwards

**Application Type:** Outline Application

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

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

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

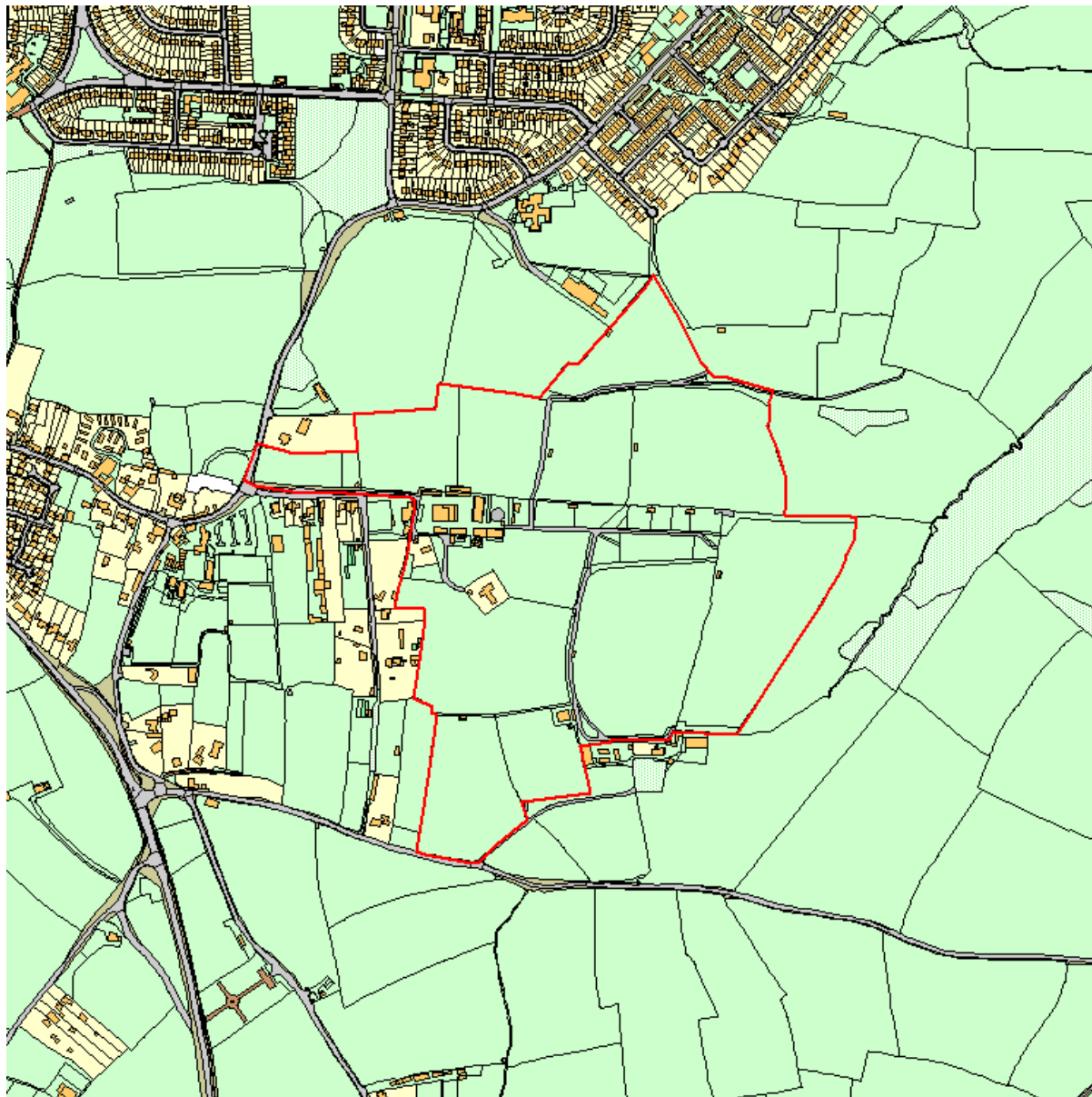
**Applicant:** HorseWorld Trust

**Expiry Date:** 16th September 2013

**Case Officer:** Daniel Stone

**Please see full report at item 3.**

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

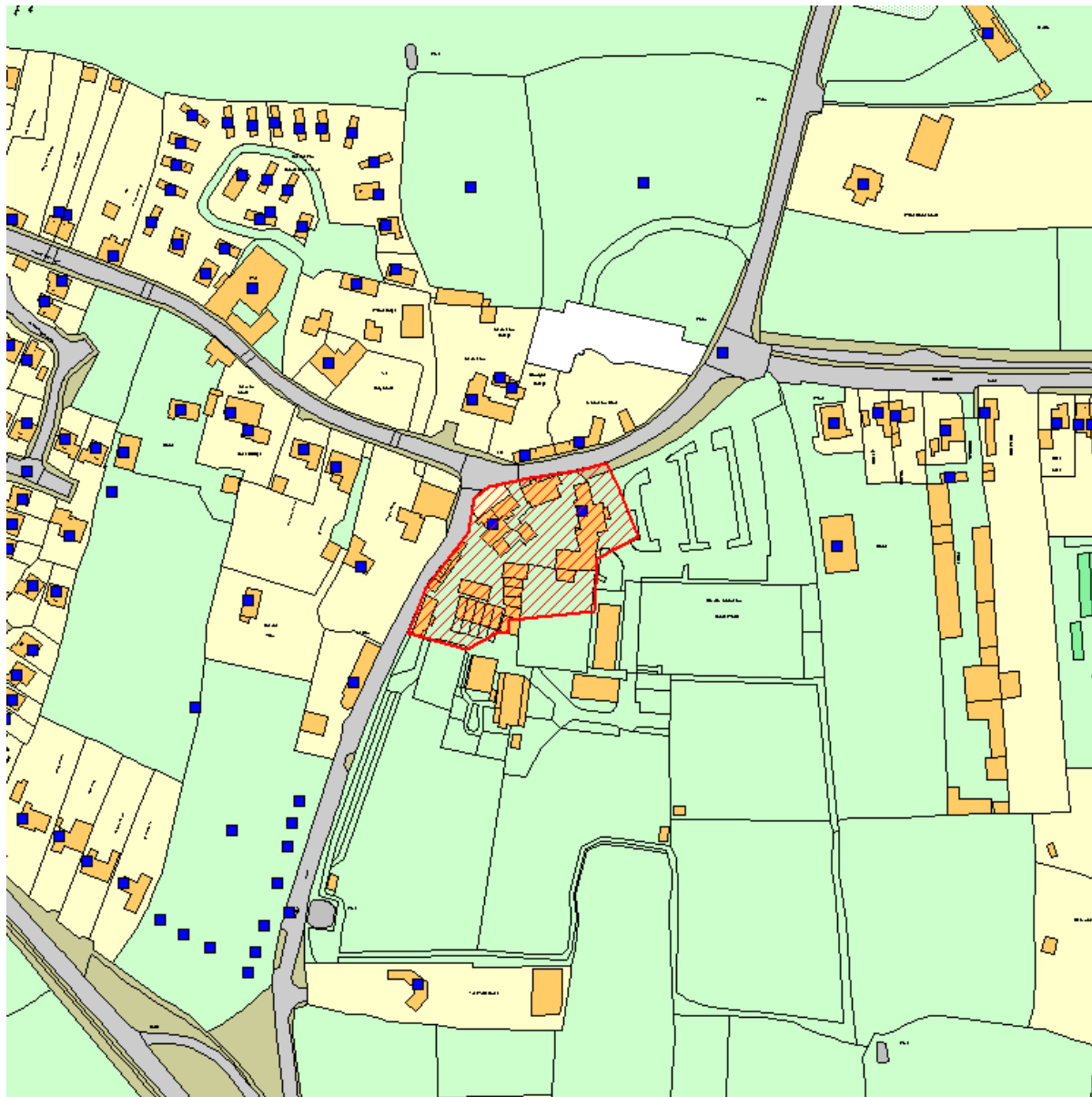


**Ward:** Publow And Whitchurch      **Parish:** Whitchurch      **LB Grade:**  
**Ward Members:** Councillor P M Edwards  
**Application Type:** Full Application  
**Proposal:** Erection of new visitor centre for the Horseworld charity including associated highways infrastructure, parking provision and landscaping  
**Constraints:** Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Public Right of Way,

<b>Applicant:</b>	HorseWorld Trust
<b>Expiry Date:</b>	16th September 2013
<b>Case Officer:</b>	Daniel Stone

**Please see full report at item 3.**

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



**Ward:** Publow And Whitchurch

**Parish:** Whitchurch

**LB Grade:**

**Ward Members:** Councillor P M Edwards

**Application Type:** Listed Building Consent (Alts/exts)

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

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



<b>Applicant:</b>	HorseWorld Trust
<b>Expiry Date:</b>	12th August 2013
<b>Case Officer:</b>	Daniel Stone

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

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

### SITE CONTEXT

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

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

#### The Proposed Visitor Centre site

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

#### The Proposed Housing Site

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

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

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

## PROPOSALS

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

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

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

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

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

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

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

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

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

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

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

## EIA SCREENING

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

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

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

## DEPARTURE FROM LOCAL PLAN

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

## RELEVANT PLANNING HISTORY:

None

## OTHER RELEVANT PROPOSALS

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

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

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

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

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

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

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

### **Green Belt and Housing policies**

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

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

- Brownfield sites should be developed ahead of Greenfield sites.
- The application should be refused for the same reasons as given for the refusal of the Robert Hitchens development for 295 houses at Orchard Park. How could this application be approved when the Orchard Park application was refused?
- The residential development will be unsustainable, with little access to employment, shops or public transport
- The majority of the houses planned will be in the higher price bracket and won't be suitable for first time buyers or those needing social housing.

### **Links with Horseworld Charity**

- Some of the charitable services offered by Horseworld are already taking place. The destruction of Green Belt is therefore not required. The expansion of Horseworld's charitable work is not necessary. Horseworld should downsize its operations to meet its resources.
- Who can guarantee that visitor numbers will rise as hoped and that the new visitor centre will be financially stable?
- The business model presented by Horseworld is inappropriate for the area and it should consider relocating.

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

#### Traffic and Transport

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

#### Services and Infrastructure

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

#### Sustainability

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

#### Wildlife and Character of Countryside

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

#### Other

- The development will worsen flooding problems on Sleep Lane.

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

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

WHITCHURCH PARISH COUNCIL - OBJECT for the following reasons:-

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

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

#### ADDITIONAL COMMENTS DATED 2ND September:

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

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

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

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

#### COMPTON DANDO PARISH COUNCIL - OBJECTS

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

#### CPRE B&NES GROUP - OBJECT

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

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

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

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

#### WHITCHURCH VILLAGE ACTION GROUP - Object

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

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

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

#### BRISTOL CITY COUNCIL - Object

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

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

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

#### Loss of Green Belt

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

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



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

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

### Sustainable transport/highway impacts

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

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

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

### Impact on local services, facilities etc.

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

### Impact on character and residential amenities

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

## THE PROPOSED HOUSING DEVELOPMENT - APPLICATION 13/02164/OUT

### HIGHWAYS DEVELOPMENT CONTROL -

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

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

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

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

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

Any detriment to cyclists using NCN3 would be unacceptable.

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

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

It is assumed that the demand to access the site by coaches may well increase, e.g. school trips, with the improved attraction. This does not appear to have been addressed

and no mention is made regarding the routing of coaches and neither have those routes been audited to identify areas for improvement.

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

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

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

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

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

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

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

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

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

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

Following further information from the applicant, we accept that, compared to the existing situation, together with the committed development on the Sleep Lane site permitted at Appeal, traffic arising from the proposed residential development can be accommodated and managed without severe problems on the existing highway network, including peak hours.

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

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

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

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

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

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

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

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

The key habitats and features of ecological value have been mapped and identified. Although the site is dominated by improved and semi-improved pasture so is not noteworthy for supporting habitat of particularly high ecological value, the large area of the site and its range of features within it, including trees, ponds, a network of hedgerows, and

farm buildings, add strongly to its overall ecological value. Key impacts will be the removal of significant lengths of hedgerow and associated habitats, and the resulting potential impacts on species for which these habitats and their connectivity are important. In particular bats (commuting and foraging routes) and reptiles could be impacted upon.

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

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

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

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

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

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

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

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

#### HOUSING SERVICES -

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

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

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

#### Areas for discussion / negotiation

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

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

In order to positively work with the Applicant and Planning colleagues to deliver on these aims, and subject to robust viability assessment of the proposals submitted by the

applicant, there are areas of the application that are open to discussion in order to close the gap between policy and the current offer.

Increasing Percentage of affordable housing provision within existing proposals:

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

Dealing with uncertainty

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

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

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

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

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

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

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

## HOUSING SERVICES - FURTHER COMMENTS - 9.10.13

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

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

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

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

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

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

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

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

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

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

URBAN DESIGN - No objections to the proposed housing scheme

As designed, the layout and indicative siting of buildings in the residential development appears acceptable with some positive elements such as open shared surface areas



bounded by buildings characteristic of Whitchurch in design, a green infrastructure spine and diversion of existing pedestrian and cycle routes via the residential area to provide safer routes.

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

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

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

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

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

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

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

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

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

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

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

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

#### THE PROPOSED VISITORS CENTRE - APPLICATION 13/02180/FUL

#### FURTHER HIGHWAY DEVELOPMENT CONTROL RESPONSE - 9th October 2013

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The redevelopment of the area is an opportunity to either reinstate the legal line of the footpath at the obstructed points shown on the two diagrams, or to divert the legal line by way of a Diversion Order.
- The section of public footpath BA26/10 around the Admissions Centre is proposed to be surfaced with concrete slabs. This section of footpath will sustain a higher footfall so PROW welcomes the proposal to surface it but would prefer crushed stone or tarmac from the section at the Admissions Centre to just beyond the Reflection Garden. Concrete slabs have the potential to become uneven over time and create a potential trip hazard. The future maintenance of the surface of this section of footpath must be agreed before work goes ahead. PROW would be interested in discussing the possibility of improvements to the footpath surface to the east of the Admissions Centre as well.

