

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **30th 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**

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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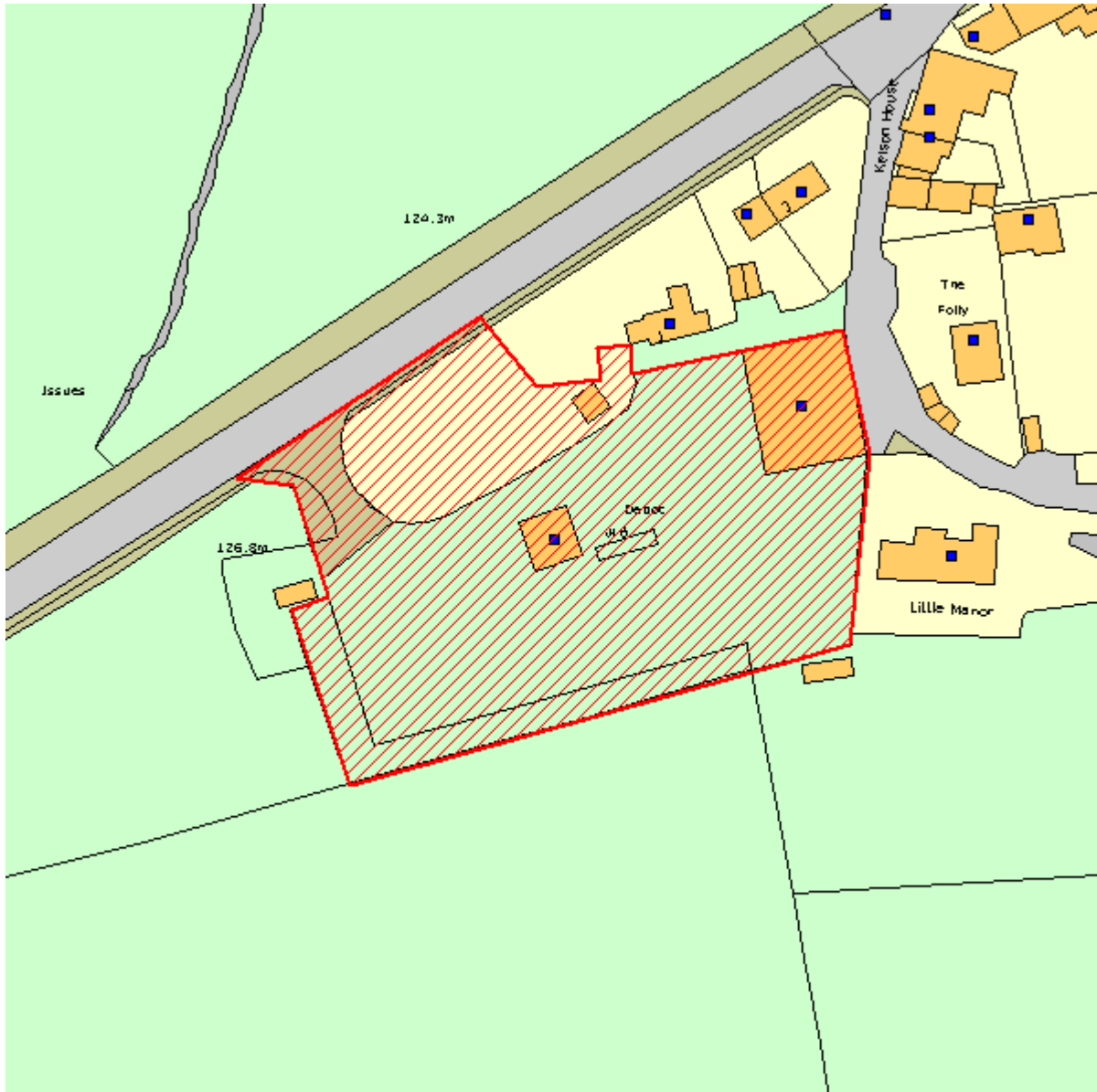
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	14/00862/OUT 23 May 2014	Boystown Ltd W T Burden Ltd, Bath Road, Farmborough, Bath, BA2 0BD Demolition of existing building and redevelopment of site with up to 14 dwellings with associated means 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
02	14/00839/EMINW 9 July 2014	Gazelle Properties Ltd Fosseway Environment Park, Fosseway, Englishcombe, Bath, Bath And North East Somerset Proposed erection of residual waste facility including a materials recovery facility, anaerobic digestion plant, reception building, weighbridge, outdoor storage areas and other ancillary development. (Outline application with access to be determined all other matters reserved)	Bathavon West	Chris Herbert	PERMIT
03	13/01733/FUL 20 August 2014	Freemantle Capital (Coombe Down) Ltd Rockery Tea Gardens Vacant Premises, North Road, Combe Down, Bath, BA2 5DN Erection of a detached single storey dwelling (revised proposal).	Combe Down	Rachel Tadman	Delegate to PERMIT
04	14/01124/FUL 9 July 2014	Golden Valley Paddocks Ltd Parcel 2866, Woolley Lane, Charlcombe, Bath, Bath And North East Somerset Erection of 2no. mobile field shelters.	Bathavon North	Richard Stott	PERMIT

05	14/02308/FUL 15 July 2014	Poulton Ltd Somerset Inn, Bath Road, Poulton, Bristol, Bath And North East Somerset Change of use of Public House (Use Class A4) to form a single dwelling (Use Class C3) and associated works. (Resubmission).	Paulton	Daniel Stone	REFUSE
06	14/00808/FUL 16 April 2014	Mr Nick Pollett Whiteways, White Cross, Hallatrow, Bristol, Bath And North East Somerset Erection of 2no. holiday cottages to expand existing B&B business following the demolition of existing outbuildings (Resubmission)	High Littleton	Daniel Stone	REFUSE
07	14/01943/FUL 4 August 2014	Mr Andrew Pegler Bathway House, 144 London Road West, Lower Swainswick, Bath, BA1 7DD Erection of 2no detached dwellings and associated landscape works	Lambridge	Alice Barnes	REFUSE
08	14/00958/VAR 1 August 2014	St James' Surgery St James Surgery , 8 - 9 Northampton Buildings, Lansdown, Bath, Bath And North East Somerset Variation of condition 6 of application 08/04692/FUL. (Erection of a new surgery annexe (Use Class D1) and first floor apartment (Use Class C3) following demolition of garages)	Kingsmead	Alice Barnes	PERMIT
09	14/01542/FUL 27 May 2014	Mr Sam Sardo 135 Englishcombe Lane, Southdown, Bath, Bath And North East Somerset, BA2 2EL Erection of a new dwelling	Oldfield	Tessa Hampden	REFUSE
10	14/01624/FUL 1 August 2014	Mr Neil Saunders Charnwood House, Rankers Lane, Compton Dando, Bristol, Bath And North East Somerset Erection of extension to garage to form car ports and store	Farmboroug h	Chris Griggs- Trevarthen	REFUSE
11	14/02319/FUL 15 July 2014	Mr Chris Watt 3 High Street, Wellow, Bath, Bath And North East Somerset, BA2 8QH Erection of rear single storey extension, attic conversion and roof alterations with conservation lights	Bathavon South	Rebecca Roberts	PERMIT
12	14/02384/LBA 12 August 2014	Mr Chris Watt 3 High Street, Wellow, Bath, Bath And North East Somerset, BA2 8QH Internal and external alterations to include the erection of single storey rear extension, attic conversion, alterations to roof, installation of conservation lights, removal of modern internal wall and lining wall, reposition of modern staircase to first floor and installation of new staircase to roof space.	Bathavon South	John Davey	CONSENT

13	14/01866/FUL 9 July 2014	Mr Chris Watt Land And Buildings To Rear Of 1-7 High Street, Mill Hill, Wellow, Bath, Bath And North East Somerset Conversion of former farm buildings to form 1No. dwelling with associated works. (Resubmission with revisions of 13/02812/FUL)	Bathavon South	Rebecca Roberts	PERMIT
14	14/01867/LBA 9 July 2014	Mr Chris Watt Land And Buildings To Rear Of 1-7 High Street, Mill Hill, Wellow, Bath, Bath And North East Somerset Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission with revisions of 13/02813/LBA)	Bathavon South	Rebecca Roberts	CONSENT

**REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON
APPLICATIONS FOR DEVELOPMENT**

Item No: 01
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
Expiry Date:	23rd May 2014
Case Officer:	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.

