

# Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **2nd July 2014**

AGENDA  
ITEM  
NUMBER

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RESPONSIBLE OFFICER: Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION (SITE VISITS)**

WARDS: ALL

BACKGROUND PAPERS:

## AN OPEN PUBLIC ITEM

### BACKGROUND PAPERS

List of background papers relating to this report of the Group Manager, Development Management 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.

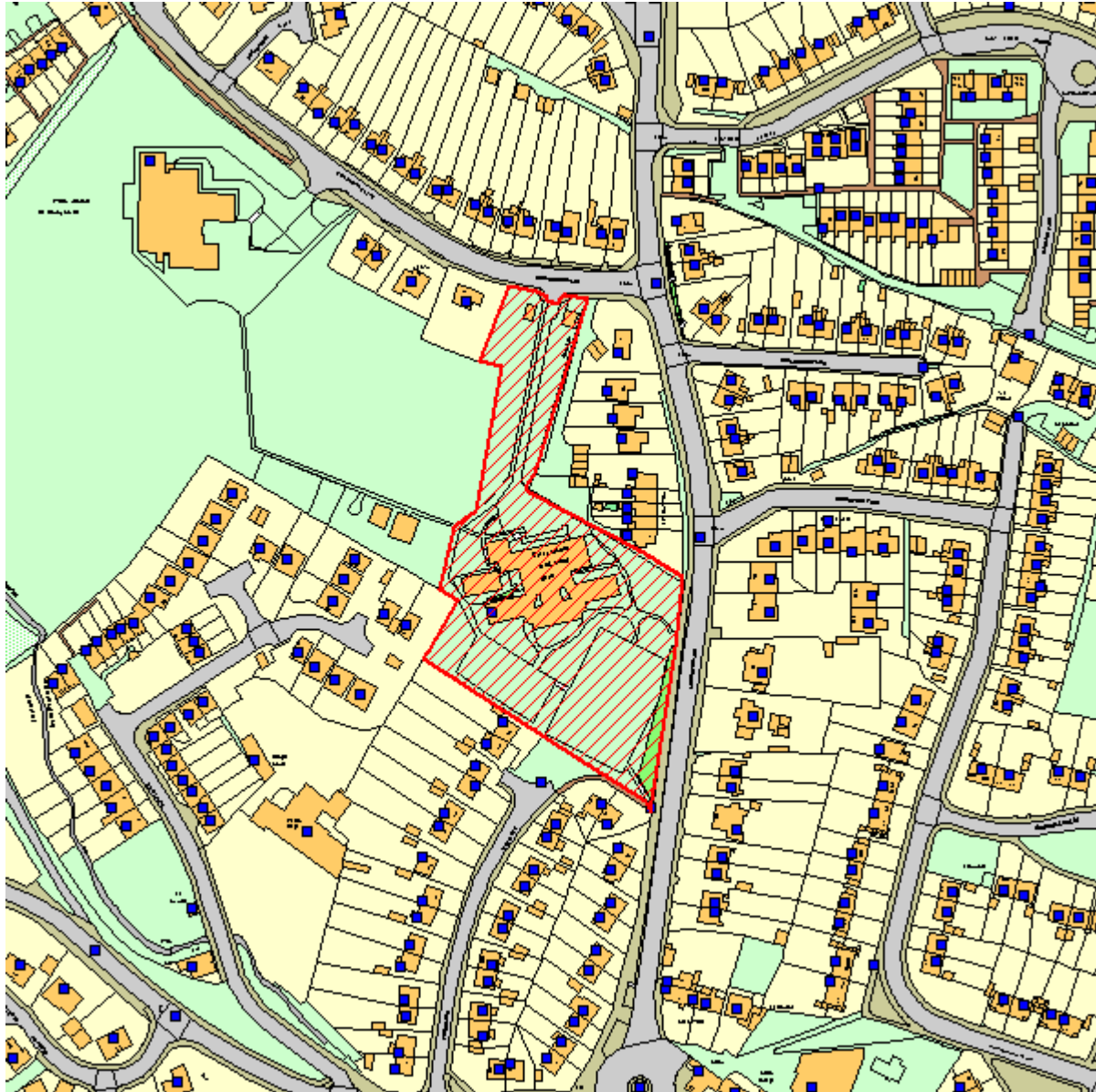
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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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003	14/00862/OUT 23 May 2014	Boystown Ltd W T Burden Ltd, Bath Road, Farmborough, Bath, BA2 0BD Demolition of existing building and redevelopment of site with up to 14 dwellings with associated means of access, access roads, car parking, boundary treatments and landscaping; conversion (including re-cladding) of retained building to provide office/workshop accommodation (Class B1) with associated car parking.	Farmborough	Alice Barnes	REFUSE
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**REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON  
APPLICATIONS FOR DEVELOPMENT**

**Item No:** 001  
**Application No:** 14/01667/REG03  
**Site Location:** Weston All Saints Ce Vc Primary School Broadmoor Lane Upper  
Weston Bath Bath And North East Somerset



**Ward:** Weston                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor C V Barrett                      Councillor M J H Lees  
**Application Type:** Regulation 3 Application  
**Proposal:** Provision of a new 6 classroom teaching block and associated external works. (Resubmission)

<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Tree Preservation Order, World Heritage Site,
<b>Applicant:</b>	Bath And North East Somerset Council
<b>Expiry Date:</b>	4th July 2014
<b>Case Officer:</b>	Chris Griggs-Trevarthen

## **REPORT**

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

Councillor Malcolm Lees has requested that the application be determined by the Development Control Committee due to the level of public interest in this application.

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee as it is a school application and there is a lot of local interest.

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

Weston All Saints Primary School (WASPS) is a two form entry primary school located in Upper Weston. The school site comprises two large teaching blocks occupying the western half of the grounds, a temporary classroom along the southern boundary and a mixture of playgrounds and playing fields across the rest of the site. The school has two vehicular and pedestrian accesses off Broadmoor Lane and a further two pedestrian accesses off Lansdown Lane.

The site falls within the World Heritage Site at the western edge of Bath adjacent to the Cotswolds Area of Outstanding Natural Beauty and Green Belt.

The proposal is to erect a new 6 classroom teaching block and associated external works within the south-east corner of the site, adjacent to Lansdown Lane. The associated external works include a reconfigured car park to accommodate 18 staff car parking spaces, a drop-off and collection area and additional landscaping. The application also includes proposals for short stay parking on Deanhill Lane to act as a 'Park and Stride' facility for the school.

The school is currently a two form entry school with a capacity of 420 places. However, during 2011, 2012 and 2013 the school took in an additional 'bulge' of 30 children per year resulting in the current school capacity reaching 510 places. The additional capacity is currently being provided by the existing temporary classroom, a converted store building and the recently approved log cabin (13/02765/REG03). The proposed school building would provide an additional 6 classrooms which, alongside the recently approved extension to the existing buildings (13/01744/REG03), will enable the school to have a permanent three form entry increasing the capacity to 630 places.

The application is a re-submission of a previously withdrawn application reference 13/04851/REG03.

## PLANNING HISTORY

The school has been subject to a number of planning application. The most relevant applications are noted below:

### 09/04872/REG03

Planning permission granted in July 2010 for the demolition of the old Key Stage 2 building and the erection of a new Key Stage 2 building adjacent to the existing Key Stage 1 building.

### 11/03177/REG03

Planning permission granted in September 2011 for the provision of a temporary classroom to meet an unexpected growth in reception pupil numbers. Temporary permission granted for 5 years to enable monitoring of trends and the future needs of the school.

### 13/01744/REG03

Planning permission granted October 2013 for extensions to the Key Stage 1 and Key Stage 2 buildings to provide additional facilities and accommodation for up to 30 pupils. This classroom is required, alongside the current proposals for an additional 6 classrooms, as part of the schools plans to expand to a 3 form entry. Contributions of £10,000 were secured towards traffic management works including a 'Park and Stride' facility.

### 13/02765/REG03

Planning permission granted in October 2013 for the erection of a log cabin to be used as a classroom for up to 30 pupils to accommodate the additional intake due to higher numbers of pupils in the area. This accommodation is intended to be temporary until the additional accommodation has been provided in the form of the currently proposed development. Thereafter it will be retained for other standard education learning purposes. Contributions of £10,000 were secured towards traffic management works including a raised table and parking restrictions.

### 02/00826/REG03

A planning application was withdrawn in July 2002. This proposed a new access road with drop-off bays through the school grounds with revisions to the car parking, but was withdrawn following concerns about conflicts with sustainability objectives and the impact upon the open setting of the school.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

A number of representations and consultation responses have been received and are summarised below. Full details of responses are available on the Council's website.

### HIGHWAYS OFFICER

The Highways Officer has objected to the proposal on the following grounds:

The proposed extension would result in an increase in vehicular, pedestrian and cycle movements on the surrounding highways where congestion associated with the school already causes highway safety hazards and would be further exacerbated by the proposal, to the detriment of the safety of all highway users.

If minded to set aside their objection, the Highways Officer recommends that a contribution of £60,000 is secured towards highways and traffic management measures as mitigation and has recommended a number of conditions.

#### ARCHAEOLOGY

No objection

#### ARBORICULTURE

No objection, subject to conditions

#### SPORT ENGLAND

No objection.

#### AVON AND SOMERSET POLICE

Comments only:

- Inadequacy of existing chain link fence;
- Lack of natural surveillance;
- Details of fence and gate lacking;
- Recesses and outward opening doors increase risk of attack;
- Canopies can encourage anti-social behaviour;
- Limited surveillance of kitchen door;
- Lighting and access control system should be used;
- Windows and glazing should meet security standards;
- Concerns over use of interview/withdrawal rooms;
- Use of acoustic fencing increases the risk of crime;
- Security of the whole school site is very high standard.

#### CHARLCOMBE PARISH COUNCIL

- Parish residents using the lane during school drop-off and collection times already experience difficulty and this will only become worse if pupil numbers increase;
- The application proposes regulated parking spaces in Dean Hill and Westbrook Park; both these roads are within Charlcombe Parish. The Parish Council would wish to understand the likely impact on Parish residents before supporting such a proposal;
- It seems somewhat premature to be proposing such a significant expansion of WASPS before the schooling requirements and provision for Ensleigh has been established;
- Any school at Ensleigh might well be able to take some of the additional pupils catered for by the expansion of WASPS.