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

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

## **POLICIES/LEGISLATION**

Adopted Local Plan:

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

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

#### Core Strategy

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

#### National Planning Policy Framework

Planning for Growth - ministerial Statement March 2011

### **OFFICER ASSESSMENT**

Officer Assessment:

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

#### POLICY CONTEXT

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

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

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

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

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

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

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

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

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

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

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

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

#### Which Elements Of The Applications Comprise Inappropriate Development?

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

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

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

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

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

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

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

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

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

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

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

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

#### Viability of Existing Business

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

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

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

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

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

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



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

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

### Viability of New Visitor Centre

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

### Quantitative Assessment of the Proposed Business Plan

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

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

The "pessimistic" business plan states that there would be potential to reduce the operating costs of the new centre by 28% from the level forecast in the original business plan. The savings would be achieved by reducing the number of rescue horse cases dealt with per year (from c.60 to c.30) (cost reduction of -42%), reducing Establishment, Marketing and Publications costs (-5%) and achieving staffing efficiencies and other efficiencies by consolidating the two existing sites (-35%).

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

Overall, Fourth Street advise:

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

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

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

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

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

#### Qualitative Assessment of the Proposed Business Plan

It is relevant to compare the setup of the existing site against that of the consolidated site. The Planning Statement identifies the current setup of the visitor attraction as a constraint that limits the potential to increase charitable income, in that it is limited in size and scale and is not able to reflect the full scale of rehabilitation work that occurs on the charities main site to the east. The applicants also comment that the size of the current Visitor attraction means that it is only able to support a half-day visit, with a relatively limited offer in comparison to competing attractions, and that this limits the entrance change that can

be levied. Additionally, the existing site is dominated by attractions designed for families with children, limiting the attractiveness of the site to other potential visitors.

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

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

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

Officers perception is that the experience of visitors to the new Horsecare visitor attraction will be markedly different to that of visitors to the existing centre. It seems realistic that the new centre, based on a larger land holding, will both attract a wider range of visitors, attract visitors year-round and by offering a longer day for visitors with better facilities, support a higher admissions charge and higher average spend.

### iii. Sustainable location for a visitor attraction

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

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

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

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

#### iv. Achieving the Council's Corporate Plan

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

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

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

#### v. Enhancing access to the Green Belt

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

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

Clearly these benefits need to be weighed up against the harm caused by the urbanising effect of the new visitor centre development and the proposed housing development,

which would extend the urban area into currently undeveloped paddocks, effectively making the open countryside "further away" for residents of Staunton Lane. Nevertheless, officers' assessment is that overall the benefits delivered in terms of enabling public access to the countryside greatly outweigh the harm caused in these terms.

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

vi. Boosting Housing Land Supply

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

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

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

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

vii. Emerging Planning Policy

The application states that the proposed housing development is in accordance with the latest iteration of the Core Strategy (Draft Policy RA5/Proposed change reference SPC 120), which identifies Whitchurch as a general location for the development of 200 dwellings.

It is clear that the Council is considering whether it should take land out of the Green Belt in the Whitchurch area to allocate for housing, however draft policy RA5 is still undergoing scrutiny through the examination process and is subject to outstanding objections; and therefore the policy can be afforded only limited weight. Logically, until land is actually removed from the Green Belt, the land is protected, and therefore draft policy proposals to amend the Green Belt cannot in themselves constitute "Very Special Circumstances" which would justify development being allowed in the Green Belt.

Additionally, the 200 dwellings at Whitchurch included with draft policy RA5 is a residual figure, following the Sustainability Appraisal. It is not an environmental-led or other planning constraint led capacity figure. It is the sustainability benefits of the alternative

locations, and the comparative sustainability dis-benefits of the Whitchurch area in the context of housing need, that has led to Whitchurch being proposed for 200 dwellings rather than for a higher number of dwellings. As a result, if through the examination process the capacity figures for locations in Bath or Keynsham are demonstrated to be too high or too low there may be direct impacts on policy RA5 (dependent on conclusions on the overall housing requirement) - the dwelling number for Whitchurch may stay the same, be reduced, increased or even deleted as a result of the hearings.

As such, whilst emerging draft policy RA5 does lend support to the proposals, it should be afforded only very limited weight in the determination of the application and is not a "Very Special Circumstance" that would outweigh the harm to the Green Belt.

## CONCLUSIONS ON GREEN BELT ISSUES

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

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

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

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

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

Residents have raised concerns about the cumulative traffic impact of the Horserworld Developments, the Sleep Lane development (of 47 dwellings) allowed at appeal and the pending public inquiry for 295 at Orchard Park which would also be accessed from Staunton Lane and impact on the A37 junction, and which could also potentially be allowed. The greatest area of concern are in connection with the capacity of the Staunton

Lane / A37 junction to accept additional traffic without giving rise to unacceptable levels of traffic congestion.

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

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

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

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

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

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

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

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

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

The following commentary is relevant regarding the proposed planning obligations

#### The Proposed Housing Development.

##### Education

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

##### Open Space Provision

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

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

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

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

There is potential to incorporate allotment provision (with a water supply and vehicular access) into the proposed residential development through the reserved matters



application, and this could remove the need to provide contributions for off-site provision. This eventuality can be allowed for in the legal agreement.

### Affordable Housing

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

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

Finalised written advice from our viability consultants (Alder King) is awaited on the precise amount of affordable housing that can be supported by the development, however Alder King have been able to confirm that the housing development would be unable to both fund the proposed visitors centre and the full 35% provision of Affordable Housing. Their detailed comments will be summarised in an update report to committee, with any necessary revisions to the recommendation.

The applicants acknowledge that there is an inherent uncertainty in the development process and, whilst reasonable and justified assumptions have been made to assess the potential capital receipt, the actual income will not be certain until the land sale has transacted and the construction of the new Visitor Centre has been completed.

As a consequence, they propose a clawback mechanism whereby once both the existing Visitor Centre site has been sold and the new Visitor Centre has been fully completed, there would be a financial reconciliation. The actual capital cost of the new Visitor Centre and the actual capital receipt from the sale of the residential site are compared. If the capital costs are less than envisaged or the capital receipts greater, then the surplus would be paid to the Council to provide affordable housing off-site, up to the cost of delivering 25% off-site affordable housing provision.

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

The applicant's response is that its investments are needed to cover the losses and operating costs of the charity until the new visitor centre becomes operational, and that once the new visitor centre is operational the charity will still need to maintain adequate reserves for its future operations, and that the income received from these investments also supports the viability of the future charity as a whole. Taking into account these costs

and losses, and assuming that the existing visitor centre stays open until the new centre becomes operational, and that the new centre opens on schedule in January 2015, Horseworld predict that by 2015, their reserves would have fallen to a level that would be adequate to cover 12 months running costs.

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

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

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

As discussed above in their comments Housing Services Officers would wish to look at how the overall percentage of Affordable Housing might be increased, through securing that Staunton Manor Farmhouse is adapted to provide Affordable Housing (and is gifted to a Registered Provider as Affordable Housing if the property is ever disposed of by the charity) or securing Gap funding through the Home and Communities Agency, if possible. Officers can explore the potential for gap funding, however the conversion (and subdivision) of the listed building to Affordable Housing which would require Listed Building consent, and this cannot be guaranteed to be secured as part of these applications. As a result, this cannot be made a condition or legal requirement of a possible consent.

## Transport

£90,000 is offered to increase the frequency of the existing 376 bus service which passes along the A37. Transport Officers have since advised that the hourly 379 bus service can be diverted via Staunton Lane, and that a £90,000 contribution would fund this for four years and also the installation of a bus stop on Staunton Lane. This would clearly benefit

both the housing development and the proposed visitor centre. Officers consider that this requirement should be written into the legal agreement for the proposed visitor centre, as this development has the highest likelihood of occurring and would be likely to be a higher trip generator than the housing development.

#### Other

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

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

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

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

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

Notwithstanding these detailed considerations, the proposed residential conversion of these buildings and the quality of landscaping suggested in the details shown suggest that the result will be a development of significant character, making the most of the opportunities offered by the site.

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

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

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

### Proposed Housing Development

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

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

### Proposed Visitor Centre

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

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

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

## OTHER ISSUES

### F. RESIDENTIAL AMENITY / SECURITY

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

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

#### G. SUSTAINABLE DESIGN AND CONSTRUCTION

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

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

#### H. FLOOD RISK

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

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

#### I. ECOLOGY

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

## J. NOISE AND AIR QUALITY

### The Proposed Visitor Centre

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

### The Proposed Housing Development

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

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

## ARCHAEOLOGY

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

## CONCLUSIONS

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

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

Both the housing and visitor centre consist of inappropriate development in the Green Belt, and both the proposals would encroach into the countryside, change its character and harm the openness of the Green Belt. Both proposals would give rise to adverse landscape and visual impacts (although these would be lessen over time with maturing landscaping), and would harm the amenity value of the public rights of way network to the south and east of Staunton Lane. The proposals would also both give rise to additional traffic congestion, although not of an unacceptable severity. The proposals would also only provide 10% affordable housing against the Council's target of 35%. The proposals under-provide contributions to the provision of public open space, but offer enhanced access to the horseworld grounds and facilities to compensate.

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

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

Having stated this, there are various areas which remain unresolved, and therefore a recommendation is put forward to delegate the application to officers to approve the application subject to the resolution of negotiations on the provision of affordable housing and also to consider Bristol City Council's comments on the proposed planning obligation package.

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

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

Application 13/02164/OUT - The proposed Housing Development

#### 1. Enabling Development

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

#### 2. Education contributions:

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

- £4,750 towards the additional costs of bussing secondary age pupils to Broadlands Academy in Keynsham.

### 3. Open Space

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

### 4. Affordable housing

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

### 5. Clawback mechanism

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

### 6. Transport

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

## Application 13/02180/FUL - The proposed Visitor Centre

### 1. Access to Horseworld Land

- Residents of the housing development approved by planning application 13/02164/OUT to have, in perpetuity but within opening hours, free access to the children's indoor and outdoor play equipment and accessible outdoor spaces provided within the Horseworld visitors centre.



- Members of the public to have free access, in perpetuity to a network of paths within Horseworld's land holding, in accordance with an agreed plan and access strategy.

## 2. Transport

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

## **RECOMMENDATION**

Authorise the Development Manager of Planning and Transport Development to PERMIT applications 13/02180/FUL, 13/02164/OUT and 13/02121/LBA subject to Officers finalising appropriate conditions.

**Item No:** 04  
**Application No:** 13/03415/OUT  
**Site Location:** Agricultural Haulage Building And Yard Pinkers Farm Middle Street  
 East Harptree Bristol



**Ward:** Mendip                      **Parish:** East Harptree                      **LB Grade:** N/A  
**Ward Members:** Councillor T Warren  
**Application Type:** Outline Application  
**Proposal:** Erection of 8no. houses and 4no. workshops and provision of a new access road (resubmission).  
**Constraints:** Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,  
**Applicant:** Mr Malcolm Pearce  
**Expiry Date:** 2nd October 2013

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

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

### **DESCRIPTION OF SITE AND APPLICATION**

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

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

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

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

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

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

presently conveyed along the north-eastern boundary the site via a culvert. The application is supported by a Flood Risk Assessment and Ecology report.

#### RELEVANT PLANNING HISTORY:

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

Adjoining land:

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

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

#### SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

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

Principle of Development

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

Sustainability

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

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

### Flooding

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

### Highway Safety and Parking

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

### Design, Layout and Visual Impact

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

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

#### Residential Amenity

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

#### Alleged Application Inaccuracies

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

#### Need for the Development / housing needs

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

#### Other

- The buildings on the site have been allowed to deteriorate and are now a haven for wildlife
- Concerned as to whether there will be sufficient sewerage capacity and capacity in the electrical grid and sewerage system.
- The proposed workshops have been included purely to provide a buffer between the housing and the slurry pit. As soon as circumstances allow (e.g. closure of the slurry pit) the workshops could be converted into even more houses.

## EAST HARPTREE PARISH COUNCIL - OBJECTS for the following reasons

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

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

## HIGHWAYS DEVELOPMENT CONTROL -

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

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

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

Middle Street is a rural lane without any separate pedestrian facilities, and no street lighting. The village of East Harptree has limited local services and public transport facilities, and residents would therefore be reliant on the private car as a main mode of travel. The location of the site is therefore not considered to be sustainable.

The site is also located outside of the Defined Housing Development Boundary, and is therefore contrary to Policy HG.4 of the Bath & North East Somerset Local Plan (including minerals and waste policies) October 2007.

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

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

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

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

#### HIGHWAYS DRAINAGE - no Objections

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

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

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

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



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

#### HOUSING SERVICES - No objection

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

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

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

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

#### ENVIRONMENTAL HEALTH - No Objections

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

#### ECOLOGY - No objections subject to conditions

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

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

I do not dispute the findings of the ecological survey but the LPA should require, by condition, additional measures to those recommended in the report, as detailed below, to compensate for the removal of hedgerows and other vegetation. This is because the ecological assessment does not include consideration of loss of the hedgerow but is based on its retention as shown in the drawing (figure 3 of the ecological assessment).

The proposal involves the removal of the south eastern boundary hedgerow (which is species poor) and other patches of vegetation. These features, although not in themselves of particularly high ecological value, collectively provide the main features of value for wildlife at the site, and are of value in provision of cover and food sources for birds, insects and small mammals, and in provision of "green infrastructure". New planting to provide replacement habitat to equivalent or greater ecological value would be

a reasonable and appropriate mitigation measure. This could be achieved by incorporation of wildlife friendly and native planting across the site and within gardens: replacement of the proposed frontage wall with a mixed-species wildlife friendly hedgerow; creation of habitat within the swale through use of mixed species native grass seed mix, and mixed species native shrub planting. As much native and wildlife friendly planting as can be accommodated within this area, along boundary features, and across the site, would be expected.