At the Development Control Committee meeting on 2nd July Members decided to grant planning permission. However, as the decision was considered contrary to Council Green Belt Policy and was contrary to Officer advice the Team Manager, Development Management exercised his delegated power under Paragraph 7 of the Committee's Protocol to rendered the decision of no effect until the application is reconsidered by the Committee at a subsequent meeting when it can make such decision as it sees fit.

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 Leylandii 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

Farnborough 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: Farnborough 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 Farnborough 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

At its meeting on 10th July 2014 the Council approved the Core Strategy for Development Management purposes. The following policies should be considered:

Saved local plan policies

D.2: General design and public realm considerations

D.4: Townscape considerations

GB.2: Visual amenities of the Green Belt

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

Replaced local plan policies

CP6 - Environmental Quality

CP8- Green Belt

CP9 - Affordable housing

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 2nd July the application has been deferred to the meeting of the 30th July.

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 recommended 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, saved policy Gb.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 and policy CP8 of the adopted Core Strategy July 2014

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: 02
Application No: 14/00839/EMINW
Site Location: Fosseyway Environment Park Fosseyway Englishcombe Bath Bath And North East Somerset



Ward: Bathavon West **Parish:** Combe Hay **LB Grade:** N/A

Ward Members: Councillor David John Veale

Application Type: EIA Minerals & Waste Application

Proposal: Proposed erection of residual waste facility including a materials recovery facility, anaerobic digestion plant, reception building, weighbridge, outdoor storage areas and other ancillary development. (Outline application with access to be determined all other matters reserved)

Constraints:	Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, MOD Safeguarded Areas, Regionally Important Geological Site RIG, Sites of Nature Conservation Interest, Tree Preservation Order,
Applicant:	Gazelle Properties Ltd
Expiry Date:	9th July 2014
Case Officer:	Chris Herbert

REPORT

Introduction

This is an outline application for a residual waste treatment facility on land at the former Fullers Earthworks which forms part of a site allocated for this purpose in the West of England Joint Waste Core Strategy. The Joint Waste Core Strategy identifies the key development criteria for the site as follows:

- o Traffic;
- o Strategic Flood Risk Assessment;
- o Habitats Regulation Assessment;
- o Bats;
- o Site design;
- o Visual Impact;
- o Green Belt; and
- o Land Contamination

An Environmental Impact Assessment has been undertaken on the application site and the report has considered all the environmental information that has been submitted.

Details of Location and Proposal and Relevant History:

The application site is approximately 700m from the urban edge of Bath and 250m from the Odd Down park and ride site on the south western side of Bath. The A367 forms the northern boundary of the application site and to the south is woodland which runs down to Combe Hay Lane. Immediately to the west is the remainder of the former fullers earth works site (ie the existing buildings are not included in the application site) and beyond that there is agricultural land which is currently the subject of an improvement scheme. To the east there is open land which is currently overgrown and separates the application site from the park and ride facility.

Designations close to the application site include the Cotswold AONB to the south and the Bath World Heritage to the east. Designations on the application site itself include Green Belt, site of nature conservation importance, regionally important geological site and a tree preservation order. In addition the application site and the area of the former fullers earth works buildings are all allocated in the West of England Joint Waste Core Strategy as a site for a residual waste management facility.

The application site proposes the use of the existing site access on to the A367 and currently appears to be used for the storage and processing of inert material in conjunction with the activities taking place within some of the existing buildings which results in the application site being covered in large stockpiles of this material.

The application site and adjoining land has an extensive planning history which is currently the subject of enforcement action by the Council and for which a public inquiry has been programmed for November 2014. It remains the Council's view that the majority of the application site does not have a historic B2 use and the planning application has been considered and assessed on that basis.

The planning application is for a residual waste treatment facility capable of processing up to 100,000 tonnes per annum of non hazardous waste. The proposed facility would consist of the following elements:

- o A site reception building and associated weighbridge;
- o A materials recovery facility;
- o An anaerobic digestion plant;
- o Outside storage bays and hardstanding;
- o Structural landscaping; and
- o Other ancillary development including fencing, drainage and access improvements.

The estimated HGV movements associated with the proposed development would be 128 (64 in and 64 out) a day and would utilise the existing site access on to the A367.

The application is submitted in outline form with all matters, except access, reserved for future consideration. But the current application does provide maximum parameters regarding height, location, form, scale, opening hours and tonnage limits.

The materials recycling facility (MRF) would be a steel portal framed building with a maximum height of 12m. The existing ground level would be lowered by between 1m and 1.5m to reduce the height of the buildings. Waste would be delivered to enclosed waste reception area but other sections of the MRF would be open fronted. Processes within the MRF would include:

- o Separation of mixed waste streams into specific material streams (timber, metals, plastic, paper, card) via manual and automated systems;
- o Further processing of some materials, such as wood shredding, would be carried out to produce a recycled product;
- o Material suitable for a refuse derived fuel would be diverted for drying and shredding to produce a RDF.

The anaerobic digestion (AD) facility would treat organic waste and consist of:

- o A biogas building including CHP plant;
- o Odour abatement system;
- o Primary and secondary digester tanks;
- o Digestate storage tanks;
- o Feedstock buffer and pasteurisation tanks; and
- o Gas flare

The MRF and AD would operate in combination with food and organic waste being separated during the first stages of sorting/processing in the MRF and sent on to the AD facility.

Maximum heights of the proposed buildings and tanks would again be 12m and the stack for the CHP plant would be 15m maximum. Gas from the process would be burnt to generate electricity which would be exported to the national grid. This will require the

installation of a new grid connection which would run underground along the A367 to a substation at Entry Hill, details of which would be the subject of a separate application and are unlikely to have significant environmental effects.

All waste treatment and handling would be undertaken inside of the proposed buildings which would be subject to odour abatement controls.

In addition to the two built waste management facilities an area of hardstanding and storage bays for the outside storage of recycled materials is proposed with a maximum stockpile height of 5m. In addition areas of HGV and car parking are proposed.

Hours of operation are stated as not known. However whilst the AD process would be a continuous one the application has been considered on the basis that waste imports/exports and external activities would be limited to daytime hours only (0700-1800 hours).

An outline lighting scheme has been proposed providing for floodlighting with appropriate shielding to prevent the escape of upward light on either the proposed buildings or lighting columns of up to 10m for which it is stated that these would only operate during the main opening hours for the site of 0700 to 1800. In addition there would be low level bollard style lighting of the internal site access roads and walkways as these would be utilised at night when site operatives would need to access the AD facility.

A landscape masterplan is proposed for the site which includes tree and shrub planting and low level bunding on the northern, eastern and southern sides of the application site. In addition it is proposed to extend the landscaping on land under the control of the applicant to the west of the application site.

It is estimated that the development would create up to 40 new full time jobs.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: No objections subject to conditions.

ENVIRONMENTAL PROTECTION: No objections subject to conditions.

ENVIRONMENTAL PROTECTION (Contaminated Land): No objections subject to conditions.

LANDSCAPE: No objections subject to conditions.

ECOLOGY: No objections.

NATURAL ENGLAND: No objections.

ENVIRONMENT AGENCY: No objections subject to conditions.

ARCHAEOLOGY: No objections.

ABORICULTURE: No objections subject to conditions.

COMBE HAY PARISH COUNCIL: No comments received.

SOUTH STOKE PARISH COUNCIL: Object in principle. The access is entirely inadequate, the application pays insufficient regard to its highly sensitive location and it is inappropriate development in the Green Belt next to the AONB and the World Heritage designation. The planning status of the land is still unresolved and it is not possible to determine the application until the enforcement proceedings have been resolved. The application is premature and should be refused.