#### THIRD PARTIES/NEIGHBOURS

34 Letters of objection has been received including an objection from the Broadmoor Lane Residents Association and a petition with 23 signatures. The main points have been summarised and grouped into categories below:

##### Highways

- Additional school capacity will significantly increase traffic using Broadmoor Lane and local road network at peak times;
- Existing traffic/parking situation on Broadmoor Lane is dangerous;
- Broadmoor Lane is heavily parked and too narrow for two cars to pass;
- Parts of Broadmoor Lane are without a pavement forcing pedestrians into the busy road;

- Additional traffic will add to congestion, reduce air quality and increased the risk of accidents;
- Adverse effect upon the accessibility of homes on Broadmoor Lane;
- Concern about impact of traffic and parking on Lansdown Lane, Vernslade, Symes Park and Brookfield Park;
- Concern about increased numbers of children crossing busy roads;
- Concerns about flaws in the travel plan;
- Concerns about flaws in travel survey data;
- Proposed 'park-and-stride' does not address the fundamental problems caused by the volume of traffic to the school;
- There is inadequate parking provision and existing parking restrictions are ignored;
- Reports of 'near-miss' events not record in accident data;
- Restricted access for emergency vehicles;
- There is need for a proper crossing point on Broadmoor Lane;
- Universal admission policy will result in parents travelling across the city to attend the school;
- School has failed to address previous highways safety concerns, including failure to comply with travel plan conditions.
- Concern that inconsiderate parents will not respect 5minute rule for the drop-off;
- Concerns over access for emergency vehicles.
- Concern about introduction of 2 lane road to the rear of properties along Lansdown Lane;
- Concern about the introduction of traffic to both sides of properties on the west of Lansdown Lane;
- Drop-off zone does not have enough spaces will mean queues will inevitably form onto Lansdown Lane causing more disruption;
- No firm commitment regarding monitoring and enforcement of the proposed drop-off;
- Concerns about access to residents houses;
- Quality of the transport assessment is poor;
- Proposed drop-off will lead to an increase in traffic, not less.

#### Education provision

- Cannot the school places be provided elsewhere?
- Other solutions should be found to provide school places;
- LEAs decision to approve the school's expansion should not outweigh any planning objection, most especially the highways safety concerns;
- It is not clear whether the expansion has properly taken into account future housing developments;
- Concern about impacts of expansion on school standards;
- There is a proposed new school in Bath centre;
- Projected number of school places is falling;
- Question the need for additional capacity;
- There is no demographic, educational or economic evidence;
- Overprovision of school places will lead to increased car travel across the city.

#### Amenity considerations

- Position of proposed building is disadvantageous to properties on Vernslade and Lansdown Lane;
- Building will have a negative impact upon visual amenity of residents opposite the school;

- Proposed building will be overbearing on properties adjacent to the school and the on opposite side of Lansdown Lane;
- Impact of noise upon occupiers of Lansdown Lane;
- Development on the playground will mean increased usage of the other playground adjacent to properties on Vernslade leading to increased noise and disturbance;
- Drop-off lane will have a detrimental impact upon the outlook of properties on Lansdown Lane;
- Noise impact and loss of tranquillity;

#### Character and appearance

- The openness of the site enhances the local character;
- The idea that Lansdown Lane needs a landmark building is preposterous;
- The scale and massing of the building is completely out of context which is further emphasised by its prominent position;
- The building has a detrimental impact upon the character of the local area;
- The proposed screening and tree planting is inadequate;

#### Other matters

- Concerns about loss of playground;
- Concerns about the impact upon water drainage and risk of flooding;
- Concern about impact of construction traffic;
- Queries as to why new block is positioned away from the two existing blocks?
- Request that previous objections are taken into account;
- Lack of infrastructure to support increased numbers;
- The orientation and location of the windows provide little solar gain;
- The standard of insulation could be improved;
- Concern about excess water run-off;

5 Letters of support have been received. The main points raised were:

- Expansion of the school is welcomed;
- School needs to be bigger to provide spaces required by Weston residents;
- Without new building it will become increasingly difficult to accommodate the children;
- New building will provide up-to-date facilities for the youngest children;
- Children who can't get a place would have to drive to a school further away;
- The traffic situation runs as smoothly as other schools in the Bath area;
- A sign to encourage a one way system would help traffic flows;
- The parking issues are for 10mins twice a day and every school has the same issue.

2 General comments have been received. The main points raised were:

- Don't object to the school expansion, but the traffic is a problem;
- Additional cars in the morning/afternoon will cause lots of problems;
- The school should accommodate a parking area;
- The Weston Ex-Serviceman's Association car park could be used.

#### **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
CF.2:	Provision of new or replacement community facilities
SR.1A:	Protection of playing fields and recreational open space
ES.5:	Foul and surface water drainage
ES.12:	Noise and vibration
NE.4:	Trees and woodland conservation
NE.10:	Nationally important species and habitats
NE.11:	Locally important species and habitats
BH.1:	World Heritage Site
BH.2:	Listed buildings and their setting
BH.6:	Development affecting Conservation Areas
T.1:	Overarching access policy
T.3:	Promotion of walking and use of public transport
T.5:	Cycling strategy: improved facilities
T.6:	Cycling strategy: cycle parking
T.20:	Loss and provision of off-street parking and servicing
T.24:	General development control and access policy
T.25:	Transport assessments and travel plans
T.26:	On-site parking and servicing provision

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

The above Local Plan policies, with the exception of policy BH.1, 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 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 12: Conserving and enhancing the historic environment

## **OFFICER ASSESSMENT**

The main issues to consider are:

1. Is the principle of development acceptable?
2. What is the impact upon highways safety and sustainability?
3. What is the impact upon the character and appearance of the area?
4. What is the impact upon residential amenity?
5. What is the impact upon trees and woodland?
6. What is the impact upon ecology?
7. What are the benefits towards education provision associated with the proposed development?

## PRINCIPLE OF DEVELOPMENT

The proposed school building is a community facility which is located well located in relation to the community it serves.

The principle of development is therefore acceptable in accordance with policy CF.2 of the Local Plan.

The proposed building is situated on one of the existing school playground and therefore results in the loss of recreational open space. However, the proposals include the addition of hard informal play areas around the perimeter of the new building and will enable the removal of the existing temporary classroom along the southern boundary of the school site. This area is currently underutilised as play area due to the positioning of the temporary classroom. It is proposed to return this area into an informal play space following the removal of the temporary classroom which will occur when the temporary consent expires.

The area of informal play space created, which includes the footprint of the temporary classroom and some of the surrounding land, would be roughly equivalent to the area loss as a result of the proposed classroom block. This can be secured through a landscaping condition requiring the submission of details of how this area will be reinstated as play area following the removal of the temporary classroom.

This represents an area of replacement recreational open space of sufficient quantity, quality and community benefit to offset the loss of the open space and meets criteria (iii) policy SR.1A within the Local Plan.

## HIGHWAYS SAFETY AND SUSTAINABILITY

Existing pedestrian access to the school is achieved via Broadmoor Lane or via the two pedestrian accesses on the raised pavement of Lansdown Lane. There is currently no vehicular access into the school grounds for parents during drop-off or collection times.

Broadmoor Lane is a relatively narrow road which is often heavily parked resulting in a further narrowing of the carriageway to the extent that it is often difficult for two vehicles to pass. This causes a particular issue during school drop-off and collection times due to the high volume of vehicular traffic and mixing with the high volume of vulnerable pedestrian traffic. Further to the west, Broadmoor Lane does not have a pavement and pedestrians accessing the school are required to walk on the carriageway.

Concerns have been raised by the Highways Officer and by local residents about the existing highways safety situation on Broadmoor Lane and it is recognised that there are already significant congestion and hazards associated with the school use. This impact extends beyond Broadmoor Lane and affects a number of other roads in the local highways network including, inter alia, Lansdown Lane, Vernslade, Symes Park and Deanhill Lane.

The proposed school building will enable the school to increase its capacity from the current 510 places to 630 places, an increase of 120 places. This increase in pupil places

will inevitably result in an increase in the amount of traffic and parking in Broadmoor Lane and the surrounding streets worsening an already difficult situation.

The application proposes a number of measures to address this including the provision of short stay parking spaces on Deanhill Lane to act as a 'Park and Stride' facility serving the school. Whilst this would address some of the additional parking need as a result of the increased school capacity, it would do little to address the issues arising from the volume of traffic using Broadmoor Lane during school drop-off and collection times.

The proposals also incorporate a 10 bay drop-off and collection area within the school grounds. This involves widening the access lane on the eastern part of site and rearranging the proposed staff car park to include a turning area.

The proposed drop-off area will enable vehicles to access the school grounds during drop-off and collection times via the school's eastern most entrance on Broadmoor Lane approximately 50m from the junction with Lansdown Lane. The provision of a 10 bay drop-off and collection area will relieve some of the pressure of short term parking on Broadmoor Lane. Furthermore, the western kerbline of the access would be amended to discourage exit movements to the west enabling traffic to enter the school grounds, turn and leave the site via Lansdown Lane. This means that less traffic will be directed westwards along Broadmoor Lane where congestion is worst. This has the dual benefit of improving traffic flows along Broadmoor Lane as well as directing traffic away from parts of the carriageway which do not have pavements.

The proposed drop-off and collection area is therefore considered to have a beneficial impact upon highway safety along Broadmoor Lane.

However, the potential downside of the proposed drop-off and collection area is that its provision may encourage more parents to travel by car when transporting their children to and from the school. This is a recognised downside of the proposed drop-off and collection area and runs counter to the sustainability objectives of the Local Plan policies, including policy T.1 which seeks to reduce the growth of vehicular traffic. This issue formed part of the reason the previous proposals for a drop-off and collection area were withdrawn in 2002 (reference: 02/00826/REG03).

However, policy T.1 also seeks to maximise the safety of all types of movement. It is considered that the current circumstances are now materially different from 2002 as the highways safety situation has deteriorated and the proposal is to enable the school to expand further into a 3 form entry. Given the existing situation on Broadmoor Lane and the potential increase in traffic volumes, it is considered that the highways safety benefits of the proposed drop-off outweigh the harm to the sustainability objectives of T.1.