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

CONTAMINATED LAND OFFICER - no objection subject to conditions

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

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

PARKS - no objection

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

## **POLICIES/LEGISLATION**

### **POLICIES**

Adopted Local Plan:

- D.2 - General design and public realm considerations
- D.4 - Townscape Considerations
- BH.6 - Development affecting Conservation Areas
- BH.8 Improvement work in Conservation Areas
- BH.12 Important archaeological remains
- HG.7 Minimum residential density
- T.1 Overarching access policy
- T.3 Promotion of walking and use of public transport
- T.6 Cycling Strategy: cycle parking
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision
- NE.1 Landscape character
- NE.2 Areas of Outstanding Natural Beauty
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.12 Natural features: retention, new provision and management
- NE.13 - Water Source Protection Area
- IMP.1 Planning obligations

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

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

Emerging Core Strategy

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

**OFFICER ASSESSMENT**

KEY ISSUES:

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

Policy Context

Local Plan Policies SC.1 and HG.4 define East Harptree as an R2 village, where residential development within the development boundary will be permitted if it is appropriate to the scale of the settlement in terms of the availability of facilities and employment opportunities and accessibility to public transport.

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

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

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

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

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

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

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

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

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

Officers agree that the site does not benefit from continuous pavements linking it with the village centre, and the pavements that are present are too narrow to accommodate wheelchairs or buggies, forcing people to walk in the road. In addition the village does not have street lighting. Concerns have also been raised about the public transport provision serving the village, and it is correct that whilst it is served by public transport, a primary school and a shop, it would not be difficult to meet all household needs without having access to a private car. Consequently the proposed development does raise concerns in terms of the sustainability of this location for development. However, it is considered that the majority of these criticisms could be laid at East Harptree as a whole, yet under adopted and emerging policies, the principle of residential development of an appropriate scale is accepted within the Development Boundary. The question therefore is whether the development is unsustainable by virtue of its location outside the Adopted Development Boundary.

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

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

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

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

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

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

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

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

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

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

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

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

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

#### D. ARE THE PROPOSED WORKSHOPS ACCEPTABLE IN POLICY TERMS?

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

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

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

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

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

The Flood Risk Assessment offers the following improvements within the site

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

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

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

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

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

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

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

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

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

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

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

#### G. SHOULD THE PROPOSED DEVELOPMENT PROVIDE AFFORDABLE HOUSING?

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

The application being considered seeks consent for only 8 dwellings and the residential part of the proposed layout would comprise less than 0.5 hectares in area, and therefore on the face of it, affordable housing would not need to be provided. Officers are concerned that were the workshops to be subsequently converted to dwellings, it could result in more than 10 dwellings being developed on the site without providing affordable housing, and that there may be the intention, or potential to circumvent the Council's Affordable Housing policies. It is recommended that clauses are included in the legal agreement preventing the residential conversion of more than one of the workshops to a dwelling (and therefore exceeding the affordable housing threshold of 10 dwellings or more across the site) unless contributions are provided to the off-site provision of affordable housing equivalent to 35% provision.

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

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

Objections have been raised regarding the proximity of the proposed dwellings to a slurry pit, located in the adjacent farm to the south-west of the site. Environmental Health have



commented that there are no technical standards for minimum separation distances between slurry pits and dwellings and planning officers are aware of no minimum distances. The 400 metre "exclusion zone" referred to in the objections is simply that where a slurry pit is proposed within 400 metres of a dwelling, full planning permission is required. The proposed workshops would be a buffer between the dwellings and the slurry pit, and overall, officers consider that this would be an issue for would-be purchasers to consider in decided whether to buy one of the dwellings. The site is in a clearly rural context with adjoining agricultural uses and there are already dwellings a similar distance from the slurry pit as those proposed.

## **CONCLUSION**

Subject to the recommended planning conditions and the signing of a legal agreement to secure the required transport, education, and parks contributions, the off-site drainage works and to secure the Council's position in respect of Affordable Housing, officers consider that the proposals are acceptable. Officers have identified no areas of harm that would significantly and demonstrably outweigh the benefits of the development, in terms of housing provision, and therefore the proposed application is put forward for approval.

## **RECOMMENDATION**

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

### **1. Education**

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

### **2. Open Space and Recreational Facilities**

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

### **3. Transport**

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

### **4. Off-site Drainage works**

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

### **5. AFFORDABLE HOUSING**

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

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

### **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, (d) means of access and (e) landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

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

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

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

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

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

5 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

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

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

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

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

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

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

Reason: In the interests of Flood Risk Management.

8

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

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

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

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

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

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

9 A Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment of the site. The Desk Study shall be submitted to and

approved in writing by the Local Planning Authority. Should the Desk Study identify the likely presence of

contamination on the site, whether or not it originates on the site, then full characterisation (site

investigation) shall be undertaken in accordance with a methodology which shall previously have been

agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken

in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning

Authority and a remediation validation report submitted for the approval of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring

land are minimised, and to ensure that the development can be carried out safely without unacceptable

risks to workers, neighbours and other offsite receptors.

10 In the event that contamination is found at any time when carrying out the approved development, work

must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local

Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any

further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or

containing unexpected foreign material.

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

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

Reason: The approved use only has been found to be acceptable in this location, in close proximity to existing and the approved residential uses and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

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

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

**PLANS LIST:**

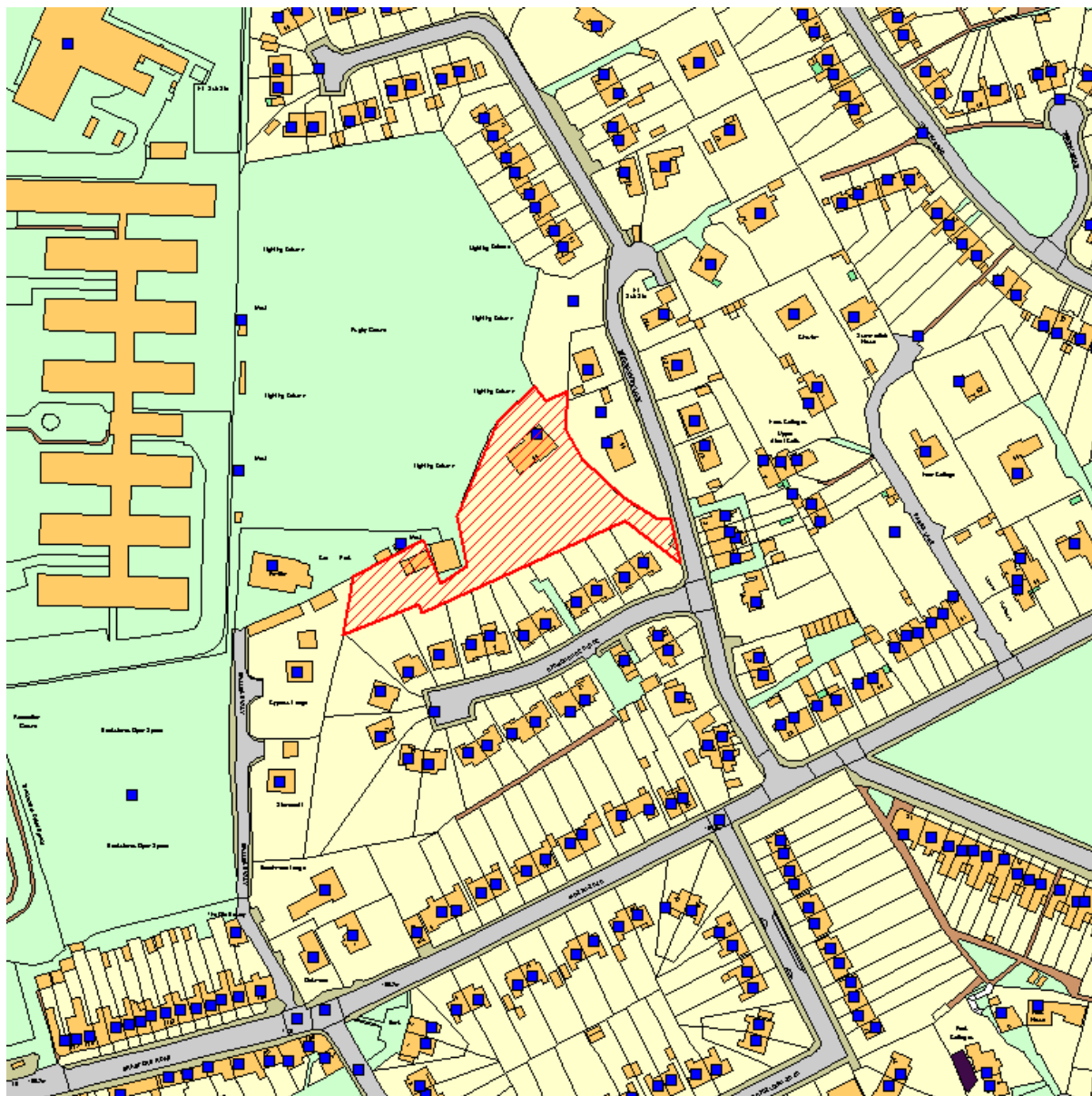
Drawing 5062W-04 REV. A - SITE AS EXISTING  
DESIGN & ACCESS STATEMENT  
ECOLOGICAL SURVEY  
FLOOD RISK ASSESSMENT

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

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

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

**Item No:** 05  
**Application No:** 13/01038/FUL  
**Site Location:** 56 Stonehouse Lane Combe Down Bath Bath And North East Somerset BA2 5DW



**Ward:** Combe Down      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Cherry Beath      Councillor R A Symonds  
**Application Type:** Full Application  
**Proposal:** Erection of 3no dwellings with two garages and amendments to existing access drive  
**Constraints:** Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, Water Source Areas, World Heritage Site,  
**Applicant:** Mrs Wendy Parfitt  
**Expiry Date:** 23rd May 2013

## **REPORT**

### **REASONS FOR REPORTING THE APPLICATION TO COMMITTEE**

The application is being referred to the committee at the requests of Councillors Roger Symonds and Cherry Beath for the following reasons;

The application is over development and the scale of buildings is out of keeping with the current community of buildings in the area. The development will result in a loss of light and overlooking to neighbouring properties. The application has been referred to the chairman of the Development Control Committee who has agreed that the application is considered by the committee for the following reasons; this is a complex application on an enclosed site on an old quarry.

### **DESCRIPTION OF SITE AND APPLICATION**

Stonehouse Lane is accessed from North Road in Combe Down. Stonehouse Close runs perpendicular to Stonehouse Lane the entrance to which is close to the access to number 56 Stonehouse Lane.

Number 56 occupies a large plot and is set midway down the road to the north of the entrance to Stonehouse Close. Number 56 is set back from the existing streetscene and the site is not easily visible from the road edge. It occupies an L shaped plot. There is a large garden area to the south west side of the dwelling. The garden then extends along the back of Stonehouse Close where the existing garage is located. The existing garage is located opposite number 8 Stonehouse Close and the site is visible to properties within Stonehouse Close. The land adjacent to the garage is at a higher level to the rear gardens of Stonehouse Close. To the rear of the site is Combe Down rugby club.

The application proposes the erection of three dwellings within the existing garden of the property. It is proposed to locate two dwellings within the side garden of number 56. The third dwelling would be located adjacent to the existing garage behind Stonehouse Close. Units 1 and 2 are the semi-detached four bedroom dwellings with garages. Unit 3 is a detached four bedroom dwelling. The garden of the existing dwelling would be reduced in size to accommodate the dwellings and landscaping is proposed to mark the boundary between the dwellings.

The dwellings have been designed with pitched roofs and gable ends. The dwellings are proposed to be constructed with reconstituted stone.

Unit 3 is also proposed to be constructed from reconstituted stone. It is proposed to include a central gable with a smaller pitched section on the south elevation.

The proposed dwellings would be accessed from the existing access onto Stonehouse Lane. The access to Unit 3 would run to the rear of Stonehouse Close along an existing track. Unit 3 would utilise the existing garage.

### **RELEVANT HISTORY**

DC - 10/00264/FUL - WD - 11 March 2010 - Erection of 2 new detached dwellings

DC - 10/04900/FUL - PERMIT - 28 March 2011 - Erection of 1 new detached dwelling (Resubmission)

9090 - The tipping of building materials at the Old Quarry Caravan Site, approved 07/07/70

9090/1 - Details of the longitudinal and cross sections of the proposed tipped material Approved 15/07/70

9090/2 - Erection of two detached dwellings, withdrawn 14/03/1972

9090/3 - Erection of three detached bungalows and garages, approved 03/10/72

9090/4 - Erection of three detached bungalows and garages, approved 06/11/73

9090/4A - Erection of three detached bungalows and garage (revised proposal), refused 01/04/75

9090/5 - Erection of a partly single and partly two storey dwelling house with two integral garages, approved 01/04/75

9090/5A - Erection of a partly single and partly two storey dwelling house with two integral garages, approved 01/07/75

11948 - Erection of a double garage, approved 29/08/80

11948/1 - Erection of a dwellinghouse with garage with access onto Stonehouse Lane, approved 25/09/85

11948- 2 - Erection of a dwellinghouse with garage with access onto Stonehouse Lane, approved 13/07/89

11948-3 - Erection of a dwellinghouse with garage with access onto Stonehouse Lane, approved, withdrawn, 30/08/92

11948-4 - Erection of a pair of semi-detached dwellings with garage approved, 06/07/94

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Building Control: No comment

Highways: There is no objection to the principle of residential development at this location which is convenient to the usual residential amenities and to public transport and other alternative modes of travel.

Pre-application advice stated that the level of development was appropriate, subject to the design of the access and its junction with Stonehouse Lane, as well as appropriate provision being made for access by emergency vehicles - the length of the drive requires turning to be provided for a fire tender in accordance with Manual for Streets and Building Regulations.