ENLISHCOMBE PARISH COUNCIL: Notes this application and has no immediate concerns with this development at this time.

DUNKERTON PARISH COUNCIL: Support the application subject to it being strictly in line with policies of the BANES Local Plan and request that a far more effective landscape scheme is implemented to shield the site from the A367.

REPRESENTATIONS: At the time of writing this report 17 individual letters of objection had been received on this application, together with 1 letter of support. Main objections relate to traffic, Green Belt, impact on the AONB and impact on the gateway to the World Heritage Site, potential instability, impact on wildlife, impact on local residents, noise, dust, odour, visual impact and there should be a consolidation and regulation of what is happening on the site at present and private companies may not put the environment and people first so it should be a Council run site. Finally it is not proper to consider this application until the result of the enforcement action is known.

In addition letters of objection have been received from the Bath Preservation Trust and Protect Bath.

The Bath Preservation Trust objects to the extension of this industrial site in advance of the clarification of the planning status of the site which is to be determined by the enforcement action that is currently underway. The JWCS does not prejudge the determination of proposals and specifically refers to the fact that permission will not be granted for waste proposals which harm the AONB or World Heritage Sites and their settings. The associated Inspector's Report reinforces the need for any development to take account of the constraints on the site and that it would be wrong to anticipate the acceptability of forms of development different from those assessed through the preparation of the JWCS. In order to meet these constraints it is considered that a minimalist new facility should be constructed on the old industrial site and for the other site uses to be removed. Instead the applicant seeks to retain the uses already on the site and building a large new tall facility on land where the planning status is contested. The trust consider the application to be premature and contrary to policies protecting the Green Belt, conserving and enhancing the natural environment and conserving and enhancing the historic environment.

The objection from Protect Bath is made on the following grounds:

- o Application would cause substantial harm to the Green Belt for which no very special circumstances are demonstrated;
- o The application site is within the Green Belt, AONB and World Heritage Site and will encourage urban extension into a highly sensitive environmental location;

- o Site lies in an attractive and sensitive landscape and the application does nothing to enhance the character and will cause considerable adverse impacts for a number of years;
- o Screening and planting will take 15 years to screen the proposed development and even after 15 years there will be an adverse impact, given the importance of this site and the special protection given to the surrounding area the significant impact is unacceptable;
- o There will be a noticeable increase in traffic movements to and from the site and these will have a detrimental impact on the surrounding area and residents;
- o The impacts of the proposal on the surrounding area and local residents will be considerable. This impact needs to be assessed with the current permitted use on the site and not what is currently taking place;
- o The site is an important habitat for bats and birds;
- o When considering these proposals the Council should not view this application against the current use of the site but should be compared with the current lawful use and recognise the proposed intensification does not protect the Green Belt;
- o The NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances; and
- o Do not consider that there are any very special circumstances.

The above letter has been made on behalf of the 900+ members of Protect Bath, 262 of whom have also submitted pro forma responses objecting to the application on the same grounds as set above. Those submitting these pro forma responses have requested that their personal details are treated as private and confidential. These representations have therefore been treated as having been submitted through Protect Bath. Due consideration has been given to all matters raised in the above objections in the following report.

POLICIES/LEGISLATION

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF does not include policies on waste management and so PPS.10 remains in force until the proposed Planning for Sustainable Waste Management comes into force. The national consultation for this finished in September 2013 and the Government is currently analysing the feedback.

The NPPF confirms that it does not contain specific policies on waste but advises that local authorities should have regard to it so far as it is relevant. Key policies considered relevant to this application include: Green Belt, landscape and visual impacts, flood risk, cultural heritage, land contamination, traffic and design.

Due consideration has been given to the recently published National Planning Practice Guidance, March 2014

THE DEVELOPMENT PLAN

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- o Core Strategy (relevant policies: B1 Bath Spatial Strategy, B4 - World Heritage Site, SD1 - Sustainable Development, CP2 - Sustainable Construction, CP3 - Renewable Energy, CP5 - Flood Risk Management and CP8 - Green Belt.)
- o Saved Policies in the B&NES Local Plan (2007)* (relevant policies: ES5 on Drainage; ES 9, 10 and 12 on pollution, nuisance, health and noise; ES14 on stability; NE1 and NE2 on landscape; NE9 and NE10 on ecology; GB2 visual amenities of the Green Belt; M9 and T24 on highways.)
- o Joint Waste Core Strategy (relevant policies: Policies 5, 6, 11, 12 and 13 on Residual Waste Treatment Facilities, Planning Designations, General Considerations and Safeguarding).

OFFICER ASSESSMENT

WASTE MANAGEMENT POLICY: National waste planning policy is set out in PPS10 Planning for Sustainable Waste Management (PPS10) which seeks to deliver sustainable development by driving the management of waste up the waste hierarchy away from landfill and to help communities take greater responsibility for their own waste whilst ensuring that there is no harm to human health or the environment. In this regard the proposed development will divert waste from landfill in accordance with the waste hierarchy and provide additional capacity in accordance with the spatial strategy of the JWCS it is therefore considered to comply with the objectives of sustainable waste management and can therefore be considered to be sustainable development (NPPF and policy SD1), however the application site is also designated as Green Belt and the implications of that designation are considered later in this report.

PPS10 further advises that where proposals are in accordance with an up to date waste plan then applicants do not need to demonstrate a quantitative or market need for their development.

The application site is located on a site that is allocated for a residual waste management facility in the up to date West of England Joint Waste Core Strategy (JWCS). The JWCS identified a need in the West of England for additional residual waste treatment capacity in order to divert waste from landfill in accordance with national policy. Following an extensive site identification process the JWCS identified a number of sites in policy 5 to deliver the preferred spatial strategy in the West of England. In respect of the BANES area the JWCS identified an indicative capacity of 150,000 tpa of which the proposed development would deliver 100,000 tpa, this is not considered to prejudice the overall delivery of the strategy proposed in the JWCS as there remains the remainder of the allocated site at this location and the allocation at Broadmead Lane if additional capacity is required over the plan period. The proposed development is therefore considered to be in accordance with the spatial strategy of the JWCS and will meet the need for new residual waste treatment capacity identified in the JWCS.

In addition to waste management capacity the proposed development will also generate renewable energy and will therefore make a positive contribution to the targets within policy CP3 of the Core Strategy.

In respect of policy 6 of the JWCS there is a lack of waste management facilities of this type within the BANES area and material currently has to be exported for treatment or

disposal so there is considered to be demand for facilities of this nature. The proposed materials recycling facility (MRF) will ensure that the movement of waste up the hierarchy is encouraged by maximising the recovery of recycled materials before material is sent for energy recovery and the anaerobic digestion (AD) facility will recover energy and a connection to the national grid is available. The MRF and AD would operate in combination with food and organic waste being separated during the first stages of sorting/processing in the MRF and sent on to the AD facility.

GREEN BELT: As noted above the application within the Green Belt. Core Strategy policy CP8 largely mirrors national policy within the NPPF that identifies the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open and that the most important attributes of Green Belts are their openness and permanence.

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

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

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

1. To provide opportunities for access to the open countryside for the urban populations of Bath, Bristol, Keynsham and Norton Radstock.
2. To provide opportunities for outdoor sport and outdoor recreation near Bath, Bristol and Keynsham.
3. To retain attractive landscapes and enhance landscapes.
4. To improve damaged or derelict land.
5. To secure nature conservation interests.
6. To retain land in agricultural, forestry and related uses.

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

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

National and local policy establishes a presumption against inappropriate development in the Green Belt which by definition is harmful to the openness of the Green Belt. The NPPF sets out that very special circumstances to justify inappropriate development will

not exist unless the harm by reason of inappropriateness, and any other harm, is "clearly outweighed" by other considerations.