The application has also been submitted with an updated Travel Plan which suggests a range of soft measures to try and reduce the level of car use by parents and staff accessing the school. The Travel Plan also includes a commitment to provide an additional racking for 20 scooters to supplement its existing cycle and scooter parking. The Travel Plan has been generally welcomed by the Highways Officer and should provide some benefit in terms of reducing car travel.

The majority of the measures in the travel plan fall outside the control of the Local Planning Authority and could not be enforced as conditions of any planning permission. The weight afforded to these measures is therefore limited.

Even after taking into account the proposed drop-off and collection area and the measures in the Travel Plan there is still likely to be a residual impact upon the local highway network due to the increased volume of traffic associated with the increased school numbers. Contributions of £60,000 have therefore been sought for the following highways works:

1. Traffic Regulation Order and on-site works to extend the proposed Park & Stride facility;
2. Parking restrictions on Vernslade and Broadmoor Lane;
3. A controlled crossing on Broadmoor Lane;
4. Traffic calming measures on Broadmoor Lane (west);
5. Traffic Regulation Orders associated with the Traffic management on Lansdown Lane and parking restrictions;
6. Safe routes to school provision to provide equipment to support a walking bus.

The proposed contributions would fund these additional measures to help mitigate the impact upon the local highways network to the benefit of highways safety. As the Council is the applicant for the application, it cannot enter into a legal agreement with itself. These contribution have therefore been secured through a signed memorandum of understanding between the Early Years, Children and Youth department and the Highways Authority.

This is in addition to the £20,000 contributions already secured through applications 13/02765/REG03 and 13/01744/REG03 to fund a raised table and the proposed 'Park and Stride' facility. The 'Park and Stride' facility has already been fully funded through the two previous applications.

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is considered that, although the proposed school building will result in an increase in traffic using the local highway network, the proposed mitigation, in the form of the drop-off and collection zone, park-and-stride facilities and the £60,000 contributions towards additional highways works, will prevent this impact from being severe.

## CHARACTER AND APPEARANCE

The area surrounding the school predominately comprises 20th century residential development. The surrounding residential buildings are primarily constructed of Bath Stone or Reconstituted Bath Stone with tiled roofs.

The proposed teaching block is positioned in the south-east corner of the school grounds adjacent to Lansdown Lane. The surrounding topography means that the proposed building would sit significantly above the level of the road and would be clearly visible within Lansdown Lane.

Although visible, the proposed building would be set back between 6 - 11m from the site's boundary and is single storey with a ridge height of 4.8m. Furthermore, the proposed building retains adequate spacing around it and will be partially screened by the proposed acoustic fence, landscaping and new tree planting along the eastern boundary.

The proposed building will only be partially visible from elevated views from the AONB Kelston Hill ridge and Cotswold Way which allow sweeping views of Weston.

It is therefore considered that the massing and scale of the building is acceptable and that it would not appear unduly prominent within the street scene.

The proposed development does not pick up many of the local context cues from the surrounding buildings. However, due to its siting, single storey scale and its role as a public building there is scope to depart from the local context established by the surrounding built form. It is considered that the proposed design and materials create a well-proportioned and characterful building, of an appropriate scale, which will not harm the character or appearance of the area or the World Heritage Site.

## RESIDENTIAL AMENITY

Although elevated by the level of the land, the proposed building is single storey in scale and positioned a reasonable distance from the site's boundaries. The proposed building is therefore considered not to appear overbearing or result in any loss of light or outlook from any adjoining occupiers.

There are likely to be noise and disturbance impacts arising from the use of the playground which lies adjacent to no. 14 Vernslade. However, these impacts must be seen in the context of the existing situation in which the use of the playground already gives rise to some degree of noise and disturbance. The potential increase in the use of this playground is unlikely to give rise to any significant additional increase in the noise and disturbance to no. 14 Vernslade, or any other adjoining occupiers, over and above the existing situation. The potential impact is further mitigated by the provision of new play areas around the perimeter of the proposed building and in the place of the existing temporary classroom which will reduce the need to use the remaining playground.

The introduction of drop-off and collection area would introduce additional car movements to the rear of properties on the west side of Lansdown Lane, nos. 41 - 55. However, these properties are already served by a rear access lane and so the presence of car movements near to their rear boundaries is not unusual. The submitted operational statement states that the proposed drop-off and collection area will only be accessible between 0745 - 0930hrs and 1500 - 1830hrs. However, the use of the drop-off during other times of the day, when seen in the context of the existing rear access lane serving no. 41 - 55 Lansdown Lane, is considered not to have any significant adverse impact upon the amenities of these adjoining occupiers. It is therefore not considered necessary to control the hours of use for the proposed drop-off.

It is therefore considered that the proposals do not have any significant impacts upon the amenities of any adjoining occupiers and accords with policy D.2 of the Local Plan.

## TREES AND WOODLAND

The proposals to erect the new teaching block and the associated works involve the removal of a number of existing trees on the site. The drop-off and collection area also results in loss of a small number of additional trees. Whilst attractive and contributing towards the green setting, none of the trees to be removed are of particular merit. The proposal includes replacement planting and a landscaping condition is considered necessary to compensate for the loss of these trees.

The submitted arboricultural method statement and tree protection plan provides assurances that retain trees on the site will be protected and has been accepted by the Council's Arboricultural Officer.

The proposal is therefore considered to accord with policy NE.4 of the Local Plan.

## ECOLOGY

Parts of the school grounds hold significant ecological value. However, the proposed building is located away from this area on the existing tarmac playground. Ecological assessments and surveys are the same as previously submitted, which were to the satisfaction of the Council's Ecologist. It is therefore considered that the proposal has no significant ecological impacts.

## EDUCATION PROVISION

Paragraph 72 of the NPPF states that Local Planning Authorities should give great weight to the need to create, expand or alter schools.

A number of concerns have been raised by local residents that the additional school places are not required at WASPS. However, the Primary and Secondary School Organisation Plan 2013 - 2017 identifies a shortfall of 37 school places in the North West Bath planning area in 2015, rising to 38 in 2016.

The proposed school building would enable the school to permanently increase its yearly intake by 30 places, thereby making a significant contribution towards addressing the identified shortfall in school places in North West Bath.

This is considered to be a major benefit of the scheme and is afforded considerable weight in accordance with the NPPF.

## SUSTAINABILITY

The application states that the proposal aims to achieve a high quality building informed by the latest thinking on sustainability techniques which is economically astute, environmentally conscious and socially sustainable. The applicant's design and access statement has listed some examples of the sustainable technologies to be used in the scheme including high levels of insulation and airtightness, use of natural ventilation and

use of high performance glazing. The building has high levels of natural light and also utilises shading mechanisms to restrict the excessive penetration of sun light and heat in the summer. The sustainability checklist submitted with the application also states that the development will use local materials alongside reclaimed or recycled materials and that it will minimise waste by designing to standard sizes. The proposed development meets a number of the criteria listed on the sustainability checklist which is considered to be a positive aspect of the scheme.

## OTHER MATTERS

Concerns have been raised about the potential conflicts arising between construction traffic and vulnerable pedestrians using the site. The application has included details of how the construction operation will be undertaken on the site including details of a contractor's compound to be erected during the build. A construction management plan has also been submitted and can be secured by condition. This will ensure that access for all users during the construction phase would be appropriately managed.

Queries have also been raised about why the proposed building is located separate from the existing Key Stage 1 and Key Stage 2 buildings on the school grounds. The application explains that this is partly an operational school management choice to use the 6 classroom block exclusively for Year 0 and Year 1 pupils whilst accommodating the older children within the existing school blocks.

Concern has also been raised about water drainage and the risk of flooding. The site falls within flood zone 1 which is classified as being at low risk of flooding and no objection has been raised by the Flood Risk and Drainage officer. Details of how surface water drainage will be managed can be secured by condition.

## CONCLUSION

The principle of the development is acceptable in accordance with policies CF.2 and SR.1A of the Local Plan.

The proposed building enables the school to expand its capacity resulting in an increase in pupil numbers. This will exacerbate an already challenging highways situation on Broadmoor Lane and surrounding streets. However, the inclusion of a drop-off and collection zone and a 'Park and Stride' facility, alongside the soft measures identified in the Travel Plan, will relieve some of the pressure on the Broadmoor Lane. The additional highways works, funded by the £60,000 contributions, will further mitigate the impacts of the development providing beneficial improvements to pedestrian and vehicular safety on the surrounding highway network.

However, whilst not severe, it is accepted that there will be a residual impact upon the local highway network due to the likely increase in traffic volumes accessing the school during peak times.

The proposal does not harm the character or appearance of the surrounding area or the World Heritage Site and does not harm the amenities of adjoining occupiers. There are no

significant ecological impacts and the proposal includes replacement planting to compensate for the trees lost.

The primary benefit of the scheme is to enable the provision of an additional 30 school places per year. This represents a substantial proportion of the identified shortfall in primary school places in North West Bath.

It is considered that the benefits of providing these additional school places outweigh the residual impacts of the increased traffic volumes upon the local highway network and is in general conformity with the policies of the Local Plan and fully in accordance with 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 or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

3 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

4 No development or other operations shall take place except in complete accordance with the approved Construction Management Plan unless agreed in writing by the local planning authority.

Reason: To ensure the safe operation of the highway.

5 Prior to the occupation of the building hereby approved, the drop-off and collection area, and the associated access alterations, shall be provided in accordance with drawing



number 2948\_L\_011 Revision G. The drop-off and collection area shall thereafter be permanently retained.

Reason: In the interests of highways safety and to relieve the traffic pressure on Broadmoor Lane

6 Prior to the occupation of the building hereby approved, details of the provision for covered and secure cycle and scooter parking/storage shall have been submitted to and approved in writing by the Local Planning Authority. The covered and secure cycle and scooter parking/storage shall be provided in accordance with the approved details prior to the occupation of the building hereby approved.

Reason: In the interests of sustainable development.

7 No development shall commence, except works up to and including the ground floor slab, 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.

8 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of flood risk management.