With regard to the former I am generally in approval of the access and its junction - the widening allows two cars to pass on access/egress and the gates are set back so as to ensure vehicles are not delayed on the public highway. As the driveway approaches the new dwelling, I would prefer to see it wider than the 4.0m shown, however this will not impact on the public highway. The widened passing-space is of benefit to the residents, but again is not essential from a highway safety perspective.

It has not been demonstrated that turning for a fire tender is possible within the area in front of plot 3. These needs to be demonstrated for the reasons given above.

Arboricultural: 2 No. conifers marked on the submitted site plan to be removed have already been felled.



There is a group of semi-mature ash and sycamore located on the south side of the existing track leading to the proposed plot No.3 opposite the Rugby Club changing room building. Physiologically these trees are only 'fair' but cumulatively they provide useful screening for the residents of the adjacent dwellings to the south in Stonehouse Close.

There are also mature lime trees located in the rear gardens of Nos. 5 and 7, Stonehouse Close adjacent to the access track.

Potentially the roots of these trees could be impacted by the proposed up-grade of the track.

Whilst a comprehensive Arboricultural Impact Assessment is not necessary (the remainder of the trees on the site of Plot No.3 are poor quality specimens of ash and sycamore), details of the specification and methodology of the construction of the proposed access drive are required to demonstrate how the roots of the trees shown to be retained adjacent to the drive will be protected.

Contaminated Land: I am satisfied that the report forms a comprehensive desk study, walkover and preliminary risk assessment of land quality issues. The report recommends further investigation and risk assessment to be necessary to assess the potential risks as detailed in the report. The report also recommends preventative remedial actions and proposed validation measures. This information can be required by condition.

Schools Organisation Team: The applicant is building three new dwellings. The children generated by the development will create the need for developer contributions. A total of £18,360.93 is sought.

Environmental health: There are residential premises in close proximity to this site whose amenity could be affected during construction. A number of conditions should be attached to ensure that the construction of the development does not cause harm to amenity.

34 Representations have been received objecting to the application for the following reasons:

Concern is raised over the loss of the trees at plot 3.

The hedge on the property boundary should continue to be maintained. It should not be allowed to grow any higher as this will block light from neighbouring dwelling.

Number 56 is a former open cast quarry. Building work should not disturb hazardous material that may be present.

A gravel drive is not appropriate. This will increase noise and cause loose material moved into nearby properties.

Plot 3 is higher than the neighbouring properties at Stonehouse Close. Therefore the proposed house will appear dominant and overbearing to neighbouring dwellings.

The house at plot 3 will overlook the properties along Stonehouse Close.

The development is an overdevelopment of the land.

The proposed car park is visible from neighbouring dwelling and will reduce the tranquillity and privacy of gardens.

The design of the development is not in keeping with the surrounding properties.

The development will result in increased traffic levels leaving the site at the intersection of Stonehouse Lane.

The development will have a cramped appearance which is harmful to the character of the surrounding World Heritage Site.

The dwelling at plot 3 will appear overbearing to the occupiers of number 9 and 10 of Stonehouse Close.

The house will be at a higher level to the neighbouring houses.

The vehicle movements from vehicles accessing the proposed dwelling will cause disruption and harm to the privacy of the existing occupiers.

The property may be rented out which will result in a large number of car owners.

The development will result in a loss of privacy to the neighbouring occupiers.

The proposed houses are higher than houses on the surrounding roads.

The lack of a landscape plan is a concern.

The development site is a back garden and should not form part of a development site.

The trees should not have been removed from the site.

The reclaimed land may not be able to take the weight of the development.

The existing garage at plot 3 is an eyesore and should be replaced.

An application for bungalows would be preferable.

The land at plot 3 may be contaminated.

The land may not be stable.

The building work will cause disruption to the surrounding area.

The proposed dwellings will tower over the existing properties.

The applicant should maintain the existing hedge.

A conifer hedge is not appropriate.

## **POLICIES/LEGISLATION**

D.2: General design and public realm considerations

D.4: Townscape considerations

Bh.1: Impact of development on World Heritage Site of Bath or its setting.

HG.4: Residential development in urban areas and R.1 settlements.

Ne.4: Trees and woodland conservation

ES.15: Contaminated Land

T.24: General development control and access policy

T.26: On-site parking and servicing provision

ES.14: Unstable land

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

## **SUBMISSION CORE STRATEGY, MAY 2011**

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches 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. The following policies should be considered:

CP6 - Environmental Quality

B4 - The World Heritage Site and its Setting

Planning Obligations, Supplementary Planning Document, adopted July 2009

National Policy

The National Planning Policy Framework adopted March 2012

## **OFFICER ASSESSMENT**

### **PRINCIPLE OF DEVELOPMENT**

The application site is located within the Housing development boundary where the principle of residential development is accepted, subject to compliance with other policies.

### **PLANNING HISTORY**

The application site was historically used as a quarry which was granted permission to be infilled in 1970. The site was then known as The Old Quarry Caravan Site. Permission was granted in 1972 for the erection of three dwellings but these properties were not built. Subsequent permissions were granted for three dwellings at the site. This includes two properties in a similar position to units 1 and 2 of the proposal. These properties were never built. An application was submitted in 1975 to build a dwelling towards the back of the site close to where unit 3 is proposed. This was refused as it was sited in close proximity of the properties of Stonehouse Close. The proposed dwelling was located close to the rear boundary of Stonehouse Close its size and siting was considered to harm the amenity of the occupiers of Stonehouse Close.

Permission was granted in 1975 for a dwelling which was built and forms the existing 56 Stonehouse Lane.

A number of permissions were granted between 1985 and 1994 for a dwelling adjacent to the existing 53 Stonehouse Lane. These were not implemented at the time. However permission was granted in March 2011 for a dwelling at the northern end of the site adjacent to 53 Stonehouse Lane which has been completed.

Permission has also been granted for a new dwelling in the side garden of number 55.

### **DESIGN**

Units 1 and 2 are designed as semi-detached four bedroom dwellings with associated garages. The dwellings have been designed with pitched roofs and gable ends, the fourth bedroom being located within the roof space. The dwellings are proposed to be constructed with reconstituted stone. The surrounding street is characterised by a variety of dwelling styles, including dwellings constructed from reconstituted stone.

The dwellings are of a similar scale to buildings within the surrounding area. The roof on Units 1 and 2 has been reduced in height so that they appear proportionate to neighbouring buildings. Units 1 and 2 are proposed to be greater in height than number 56 however because they are set perpendicular to number 56 this means the increased height would not harm the setting of number 56.

Given the variety of dwelling styles within the surrounding area the design of the proposed dwellings would not look out of place within the area. Being set back from the road edge they would not appear too visually prominent within the surrounding area.

Unit 3 is also proposed to be constructed from reconstituted stone. It is proposed to include a central gable with a smaller pitched section on the south elevation. Again given

the variety of dwelling styles in the surrounding area the proposed dwelling would not appear out of place.

Unit 3 will be visible from the nearby rugby club from the behind the site and would be viewed against the backdrop of the built up area. Unit 3 will be visible from the rear of the dwellings along Stonehouse Close, but would not feature within the streetscene of Stonehouse Lane itself. Therefore the built form differs from Stonehouse Close.

A condition requiring the submission of a full schedule of materials should be submitted prior to the commencement of the development to ensure that the proposed development will respect the character of the surrounding area. In addition a condition should be attached to any permission requiring details of a full hard and soft landscaping plan to ensure that the setting of the proposed buildings will complement the appearance of the surrounding area.

## AMENITY

Unit 3 will be located directly behind number 9 and 10 Stonehouse Lane where the land is higher than the gardens of numbers 9 and 10. The proposed development has been set 18m from the rear elevation of number 10. The height of the building has been staggered so that the part of the building closest to number 10 is lower than the main bulk of the building. Whilst the building will be visible to number 10 it is considered to be a sufficient distance away from number 10 so as not to appear overbearing to the occupiers of the property.

Concern has been raised that the proposed unit 3 will overlook the dwellings along Stonehouse Close. There are three windows at first floor level on the front elevation. Two of these windows provide light to Bathrooms and are therefore obscure glazed. There is one window on the front elevation which provides light to a bedroom. This window is at right angles to Stonehouse Close and is 31m from the nearest dwelling. Therefore it is not considered to cause undue harm to the amenity of the occupiers of Stonehouse Close.

The windows on the rear elevation are sited at a right angle to number 10 Stonehouse Close. These windows will primarily overlook the rear garden of unit 3. There may be some sight of the bottom corner of number 10's garden but not of the primary outdoor amenity space. Therefore it is not considered to cause significant harm to the amenity of the occupiers of Stonehouse Close.

With regards to a loss of light the proposed dwellings will be located to the north of properties within Stonehouse Close therefore they are not considered to cause any substantial loss of light to the properties on Stonehouse Close.

Units 1 and 2 are proposed to be located to the south of number 56. They would look towards the front entrance of number 56. The applicant has indicated on the block plan that there is proposed to be a hedge separating the front garden of Units 1 and 2 with the front of number 56. This will need to be secured by a landscape condition.

The side elevation of unit 1 is located approximately 23m from the rear of number 5 Stonehouse Close, behind an existing conifer hedge. This will therefore have little impact on the amenity of the occupiers of number 5.

The proposed access road for unit 3 would run to the rear of Stonehouse Close. There is already an access lane which provides access to the rear garage. Some representations have stated that the garage is currently rarely used. However this has the potential to be used for car parking regardless of the implementation of the proposed development. In any event the rear of Stonehouse Lane is separated in parts from the access lane by a large conifer hedge. Where there is no hedging the applicant is proposing to erect a new boundary fence. The appearance of the fence can again be secured by the landscape condition.

The highways officer has requested that a construction management plan is agreed and the environmental health officer has requested a number of conditions to ensure that the construction phase does not cause harm to the amenity of nearby occupiers which will form advice notes to any permission.

## HIGHWAYS

No objection has been raised by the highways officer to the principle of residential development at this location which is convenient to the usual residential amenities and to public transport and other alternative modes of travel.

With regards to the access and its junction, the widening allows two cars to pass on access/egress and the gates are set back so as to ensure vehicles are not delayed on the public highway. Adequate parking has been allocated on site. The highways officer has requested a number of conditions be attached. This would include the provision of a construction management plan to ensure that the proposed development does not cause harm to highway safety.

The highways officer raised concern that it had not been demonstrated that a fire tender could turn within the area in front of plot 3. The applicant has submitted measurements to demonstrate that this is the case.

## CONTAMINATED LAND

The applicant has submitted a contaminated land report which has been referred to the contaminated land officer. The report forms a comprehensive desk study, walkover and preliminary risk assessment of land quality issues. The report recommends further investigation and risk assessment to be necessary to assess the potential risks as detailed in the report. The report also recommends preventative remedial actions and proposed validation measures.

The contaminated land officer has requested that a number of conditions are attached to any permission. A risk assessment must be submitted prior to the commencement of the development along with a remediation scheme and monitoring and maintenance scheme.

## ARBORICULTURAL

The arboricultural officer has raised no objection to the application. There is a group of semi-mature ash and sycamore located on the south side of the existing track leading to the proposed plot No.3 opposite the Rugby Club changing room building. Physiologically these trees are only 'fair' but cumulatively they provide useful screening for the residents of the adjacent dwellings to the south in Stonehouse Close.

There are also a mature lime trees located in the rear gardens of Nos. 5 and 7, Stonehouse Close adjacent to the access track. Potentially the roots of three trees could be impacted by the proposed up-grade of the track.

Whilst a comprehensive Arboricultural Impact Assessment is not necessary (the remainder of the trees on the site of Plot No.3 are poor quality specimens of ash and sycamore), details of the specification and methodology of the construction of the proposed access drive are required to demonstrate how the roots of the trees shown to be retained adjacent to the drive will be protected. This can be required by condition.

Concern has been raised within the representations that the applicant has already removed trees on site without consent. The site is not located within the Conservation Area and the application site is not covered by a tree preservation order. The council cannot therefore resist the removal of trees on site.

## OTHER MATTERS

The proposed development will result in a net gain of three dwellings which will generate the requirement for additional school places. The schools organisation manager has requested a financial contribution of £18 360.93 to be secured by a section 106 agreement.

Concern has been raised within the representations with regards to the stability of the land. The NPPF states that where a site is affected by contamination or land stability issues responsibility for securing safe development rests with the developer and/or landowner. Such issues would also be subject of a building regulation application.

## CONCLUSION

The principle of residential development is accepted and the development is considered to comply with the policies set out within the development plan and national planning policy framework.

The proposed development will result in a building which will preserve the character of the surrounding streetscene. The proposed development is not considered to cause harm to highway safety. Appropriate conditions will be added to ensure that the amenity of future occupiers will not be harmed.

The committee is therefore recommended to delegate to officer to permit the application with a legal agreement to secure school place contributions.

## **RECOMMENDATION**

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

1) £18,360.93, for school places

B. Subject to the prior completion of the above agreement, authorise the Development Manager for Planning and Transport Development to PERMIT subject to the following conditions

## **CONDITIONS**

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

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

2 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

-human health,

-property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

-adjoining land,

-groundwaters and surface waters,

-ecological systems,

-archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

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

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

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

6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

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

7 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and



maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

Reason: To retain adequate off-street parking provision.

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

Reason: In the interests of amenity and highway safety.

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

Reason: In the interests of highway safety.

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

Reason: To ensure the safe operation of the highway.