The buildings proposed are inappropriate development in the Green Belt and therefore it is necessary to require very special circumstances to be demonstrated in order to justify the development. In demonstrating very special circumstances a need for the development and the lack of alternative sites outside of the Green Belt are important considerations. In this particular case the JWCS, as an up to date adopted Plan, has already established that there is a need for new waste management capacity and the results of an extensive site selection exercise, which was tested at Examination, confirmed that there was a lack of alternative available sites outside of the Green Belt in the Bath area. Therefore the purposes and objectives of the Green Belt designation have already been considered and the principle of waste development at this location has been accepted and as required by the JWCS it is now for development proposals to demonstrate that the impact on the openness of the Green Belt has been minimised. The proposed site layout and design is considered to have minimised its impacts on the openness of the Green Belt by restricting new buildings to centre and back of the site and by lowering ground levels on the site to reduce final roof heights. In addition a comprehensive landscaping scheme around the boundaries of the allocated site has been proposed to assist in screening both the proposed and existing buildings on the site.

Officers therefore consider that that the factors that lead this site to be allocated in the JWCS confirm that the purposes and objectives of the Green Belt designation have been considered and outweighed by the need for sites to be allocated to deliver new waste management capacity needed in the West of England and that the impact on the openness of the Green Belt has been minimised by the proposed site design, layout and landscaping.

Having regard to the proposed site design, layout and landscaping and the Council's landscape adviser's advice it is also considered that the proposed development would not be visually detrimental to the Green Belt in this location and it is not therefore contrary to policy GB2 of the save policies in the Local Plan.

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

SITE DESIGN: A requirement in the Key Development Criteria for the application site is that the site design should be of a high standard and that this relates to the built development, site layout and landscaping. Officers have considered whether these criteria should be applied to the allocation as a whole but no aspect of this proposal will compromise the development of the remainder of the allocation site for its intended purpose, or its ability to achieve a high standard of design when it comes forward and the existing waste use on the remainder of the allocated site is safeguarded by policy 13 of the JWCS.

In respect of design iterations the development has gone through a number of stages whereby an earlier layout which incorporated additional buildings was rejected by the Council at the pre-application stage. In addition the proposed landscaping scheme was enhanced to treat, in landscaping terms, the allocated site as a whole to ensure it was enclosed by a high quality landscaping scheme. Finally the application also seeks to lower existing ground levels by up to 1.5m to reduce building heights and to incorporate

some low level bunding into the landscaping scheme to enhance the screening effects. All these elements are considered to combine to provide a high quality site layout and whilst the waste management building designs are driven by function it is considered that their design is appropriate to deliver a residual waste treatment facility in accordance with policy 12 of the JWCS.

The changes secured to the site design are considered important as it links to the need for any development to minimise its impact on the openness of the Green Belt which the current site design is considered to do.

LANDSCAPE: A landscape and visual assessment has been undertaken and the proposed development has been comprehensively assessed from a number of viewpoints which were discussed and agreed in advance with the Council's landscape adviser. The Council's landscape adviser is therefore clear that the scheme would not have a detrimental impact on the Green Belt, or the setting of the World Heritage designation and AONB. The need for a high quality landscaping plan and for control over cladding and colour is identified as important and it is considered that this can be adequately controlled by condition.

The proposed outline landscape masterplan as submitted treats, in landscaping terms, the allocated site as a whole to ensure it was enclosed by a high quality landscaping scheme. The application also seeks to lower existing ground levels by up to 1.5m to reduce building heights and to incorporate some low level bunding into the landscaping scheme to enhance the screening effects. The proposed mitigation is therefore considered appropriate for minimising the impacts on the development in the location. It is accepted that the landscaping will take some time to mature but a combination of the low level bunding proposed and the ability to condition the timing and maturity of the proposed planting is considered to provide an appropriate level of screening in the early years of the development.

It is noted that the original assessment by the applicant considered the stockpiles currently on the site to form the baseline for the site but additional assessment work was requested to consider the baseline as being no stockpiles and this did not significantly affect the conclusions of the assessment work. The Council's landscape adviser has considered this additional assessment work and agrees with its findings and therefore continues to have no objections to the proposed development.

The proposed development is not considered to conflict with policies NE1 and NE2 of the Local Plan and policies 11 and 12 of the JWCS.

CULTURAL HERITAGE: An archaeological evaluation of the site has been undertaken and no archaeological remains have been uncovered. Accordingly it is considered that there will be no impact on the below ground archaeological resource as a result of the proposed development. It is also noted that contrary to the representations received the application site is not located within the World Heritage site. The key consideration is therefore the impact the proposed development may have on the setting of the World Heritage designation as it is located on one of the main approach roads to the city. A comprehensive number of viewpoints were considered and included in the landscape and visual assessment of the proposed development which were agreed with the Council's landscape adviser. Having regard to the conclusions reached on the landscape and

visual impact of the proposed development as considered without the stockpiles in place and in combination with the existing development on the site it is considered that there are no significant adverse effects. Therefore the proposed development does not harm the outstanding universal value of the setting of the World Heritage site in accordance with policy B4 of the Core Strategy and the City of Bath World Heritage Setting SPD and policies 11 and 12 of the JWCS.

ECOLOGY: Habitat, bird and bat surveys were carried out and the site was found to comprise of tall ruderal vegetation, amenity grassland, tress, scrub and hedgerow. This confirms that whilst the application site is designated as a site of nature conservation importance there is no current nature conservation interest on the site and this will not alter whether the site has permission for the existing uses or not.

No evidence of badgers, reptiles or protected bird species were found but evidence of bats was found in the lofts of the two residential properties and in the engine room of the existing waste facility. However these buildings are outside of the application site and will not be affected by the proposed development. The proposed development will not therefore adversely affect any protected species.

No objections have been received from either Natural England or the Council's ecological advisor and the proposed development is not considered to conflict with policies 11 and 12 of the JWCS of policies NE9 and NE10 of the saved policies of the Local Plan.

LAND CONTAMINATION: A desk study of available information was undertaken and the overall risk from land contamination was considered to be low to moderate for the application site and that further intrusive investigations would be required as part of the development process. In addition the applicant has confirmed that the proposals to lower existing ground levels by approximately 1 to 1.5m (to reduce the height of the proposed buildings) will not have an adverse impact on the stability of the former mine workings in the area.

There are no objections from Environmental Protection and the Environment Agency subject to conditions and the proposed development is not considered to conflict with policy ES14 of the Local Plan or policy 12 of the JWCS.

HIGHWAYS: Policy M9 requires that applications for minerals and waste development will only be permitted where the highway is adequate for the type and volume of traffic proposed or that it can be upgraded without harm to the environment. It also requires that alternatives to road are used unless they are not commercially or environmentally suitable. Policy T24 provides similar tests, requiring a high standard of highway safety for all road users and avoiding the introduction of excessive traffic on unsuitable roads. Policy 12 of the JWCS has similar requirements.

The site has an existing direct access onto the A367 and the proposed development would use this existing access which is considered to be fit for purpose. It is estimated that the proposed development would generate 128 HGV movements a day (64 in and 64 out) which would be in addition to the existing vehicle movements at the existing waste facility which adjoins the application site. However it is considered that these additional numbers can be adequately accommodated on the highway network with no adverse impacts and that subject to conditions there are no Highway objections to the proposed development.

Whilst concerns have been expressed regarding the additional traffic movements the A367 is a main road which is designed to be used by this type of traffic and it is agreed that there is no potential for alternative forms of transport (rail or water) to be used at this site. Acceptable levels of on site parking for employees and HGVs have been provided and the internal site access roads provide adequate capacity for on site queuing to prevent vehicles backing up on the A367. The proposals are therefore considered to be acceptable and comply with policies M9 and T24 of the Local Plan and policy 12 of the JWCS.

POLLUTION, NUISANCE, NOISE AND HEALTH: Policy ES9 deals with pollution and states that a development will not be permitted where it poses an unacceptable risk of pollution. Because this is a waste management development it is important to understand the relationship between the planning system controlled by the Council and the pollution control system administered by the Environment Agency. This is because the development will require both a planning permission from the Council and an environmental permit from the Environment Agency in order to operate. An environmental permit cannot be issued until planning permission is granted and in addition Government policy advises (NPPF) that planning authorities should focus on whether the development itself is an acceptable use of land and the impact of the use rather than the control of processes and emissions which are subject to approval under the pollution control regime, which local authorities should assume will operate effectively. Based on the consultation responses received and the conditions proposed it is therefore considered that the proposed development does not pose an unacceptable risk of pollution, and it therefore complies with policy ES9.