9 Prior to occupation of the development hereby approved a landscape scheme should be submitted and approved to show the reinstatement of the land currently occupied by the temporary classroom. The approved landscaping scheme shall be completed in accordance with the approved details within 12 months of the occupation of the development hereby approved or in accordance with a timescale submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of equivalent recreational open space to offset the loss resulting from the proposed development in accordance with policy SR.1A of the Bath and North East Somerset Local Plan

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

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

**PLANS LIST:**

1 2948\_A\_150G  
2948\_A\_010C  
2948\_L\_011M  
2948\_L\_012J

2948\_L\_050P  
2948\_L\_51L  
2948\_L\_100L  
2948\_L\_170D  
2948\_L\_171D  
4950 PL-AL(90)001  
4950 PL-AL(90)002  
30-01-2010 WASPS - TCPFIN 2  
G919\_L\_1000\_PL\_A  
4950 PL-SL01

## 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.

### 2 ADVICE NOTE:

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

### 3 ADVICE NOTE

In the interests of flood alleviation we would encourage the applicant to investigate the use of a Sustainable Urban Drainage Scheme (SuDS) in order to manage surface water drainage. SuDS infiltration schemes include techniques such as infiltration trenches and basins, rain gardens and soakaway techniques. Other surface level SuDS techniques include swales and attenuation ponds.

For more details about SuDS please refer to the guidance from Ciria (<http://www.susdrain.org/resources/ciria-guidance.html>)

If SuDS techniques are pursued, details of the proposed drainage scheme should be submitted to this office.

We have reviewed the British Geological Survey maps for the site area in terms of infiltration potential and the advice is that 'There is a very significant potential for one or more geohazards associated with infiltration. Only install infiltration SuDS if the potential for or the consequences of infiltration are considered not to be significant'. Based on this advice the applicant may want to consider SuDS techniques other than infiltration.



<b>Applicant:</b>	Mr Richard Curry
<b>Expiry Date:</b>	18th March 2014
<b>Case Officer:</b>	Rebecca Roberts

## **REPORT**

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

The officers recommendation is contrary to the Parish Councils comments and the Chair of the Development Control Committee has agreed for the application to be considered by the committee.

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

This application relates to Court Farm which is located to the north of the A368 Main Street, towards the western fringe of Compton Martin. The application relates to an area immediately adjacent to the existing farm house, which is adjacent to the farm entrance and is set within the housing development boundary, an Area of Outstanding Natural Beauty and within the designated Conservation Area.

Court Farm has ceased the dairy function of the enterprise and since this time has had permission for holiday lets close to the Farmhouse and a cafe/farm shop was permitted which relates to this application. The farm yard has been tarmaced over for use as a car park. A small agricultural function still exists which is demonstrated by the retention of two barns to the rear of the site. The applicant grows crops for bio fuel as part of the remaining agricultural use of the site.

The site has an extensive history and the building which forms part of the application has been an ongoing enforcement case which this application seeks to regularise in part.

The application proposes the retention of the existing building for use as ancillary accommodation (extension) to Court Farmhouse and the retention of the access track and alterations to car parking to serve adjacent holiday lets (part retrospective)

The current building was granted planning permission under application 06/01428/FUL for use as a Farmshop/cafe however this use was never implemented. Furthermore the building was not built in accordance with the approved plans and therefore is considered as unauthorised development. The previous Fish and Chip Shop use has now ceased and the building is vacant.

The building was designed to appear subservient to the Farmhouse and has a domestic character, the oak frame and glazed gable feature add interest to the building. The existing roller door between the application building and Farmhouse and the flues all form parts of the building which are functional for their purpose but are negative additions to the building and detract from the residential character of the Farmhouse.

### **RELEVANT HISTORY:**

05/03099/OUT - RF - 22 September 2006 - Replacement farmhouse and farm office

05/03532/FUL - RF - 30 December 2005 - Reconstruction of porch and alterations to access

05/03550/FUL - PERMIT - 9 December 2005 - New calf house (Resubmission)

05/03551/FUL - PERMIT - 9 December 2005 - Provision of machinery and straw store

06/00197/FUL - RF - 7 March 2006 - Reconstruction of porch and alterations to access (Resubmission)

06/01428/FUL - PERMIT - 25 September 2006 - Erection of building to provide farm shop and tea room and alterations to access

06/03814/VAR - PERMIT - 29 December 2006 - Variation of condition no.3 (hours of use) and condition no.5 (no outdoor catering) of planning permission 06/01428/FUL dated 25 September 2006

08/00228/FUL - PERMIT - 20 March 2008 - Erection of single dwelling house with annexe, office and integral garaging

08/04554/FUL - PERMIT - 11 February 2009 - Erection of pair of semi-detached dwellings for use as holiday lets on land at Court Farm Cottage

13/00819/VAR - RF - 7 May 2013 - Variation of condition 3 of application 06/01428/FUL to extend the hours of use of the shop (Erection of building to provide farm shop and tea room and alterations to access)

13/02291/VAR - RF - 26 July 2013 - Variation of condition 3 of application 06/01428/FUL to extend the hours of use of the Farm shop and Tea Room (Resubmission) (Erection of building to provide farm shop and tea room and alterations to access)

13/02829/REM - RF - 28 August 2013 - Removal of condition 6 attached to planning permission 06/01428/FUL (Erection of building to provide farm shop and tea room and alterations to access)

13/02873/FUL - PERMIT - 17 September 2013 - Erection of Clock Tower (Retrospective)

13/03605/VAR - RF - 16th October 2013 - Variation of condition 6 attached to planning permission 06/01428/FUL (Erection of building to provide farm shop and tea room and alterations to access)

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

COMPTON MARTIN PARISH COUNCIL - this building has no planning permission, the original purpose of cafe/farmshop application was part of farm diversification. The applicant is no longer farming therefore is this building required\_ If LPA do approve there is no reason why the fish and chip cooking ranges, ventilation and chimneys should not be removed. Built structure is out of keeping with the Conservation Area and lacks the design quality required for a residential building. A planting scheme and removal of the tarmac is required.

ENVIRONMENTAL HEALTH - No objection. Cannot request the removal of the cooking equipment.

HIGHWAYS OFFICER - No objection. The resultant proposed use of the building and car park area would generate less traffic movements than had previously been approved.

OTHER REPRESENTATIONS - 2x comments and 3x objections summarised as:

- Most representations stated that they were relieved to no longer have to suffer the fatty smells that effected them previously on a daily basis
- concerned if residential is granted that the fish and chip shop cooking equipment will be used at a later date
- without the removal of the industrial deep fat fryers and extraction chimney, the problem will persist
- Such a large parking area is not necessary to furnish a farmhouse and two holiday lets. Even a potential future Bed & Breakfast business would not necessitate parking on this scale
- 2006 application permitted on the basis that it allowed diversification of an existing business and that closure of accesses would secure removal of HGVs and other farm buildings from that part of the site. In the event, neither of these outcomes has been delivered by the applicant
- the unauthorized development now in place bears little resemblance to that described in the 2006 planning application
- it is unclear why an amended vehicular access is sought at all for the holiday lets when it already has an approved access

### **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:

D2 - General Design and public realm considerations

D4 - Townscape considerations

ES10 - Air quality

ES12 - Noise and vibration

NE2 - Areas of Outstanding Natural Beauty

BH6 Conservation Areas and their settings

T24 - General development control and access policy

T.26 - On-site parking and servicing provision

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

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

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

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

### **OFFICER ASSESSMENT**

PRINCIPLE OF DEVELOPMENT:

The application site is located within the settlement boundary of the village whereby the principle of new housing in this locality would be considered acceptable in principle. There

have been previous applications approved within this site for housing, holiday lets and a farm shop/cafe. The building which forms part of this application was granted permission in 2006, however the building was not built in accordance with the approved plans. However a building and car park albeit at a lower height were considered to be acceptable in this location and deemed not to cause harm to the character and appearance of the Conservation Area, therefore a judgement has to be made as to whether the increased height (700mm) of the existing building and the larger utility extension cause significant harm to warrant a refusal\_

Farm diversification has already taken place and this could have occurred naturally without the need for consent in that the applicant could have switched from Dairy Farming to Bio Fuel Farming without any planning permission required, the applicant could and still can sub divide the land and sell it off to other Agricultural enterprises or private owners without consent from the LPA, but the Farm could also be sold and any new owner could set about to re-establish the agricultural function and grow this business. The retention of the building for residential use would not result in the diversification of the agricultural enterprise.

Approval was granted for the tarmacing of the Farm yard in the 06/01428/FUL application but the number of spaces provided is greater than the layout approved. Therefore retaining some of this space is in principle considered acceptable.

The applicant has expressed his intention to keep the existing kitchen equipment due to the expense of installing it, although he has been advised it cannot be used for any other purposes than as a kitchen for the residential use of Court Farm and not for Bed and Breakfast use or Cafe use and that if he wishes to provide Breakfast or lunch for the holiday lets a change of use application will be required. Environmental Health have confirmed that they cannot request that the flue and kitchen be removed and nor can the LPA insist that the kitchen is removed. The kitchen equipment as relatively new equipment could be sold on, it must be acknowledged that B and Bs operate on a traditional residential scale kitchen.

#### CHARACTER AND APPEARANCE:

The building which extends from the rear elevation of the Farmhouse is different from that approved as the utility projection to the rear is deeper and the building ridge line is higher than that approved (700mm difference), the oak frame porch area is enclosed by glass rather than open and the fenestration details are an alternative design, furthermore the car parking spaces have been orientated differently to that approved and the access arrangements between the main road and the holiday let are also different.

The design of the building is similar to that approved and has been set down from the main ridge of the farmhouse to appear subservient, the building uses materials which are sympathetic to the local area and the host dwelling.

The building as an extension of the farmhouse would create a large dwelling, however this is not uncharacteristic of rural areas, the site can accommodate the building without encroaching on the neighbouring boundaries and preserves an element of spaciousness to the rear of the site, an area which was previously developed with agricultural barns. The extension building is not readily visible from the local area but comes into focus on the approach to the Farm from the west side of the The Street. It is the existing flues on the

building which detract from the residential character of the Farmhouse and unbalance the relationship between the building and the surrounding built environment. It is proposed to enclose the existing flue which extends above the ridge line so as to appear as a traditional chimney, the height will be reduced to appear proportionate to the building. The other flue which is set down on the lower roofscape will not be encased as it is not visible from outside the site.