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

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

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

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

**PLANS LIST:**

Site location plan

Site plan 01 C

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

**Advise note:**

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

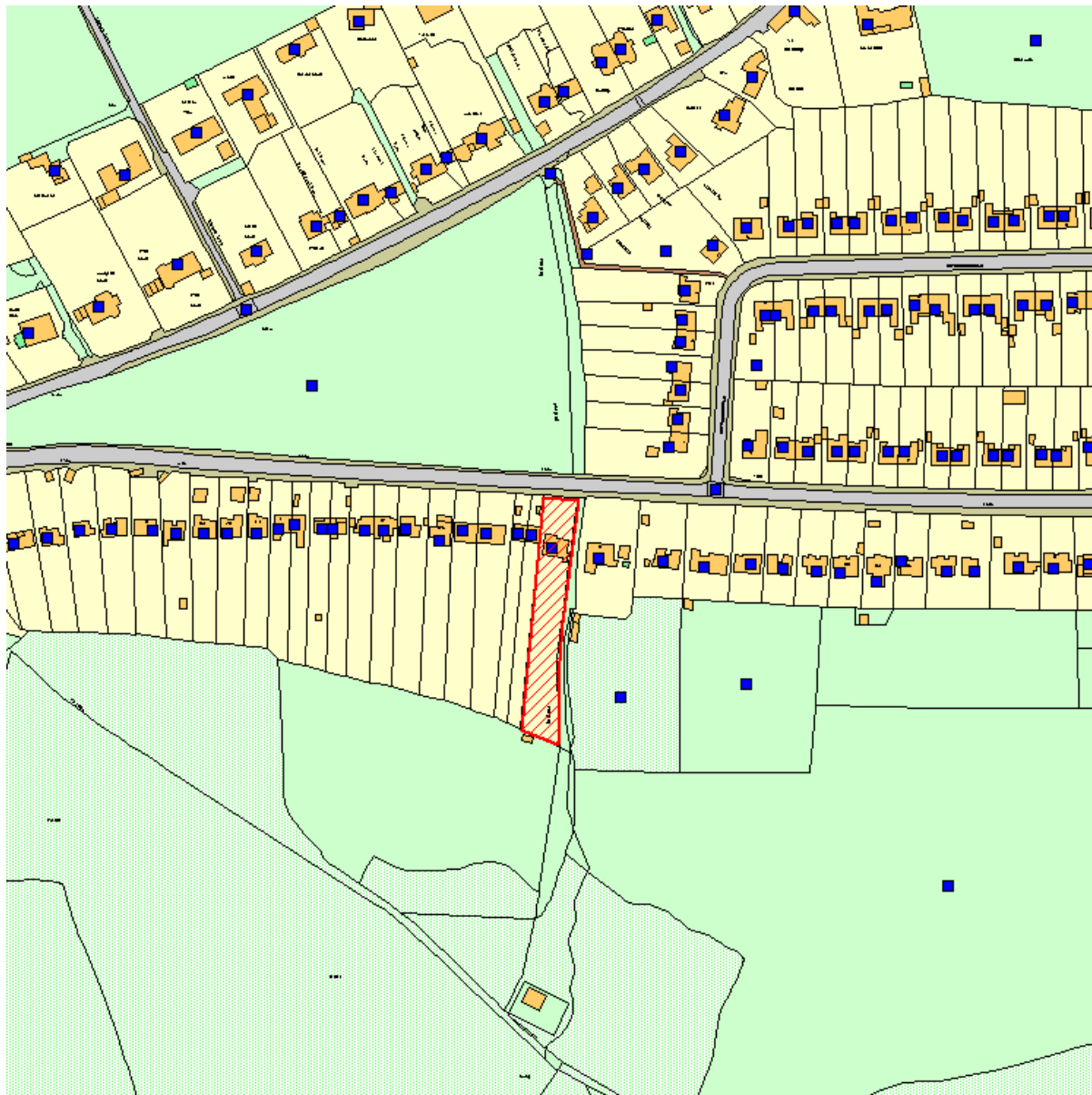
No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings.

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

**Item No:** 06  
**Application No:** 13/03309/FUL  
**Site Location:** 63 Warminster Road Bathampton Bath Bath And North East Somerset BA2 6RU



<b>Ward:</b> Bathavon North	<b>Parish:</b> Bathampton	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor M Veal    Councillor Gabriel Batt	Councillor Geoff Ward
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of replacement dwelling following demolition of existing dwelling (Revised proposal).	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary,	
<b>Applicant:</b>	Mr Mock	

<b>Expiry Date:</b>	26th September 2013
<b>Case Officer:</b>	Chris Griggs-Trevarthen

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

Bathampton Parish Council has objected to the application for the following reasons:

- The design is too big and out of keeping with surrounding dwellings, and very close to the boundaries.
- It is felt that the footprint should be smaller and the height reduced with fewer/smaller rooflights/dormers.

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee as it represents a new large dwelling on an existing site next to a bungalow.

### **DESCRIPTION OF SITE AND APPLICATION**

The application site comprises an existing detached bungalow on a large sloping site on the south side of Warminster Road. The existing property is set back from the road and, due to the topography, is raised up above the level of the road. Immediately to the south of the site lies the designated Green Belt and the Cotswold Area of Outstanding Natural Beauty.

The site falls within the Bathampton Housing Development Boundary, but is outside of the Bath World Heritage Site. A public footpath runs alongside the eastern boundary of the site.

The proposal is to demolish the existing building and erect a replacement two storey detached dwelling. The application is a resubmission of a previously withdrawn application (13/01560/FUL).

### **RELEVANT HISTORY**

13/01560/FUL - Erection of first floor extension with 2no. two storey front extensions, single storey rear extension and installation of 2no. rear dormers to facilitate a loft conversion and erection of detached double garage - WITHDRAWN

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **BATHAMPTON PARISH COUNCIL**

Bathampton Parish Council considers that the design is too big and out of keeping with surrounding dwellings, and very close to the boundaries. It is felt that the footprint should be smaller and the height reduced with fewer/smaller rooflights/dormers.

### **THIRD PARTIES/NEIGHBOURS**

4 Letters of objection has been received from the two adjoining neighbour. The main points raised were:

- Increase in the number of windows on the side elevation and increased projection resulting in the loss of privacy to adjoining properties;
- The size of the property will result in a loss of light ;
- Concern about impact of demolition upon bats.

## **POLICIES/LEGISLATION**

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations:

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

HG.4 - Residential development in the urban areas

HG.14 - Replacement dwellings

NE.10 - Nationally important species and habitats

T.24 - General access and development control policy

T.26 - On-site parking and servicing provision

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches 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, D.4, HG.15, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

National guidance in the National Planning Policy Framework (NPPF) is also a material consideration. The following sections are of particular relevance:

Section 7: Requiring good design

## **OFFICER ASSESSMENT**

### **INTRODUCTION**

The main issues to consider are 1) principle of development, 2) character and appearance, 3) residential amenity, 4) highways and parking, and 5) ecology.

### **1. PRINCIPLE OF DEVELOPMENT**

The application site falls within the housing development boundary of Bathampton which is designated an R.1 settlement in the Local Plan where the principle of new residential development is acceptable. The principle of development is therefore considered acceptable.

### **2. CHARACTER AND APPEARANCE**

This part of Warminster Road is characterised by a variety of two storey detached and semi-detached dwellings and a number of large detached bungalows. There is a fairly uniform building line with properties set back from, and above the level of, the road. To the east of the application site is a detached bungalow and to the west is a two storey semi-detached dwelling.

The existing bungalow is unassuming and does not contain any features of particular merit that are worthy of retention. The demolition of the existing building is therefore considered acceptable.

The proposed replacement dwelling is substantially larger than the existing building. Although a single detached dwelling, it has an appearance, in terms of scale and frontage, similar to some of the other semi-detached pairs along Warminster Road. It covers most of the width of the site, but retains adequate separation from the neighbouring properties maintaining the existing rhythm and pattern of development in the street scene.

The proposed design is balanced and well proportioned. It incorporates bay windows which reflect the existing character of this part Warminster Road. The scale of the building, although large, is not excessive for the site and the ridge height of the proposed building sits comfortably between the two storey buildings to the west and the bungalow to the east.

There are a variety of materials used within the buildings along Warminster Road and the use of ashlar stone to the front elevation with k-rend to the side elevations is considered to be appropriate. Conditions requiring sample panels are considered appropriate to ensure the necessary quality of finish.

In light of the above, it is considered that the proposed replacement dwelling does not harm the character or appearance of the surrounding area.

### 3. RESIDENTIAL AMENITY

The proposed replacement building projects 4m beyond the rear elevation of 64 Warminster Road. The majority of this projection (approximately 3m) is at single storey level with only a short two storey section of the building (approximately 1m) projecting beyond the rear elevation of 64 Warminster Road. The building is set back from the boundary with 64 Warminster Road by slightly over 1m. It is considered that this projection beyond the rear elevation of 64 Warminster Road is not excessive and is mitigated by the positioning of the replacement building slightly away from the boundary. It is therefore considered that the proposed replacement building will not appear overbearing or result in any significant loss of light or outlook from 64 Warminster Road.

There are two first floor windows on the west side elevation of the proposed building which face towards the rear garden of 64 Warminster Road. Both of these windows serve en-suite bathrooms. It is therefore considered appropriate, reasonable and necessary to require these windows to be obscurely glazed and fixed shut. Views from the ground floor windows on the east side elevation can be screened by the existing boundary fence.

The proposed building is situated a reasonable distance from its other neighbour, 62 Warminster Road, and is also separated by the public footpath which runs between the two properties. This distance is considered to prevent the proposed building from appearing overbearing or resulting in any loss of light or outlook. There are two first floor windows on the east side elevation of the proposed building which face towards the rear garden of 62 Warminster Road. Both of these windows serve en-suite bathrooms. It is therefore considered appropriate, reasonable and necessary to require these windows to be obscurely glazed and fixed shut.

#### 4. HIGHWAYS AND PARKING

The proposal involves replacing the existing 2 bedroom bungalow with a 4 bedroom house. The means of the access is not affected by the proposals and there is adequate space for at least 3 off-street parking spaces and turning areas to enable cars to leave in a forward gear.

It is therefore considered that the proposed replacement dwelling will not cause any highways safety issues.

#### 5. ECOLOGY

Concern has been raised by neighbours about the possibility of bats within the existing bungalow. The applicant has commissioned a bat survey which has been undertaken. The applicant's consultant has confirmed that there was no evidence of bats either inside or on the exterior of the property, and based on its construction, the building was assessed as having low potential to support crevice dwelling bat species. However, the full survey report has not yet been submitted for scrutiny by the Council's ecologist. This is to be submitted shortly and the members will be updated on the outcome of the assessment.

#### CONCLUSION

The replacement dwelling is significantly larger than the existing bungalow. However, as discussed above, its scale, form and presentation to the street scene are considered to be in keeping with the character of dwellings along Warminster Road. The large application site can comfortably accommodate the replacement dwelling and the amenities of neighbours can be protected through the use of conditions. The proposal therefore accords with policies D.2, D.4, HG.4, HG.14, NE.10, T.24 and T.26 of the Bath and North East Somerset Local Plan (2007) and guidance in the National Planning Policy Framework.

#### RECOMMENDATION

PERMIT with condition(s)

#### CONDITIONS

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

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

2 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 character and appearance of the area.

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

Reason: In the interests of amenity and highway safety.

4 The proposed windows in the first floor East and West elevations shall be glazed with obscure glass and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. These windows shall be permanently retained as such.

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

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

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

**PLANS LIST:**

001  
002  
003  
004  
005  
006  
007  
008  
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011  
012

**DECISION MAKING STATEMENT:**

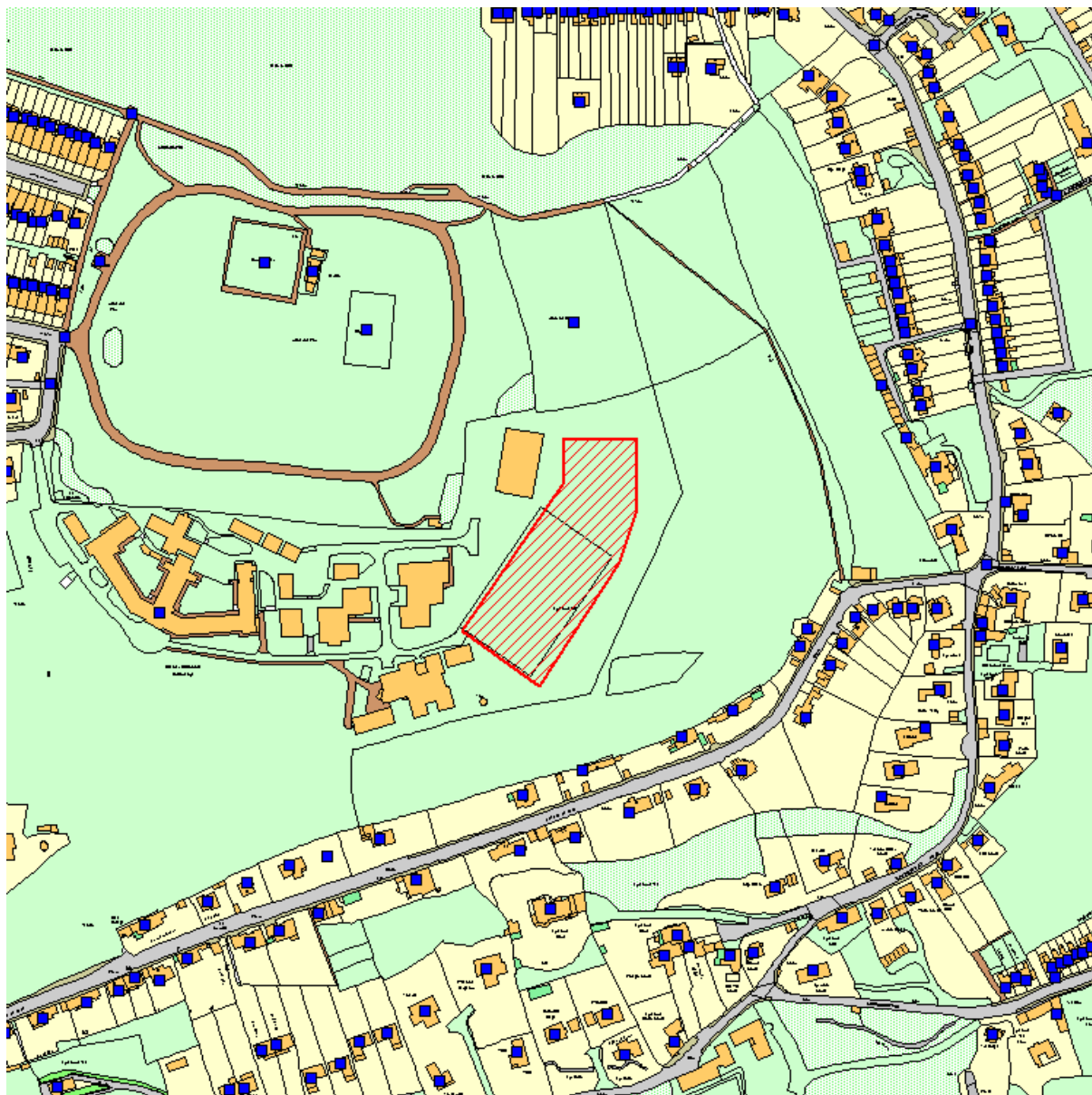
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent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

**ADVICE NOTE:**

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



**Item No:** 07  
**Application No:** 12/05126/VAR  
**Site Location:** Beechen Cliff School Kipling Avenue Bear Flat Bath BA2 4RE



**Ward:** Widcombe

**Parish:** N/A

**LB Grade:** N/A

**Ward Members:** Councillor I A Gilchrist      Councillor Ben Stevens

**Application Type:** Application for Variation of Condition

**Proposal:** Variation of condition 5 of application 11/00573/VAR (Variation of condition 3 of application 10/00540/FUL in order to substitute submitted sports lighting report/assessment with a new lighting proposal (Provision of a synthetic pitch to replace existing sports pitch and an additional 5-a-side synthetic sports pitch; both with sports fencing and lighting.))