Policy ES10 of the Local Plan and policy 12 of the Joint Waste Core Strategy deal with air quality including dust, odour and health and the assessments undertaken demonstrate that dust from the site and emissions from the CHP engines would not be significant and that potential odour emissions from the waste management activities would be alleviated by the installation of an odour abatement system.

Policy ES12 of the Local Plan and policy 12 of the Joint Waste Core Strategy deals with noise and vibration and surveys have been undertaken to confirm that the proposed development would not generate any adverse noise impacts on existing residential receptors due to appropriate design and mitigation of the buildings.

The Council's Environmental Protection Officer has no objection subject to conditions and the proposed development is therefore considered to comply with policies ES9, 10 and 12 of the Local Plan and policy 12 of the JWCS.

FLOODING: Policy CP5 of the Core Strategy deals with flood risk management but the development is not within a flood risk area and is not considered to increase the risk of flooding elsewhere. Therefore subject to a condition to manage surface water run off there is no conflict with policy CP5.

DRAINAGE: Policy ES5 of the Local Plan deals with surface water drainage and requires that development should not be permitted where there is inadequate surface water infrastructure and it would result in surface water problems off site. Consultation

responses confirm that this can be adequately dealt with by condition and the proposed development does not therefore conflict with policy ES5.

OTHER MATTERS: Representations raise the issue that the application is premature as the planning status of the land has not been resolved because of the outstanding enforcement issues at the site. However the planning status of the site in relation to this particular application is clear in that it has been allocated as a site for a residual waste management facility in an up to date waste plan and the current enforcement proceeding do not and will not affect this designation. It is therefore considered that it is appropriate to determine this application and officers have, moreover, considered the impacts based on the majority of the application site not having a historic B2 use which is the Council's position in the enforcement proceedings.

Finally in respect of comments made by the Inspector who held the Examination in to the JWCS that, it would be wrong to anticipate the acceptability of forms of development different from those assessed through the preparation of the JWCS, it is noted that the Inspector was talking in that regard about proposals to extend the boundaries of the allocated site even further to allow for development such as balancing ponds on adjacent land. Conversely the planning application is for a form of development assessed through the preparation of the JWCS.

CONCLUSION AND CONSIDERATION OF WHETHER VERY SPECIAL CIRCUMSTANCES EXIST:

The proposed development is on a site allocated for this purpose in an up to date Waste Core Strategy. The assessments undertaken indicate that there would be no significant effects on the AONB, World Heritage Site, the Green Belt and the local environment including local ecology or the local community. The consultation responses received from technical consultees confirm that, subject to conditions, they also believe this to be the case. The concerns expressed by local residents and some of the parishes have all been considered but it is considered that the evidence does not support the view that there will be a significant adverse impact on the environment, ecology or local communities.

Officers consider that very special circumstances are demonstrated for the proposed development, and in coming to this conclusion, it is necessary to consider if the very special circumstances "clearly outweigh" the harm by reason of inappropriateness to the Green Belt "and any other harm".

Officers therefore consider that that the factors that lead this site to be allocated in the JWCS confirm that the purposes and objectives of the Green Belt designation have been considered and outweighed by the need for sites to be allocated to deliver new waste management capacity needed in the West of England and that the proposed development minimises its impact on the openness of the Green Belt in this location having regard to the proposed site design, layout and proposed landscaping as required by the JWCS. With regard to any other harm the impacts of the proposed development have been fully considered and subject to conditions no unacceptable impacts have been identified.

It is therefore considered that the proposed development complies with the policies of the Core Strategy, Local Plan and the JWCS as well as national planning policy. Having

considered all the environmental information it is recommended that the application is approved subject to conditions.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 Details of the, appearance, landscaping, layout and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

2 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 2 years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

4 The layout and scale of the proposed buildings and tanks shall conform with the description in the Design and Access Statement and Drawing No. 214.15 dated 18/02/2014 and shall comply with the following limits:

- i. Buildings shall not exceed a ridge height of 12 metres;
- ii. Gross new internal floor area shall not exceed 2313m²;
- iii. A maximum of 2 digester tanks and 1 digestate storage tank; and
- iv. The above tanks to not exceed 12 metres in height and 15.2 metres in diameter

Reason: In the interest of visual amenities and the landscape character of the area and in order to safeguard the openness of the Green Belt.

5 Before the development hereby permitted commences details of the finished floor levels of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interest of visual amenities and the landscape character of the area and in order to safeguard the openness of the Green Belt

6 The development hereby permitted shall not be commenced until a schedule of materials and samples of such materials and finishes and colours to be used for external walls, roofs and tanks of the proposed development have been submitted to and approved

in writing by the Local Planning Authority. Development shall thereafter proceed in accordance with the approved details.

Reason: In the interest of visual amenities and the landscape character of the area

7 No more than 100,000 tonnes of waste per annum shall be imported to the application site. Records of the amounts of imports of waste for each calendar month shall be taken and shall be made available to the Local Planning Authority within 10 working days of receiving such a request.

Reason: In the interests of highway safety.

8 Vehicle movements into and out of the application site shall be restricted to a maximum of 128 HGV movements (64 in and 64 out) per day. The applicant shall keep a log of all HGV movements which shall be made available to the Local Planning Authority within 10 working days of receiving such a request.

Reason: In the interests of highway safety.

9 Adequate sheeting shall be provided on uncovered vehicles when exiting the site to ensure there is no material deposited onto the highway.

Reason: In the interests of highway safety.

10 Prior to the commencement of the development details of the means of access, including amended internal junction radii and a pedestrian safe zone, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of highway safety.

11 Prior to the commencement of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the hours of operation of the site, provision of wheel washing facilities, and the details of the method of monitoring for HGV movements. The development shall thereafter operate in accordance with the approved details.

Reason: In the interests of highway safety.

12 Prior to the development being first brought into use details of the type and location of a covered cycle shelter and cycle stands shall have been submitted to and approved in writing by the Local Planning Authority. The cycle shelter and cycle stands shall be provided prior to the site being first brought into use.

Reason: In the interests of sustainable development.

13 Before the development hereby permitted commences a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise (including vehicles), dust and odour emanating from the

application site. The approved scheme shall be implemented prior to the receipt of waste at the application site and thereafter maintained in accordance with the approved details.

Reason: To protect the amenities of the area.

14 No work for the implementation of the development hereby permitted shall be undertaken on the application site except between the hours of 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. No works shall be undertaken on Sundays, Bank and Public Holidays.

Reason: To safeguard neighbouring amenity.

15 No waste deliveries, export of waste or recycled/processed materials or any external activities shall take place on the application site except between the hours of 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturdays. No works shall be undertaken on Sundays, Bank and Public Holidays.

Reason: To safeguard neighbouring amenity.

16 No development shall take place until full details of both the hard and soft landscaping works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in their entirety within 12 months of receiving written approval.

Reason: In the interest of the visual amenities and the landscape character of this part of the Green Belt.

17 All bunding, planting and seeding comprised in the approved landscaping works shall be carried out prior to the occupation of any of the buildings or the use of the processed/recyclable material storage area. Any plants or trees which within a period of five years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure the successful establishment of the approved landscaping scheme

18 No development activity shall take place until a detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details in that implemented as appropriate. The final method statement shall incorporate a provisional programme of works, supervision and monitoring details by an Arboricultural Consultant and provision of site records and certificates of completion and compliance. The statement should also include the control of potentially harmful operations such as construction access, storage, handling and mixing of materials on site, access improvements, burning, location of site office, service run locations including soak-away locations and movement of people and machinery.

Reason: To ensure the protected trees to be retained are not adversely affected by the development proposals.