The existing car park has consent under the 06/01428/FUL, however the layout results in a greater number of spaces. An access has been created in the north west corner of the car park to provide an alternative access to the holiday let accommodation. The applicant proposes to retain the car park and to provide additional spaces for the holiday lets on the northern side of the car park. The applicant also expresses a need to retain the car park for use by agricultural workers during harvesting of crops for the creation of bio fuel. However the number of spaces far outnumbers the number of agricultural workers. The site has lost part of its residential character as a result of tarmacing the site, the farmhouse does not benefit from amenity space and this is an intrinsic character of residential sites in this locality, therefore a condition will be attached requiring a landscape scheme for the car park. A balanced scheme which provides some amenity whilst retaining half the car spaces can be achieved and would enhance the site and allow for the creation of a formal residential curtilage. The access and parking for the holiday lets is considered acceptable, the loss of the commercial use of the building would significantly reduce the use of the existing access and is not considered to result in conflicts with other users of the site and will not affect the character and appearance of the local streetscene or this part of the Conservation Area.

Overall the design, scale and siting of the building as an extension of the property is considered on balance acceptable, the subservient character allows the extension to merge with the existing farmhouse to form one structure and the retention of the building will not erode the overall harmony of the streetscene and will preserve the character and appearance of the Conservation Area.

#### RESIDENTIAL AMENITY:

Previous applications for the use of the building for A3/A5 use as a Fish and Chip Restaurant raised significant concerns regarding amenity and the disturbance caused by odour issues and potential for noise disturbance from the ventilation equipment. The Environmental Health Officer confirmed however during the last application that odour issues did not form a statutory nuisance.

The proposed retention of the building for residential purposes will not result in issues of noise or odour due to the less intensive use of the building and equipment. Due to the existing siting of the building and existing boundary treatment and window openings in neighbouring properties the proposed retention of the building is not considered to cause harm to the amenity of neighbouring occupiers in terms of overlooking, loss of privacy, overbearing impact or increased sense of enclosure.

The use of the car park and access to the holiday cottages will not result in an over intensification of the use of the site and is not considered to have the potential to cause a nuisance to the amenity of neighbouring residential occupiers.

#### CONCLUSION:



Overall on balance the retention of the existing building as a residential extension/annexe of Court Farmhouse is considered acceptable and will have a neutral impact on the local streetscene and preserve the character and appearance of the Conservation Area. The access and additional parking for the holiday lets and agricultural workers are considered acceptable and do not result in an over intensification of the use of the site.

## **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

1 The residential development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling; Court Farmhouse, The Street, Compton Martin and shall not be occupied as an independent dwelling unit or used for Bed and Breakfast. The principle means of access to the ancillary accommodation via the internal doorway from the existing storage room (proposed snooker room) on the ground floor of the main dwelling into the kitchen shall remain available for use in perpetuity.

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

2 Within 6 months of the date of this permission a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of the subdivision of the site, all new walls, fences and other boundary treatment and a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

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

3 Within 12 months of the date of this permission all hard and/or soft landscape works shall have been carried out in accordance with the approved details. The works shall be carried out in accordance with the programme agreed in condition 2. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

4 Within 3 months of the date of this permission details of enclosing the vertical flu on the south elevation shall be submitted to and approved in writing by the Local Planning Authority and within 6 months of the date of this permission the flu shall be enclosed in accordance with the details approved

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

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

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

**PLANS LIST:**

1 This decision relates to drawing no's PL3260/2A, PL3260/3, PL3260/4, PL3260/5, PL3260/6 date stamped 15th January 2014 and PL3260/1A date stamped 20th January 2014.

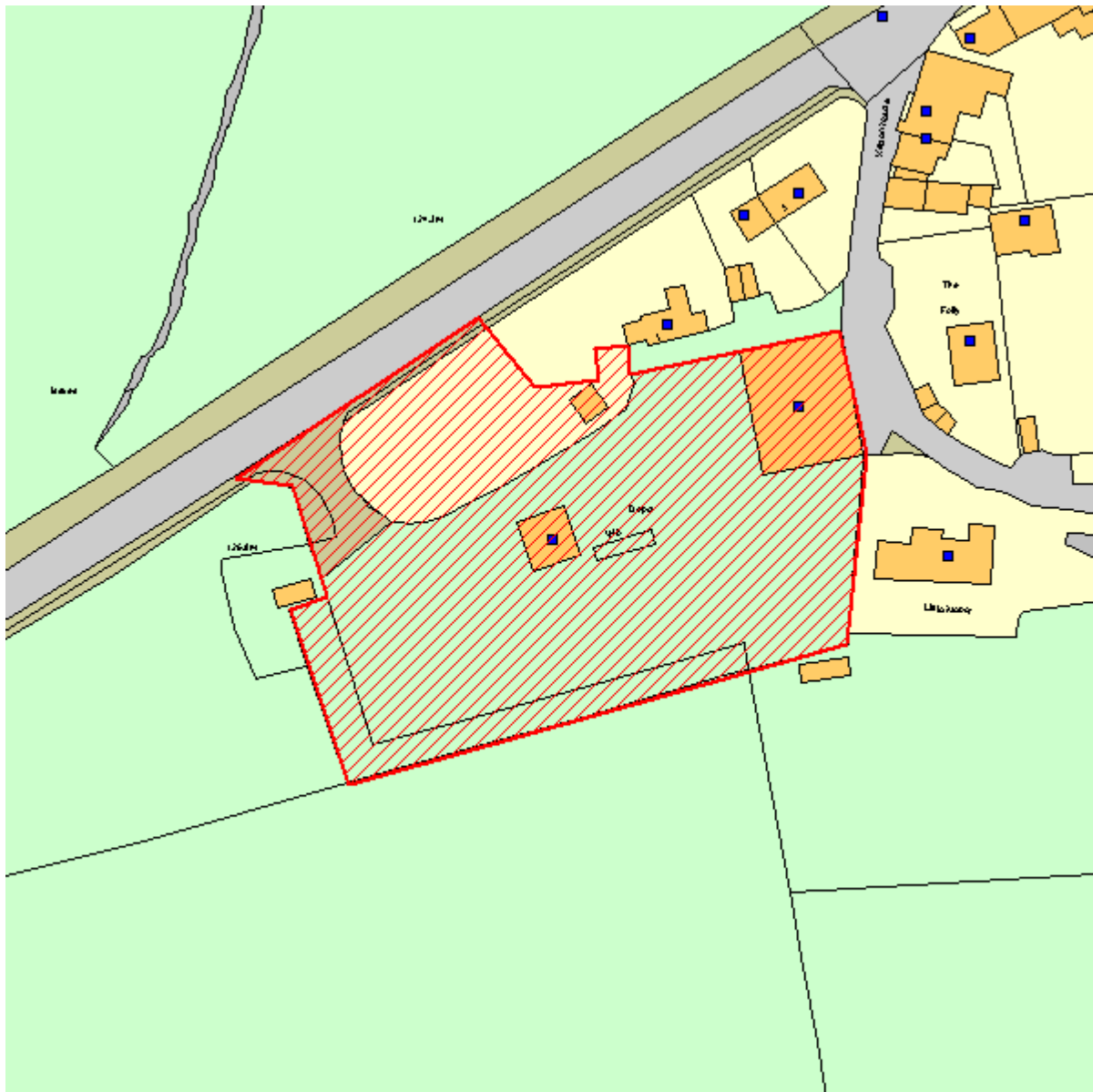
**DECISION TAKING STATEMENT**

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.

**2 ADVICE NOTE:**

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

**Item No:** 003  
**Application No:** 14/00862/OUT  
**Site Location:** W T Burden Ltd Bath Road Farmborough Bath BA2 0BD



**Ward:** Farmborough

**Parish:** Farmborough

**LB Grade:** N/A

**Ward Members:** Councillor S Davis

**Application Type:** Outline Application

**Proposal:** Demolition of existing building and redevelopment of site with up to 14 dwellings with associated means of access, access roads, car parking, boundary treatments and landscaping; conversion (including re-cladding) of retained building to provide office/workshop accommodation (Class B1) with associated car parking.

**Constraints:** Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines,

**Applicant:** Boystown Ltd

<b>Expiry Date:</b>	23rd May 2014
<b>Case Officer:</b>	Alice Barnes

## **REPORT**

Reasons for reporting the application to the committee

The application is being reported to the committee at the request of Councillor Sally Davis

The application has been referred to Councillor Curran who has agreed that the application should be considered by the committee.

Following the meeting of the 4th June the committee resolved to defer the application for a site visit and the application will be considered at the meeting of the 2nd July.

Description of site and application

The application site is located within the Hamlet of Cold Bath to the west of Farmborough village. The site is located outside of the housing development boundary within the Green Belt.

This is an outline application for the erection of 14 dwellings and the retention of the existing office/workshops (use class B1). Only access is being considered at this stage with all other matters reserved.

The application site is located to the west of Farmborough village. It is a largely open site with one building in the centre of the site and a group of buildings on the eastern side of the site. The central building would be removed and the buildings in the east corner would remain in employment use. The site is covered by an extensive area of hardstanding. The site is largely surrounded by leylandi trees and is not easily visible from the road.

The site is accessed from the A39 and this access would be used to access the development. There is an additional access onto Tilley Lane but this would not be used by the housing development. The site is located adjacent to some dwellings and is known as being the hamlet of Cold Bath.

Whilst the site is currently under utilised its permitted use would be as a haulage yard.

## **RELEVANT HISTORY**

608/J - Parking of lorries and stationing of oil tanks, permission 08/10/1984

608/L - Change of use of existing area to use for open storage of building materials, permission 09/01/1985

608/O - Continued use of land for outside storage of motor vehicles, permission 17/05/1988

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Farmborough Parish Council: Objection, No very special circumstances have been put forward to justify development within the Green Belt. The development will harm the openness of the Green Belt. This development is not considered to be infilling. There is flooding at times of high rainfall. The access is unsustainable and the development would

cause harm to highway safety. The number of dwellings would result in overdevelopment of the site. There is no provision for affordable housing. Permission has already been granted for new homes in the village.

Highways: Farmborough is supported by limited local services, with no retail opportunities or health provision available, however, the village primary school is within walking distance of the site. Whilst the number of available services in Farmborough itself is limited there are such services in a nearby village and the development is considered to be in a sustainable location.

It is requested that contributions are made towards improved pedestrian provision near the junction with Tilley Lane. A contribution of £20 000 is requested.

No objection is raised to the use of the existing vehicle access and adequate parking levels have been proposed.

Highways drainage: No objection subject to conditions

Housing service: The development should make a provision for affordable housing in line with policy HG.8 of the local plan. Policy HG.8 requires the council to secure provision of 35% affordable housing before determining the application.