<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
<b>Applicant:</b>	Beechen Cliff School
<b>Expiry Date:</b>	17th January 2013
<b>Case Officer:</b>	Richard Stott

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

This application was called to committee by Cllr Gilchrist. The Chairman of the Committee agreed that the application should be heard at committee.

### DESCRIPTION OF SITE AND APPLICATION

Beechen Cliff School occupies a prominent site on the southern slopes above Bath city centre, situated behind Alexandra Park. Although the site is largely screened from the city, it is visible from Widcombe, Lyncombe and Combe Down and areas to the south and east of Bath. The site is located within the Bath Conservation Area and the World Heritage Site.

Planning permission was granted in 2010 for the provision of a synthetic pitch to replace the existing sports pitch with an additional 5-a-side synthetic sports pitch; both with fencing and lighting. Application 10/00540/FUL carried conditions, condition 3 required the development to be carried out in accordance with the submitted lighting report in order to minimise the impact of light from the development on occupiers of nearby properties.

10/00540/FUL permitted 14no. lighting columns and lights at a height of 10m; 10no. to the larger pitch and 4no. to the smaller pitch.

Application 11/00573/VAR permitted an increase in the height of the lighting columns approved under application 10/00540/FUL but a reduction in the total number of columns. This application again carried conditions, condition 5 restricting the operation of the lights and stating that they shall not be operated after 1800hrs daily.

This application seeks to vary condition 5 of application 11/00573/VAR to allow the lights to remain operational until 2100hrs Monday to Friday.

### RELEVANT HISTORY

11/00573/VAR - Variation of condition 3 of application 10/00540/FUL in order to substitute submitted sports lighting report/assessment with a new lighting proposal (Provision of a synthetic pitch to replace existing sports pitch and an additional 5-a-side synthetic sports pitch; both with sports fencing and lighting.) - PERMIT

10/00540/FUL - Provision of a synthetic pitch to replace existing sports pitch and an additional 5-a-side synthetic sports pitch; both with sports fencing and lighting - PERMIT

### SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CLLR BELLOTTI: Support

- o Many residents have welcomed the application.

- o The School are trying to develop community opportunities and it is very necessary for the facility to be used up to 9pm all the year around. In the winter this means using lights.
- o It is the Council's policy to develop Schools as community hubs and this facility supports that policy.
- o The actual facility contributes towards physical health and wellbeing for boys, girls and adults including the key policy of reducing obesity.
- o The facility developers team work and provide disciplined coaching.
- o The facility provides a positive alternative for young people to hanging around complaining there is nothing to do.
- o The facility in the summer when lights were not needed attracted around 500 weekly users including Alice Park Rangers, Camden dads, FC Bathelona, Spotters Hockey, Soccerworks, Larkhall Athletic Girls, Bath City Youth, Southampton F.C. Academy Coaching, Soccerworks, Bath Creatives, Bath Arsenal Youth F.C.
- o Since the winter facility has not been used after 6pm local Bath groups have had to go as far afield as Keynsham to find facilities causing considerable mileage, unnecessary carbon use and problems for parents in transporting their children especially as some do not own cars.
- o The School has shown their desire to work with local residents by reducing the original lighting by 50%, substantially reducing the effect locally on the very limited number of houses affected. They also are limiting their activities to 9pm, which is very reasonable.
- o Residents buying houses know there is a school there and we expect school and community uses. To place limits would be unreasonable.
- o I hope a decision to approve will be made as soon as possible and I see no reason for this to go to Committee as it is very straightforward.

#### CLLR GILCHRIST: Comments

- o The circumstances surrounding these lights has generated an enormous amount of local controversy. In these circumstances I think it would better for all-round local feeling if the matter could be debated and decided in the public forum of the DCC.
- o (Updated Comments 2nd October 2013) The unauthorised use of the lights in defiance of the original approval has caused great dismay over the last 2 years.
- o The school's trial last winter of a reduced form of lighting has not been well-conducted and has not convinced many residents that the light pollution from the pitch will be mitigated.
- o At the same time I have received representations from some (not only in Widcombe) who argue in favour of allowing extended time beyond 6pm.
- o Because of the strong feelings aroused by this application on both sides I think it would be useful to have the application aired and decided in public.

#### NATURAL ENGLAND: Comments

- o The description and location of the development suggest that an assessment for biodiversity interests needs to be considered.
- o We advise the authority to ensure that the relevant species have been considered and confirmed as not being affected by this development before determining this application.

ECOLOGIST: No Objection subject to conditions.

## REPRESENTATIONS:

36 Individual Letters of support raising the following (summarised):

- o Support should be given to any measures that encourage sport in the community.
- o There is a lack of similar facilities in Bath and demand for its use is high.
- o The pitches are a valuable community asset and are vital in helping to keep our children active and off the streets in the evening.
- o The extension of the flood lights use would make this pitch usable for a further 15 hours a week which would be of great benefit to the community.
- o The impact of a few flood lights balanced against the benefits they bring.
- o 6pm is too early, putting pressure on parents to collect children early.
- o Various football and hockey clubs have been making extensive use of the astroturf pitch at Beechen Cliff School for training sessions.
- o Many parents have to taxi children to pitches as far out as Midsomer Norton which is not environmentally friendly and puts a lot of strain on parents busy schedules.
- o The floodlighting means that sports clubs can use the pitches in the evenings when demand is at its greatest.
- o Floodlight around Bath City Football Club in Twerton and at Kingswood school are not an issue.
- o The refusal to extend the planning permission will restrict opportunities for young people and these individuals could congregate the streets in an evening, opposed to doing sport in a safe & articulate environment.
- o Playing field access, and the willingness of volunteers to organise and deliver coaching session to young children, is a credit to the community spirit of Bath and it would be a travesty to jeopardise the opportunities of this and future aspiring sportsmen and women without appropriate consideration.
- o It is unreasonable that the lights must be turned off at 6pm. On balance the boys should have the facility to exercise later than 6pm over the Winter months
- o Excellent resources are available at the School and in order for these to be used to their full potential the application to extend the lighting hours should be approved.
- o School have done their best to address the concerns of neighbouring residents.

151 Proforma support responses raising the following:

- o Beechen Cliff astro is an excellent facility that provides a perfect venue for club training.
- o Many users of the site live within walking distance.
- o At the moment parents have to drive children to Radstock or Keynsham to find similar training facilities - this seems ludicrous at a time when young people are encouraged to get active.
- o Use of this facility would reduce traffic in the city.
- o An extension in hours from 6pm to 9pm would enable more clubs to train at the site.

35 Individual Letters of objection raising the following (summarised):

- o Noise and light pollution to the detriment of the amenity of nearby residents.
- o Impact of the lights is most noticeable during the winter months which is when the lights are needed the most.
- o Lighting has been less bright recently which is a slight improvement.
- o Lighting should be better contained into the pitch.
- o Night sky and views of the city have been lost.

- o Harm to the setting of Bath as a World Heritage Site particularly in the winter months.
  - o There is clearly a need for sport facilities with floodlighting in the Bath area, but Beechen Cliff is without doubt completely the wrong place for these facilities to be situated and it would be a disaster for the City if Beechen Cliff School were granted permission to use the floodlights after 6pm.
  - o Staff need to be on site to ensure lighting is switched off.
  - o Disturbance to skyline.
  - o Not environmentally friendly
  - o Tests carried out on the lighting were carried out before the deciduous trees dropped their leaves which render the results valueless.
  - o Planting to offer additional screening is unlikely to be successful.
  - o No ecology report has been submitted with relation to this application and specifically the impact of the application on the local bat population and flight paths
  - o National policy (NPPF para. 125) and local policy (D.2 and SR.4) require that the amenity of local residents and intrinsically dark landscapes and nature conservation areas should not be compromised by the impact of artificial light from sports facilities. Light pollution is a growing issue and conditions placed on the previous planning permission should be upheld.
  - o Lights significantly intrudes on Lyncombe Hill fields, which are covered by various conservation regimes, and designated as public open space since 1937
- 
- o Untrue to say that mature vegetation shields the lights from view; the lights are mainly used in winter which is precisely when the mainly deciduous trees have shed their leaves.
  - o On a clear night the lights are like an airport runway.
  - o Attention should be given to other more appropriate sites within the city to provide sports facilities rather than increasing the hours of use of this site.
  - o School has failed to comply with the original condition 7 relating to the submission of a management plan.
  - o Lighting used here are significantly greater intensity to other lit features around the city.
  - o Any form of screening - natural or otherwise - would need to be excessively high if it were to be effective and this would have a visual impact on the surrounding area.
  - o Contrary to local policies D.2, SR.4, BH.1, BH.6 and to the NPPF.
  - o Extended hours of use will lead to increased congestion on the local roads.
  - o No site management which has resulted in some loud foul language in the evening.
  - o Should you consider allowing extending the hours to 2100 please insist on redesigned less powerful floodlighting shielded to prevent light spillage, lower masts, on site evening management to control noise and disturbance and floodlighting being on only during play.
  - o Bath does need more outdoor sporting facilities that can be used later in the evenings, but the location of this particular facility on the skyline of our World Heritage site could not be more inappropriate.
  - o Limited economic gain to the city by this application.
  - o Recent trials have shown the intensity and glare of the lights to be intrusive.
  - o To avoid parking problems the school should be required to include sufficient parking capacity within its grounds to cope with expected traffic parking and not rely on parking outside local residences or in Alexandra Park.

1 general comments received raising the following (summarised):

- o Query over the figures given in respect of the lighting in light of the fall of the land which in reality allows light spill to project to a greater distance.
- o The Council should be very careful about what is allowed on upper hillsides as the impact can be much greater than might be simply calculated or deduced from plans.

## **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

BH.1 World Heritage Site

BH.6 Conservation Area

BH.22 External lighting

NE.10 Nationally Important Species

DRAFT CORE STRATEGY, MAY 2011

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches 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.

## **LEGAL FRAMEWORK**

Town and Country Planning Act, 1990

## **NATIONAL PLANNING POLICY FRAMEWORK**

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

## **OFFICER ASSESSMENT**

### **PREAMBLE**

This application seeks to vary condition 5 of application 11/00573/VAR to extend the hours of use of the pitches from 1800hrs to 2100hrs Monday to Friday. Weekend and bank holiday operation times are to remain unchanged. The reason for the requested extension to the hours of operation is to enable the site to be used later into the evening to provide opportunities for sports organisations to train and practice. The site is used by both the school and the community.

It is noted that there is significant demand for the use of these pitches outside of school hours by local community groups and sports clubs however the restriction to the hours of operation means that outside the summer months (when natural daylight prevails) these clubs are having to find alternative venues. From the comments received in support of this application it is clear that many parents/guardians are having to make arrangements to transport younger players to facilities in Radstock, Keynsham and other locations and clearly this has significant implications for the long term viability of these clubs and organisations.

Balancing the benefit of providing the facilities in this location, due consideration must also be given to the impact on the amenities of the residents most closely affected by this development and the wider visual amenities of the area. The current 18:00hrs restriction on use was placed on the permission in the interest of residential amenity and it is clear from the objections received that there are still on-going issues concerning the impact of the lights.

It should be noted that the current lighting arrangements have been carried out in accordance with the guidance of the Institute of Lighting Engineers and the Lux levels are within the accepted parameters. Amendments to the lights have already taken place in response to complaints by residents, the lighting columns have been heightened so as to provide better (more precise) directionality and cowls have been added to the lights to reduce glare and light spill.

This application is supported by a lighting assessment by Jones King Consulting Engineers which clarifies the measures that have been taken to reduce light spill and improve amenity whilst maintaining a working light level that can accommodate the requirements of users of the pitches. The application is also supported by a detailed protected species survey that has been undertaken to demonstrate that the works will not adversely affect the local bat population.

## PROPOSAL

As stated, the purpose of this application is to vary the restricted time limit for the use of the lights on the all-weather pitches so as to maintain a facility that can be used by both the community and the school. Whilst the focus of this application is on the acceptability or otherwise of allowing an extension to the hours of use of the site the applicant has made it clear that if permission were to be granted that 50% of the lights on the Multi-Use Games Area (MUGA) pitch 1 (the larger of the two pitches) would be switched off after 1800hrs, allowing the site to remain operational but reducing the overall level of light spill.