19 All stockpiles on the application site shall not exceed a height of four metres above 177.73m AOD.

Reason: In the interests of visual amenities and the landscape character of the site and protecting the openness of the Green Belt.

20 No waste shall be stored on the application site at any time except within buildings.

Reason: In the interest of visual amenities and the landscape character of this part of the Green Belt.

21 No processed/recyclable materials or skips shall be stored or stacked on the application site at any time except within buildings or the processed/recyclable material storage area.

Reason: In the interest of visual amenities and the landscape character of this part of the Green Belt.

22 No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interest of visual amenities and the landscape character of this part of the Green Belt.

23 Any outflow from the application site must be limited to Greenfield run-off rates and discharged incrementally for all return periods up to and including the 1 in 100 year storm event.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

24 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details on the following matters:

- i. A clearly labelled drainage layout plan showing any pipe networks, swales, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes.
- ii. Model runs to demonstrate that the critical storm duration is being used.
- iii. Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
- iv. Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with Table 5 of the Technical Guidance to the National Planning Policy Framework (NPPF).

v. Clarification over the storage volume requirement shown in the micro drainage calculations which suggest that more storage is required than currently shown on the proposed surface drainage strategy drawing.

vi. Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

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

25 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment.

26 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i) a preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the LPA. The scheme shall be implemented as approved.

Reason: To prevent pollution of the water environment.

27 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and

monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of the water environment.

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

Reason: To prevent pollution of the water environment.

29 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

30 The development hereby approved shall not be occupied until parking, turning and access facilities have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety

31 1 Before the development hereby permitted commences a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will cover the following:

- i. A description of the sensitive features or receptors associated with the Application Site and surrounding area, and the rationale for protection of these features (known as the Environmental Impacts / Aspects register);
- ii. An overall programme for construction activities, together with method statements and risk assessments relating to certain activities;
- iii. Details including deliveries (including storage arrangements and timings), contractor parking, traffic management and any need for cranes for construction;
- iv. The control measures and monitoring requirements to be implemented during each stage of the construction works to minimise resource use, protect the environment or minimise disturbance of sensitive receptors;

- v. Names of the nominated person(s) responsible for implementing these measures and undertaking the required monitoring, and the person(s) responsible for checking that these measures have been implemented and monitoring completed;
- vi. Reporting procedures and documentation requirements in relation to implementation of the control measures and monitoring; and
- vii. Actions to be taken in the event of an emergency or unexpected event.

In addition it should reflect the mitigation measures with respect to dust controls detailed in the Environmental statement 6.147 (page 143) in addition to the Council's Code of Practice to Control noise from construction sites (see informative).

Reason: In the interests of sustainable construction and to minimise the disturbance to the surrounding area during the construction period.

32 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 Application Boundary Plan, Drawing No. 214.17 dated 18/02/2014; Proposed Illustrative Site Plan, Drawing No. 214.15 dated 18/02/2014; Existing Topographical Survey, Drawing GRP/004/01; Proposed Illustrative Floor Plan, Drawing No. 214.16 dated 18/02/2014; Proposed Illustrative Site Sections, Drawing No. 214.10 Rev A dated 27/11/ 2013; Indicative Site Sections A-C, Drawing No.12-14-37 Rev 0 dated 29/04/2014; Illustrative Landscape Masterplan, Drawing No. 12-14-29 Rev C dated 28/01/2014.

2 ADVICE NOTE:

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

3 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 and for the reasons given, and expanded upon in the related case officer's report, a positive view of the submitted proposals was taken and permission was granted.

Item No: 03
Application No: 13/01733/FUL
Site Location: Rockery Tea Gardens Vacant Premises North Road Combe Down
Bath BA2 5DN



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor R A Symonds
Application Type: Full Application
Proposal: Erection of a detached single storey dwelling (revised proposal).
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, Mineral Consultation, Water Source Areas, World Heritage Site,
Applicant: Freemantle Capital (Combe Down) Ltd
Expiry Date: 20th August 2014
Case Officer: Rachel Tadman

REPORT

The site of the Rockery Tea Gardens is located on the south side of North Road, approximately 350 metres east of its junction with Ralph Allen Drive and 100 metres west of the junction with Shaft Road.

The site comprises a former quarry and was used as a Tea Garden until work recently commenced to construct two houses and nine apartments granted planning permission under application ref: 08/03370/FUL in December 2010.

The site has a frontage of 45 metres to North Road and slopes away to the quarry floor approximately 5 metres below street level. The whole Tea Garden site has a total area of approximately 0.85 hectares.

To the east of the site are three chalet bungalows on the south side of North Road, whose rear gardens adjoin the application site. To the west of the site is the access drive to Monkton Combe Junior School and the school playing fields and there are two storey houses further to the west on the south side of North Road. On the opposite side of North Road is a high stone wall with woodland beyond. To the south-east of the site is modern terrace housing fronting on to St Winifreds Drive.

The site is located just outside the City of Bath Conservation Area, the southern boundary of which follows North Road, but the site is within the World Heritage Site and the built-up area of the city. North Road also forms the southern boundary of the Green Belt and Cotswolds Area of Outstanding Natural Beauty in the vicinity, but the site is not subject to these designations. The site is within a mineral consultation area.

The proposal is for the erection of a single dwelling house on an area within the Rockery Tea Gardens site that was safeguarded as a Woodland area under the previous permission of 08/03370/FUL. The dwelling would be single storey with the main element having a pitched roof and flat roofed elements to the front and side.

The dwelling would be constructed of natural rubble stonework with Cedar vertical boarding and Cedar shingles to the south west gable.

The existing driveway to the approved Rockery Tea Gardens development would be extended to serve the proposed dwelling.

Relevant History:

DC - 08/03370/FUL - PERMIT - 17 December 2010 - Erection of new two houses and nine apartments with nine garages

DC - 11/05422/COND - DISCHG - 30 April 2012 - Discharge of condition 2, 8, 15 and 24 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/00053/COND - SPLIT - 19 April 2012 - Discharge of conditions 3,4,5,6,11,13,14 and 17 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/00145/COND - DISCHG - 6 March 2012 - Discharge of condition 2 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/00232/COND - DISCHG - 30 April 2012 - Discharge of conditions 15 and 16 for application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/02264/COND - DISCHG - 29 June 2012 - Discharge of condition 16 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/02715/COND - RF - 8 August 2012 - Discharge of condition 10 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/03544/COND - RF - 19 October 2012 - Discharge of condition 10 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/04380/NMA - WD - 25 October 2012 - Non-Material Amendment to application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/05489/COND - DISCHG - 11 February 2013 - Discharge of condition 10 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/05583/FUL - WD - 28 February 2013 - Erection of single dwelling.

DC - 13/01733/FUL - PCO - - Erection of a detached single storey dwelling (revised proposal).

DC - 13/01823/NMA - APP - 9 July 2013 - Non-Material amendment to application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 13/05125/COND - DISCHG - 16 January 2014 - Discharge of Conditions 2 (Resubmission) and 20 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages).

DC - 13/05346/COND - RF - 20 January 2014 - Discharge of condition 22 of application 08/03370/FUL. (Erection of 2no houses and 9no apartments with 9 garages)

DC - 14/00693/COND - DISCHG - 26 March 2014 - Discharge of condition 22 attached to 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways Development Officer: It is not considered that the proposed development will result in any material concerns regarding increased vehicular movements or highway safety, I therefore recommend that no highway objection is raised subject to a condition being attached to any permission granted.

Arboricultural Officer: Further to my comments dated 4th June 2013 and 5 July 2013, to summarise, the current application shows that 5 trees are to be removed of which two,

identified within the tree survey as T12 and T18, are to be lost as a direct result of the proposed layout without supporting arboricultural reasons.

Replacement planting along the south eastern boundary to mitigate for the loss of trees as a direct result of the current proposal and further offsite tree planting is proposed to mitigate for the loss of tree planting space within the woodland as part of the development of the Rockery Tea Gardens as a whole.