Environmental Protection: No objection

Contaminated Land: Due to the onsite sources of contamination, the sensitive nature of the development (i.e. residential) and taking account of the findings of the desk study report, the relevant conditions should be applied.

Environment Agency: No objection subject to conditions.

Landscape: No comment

Arboriculture: No objection. The trees on the site are dominated by hedge/ screen planting consisting of three rows of Lawson and Leyland Cypress. The two rows growing almost parallel with Bath Road have been reduced in height. An Ash which is not worthy of retention is growing amongst the nearest row to the road. The Illustrative Layout indicates that the row of Leyland Cypress growing on the bank along the western boundary are to remain. These will block sunlight reaching the nearest houses and could potentially become the subject of a high hedge complaint under the Anti-social Behaviour Act 2003. I suggest that they are removed and replaced with hedging more appropriate to the rural location.

Ecology: No comment

Archaeology: There are no known archaeological sites or monuments in the vicinity that are likely to be affected by the proposed development.

Education: A contribution of £58,254.70 is required towards primary and secondary school places.

Building Control: No comment

HSE: No objection

Waste Management: It is important to minimise reversing of waste collection vehicles wherever possible. Looking at the layout it would appear very difficult to manoeuvre a 26 tonne collection vehicle to service each property. The construction of the site roadways will need to take the weight of the 26 tonne collection vehicle and its turning.

Councillor Sally Davis: The development complies with Policy GB.2 which refers to developments in very special circumstances which would not effect the openness of the Greenbelt, as this is a Brownfield site exceptional circumstances have already been approved for a commercial development in the Greenbelt, this change of use could be seen as a planning gain on the site.

Representations; 28 representations have been received objecting to the application for the following reasons:

The development is located on a busy road and will cause harm to highway safety.

There is no shop or doctors surgery in Farmborough and a limited bus service meaning residents need to rely on cars resulting in an increase in traffic volumes.

There is limited parking in the surrounding area.

The water table is high and the site is likely to flood

No exceptional circumstances have been provided to justify development in the Green Belt.

There is already permission for 50 houses within the site.

The site is outside the outside development boundary.

This is not an infill development

## **POLICIES/LEGISLATION**

D.2: General design and public realm considerations

D.4: Townscape considerations

GB.1: Control of development within the Green Belt

GB.2: Visual amenities of the Green Belt

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

ES.12: Noise and vibration

ES.15: Contaminated Land

T.24: General Development Control and Access Policy

T.26: On-site parking and servicing provision

ET.3: Core employment sites.

Ne.1: Landscape character

HG.8: Affordable housing on allocated and large windfall sites

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

Submission Core Strategy, May 2011

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

CP6 - Environmental Quality  
CP8 - Green Belt  
RA.1 - Development in the villages meeting the listed criteria

National Policy  
The National Planning Policy Framework adopted March 2012

### **OFFICER ASSESSMENT**

This is an outline application for the erection of 14 dwellings and the retention of the existing office/workshops (use class B1). Only access is being considered at this stage with all other matters reserved.

#### Principle of housing development

The application site is located within the Green Belt and outside of the housing development boundary. The current local plan allows for development within housing development boundaries. However these current policies are considered to be out of date.

The existing site includes pavement access to the village and is located within an existing Hamlet. Therefore the proposal would not result in isolated homes within the countryside and is not considered to be in an unsustainable location. Therefore the application cannot be resisted solely on the fact that it would result in housing outside the housing development boundary.

The ministerial statement released in July 2013 states that, the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt. Therefore whilst the application site is considered to be in a sustainable location, this does not justify development within the Green Belt.

Furthermore policy RA.1 of the core strategy allows for development adjoining the housing development boundary but the land should not be located within the Green Belt. Therefore whilst the housing development boundary will come under review within the placemaking plan the application site would not be acceptable due to its location within the Green Belt.

The applicant has made reference to an appeal decision within Farmborough village where 38 dwellings were permitted. This site was not located within the Green Belt, was adjacent to the housing development boundary and was an allocated site safeguarded for development. It does not therefore form a direct comparison to this proposal.

The site is identified in the SHLAA (strategic land availability assessment) under reference Far.4. The SHLAA states that although theoretically the site could host up to 20 houses by virtue of its size, but because of its location in the Green Belt its true redevelopment potential is limited to that which would not affect the openness of the Green Belt. In practice this means very little development on site.

With regards to the loss of the employment land the business use will be retained to within the units to the east of the site. Therefore the application is not considered to be contrary to policy ET.3 of the local plan.

## Green Belt

The application site is located within the Green Belt. The existing site has been previously developed and is therefore classed as being brownfield land. In this case paragraph 89 of the NPPF applies.

Paragraph 89 states that the construction of new buildings are regarded as inappropriate development. The policy then goes on to list exception to this. This includes the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary building), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In this case the site is a largely open site. The existing workshops on the eastern side of the site will be retained. The only other built structure within the site is a single building within the centre of the site. Otherwise the site is a largely open site with little existing built form. Therefore the proposed development would result in an increase in the built form within the existing site.

The site is currently permitted as a haulage yard and vehicle/valet workshops. The current permitted use of the site would include the storage of materials and potentially a high number of lorries could be parked on site at any one time. The proposal would include the removal of a substantial area of hardstanding. The applicant argues that therefore the provision of dwellings would not have a greater impact on the openness of the green belt. However the proposed development would greatly increase the amount of permanently built structures located within the site. Whilst the current use of the site includes movable storage, paragraph 89 excludes temporary buildings. Therefore the proposal is considered to have a greater impact on the openness of the Green Belt and does not comply with paragraph 89 of the NPPF.

## Impact on Openness

As stated above the proposed development will result in an increase in the amount of built structures located within the site. The site is currently surrounding a leylandi tree belt. This will largely be removed with the existing hedging to the road frontage retained. The existing trees provide screening from the road and surrounding area and their removal will increase visibility of the proposed development.

As stated above the proposed development is considered to have a materially greater impact on the green belt by reason of the increase in built form. Therefore the proposed development is considered to be harmful to the openness of the surrounding green belt.

## Consideration of whether very special circumstances exist

As no very special circumstances have been demonstrated it is concluded that significant weight should be given to the provisions of the NPPF and this application has failed to comply with Green Belt policy.

## Highways



The applicant has applied for access with all other matters reserved. The site is located close to Farmborough village which is supported by limited local services. However as services are provided within nearby villages the proposed development is not considered to be unsustainable. Furthermore the site is located within walking distance of the village school and there is pedestrian access to the village. The use of the existing vehicle access to provide access to the housing is considered to be acceptable.

There is pedestrian access on the southern side of the A39 but the footway is currently overgrown in places. A financial contribution of £20 000 is required to improve pedestrian provision with the junction with Tilley Lane.

The Transport Statement estimates that the peak hourly generation by the proposed 14 dwellings would be 8 cars, and when considering the retained commercial use the peak hour generation of the entire site would be 15 vehicles. This scale of change would not have a material impact on the operation of the A39 and would not justify improvements to be required as a result of a planning permission. Whilst the proposed parking arrangements will need to be reviewed when reserved matters are considered it is indicated that appropriate levels of parking will be provided.

#### Contaminated Land

The applicant has submitted a number of contaminated land assessments which have been referred to the contaminated land officer. The reports have concluded that further investigation would be required prior to development and it is likely that on site remediation would be required. The contaminated land officer has not objected to the application but due to the onsite contamination and sensitive nature of the development they have requested that a number of conditions would need to be included to ensure that this is carried out.

#### Affordable Housing

Housing services had originally expressed concern that the applicant should be making contributions towards affordable housing. Farmborough village has a population of under 3000 and therefore the development should make a provision for affordable housing in line with policy HG.8 of the local plan. Policy HG.8 requires the council to secure provision of 35% affordable housing before determining the application.

The applicant has agreed with the housing officer that 35% affordable house could be secured in line with the contributions SPD.

#### Other matters

No objections have been received from the Ecology officer. The applicant has submitted a bat survey which states that no bats have been found on site and the building to be removed provides negligible roosting potential. No objection has been raised by the Arboricultural officer.

A request has been made by education services for a financial contribution to be made towards school places of £58,254.70. This would provide contributions towards primary and secondary school places as well as youth services provision.

Concern has been raised that the site is prone to flooding. The highways drainage team have not raised an objection to the application provided that provision of made for the drainage of surface water by condition.

Following the meeting of the 4th June the committee resolved to refer the application for a site visit.

## **CONCLUSION**

The application site is located on a brownfield site within the Green Belt. The proposed development would have a significantly greater impact on the openness of the Green Belt and therefore does not comply with national and local policy. The application is recommenced for refusal.