Whilst the lighting levels already conform to the relevant guidance in terms of light spill and intrusion, the school has taken additional measures to better improve the impact on nearby residents. As well as the change to the height of the lighting columns and the introduction of cowls to contain light spill, the angle of the lights have been altered to reduce visibility of the light source and it is proposed that nearly half of all the bulbs (one of the two bulbs on each column) on MUGA pitch 1 will be removed. The overall result of these changes will further reduce the light level and glare however the lighting now is such that it does not meet the standards required for higher level sports (football and hockey), thus the improvement works carried out to date to improve residential amenity have already compromised the intended purpose of providing the pitches.

Having reviewed the case history and the background technical information provided, officers are content that the current arrangements already conform to the required standard and that any further reduction (above that already proposed) would only prejudice the ability to use the pitches. The removal of 50% of the bulbs on MUGA pitch 1 and use of a timer switch so that isolate each pitch are welcomed.

The principal issue for consideration with this case is whether the extended use of the lights from 18:00 to 21:00 would be acceptable. The proposal is to operate a full lighting

system before 18:00 and only half of the lighting from 18:00 to 21:00. The whole lighting system will be on a timer switch to ensure compliance and the ability to isolate the floodlighting to each individual pitch. It is accepted that the reduction in lighting will not satisfy the requirements for league or competition level football however is acceptable for football training. The reduction in lighting after 18:00 will not enable hockey use but the school has stated they are prepared to accept this.

## RESIDENTIAL AMENITY

The principal consideration in terms of residential amenity is the impact of the use of the site and the lights on those properties adjoining the site until the later operational time of 21:00hrs. Having read the previous case officers report and noting the works that have taken place since permission was granted in response to complaints received so as to ensure the light level, glow and spill are reduced, it is considered that, with the additional measures proposed the impact of direct light intrusion has been adequately addressed. Given that the current lighting arrangements already conform to the required standards for lighting in terms of the Lux levels experienced at the closest properties affected, it is concluded that the reductions as carried out, coupled with the further measures proposed by this scheme, will further improve the situation and thus improve the impact on amenity.

The submitted lighting report states that pre-curfew obtrusive light into windows must not exceed 5 Lux, as required by The Institution of Lighting Engineers Guidance Notes For The Reduction Of Obtrusive Light (ILE.GN01). The works to date, as set out in the report confirm that the lights result in obtrusive light of less than 5 Lux (pre curfew) and less than 1 Lux (post curfew) at the properties located on Greenway Lane, this is deemed acceptable. In respect of glare, ILE.GN01 requires that the angle of luminance must be less than 70°. The report confirms that the maximum angle of the lights is 69.32°. Officers are content that the level of glare does not exceed the required standards.

In addition to the technical specifications discussed above there is substantial vegetation that separates the site from many of the nearby sensitive properties which helps to minimise visual intrusion. Objections have been made stating that the vegetation offers less screening during the winter months however it is nonetheless felt that the presence of vegetation, coupled with the reduction in direct light, helps break up light spill and on balance it is felt that in general the situation is acceptable.

With regard to the operation of the site until later in the evening, 21:00hrs is not considered to be an unreasonable hour particularly for an urban location such as this. Overall it is considered that, by virtue of the amendments made to the lights in situ and the proposed introduction of timer switches and removal of bulbs, the amenities of the closest adjoining residents should not be harmed to a degree that would outweigh the benefit of offering this facility to the wider community or warrant a refusal of permission.

## VISUAL AMENITY

The two previous applications relating to the pitches and the lights concluded that the floodlights would not have an adverse light pollution impact on either the Conservation Area or World Heritage Site. This forms the starting point for the assessment as to the visual impact when operated later into the evening. The judgement to be made therefore



is not whether there is an adverse impact but whether the impact on visual amenities would be unacceptable by running the lights for an extra three hours.

The site occupies a prominent hill top location to the south of the City. Whilst it is accepted that Alexandra Park and the adjacent topography largely screens the site from the central and western areas of Bath, once illuminated the lights are visually prominent from the south and south east, particularly (but not solely) in the areas of Widcombe and Lyncombe. The bulk of objections received discuss the impact on the lights on the night sky in terms of the impact on the setting of the wider city. The site is located within the Bath World Heritage Site and Conservation Area, and as with the original granting of consent, the benefits of the proposals to both the school and wider community must be balanced against any harm to these sensitive designations.

The site is located well within the built up area of Bath where there are a significant number of existing light sources, all of which contribute to 'sky glow' to various degrees. It is also noted that there are prominent light sources all around the city hillsides including St Stephen's Church, Prior Park and the flood lights to the rear of the mansion, Sham Castle, and the University of Bath (including the training village). The park and ride site at Lansdown is also noted as being a prominent source of light on the skyline, more so during the winter months.

Photographs have been submitted by several objectors showing the impact of the lights in autumn and winter 2012, these are useful in indicating how the situation has been, however these do not account for the manner in which the reduced lighting will operate if approved. Between 18:00 and 21:00 the school will operate lighting at 50% its current level and by running the two pitches on separate circuits/timers this means that it will not be necessary to have both pitches illuminated at all times. Overall it is considered that, with the proposed amendments to the manner of illumination the appearance of the site at night will be vastly improved and the level of prominence reduced significantly.

Given the wider context of the city, coupled with the amendments to the design of the lights and the spill of the lights as well as the proposal to run the lights on isolator timers with a reduction in the number of actual bulbs it is considered that this will help to ensure that any negative visual impacts are reduced. On balance the increase in hours of operation until 21:00 is not considered prejudicial to the setting of the World Heritage Site or Conservation Area, and does not outweigh the benefit of delivering and maintaining a key sporting facility.

## ECOLOGY

The determination of this application has been delayed pending the outcome of a comprehensive protected species survey. The survey was carried out from April to September 2013.

Further to the comments of the Ecologist in March 2013 and advice from Natural England, a completed bat survey has been undertaken and the report submitted along with an addendum report. The survey method is a variation of that defined by the best practice guidance and was agreed with NE and the LPA however the completed surveys provide comprehensive data to a sufficient level to assess the likely impacts of the proposal.

The survey finds low level use of the area predominantly by common and soprano pipistrelle bats, with occasional records of other species including Myotis, Noctule, Serotine, Lesser Horseshoe bat (LHS) and Greater Horseshoe bat (GHS). Lesser Horseshoe bats were recorded at the northern end of the pitches on two occasions, and the southern end once, once during the time when the pitches would be lit but on two occasions near to the time when lights would be switched off (19:35; 20:49 and 20:50). Two Greater Horseshoe bat passes were detected by the static recorder during September at the south eastern edge of the pitches (20:00 and 20:56). The majority of bat passes recorded were outside the time period for when the pitches would be lit (i.e. after 9pm).

The report concludes that the proposed increase in lighting times may displace low numbers of individual bats a small degree and this could include individual horseshoe bats, but that the impact would be low and not harmful. The Council's ecologist does not dispute the findings of the report and is confident that there is no risk from this proposal to bats of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC).

With regard to other wildlife that may be affected by the lighting (such as badgers, owls, nesting birds) it is accepted that there may be an impact however the other species referred to in objection comments are not protected under the habitats regulations as bats are. The ecologist has requested lighting use to be as minimal as possible and periodic reviews of lighting once operational to ensure all possible measures are in place. Conditions have been recommended so as to minimise the impact to an ecologically acceptable level. Provided the conditions are secured the ecologist has confirmed that the likely impacts of lighting on other wildlife are not sufficient to sustain an objection.

Overall it is considered that the proposed variation to the timing of the lights does not conflict with Policy NE.10 or pose any significant harm to the protected species. It is recommended that conditions are applied in respect of the time of the operation of the lights, the lighting levels and a monitoring report.

## CONCLUSION AND RECOMMENDATION

Having considered this application in light of the changes to the lighting carried out to date and the changes hereby proposed, in consideration of the comments and objections received and in light of the detailed ecological survey it is concluded that an extension to the hours of use from 18:00 to 21:00 Monday to Friday is acceptable. The Lux levels and level of glare from the lights already conform to the required standards set out in The Institution of Lighting Engineers Guidance Notes however the school are proposing to implement measures to further reduce the level of light intrusion to the benefit of local residents, the setting of the World Heritage Site and Conservation Area and in the interest of identified protected species. Overall the proposed will enable and facilitate the use of an important sporting asset for the benefit of both the school and the wider community.

It is recommended that condition 5 of application 11/00573/VAR is varied as per the application. In the interest of ensuring compliance it is recommended that conditions are applied in respect of the time of the operation of the lights, the lighting levels and a monitoring report.

## **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

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

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

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

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

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

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential and visual amenity.

5 The lighting levels of MUGA pitch 1 shall not exceed the average lighting levels set out in the Design and Access Statement dated November 2012. Within 6 months of the new lights coming into use the applicant shall submit an update assessment to the Local Planning Authority to demonstrate that a lower level of lighting and light glare has been achieved.

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

## **PLANS LIST:**

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

the Bat Survey Report date stamped 27th September 2013 and to the Addendum Bat Survey Report date stamped 2nd October 2013.

**DECISION TAKING STATEMENT:**

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

**Item No:** 08  
**Application No:** 13/03137/FUL  
**Site Location:** Forge Cottage 7 High Street Wellow Bath Bath And North East Somerset



**Ward:** Bathavon South      **Parish:** Wellow      **LB Grade:**  
**Ward Members:** Councillor Neil Butters  
**Application Type:** Full Application  
**Proposal:** Replacement of a single storey flat roofed extension to forge cottage with a two storey extension, elevational alterations and associated works  
**Constraints:** Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary,  
**Applicant:** Mr Chris Watt

<b>Expiry Date:</b>	16th October 2013
<b>Case Officer:</b>	Rebecca Roberts

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE:**

The applicant is a Bath and North East Somerset Councillor

### **DESCRIPTION OF SITE AND APPLICATION:**

The application site is located within the, Green Belt, Area of Outstanding Natural Beauty, Housing Development Boundary and the Wellow Conservation Area on the southern side of the village High Street and relates to a cottage which is partly re-constituted stone and partly random rubble stone, the dwelling is set perpendicular to the High Street on the corner of the highway junction of Mill Hill overlooking the primary school. Historically the building has been part of the core of the original High Street, however it was originally a blacksmiths forge building and extended further back into the site. During the 1960's it was converted into a residential property and the open elevation and damaged end of the forge were replaced with reconstituted stone, at which time a single storey flat roof extension (fully recon stone) was erected in addition to new openings and a chimney.

The building has been highlighted in the Conservation Area Appraisal as a building that adds to the character of the Conservation Area but also a building of poor quality due to the use of material used in the conversion of the building in the 60's.

The building acts as a gateway into the village off Mill Hill but also into the agricultural courtyard to the rear of the high street, where an old stables and barn are located and registered as grade II listed building and a building at risk. These structures have been granted permission for the conversion into residential to ensure the buildings are repaired and preserved for future generations. The Forge forms part of this group of buildings, therefore it is proposed to enhance the appearance of the property and to make it viable it is proposed to replace the existing extension with a two storey extension to provide additional accommodation and create a family sized dwelling.

The application has been revised which has resulted in a 400mm reduction in the length of the extension and the removal of the first floor windows on the front and rear elevation. A new opening will be included in the end gable wall at first floor and new conservation roof lights to provide additional light into the bedrooms. It is proposed to create a 2 storey extension from the side of the dwelling by approx 5.9 metres which will replace the existing re-con stone flat roof extension (6.3m). The extension will be set down off the ridge by dropping the ground floor level by approx 400mm to try and appear subservient.

The extension will be constructed on the rear elevation (facing Mill Hill) in a random rubble local stone to match the existing, the front and side elevations will include coin detailing and will be rendered along with the existing elevations to cover the out of character re-con stone. The roof material will be natural slate to match the existing dwelling. The lime render is a more traditional finish which will sit comfortably against the random rubble stone and quoin detail. The extension will adopt a pitched roof to match the existing building.

The proposed alterations are aimed at improving the character and appearance of the dwelling which is currently a negative element within this historic village. The gates are to be removed, the windows replaced with timber frames, the door is to be filled in and the ground floor window altered to form a new hardwood boarded door with stone hood in place of the UPVC door.

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

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

WELLOW PARISH COUNCIL: Support. The proposed development represents an improvement on the existing dwelling.

CONSERVATION OFFICER: Would like to see the extension more subdued however the improvement to the building and removal of the poor extension is an enhancement of the building within a historic setting.

OTHER REPRESENTATIONS / THIRD PARTIES: 1x objection. Welcome a scheme which will address the present unattractive 1960s extension to Forge Cottage. However object to this resubmission which has plans to substantially increase the volume of what is currently on site. The proposed two storey extension will make a material difference in terms of the visual impact and volume and I am unaware of any historical reason as to why this is appropriate and have increased concerns that the second floor windows on the east elevation of the extension will cause privacy issues for our property.

### **POLICIES/LEGISLATION**

#### **RELEVANT PLANNING HISTORY:**

09/03171/FUL - WD - 5 April 2011 - Conversion of barn, stables and forge to form 3 no dwelling units (Resubmission)

09/03697/LBA - RF - 19 November 2009 - Internal and external alterations to include conversion of Barn Stables and Forge to form 3 no dwelling units.