The proposed tree planting opportunities appear to follow the principles and aspirations of the adopted Green Infrastructure Strategy in terms of connectivity and address the requirements within retained policy NE.4 Trees and Woodlands:

A revised woodland management plan to incorporate the whole of the Rockery Tea Gardens and offsite tree planting is considered appropriate and should be conditioned if possible or secured by some other means. In addition conditions are suggested.

Ecology: Further to my comments of June 2013 objecting to the scheme, revised plans have been submitted and I no longer object subject to conditions and a S106 legal agreement. The comments are summarised below:

- o Light Spill - it has now been demonstrated that light spill from the proposed development will be minimised sufficiently and will not harm bat activity.
- o Mitigation for loss of canopy and woodland management area - the provision of off site planting with the aim of mitigating and compensating impacts of tree removal and loss of canopy area to this woodland site are now considered acceptable.
- o Tree planting & meadow area - the proposed new tree planting is located on grassland outside the red line development boundary, on adjacent land used and managed by Monkton Combe School. Despite local concerns that the grassland area contains wild flower interest there are no objections to the loss of this area to tree planting. The proposed new tree planting area must be secured by condition and its ongoing long term management by legal agreement.
- o Proposed planting including new native tree and shrub planting within the land to which the S106 Woodland Management Plan for the adjacent development 12/05583/FUL applies. I am happy with the proposed planting but the proposed specifications including importation of topsoil and use of herbicides are not acceptable within the woodland area where this area is subject to an approved Woodland Management Plan.
- o Long Term Management - the approved Woodland Management Plan 12/05583/FUL (and secured by S106) remains in force but a further legal agreement is required to secure the production and long term implementation of an additional Management Plan incorporating all off site planting and habitat provision.
- o Test of Likely Significant Effect - The net impact on bats including bats of the SAC will be neutral, and potentially enhanced due to the stronger habitat connectivity that will result from the proposed off-site planting. A "Test of Likely Significant Effect" has been completed which concludes that there will be no risk of a "likely significant effect" on the SAC or bats of the SAC.

Natural England: To be confirmed in an update report to Committee.

Landscape Officer: Initially objections were raised due to the dwelling being located within land that was agreed as being a woodland management area.

The Landscape Officer has now considered the revised plans submitted and has confirmed, verbally, that the mitigation planting is considered sufficient to overcome his previous objections.

Sport England: To be confirmed in an update report Committee.

Contaminated Land: No objections subject to conditions.

Education Services: No contribution is sought for Children's Services for this proposed development as it is only one dwelling.

Environmental Health: The applicant has submitted a noise assessment in respect of application ref. 08/03370/FUL, which shows that the development falls within Noise Exposure Category B in PPG24.

As this subsequent application falls within the same Noise Exposure category (B) PPG24 recommends that in such circumstances "noise should be taken into account when determining the planning application and where appropriate conditions imposed to ensure an adequate level of protection against noise."

Accordingly I would advise that there are no objections subject to conditions.

(Officer Note: PPG24 has been superseded by the NPPF.)

Local Residents:

The application has received representations from 40 contributors of which 35 objected and 5 made general comments. No letters of support have been received. The objections/comments relate to the following concerns:

1. The 08/03370/FUL permission set the maximum development limit for the site and which should not be breached.
2. Overdevelopment of the site
3. Its location in an area that was to be retained as woodland is unacceptable and goes against the recommendations of the 08/03370/FUL
4. Loss of woodland, protected trees and area for wildlife
5. Harm to wildlife and protected species
6. Risk to remaining trees due to concerns from future residents about falling branches etc
7. It will result in a visually prominent and intrusive development
8. Contrary to Green Infrastructure Policy CP7
9. The dwelling and compensatory planting will cause overlooking, overshadowing and loss of outlook for existing dwellings
10. Detrimental impact on existing trees
11. Lack of info to show relationship with existing dwellings
12. Loss of wildlife meadow and footpath across Glen Field due to compensatory planting
13. Location on spoil heap could have land stability issues
14. Increased impact on the highways

Councillor Cherry Beath: I am opposed to the Application on the grounds that it constitutes over development on this very special site, and would irreversibly harm the special setting and wild life habitat which makes up the complete site, and which was protected by the original permitted application some years ago, which limited the number of dwellings on the site.

POLICIES/LEGISLATION

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

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Saved Policies from the Bath & North East Somerset Local Plan (2007)
- Joint Waste Core Strategy

The following policies should be considered:

DW1 - District Wide Spatial Strategy
Policy B1 - Bath Spatial Strategy
Policy B4 - World Heritage Site
Policy CP2 - Sustainable Construction
Policy CP3 - Renewable Energy
Policy CP6 - Environmental Quality
Policy CP7 - Green Infrastructure

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy. The policies relevant to this application are:

D2: Design;
D4: Townscape;
ES2: Energy Efficiency;
ES15: Contaminated Land;
SR1A: Playing fields and recreational open space;
GB2: Visual Amenities of the Green Belt;
NE1: Landscape Character;
NE4: Trees;
NE.8, NE.10 and NE.11: Ecology;
NE.12: Natural Features;
BH6: Conservation Areas;
M2: Minerals Consultation Areas;
T24: Highways;
T26: Parking and Servicing.

OFFICER ASSESSMENT

Principle of the Development:

The site is located within the built-up area of Bath where Policy B1 of the Core Strategy states that housing development is acceptable in principle.

There is therefore no objection in principle to the development of this site for residential purposes.

Impact on the character and appearance of the surrounding area and this part of the World Heritage Site:

The proposed dwelling has been designed so that it is of a low height and, due to its location within the wider Rockery Tea Gardens development and some distance from both North Road and Shaft Road would not be prominent or particularly visible from public viewpoints surrounding the site.

It has been designed in a contemporary fashion to reflect the design of the adjoining wider Rockery Tea Gardens development and uses a mixture of cedar boarding and natural rubble stone walling.

Many objections to the scheme have been received on the grounds that the development represents overdevelopment of the site. However this issue has been given particular consideration and due to the limited visual impact that the proposed house will have on the local area and the setting of the nearby Conservation Area it has been concluded that the proposal would not result in the overdevelopment of the site or adversely affect the setting of the World Heritage Site.

Impact on Trees:

The proposal to erect a further dwelling within the Rockery Tea Gardens site, and within the existing woodland management area, does show that 5 trees are to be removed of which two, identified within the tree survey as T12 and T18, are to be lost as a direct result of the proposed layout without supporting arboricultural reasons.

Following initial objections by the Arboricultural Officer a revised replacement planting scheme was submitted to include additional planting along the south eastern boundary to mitigate for the loss of trees as a direct result of the current proposal. In addition the offsite tree planting proposed on the Glen Field is proposed to mitigate for the loss of tree planting space within the woodland as part of the development of the Rockery Tea Gardens as a whole.

The proposed tree planting opportunities follow the principles and aspirations of the adopted Green Infrastructure Strategy in terms of connectivity and address the requirements within saved policy NE.4 Trees and Woodlands:

Impact on Ecology:

The site is close to part of the "Combe Down and Bathampton Down Mines" Site of Special Scientific Interest (SSSI), which is a component site of the "Bath & Bradford on

Avon Bats" Special Area of Conservation (SAC). It is also known that the site is used by bats from the SSSI and the SAC. As a result the impact of the proposed development on the habitat of the bats has been carefully considered. The location of the dwelling within the area safeguarded as a Woodland area, which is required to be managed in accordance with an Ecological Management Plan under the S106 legal agreement attached to Planning permission ref: 08/03370/FUL, attracted an objection from the Ecologist due to the lack of mitigation for the loss of the woodland area.

However the revised replacement planting scheme subsequently submitted, including the offsite tree planting proposed on the Glen Field, is now considered to retain and strengthen habitat connectivity sufficiently to avoid harm to bats that are known to use the site including use of the boundary tree-lines as flight lines. The boundary of the proposed house is now defined by a native species hedgerow which is welcomed and enables a clear distinction of the garden from the retained area of woodland.