## **RECOMMENDATION**

**REFUSE**

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

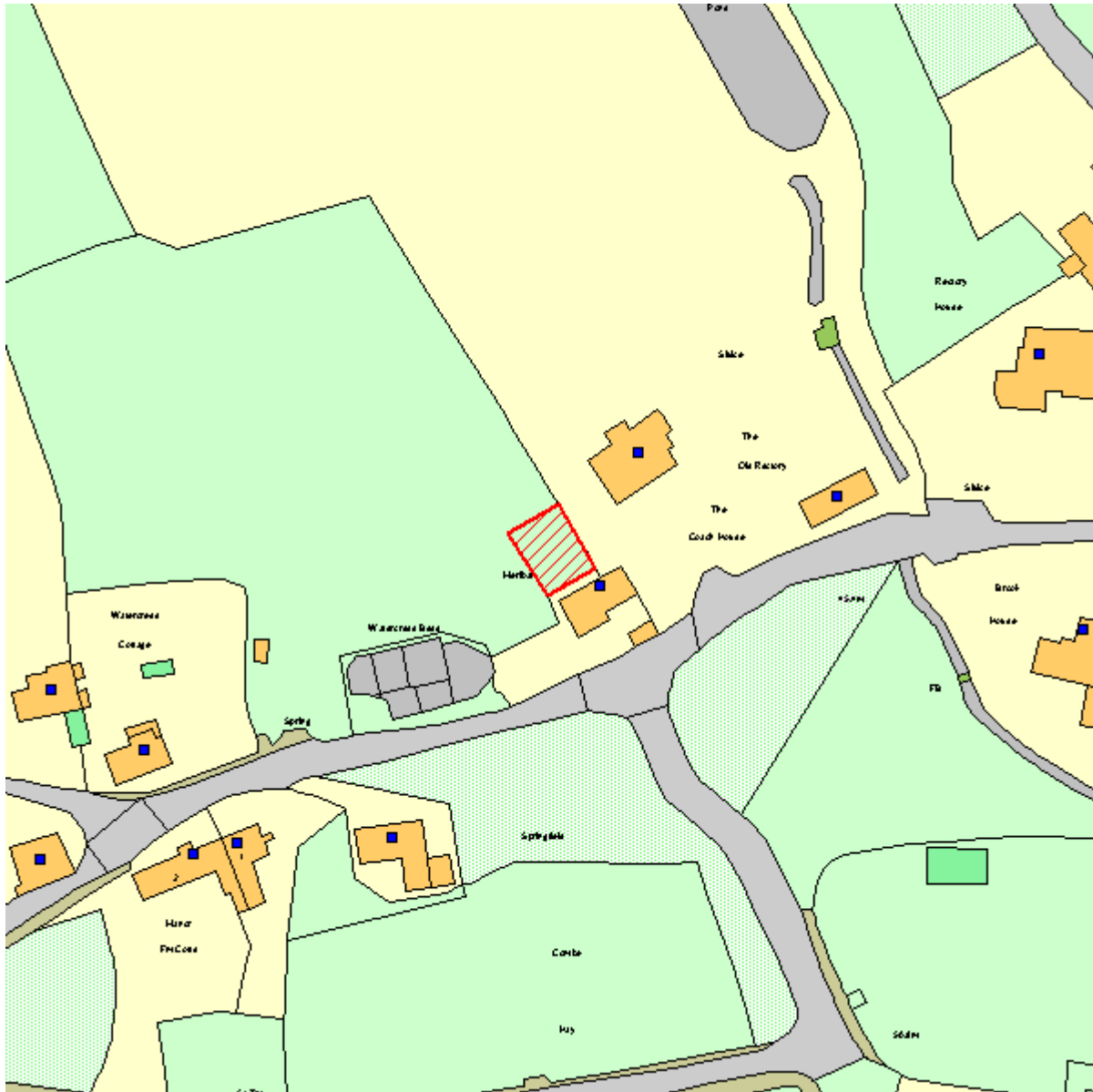
1 The proposed development will result in an increase in the amount of built form on the existing brownfield site and therefore the proposed development would result in a greater impact on the openness of the Green Belt. No very special circumstances have been put forward to justify inappropriate development within the Green Belt and the development is contrary to paragraph 89 of the National Planning Policy Framework and polices GB.1 and Gb.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

## **PLANS LIST:**

1 Location plan 13-062/01  
Access arrangement onto A39 002  
Illustrative layout 13-062/CP02  
Drainage Strategy 358-002  
Topographical Survey A215/7555/1

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. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application.

**Item No:** 004  
**Application No:** 14/01403/FUL  
**Site Location:** The Old Rectory Anchor Lane Combe Hay Bath Bath And North East Somerset



**Ward:** Bathavon West                      **Parish:** Combe Hay                      **LB Grade:** II

**Ward Members:** Councillor David John Veale

**Application Type:** Full Application

**Proposal:** Erection of garage with staff accommodation and extension of the curtilage of the Old Rectory. (Resubmission)

**Constraints:** Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,

**Applicant:** Mr Trevor Osborne

**Expiry Date:** 20th May 2014

<b>Case Officer:</b> Sasha Coombs
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## **REPORT**

### REASONS FOR REFERRING TO COMMITTEE

This application was initially referred to the committee on 4 June 2014 at the request of Cllr David Veal. The application was then deferred to enable members to carry out a site visit in order to assess the proposal site within its context.

UPDATE: Since the last committee meeting, Combe Hay Parish Council has submitted a copy of their statement to the DCC meeting.

### DESCRIPTION OF SITE AND APPLICATION

The application relates to a plot of land to the north of Anchor Lane in Combe Hay Conservation Area. The site currently forms part of an open sloping grassed field to the north of the village, bounded by the curtilages of the Grade II listed mid C18 Rectory to the west and a single storey Meribah to the south. It lies within the Green Belt and AONB, outside the defined housing development boundary of the village.

The proposal seeks to extend the domestic curtilage of The Old Rectory to include this land and to erect a garage with staff accommodation above. The access to the site would be provided from the driveway of The Old Rectory. The building would be set on split level some 8m back from the boundary wall with Meribah, measuring approximately 16.4m in width, 7.5m in depth and up to 7.5m high at the ridge. It would be constructed in rubble stone with dressed stone copings under double roman tiles roof, and contain three parking bays on the lower ground floor and a one-bedroom self-contained flat above.

This application is a resubmission of a scheme that was withdrawn by the applicant in November 2013 (planning ref. 13/05028/FUL). The resubmitted proposal plans are identical, however the supporting Design and Access Statement has been changed to reflect previous comments by the LPA.

### RELEVANT PLANNING HISTORY

(The Old Rectory)

DC - 05/00431/LBA - CON - 23 March 2005 - Conversion of double garage to study

DC - 03/03194/FUL - PERMIT - 9 March 2004 - Single-storey extension

AP - 03/00079/LBRF - ALLOW - 24 February 2004 - Single-storey extension (Resubmission)

DC - 98/02841/FUL - PER - 5 November 1998 - Replacement of existing conservatory, extension of drawing room, creation of housekeepers accommodation, insertion of new window openings

DC - 98/02842/LBA - PER - 5 November 1998 - Replacement of existing conservatory, extension of drawing room, creation of housekeepers accommodation, insertion of new window openings.

(The application site)

DC - 13/05028/FUL - WD - 12 February 2014 - Erection of a garage with affordable staff accommodation attached to and extending the curtilage of the Old Rectory.

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

Planning Policy - Object. The proposal is contrary to the National Planning Policy Framework and the emerging B&NES Core Strategy as the development is a development on Green Belt land outside of the current housing development boundary. Currently there are no plans to conduct a review of Combe Hay Housing Development Boundary.

Highways - no objections, subject to the additional accommodation being used solely for the purposes of staff accommodation for the main house.

Highways Drainage Team - no objections or comments

Environmental Health - no objections or comments

Conservation Officer - Object. The development will not lead to the preservation or enhancement of the CA and indeed it is regarded that it would cause harm to what is a highly sensitive location both in terms of the historic and natural environment.

Bath Preservation Trust - Object. The Trust objects in principle to land use of the Green Belt and AONB for inappropriate development especially in the absence of 'very special circumstances' relevant to planning policy. We do not consider that this proposal for a garage and staff accommodation in the Green Belt is made with exceptional or meritable circumstances and there is no obvious public benefit to outweigh the harm of the proposals. We note also that the land lies outside the Parish Development boundary.

Parish Council - at the time of writing, no formal comments received.

Third Party Comments - 35 pro forma and individual letters of support received. The proposal is of appropriate design and is essential for maintenance of The Old Rectory. It enhances the view from Watercress Cottage

(Full comments available on file)

### **POLICIES/LEGISLATION**

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES - ADOPTED OCTOBER 2007

D.2: General design and public realm considerations

D.4: Townscape considerations

SC.1: Settlement Classification

GB.1: Control of development in the Green Belt  
GB.2: Visual amenities of the Green Belt  
HG.9: Affordable housing on rural exceptions sites  
HG.10: Housing outside settlements (agricultural and other essential dwellings)  
HG.11: Extending existing residential curtilages  
T.1: Overarching access policy  
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  
BH.2: Listed buildings and their settings  
BH.6: Development within/affecting conservation areas  
BH.15: Visually important open spaces

**BATH AND NORTH EAST SOMERSET SUBMISSION 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 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  
CP8 - Green Belt

**NATIONAL PLANNING POLICY FRAMEWORK - MARCH 2012:**

Section 9: Protecting Green Belt Land  
Section 12: Conserving and Enhancing the Historic Environment

**NATIONAL PLANNING PRACTICE GUIDANCE - MARCH 2014**

COMBE HAY CONSERVATION AREA APPRAISAL (DRAFT MAY 2011) has not yet been formally adopted by the Council, but it serves as a very useful and relevant policy guidance document when assessing changes and new development within the CA.

### **OFFICER ASSESSMENT**

The key planning considerations in this application are:

- The principle of change of use of land within the Green Belt;
- The principle of new building within the Green Belt and outside the defined Housing Development Boundary of Combe Hay;
- Impact on AONB and Green Belt openness;
- Impact on the heritage assets and conservation area;
- Residential Amenity and Highways Safety;
- Any very special circumstances that exist to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm.

**PRINCIPLE OF DEVELOPMENT**

The key issue in the consideration of this proposal relates to the principle of development. The proposal represents both a change of use of land and a new building in the Green Belt.

Both these aspects of the proposal are considered as inappropriate development within Green Belt (NPPF paragraphs 89 and 90 and local policies GB.1 and HG.10, 11).

## 1. Change of Use

The proposal entails change of use of agricultural land to domestic curtilage within the Green Belt. Section 9 of the NPPF, which replaced the former Planning Policy Guidance on Green Belts, has omitted the reference to 'material changes of use' as being 'not inappropriate' form of development.

At the present time, Para 90 of the NPPF contains an exhaustive list of certain other forms of development which are not inappropriate in the Green Belt, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including the land in the Green Belt. This list does not include any reference to material changes of use, which implies that any proposal for a change of use should be considered 'inappropriate' by default. This has also been confirmed in recent court cases such as *Fordent Holdings Ltd v Secretary of State for Communities and Local Government*.

In addition, saved Local Plan policy HG.11 (Extending existing residential curtilages) provides specific control over the enlargement of residential curtilages. It states that such enlargement must be resisted if they detract from rural character and lead to 'suburbanisation' of the countryside. It also specifically refers to the potential conflict of such proposals with the purposes of Green Belt national designation.

One of the key purposes of the Green Belt policies is to assist in safeguarding the countryside from encroachment, and the proposed change of use into a domestic curtilage will represent such encroachment. Considerations of appropriateness, preservation of openness and conflict with green belt purposes are not exclusively dependent on the size of the building alone but include their purposes too. If the land was able to obtain permission to become a residential curtilage, apart from the proposed garage/flat, this would in addition lead to the formation of all subsequent attributes, such as the proposed vehicular access, hardstanding, and other domestic paraphernalia.

## 2. New Building

Para 89 of the NPPF states that "a local planning authority should regard the construction of new buildings as inappropriate in Green Belt". One of the exceptions to this is:

- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.