12/01782/FUL - PERMIT - 15 June 2012 - Alterations and erection of first floor extension to existing cottage

12/01928/FUL - WD - 24 July 2012 - Alterations and extension to barn, stables and forge to create 2no dwellings

12/01931/LBA - WD - 24 July 2012 - Internal and external alterations and extension to barn, stables and forge to create 2no dwellings

12/03905/FUL - PERMIT - 19 December 2012 - Alterations and extensions to barn, stables and forge to create 2no dwellings (Resubmission)

12/03906/LBA - CON - 14 December 2012 - Internal and external alterations and extensions to barn, stables and forge to create 2no dwellings (Resubmission)

13/02812/FUL - PERMIT - 12 September 2013 - Conversion of former farm buildings to form 1 no. dwelling with associated works. (Resubmission of 12/03905/FUL)

13/02813/LBA - CON - 16 September 2013 - Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission of 12/03906/LBA)

#### **POLICY CONTEXT:**

##### **NATIONAL PLANNING POLICY FRAMEWORK:**

National Planning Policy Framework (March 2012) can be awarded significant weight however this proposes little change to the aspects of local policy that are relevant to this decision.

##### **BATH LOCAL PLAN (adopted 2007)**

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

HG.15 - Dwelling extensions in the Green Belt

GB.1 - Control of development in the Green Belt

GB.2 - Visual amenities of the Green Belt

BH.2 - Listed buildings

BH.6 - Development within or affecting Conservation Areas

T.24 - General development control and access policy

T.26 - On site parking and servicing provision

#### **CORE STRATEGY:**

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies should be considered:

B4 - The World heritage Site and its setting (will replace BH.1)

D.2, D.4, HG.15, BH.6, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

#### **OFFICER ASSESSMENT**

##### **GREEN BELT, CHARACTER AND APPEARANCE:**

Policy GB.1 sets out the broad types of development that are acceptable within the Green Belt, one such form of development is the extension of dwelling houses. The fact that a proposal may be acceptable in principle in terms of policy GB.1 does not mean that it will necessarily be granted planning permission.

Consideration has been given with regards to the Green Belt Policy. Proposals to extend dwellings within the Green Belt are generally only appropriate when they represent proportionate additions to the original dwelling and would not contribute to deterioration in rural character as a result of the cumulative effect of dwelling extensions.

The Green Belt SPD states that: the following will be considered when deciding whether or not an extension is disproportionate:



- i) The cumulative increase in volume of all extensions as a percentage of the original dwelling (which the SPD sets at a third);
- ii) The character of the dwelling and its surroundings.

In this case, under limb i) it is considered that the guidance in the SPD and NPPF should carry weight and taken with all the previous additions on an overall increase of 20% cannot be considered to be disproportionate in purely size terms.

The Supplementary Planning Document also makes it clear that when considering whether an extension is disproportionate the character of the dwelling and its surroundings also need to be considered.

In this case, the property is located on a corner location and is prominent from the surrounding roads and has been recognised as a non-listed building that enhances the historic environment, however the rear has been highlighted by the Parish Council as an area for improvement to match the elevations that front the highway. It is proposed to replace a poor single storey re-con 1960's addition and improve the overall appearance and character of the property which is fitting of this historic setting, whilst increasing the living space.

In this regard, the extension could be considered as a bulky addition due to the length of the proposal, however when the dwelling and the surrounding environment are taken into account the proposed extension and alterations would enhance the appearance of the buildings and are not considered to represent a disproportionate addition to the dwelling house and is therefore not inappropriate development.

It is now necessary to consider the impact of the proposal on the openness of the Green Belt. The existing character of the site is one of an open environment and the extension will encroach into this, however it is not considered to have a negative impact on the openness of the Green Belt. The extension will be constructed within the existing footprint of the building and has been set off the main ridge and limited openings included to ensure the extension is subservient in scale and character and does not over domesticate the building and its heritage associated with the listed barn structures to the rear of the site.

In addition to the openness of the Green Belt, rural character must be a consideration when determining applications. When assessing this, the following criteria will be considered:

- Location and siting
- Design (size and scale)
- Impact on natural environment
- Impact on Built and Historic Environment

The alterations do not change the local distinctiveness of the surrounding AONB and will enhance the appearance of the building in this prominent location are therefore is considered to preserve the rural character of the Green Belt. Due to the size of the site and replacing an existing extension, the plot is capable of accommodating the extension and is not considered to erode the harmonious balance between the dwelling and the stables/forge set behind the site thus preserving the character and appearance of the local

streetscene, overall the enhancement of the building will make a positive contribution to the character and appearance of the Conservation Area.

The new entrance in to the dwelling is opposite the entrance into No.3, it is not uncommon for entry points to face each other or indeed stand side by side, the entry points are separated by the access lane and the new door will result in a reduction in glazing as it replaces a window opening. The alterations to the property are an improvement which enhances the built environment within this locality preserving the setting of the neighbouring listed buildings.

#### **RESIDENTIAL AMENITY:**

Concerns have been raised with regards to the scale of the extension and its impact on the visual amenity of the area and loss of privacy. The original scheme caused concern for the amenity of no.3 High Street as Forge Cottage fronts the rear garden of no. 3 and the access lane, as a result the windows were removed from the front elevation. The building has been stepped in and set down, however due to the proximity of the dwelling from the garden of no.3 the proposed is likely to result in some overshadowing.

Concerns have been raised with regards to over looking in particular the property to the rear adjacent to the school, however due to the separation and orientation of the dwellings the level of overlooking is not considered to be greater than the existing environment. The removal of the first floor windows on the front and rear elevations has reduced the sense of overlooking. The previous extension approved a circular window at first floor level on the side (end gable) elevation, this opening will be focused towards the stables/forge structures and Mill Hill but will not result in overlooking of neighbouring properties. The new window addition at the ground floor will replace an existing opening, therefore no further overlooking will arise above the current environment currently experienced.

Due to the scale of the extension and orientation of the dwellings the proposed extension will result in some loss of direct sunlight in the early morning, some overshadowing will result during this time over the access lane and part of the garden of No. 3 close to the boundary. However given the orientation of the dwelling and open character of this locality the harm caused to the amenity of neighbouring occupiers is not considered significant enough to warrant a reason for refusal.

#### **HIGHWAYS:**

The existing access will be utilised and 2 parking spaces will be provided to the side of the property within the garden space which meets parking standards, turning will be achieved by utilising the access lane, this is not considered to cause conflict with vehicles entering and leaving the barn site.

#### **CONCLUSION:**

On balance, the proposed design respects the integrity of the dwelling and surrounding environment and will enhance the appearance of the building which acts as an entry point into the Barn site which is undergoing renovation and therefore plays an important role in the setting of the neighbouring listed buildings which preserves the local distinctiveness of the surrounding Conservation Area and Green Belt.

#### **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

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

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

2 No development shall commence until a sample panel of all external walling materials including render to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: In the interests of the development and the character and appearance of this part of the Conservation Area.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the west and east elevation at any time unless a further planning permission has been granted.

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

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

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

## **PLANS LIST:**

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

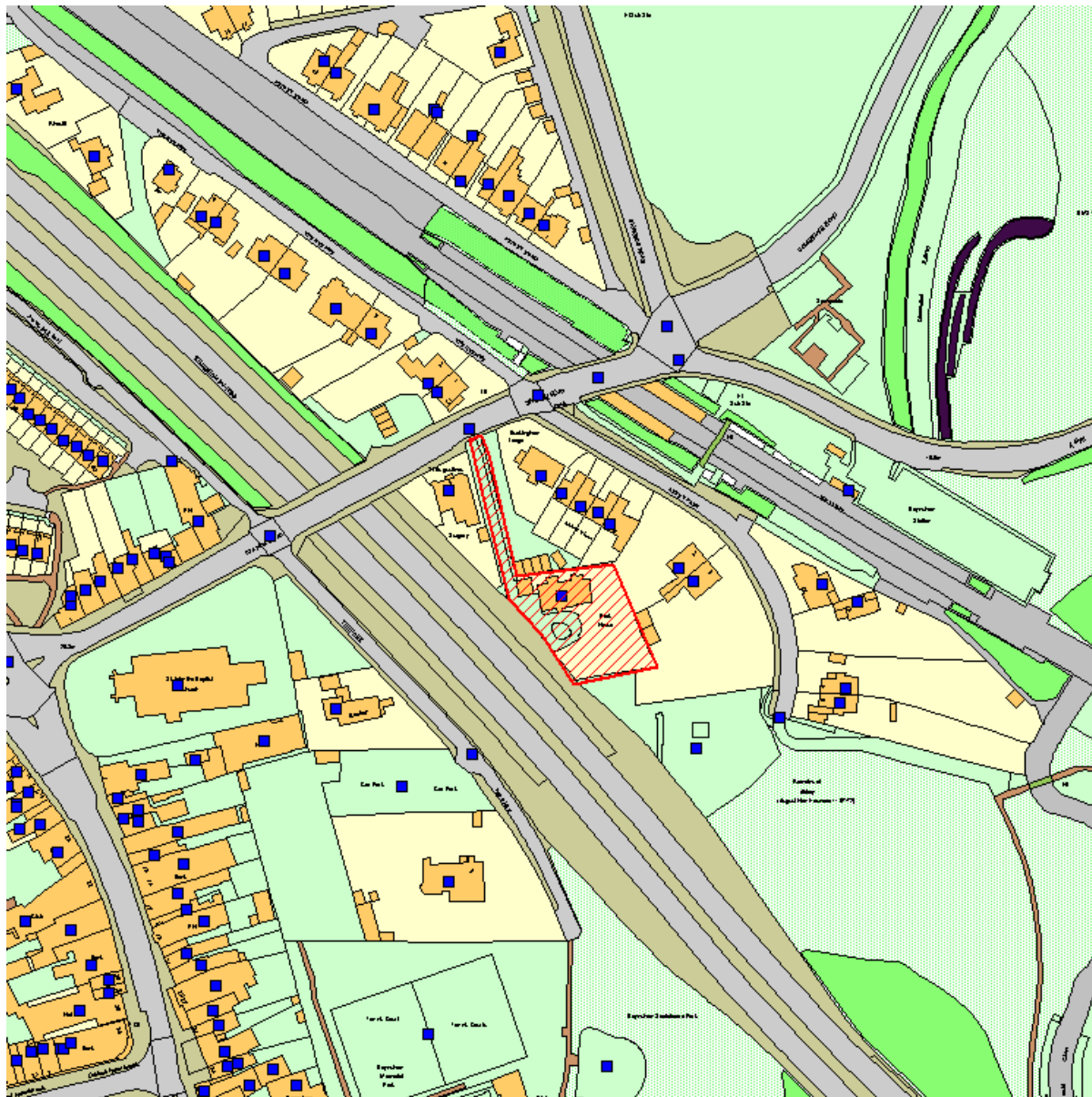
## **DECISION TAKING STATEMENT:**

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

## **ADVICE NOTE:**

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

**Item No:** 09  
**Application No:** 13/03584/FUL  
**Site Location:** Park House Station Road Keynsham Bristol Bath And North East Somerset



**Ward:** Keynsham North      **Parish:** Keynsham Town Council      **LB Grade:** N/A  
**Ward Members:** Councillor Brian Simmons Councillor C D Gerrish  
**Application Type:** Full Application  
**Proposal:** Erection of conservatory  
**Constraints:** Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Conservation Area, Forest of Avon, Housing Development Boundary, Listed Building,  
**Applicant:** Mr Gerrish  
**Expiry Date:** 25th October 2013

<b>Case Officer:</b> Sasha Coombs
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## **REPORT**

### **REASONS FOR REFERRAL TO COMMITTEE**

Cllr Charles Gerrish is the applicant and therefore in accordance with the Council's scheme of delegation the application falls to be considered by the Development Control Committee.

### **APPLICATION**

Park House is a large detached mid-Victorian house in Keynsham Conservation Area. The building has been extended and considerably altered and is not listed. The property is set within a generous plot, some 50m from Station Road and is accessed via a narrow private lane, which starts from a Grade II\* listed archway and runs south towards the house. The garden is well contained and screened from public views within Conservation Area, but could be glimpsed from the rear gardens of the surrounding properties to east and north.

The application seeks permission to erect a conservatory to the principal elevation in lieu of the current lean-to glazed structure. The proposed white UPVC conservatory would be of a popular Victorian rounded design under the apexed roof (up to 3.5m in height). Its footprint would measure 4.3m by 4.5m.

### **PLANNING HISTORY**

DC - 99/02963/FUL - PER - 22 October 1999 - Reconstruction of entrance porch to front elevation

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

Archaeology - The above proposed conservatory, though small scale, lies within the medieval precinct of Keynsham Abbey. It was therefore recommended an 'access' condition is attached to any planning consent.

Keynsham Town Council - support

Third Party - one letter of support was received from a neighbour

### **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

BH.2 - Listed Buildings and their setting

BH.6 - Conservation Area

### **OFFICER ASSESSMENT**

The proposed replacement conservatory is a simple structure that presents a sensitive mean of extending this house, without encroaching on the residential or visual amenity of the area. Such addition is clearly subservient in its design to the parent building and is

appropriate in style. It is considered that the character of the original property would remain dominant and the rounded shape would soften its appearance. The neighbouring houses are set well back and there would not be any loss of light or privacy as a result of this development.

In the context of the conservation area and the setting of a listed archway, the addition of a modest conservatory in a large garden that is very well screened would mean that the proposal would not be visible from the normal public vantage points and would not have a significant impact on the setting of the Archway or views within Conservation Area. As such it is regarded that the character and appearance of the conservation area would be preserved.

The stone fragments in the Archway came from a house which the Bridges family built on the site of the medieval abbey (pulled down in 1776); they are of great importance as evidence for the design of the Abbey. Archaeological Officer commented that the development site itself lies within the medieval precinct of Keynsham Abbey, therefore it is considered prudent to impose the suggested access condition to allow to examine and record items of interest discovered.

On the basis of the above comments, and providing archaeological condition could be imposed, it is considered that the proposal would have an acceptable impact on the historic environment, would preserve the character or appearance of the conservation area, and would not have an unacceptable impact on the residential amenity of the neighbouring properties.

The application is therefore recommended for approval.

## **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

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

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

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

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

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

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

**PLANS LIST:**

This decision relates to the following plans and documents:

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

**DECISION TAKING STATEMENT:**

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