Local Policies GB.1 and GB.2 reflect national guidance controlling development and maintaining openness of the Green Belt.

The proposal to create a new garage/dwelling on the site does not fall in to the categories of 'infilling' or 'affordable housing' as described in Local Plan and/or NPPF, neither does it represent any other exceptions.

The proposal site sits outside the defined housing boundary of the village; this is a corner of an open field behind the road-facing dwelling. The proposal is not justified by a rural housing needs survey, and the resulting housing is not proposed to be owned or managed in line with Homes & Communities Agency regulations.

Another exception refers to:

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Case law has determined that whether an outbuilding to a domestic building can also be considered as an extension is a matter of fact and degree in every case. Given the siting of the development site, outside the existing and historic curtilage, as well as the distance from and functional relationship with the Rectory, it is not considered that the proposal can be regarded as an extension to the existing building.

It is therefore concluded that the proposals would represent a departure from the Development Plan; it would not accord with the guidelines set out under either Paragraph 89 of the NPPF or Policy GB1 of the Local Plan and that it would be inappropriate development within Green Belt.

Paragraph 87 of the NPPF advises that inappropriate development is by definition harmful to the Green Belt and in accordance with that guidance, substantial weight should be attached to this harm.

It should also be considered whether there is any other harm from the proposal.

## OPENNESS OF GREEN BELT

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. One of the five purposes of Green Belt designation, set out at Paragraph 80 of the NPPF, is to assist in safeguarding the countryside from encroachment.

The site falls outside the boundary of the village, which is clearly defined by Anchor Lane and the historic curtilages of the few buildings to the north. A new building here would represent a form of scattered piecemeal development outside the village envelope to the detriment of its setting and rural amenity of the area. Despite the proposed use of natural and traditional materials, this inevitably would stand out as a conspicuous new man-made imposition on a plot that had not been in use previously, surrounded by largely undeveloped or open land.

As a result of its proposed siting, taken together with its bulk and massing, it is considered that the proposal would harm the openness of the Green Belt and the character and



appearance of this rural area, and would conflict with Policy GB2 of the Local Plan which seeks to prevent development which would be harmful to the Green Belt, as well as guidance in the NPPF. This adds significant weight to the harm already concluded by reason of inappropriateness.

## AONB

Apart from the Green Belt designation, the land falls within the AONB. The application site occupies a prominent and elevated position within a very valuable and highly protected landscape. Sloping green fields form an important part of the village's setting within the countryside. The landscape of the setting characteristically consists of the green undeveloped farmland, open green spaces, and trees and woodland which surround the sloping fields. The proposal would clearly erode the currently open character of the hill slope and would increase visual intrusion, even though it would be set behind another building.

## HISTORIC ENVIRONMENT

The entire village of Combe Hay, including the field in question, is designated as a conservation area (CA) by the Council in recognition of its exceptional special qualities and character. The application site also sits in immediate proximity to a number of designated and undesignated heritage assets.

Notwithstanding some modern development mostly located within the middle of the village, which for the most part has had a detrimental impact, the historic form of the ancient settlement has survived and has been retained and identified as an important element of its special character. Some modern development on the periphery serves to illustrate the harm of new development.

One of another key characteristics is that Combe Hay Conservation Area is well contained within its high quality landscape setting and a river valley surrounded by steep hills which afford clear and important external views into the CA.

The location of the proposed new development is clearly visible from both within the CA and from outside. The new garage/house would be in clear view coming along the lanes from the south and the west. Conservation Officer specifically referred to the elevated view from the north at the top of the Old Bath Road, which is identified as an important view in the CA appraisal. As a heritage asset in its own right the designed landscape has a setting that is vulnerable to being harmed by development in this location.

The Grade II listed Old Rectory has been identified as one of three landmark buildings and furthermore its designed landscape has been identified as an important green space and is regarded as significant and important to the setting of both the protected building and the CA.

The rising platform of the new residential curtilage in relation to the lane, the substantial building rising behind and to the side of Meribah and the gable end of The Rectory, and the degree to which it would fill the currently open area would all combine to foster an air of visual congestion, significantly reducing the present sense of openness and permeability that gives the periphery of the settlement its character. Moreover, this sense

of visual congestion would be compounded by the presence of the hard surfaces discernible in perspectives from the lane and the fields to the north.

It is therefore concluded that the development will cause harm to what is a highly sensitive location both in terms of the historic and natural environment. This would result in accumulative erosion and harm of the CA's character.

Whilst it is acknowledged that the applicant is proposing the use of local natural materials, which is regarded as positive, this does not overcome the concern that the proposed development would fail to preserve or enhance the character and appearance of the conservation area and would be harmful to the setting of heritage assets within it.

To conclude, the proposed development is regarded as causing harm to the setting of designated heritage assets and is contrary to Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework, the accompanying Historic Environment Planning Practice Guide, Local Policies BH.2, BH.6 and BH.15, and counter to the aim of heritage protection.

## RESIDENTIAL AMENITY AND HIGHWAYS SAFETY

There are no objections to the proposal in terms of its impacts on residential amenity or highways safety.

Meribah would be set on a lower ground in relation to the new building and its rear would be fully overlooked, however the rear elevation only has one obscure glazed bathroom window. There also would be a small gain of amenity space to the side of the house (currently part of the field).

Combe Hay is located remote from local services and public transport, and therefore as a new independent residential unit the proposal would be contrary to sustainability policies. Highways expressed no objections, providing the building remains in ancillary use to The Old Rectory. The applicant has agreed to a planning condition to ensure the building is retained as such.

There would also be a small reduction in some daily trips associated with work trips to and from the site by the housekeeper, however this could be offset by the trips that other members of family might make travelling to work elsewhere.

## VERY SPECIAL CIRCUMSTANCES

The proposed development is located outside housing development boundary and within Green Belt where the change of use and new buildings are generally considered inappropriate development. Furthermore, it is likely to have a greater impact on the openness of the Green Belt in relation to existing, and to detrimentally affect the surrounding AONB landscape setting of village and its heritage assets.

Para.87 of the NPPF explains that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Para.88 adds that "when considering any planning application, local planning authorities

should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

Very special circumstances by definition are rare and should be not easily duplicated at other sites.

The applicant argues that the proposal does not represent inappropriate development within Green Belt, but nevertheless puts forward the following special circumstances within the supporting Design and Access Statement:

- Provision of accommodation for staff and garage space necessary for the maintenance of the property and its future sustainability. It is reasonable to expect such facilities for this property.

The supporting statement also justifies the proposal on the grounds of visual improvement and refers to a planning case for garage/staff accommodation at Eastwood Manor in East Harptree (ref. 08/04178/FUL).

It is not considered that the applicant has demonstrated very special circumstances to outweigh the harm to the Green Belt and other harm.

- The proposal would be harmful to the setting of historic assets of the village and the openness of the Green Belt, contributing to the deterioration of its verdant open character. It would represent a form of scattered development outside the village envelope to the detriment of its setting and rural amenity of the area.

- With regards to the provision of housing for the housekeeper, it has been noted that planning permission 98/02841/FUL, inter alia, included a 'housekeepers flat within basement area of the house to replace an existing housekeeper's accommodation on the second floor'.

- The house also used to have an integrated double garage to the lower ground floor, and it was converted by the current owner to a study under listed building consent 05/00431/LBA.

- The Eastwood Manor application related to a new building within the existing residential curtilage of The Manor, which also is outside Green Belt land, therefore there could not be a direct comparison between these two applications.

The justification emphasises that a building of this size and status would have historically had a range of ancillary buildings in order to function and service the main house, and since these buildings are now in a separate ownership, an additional building would be warranted. The former ancillary buildings of The Old Rectory are still in existence contributing to its setting. Whilst it has been noted that the current arrangements are not satisfactory to the owner of The Old Rectory, it is noted that the building has been operated within its current curtilage for a number of years. On the other hand, the harm caused by the loss of an open green space and the new building within the Green Belt and the Conservation Area would remain long after these personal circumstances ceased to be a material consideration, therefore this argument should be given little weight when reaching a decision on planning application. Additionally, if permission was granted on the basis of such circumstances, it would set an unfortunate precedent that would significantly compromise the Council's ability to resist similar developments in the rest of the village.

## CONCLUSION

Given the above, it is considered that the proposal would constitute inappropriate development within Green Belt, which would be harmful by definition and would fail to preserve the openness of the Green Belt and would undermine the purposes of including the land within it. The proposed development of the site would be harmful in the context of the AONB and the setting of Combe Hay Conservation Area. The totality of harm to the Green Belt by reason of inappropriateness, and any other harm, is not considered to be clearly outweighed by other considerations. The application is therefore recommended for refusal.

## RECOMMENDATION

REFUSE

## REASON(S) FOR REFUSAL

1 The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition. No very special circumstances have been demonstrated to clearly outweigh the harm. The proposal is therefore contrary to the guidance set out in the National Planning Policy Framework (March 2012) and Policy GB.1 of the Bath and North East Somerset Local Plan, including minerals and waste policies adopted October 2007.

2 The proposed development would have a significant impact on the openness of the Green Belt and would conflict with the purposes of including the land within Green Belt by encroachment which is detrimental to the open rural character of the surrounding area. The proposal is therefore contrary to the guidance set out in the National Planning Policy Framework (March 2012) and Policies GB.1 and GB.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies adopted October 2007.

3 The proposed scheme by reason of its siting and design and loss of an important open space would detrimentally affect the setting of the protected building, the surrounding Combe Hay Conservation Area and the setting of the village within the AONB. Therefore the proposal is contrary to the requirements of National Planning Policy Framework (March 2012), as well as Policies BH.2, BH.6, BH.15, and NE.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

## PLANS LIST:

OS Extract 25 Mar 2014 M8 LOCATION PLAN  
OS Extract 25 Mar 2014 M9 HISTORICAL SITE PLAN  
Drawing 25 Mar 2014 M4 SITE SURVEY  
Drawing 25 Mar 2014 M5C PROPOSED GARAGE ELEVATIONS AND FLOOR PLAN  
Drawing 25 Mar 2014 M6A PROPOSED BLOCK PLAN

Decision Taking Statement: In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined

in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding advice provided during previous application, the applicant chose to re-submit the application. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. The fundamental issues could not be overcome, and the applicants chose not to withdraw the application. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.