The proposed new tree planting is located on grassland on adjacent land used and managed by Monkton Combe School. Concerns have been expressed from local residents that part of this grassland area contains wild flower interest and has been subject to a meadow creation project for some years. The complete loss of this area to tree planting would be regrettable although the Ecologist is of the view that there are no objections to the proposal in relation to this.

The proposed new tree planting area must be secured by condition and its ongoing long term management by legal agreement. The ecologist has recommended that the condition is worded with sufficient flexibility to allow minor revisions, to accommodate any changes to mitigate impacts on the wildflower area as referred to above, and for final details to be approved in writing by the LPA.

The revised plans have also addressed other concerns such as light spill from the dwelling and a number of windows have been removed from the scheme which, in conjunction with the use of SPD Smartglass, which operates when lights are switched on to prevent 99% of light emission from the building at night, will reduce light spill to a level that is not considered to harm bat activity. External lighting and the provision of future windows within the proposed dwelling will also be controlled by condition.

Due to the location of the site close to the SAC a Test of Likely Significant Effect has been carried out by the Ecologist. She has concluded that she is confident that the net impact on bats including bats of the SAC will be neutral, and potentially enhanced due to the stronger habitat connectivity that will result from the proposed off-site planting.

In conclusion it is considered that, the proposed mitigation and compensation package sufficiently addresses the likely ecological impacts and is therefore acceptable, subject to appropriate conditions and a S106 legal agreement. The S106 legal agreement should specifically require that the provision and long term management of the off-site tree planting area is carried out in accordance with a Woodland Management Plan, that is to be submitted and agreed in writing prior to the commencement of development. Furthermore the proposed new tree planting must take place prior to further removal of trees from the development site and commencement of development.

Impact on the Landscape:

The Landscape Officer originally objected to the scheme, however the revised plans are now considered to overcome his concerns and it is considered that the proposed development would not have an adverse impact on the landscape of the site or the surrounding area.

Impact on Glen Field:

Glen Field is designated as a playing field and recreational open space under Policy SR1A of the Local Plan. With regard to this case, Policy SR1A seeks to ensure that development involving the loss of part of the playing field is not permitted except in certain circumstances.

The proposed development seeks to plant trees on the playing field which will lead to a loss part of the playing field for the use of sport. In light of this Sport England has been consulted and their comments, along with the Officers views will be provided as part of a update report to Committee.

Impact on residential amenity:

The proposed development would be located adjacent to the boundary of Plot 2 within the Rockery Tea Gardens development but also adjacent to the boundary with other existing dwellings located off North Road and St Winifred's Drive.

The majority of the windows to habitable rooms within the dwelling face south and south east which is towards the dwellings on St Winifred's Drive. Furthermore the proposed dwelling would be located at an elevated level to the neighbouring dwellings on St Winifred's Drive (Nos 14 to 21) meaning that there are a number of windows and patio areas of the garden which would have views looking towards the neighbouring dwellings.

However, many of the windows on this elevation are secondary windows to the living room, a kitchen window and a utility window. The glazed gable also would have oblique views towards the neighbouring dwellings. The main window which raises the most concern is that to the bedroom with its patio area immediately outside.

However, the proposed dwelling, would be still be located some distance from Nos 14-21 with Nos 14-17 being the closest. At a minimum the dwelling would be 29m from the rear of Nos 14-17 and 35m at its maximum.

The minimum distance of 29m is considered to be of sufficient distance to significantly reduce any incidence of direct overlooking and, furthermore, the dwelling is proposed to be single storey in height and views from ground floor windows would therefore be further blocked or obscured by both existing planting but also, in part, by the proposed hedge boundary around Plot 3.

Overall, these factors combined are considered to comprise a situation where the proposed development would not cause an unacceptable level of overlooking to the neighbouring dwellings and would not have a significant detrimental impact on the occupiers residential amenity.

With regard to the impact of the building itself, due to its location some distance from the boundaries, its design, size and height, it is not considered to have an overbearing or overshadowing impact on any neighbouring dwellings to the detriment of the residents, future or existing, amenity.

The development also proposes the provision of an access drive and parking area close to the north eastern boundary of the site which is close to Plot 2 and the gardens of the dwellings to the north and east of the site. Whilst movements of cars on the access drive and parking area are likely to be audible to adjoining residents, the number of car movements arising from an additional dwelling in this location is not considered to be so significant as to have a detrimental impact on residential amenity.

Concerns have been raised by the residents living on St Winifred's Drive, and adjacent to the proposed mitigation planting area on Glen Field, that the proposed tree planting will cause a loss of light, overbearing impact and loss of outlook. This issue has been considered carefully by Officers, including the Arboricultural Officer, and it is clear from the proposed planting scheme that whilst there are some large trees such as Oaks being proposed, these are interspersed between smaller trees. Furthermore the trees would not be planted right up to the boundary of Glen Field with St Winifred's Drive allowing for a small buffer zone in between.

Additional trees are also proposed along the boundary of the site, within the remaining woodland area, and alongside the boundary with Nos 14-21 St Winifred's Drive. The impact of these trees on the residential amenity of both the future and existing occupiers has been considered and it is concluded that they would not have a significant detrimental impact through overshadowing to justify the refusal of the scheme.

In light of this it is considered that, whilst some residents will lose their existing open outlook onto Glen Field, the proposed planting would not have an overbearing or overshadowing impact that would be so significant as to have a harmful impact on the residential amenity of the occupiers.

Turning to the residential amenity of the future occupiers of the proposed dwelling, the siting of the dwelling is in close proximity to a number of large trees which have a heavy canopy under which limited sunlight will be gained. However it has been shown the submitted plans that the trees would not directly overhang the dwelling and that it would still benefit from sufficient areas of garden that would benefit from direct sunlight during the day. This is also considered to significantly reduce the risk of future residents raising concerns about the trees and thereby pressuring for their removal.

Overall it is considered that the future occupiers of the dwelling will benefit from an acceptable level of residential amenity. Furthermore it is considered that the proposed dwelling would not cause an unacceptable level of overlooking, overbearing or overshadowing impact or would cause a level of noise and disturbance, particularly through the movement of cars, that would result in an unacceptable impact on the residential amenity of those living in the neighbouring dwellings.

Impact on Highway Safety:

As a result of the already approved development within the Rockery Tea Gardens an acceptable vehicular access to the site has already been established. As the proposed development would only result in additional vehicle movements from one dwelling it is considered that the existing vehicular access is acceptable. The proposal has not attracted any concerns or objections from the Highways Development Officer, subject to a condition, and it is therefore considered that the development would not have a harmful impact on highway safety.

The proposed dwelling will, however, have the benefit of the use of the communal access road which is maintained by a management company as required by the S106 legal agreement secured under 08/03370/FUL. As a result it is considered necessary that the S106 legal agreement for this development also includes the requirement that the future owners of the approved dwelling sign up to a management company for the future maintenance of the communal road leading to the dwelling.

Minerals Issues:

The site is located within a Mineral Consultation Area (MCA) where Policy M2 of the Local Plan states that development will not be permitted if it would sterilise or restrict the extraction of minerals of economic importance which are capable of being worked.

The application site has been worked out, however, and the land immediately to the south, between the application site and the existing working quarry (Upper Lawn Quarry), has been developed for housing.

There is no objection to the proposed development on minerals planning grounds.

Noise:

The overall site of the Rockery Tea Gardens fronts North Road, a busy main road, and a Noise Assessment has been submitted which indicates that the proposed development would be affected by traffic noise and would fall within Noise Exposure Category B, where development is permissible subject, where appropriate, to the imposition of conditions to secure an adequate level of protection against noise.

The Environmental Health Officer has no objections to the application subject to an appropriate condition being imposed.

Other Considerations:

Many objections have been raised concerning the previous application 08/03370/FUL where many residents were under the impression, once this development was constructed, that no further development could, or would be able to, take place within the Rockery Tea Gardens boundary. However, as Members will be aware, now that a further application has been submitted for a further dwelling on this site, it has to be considered on its merits.

Concerns have also been raised regarding issues of land stability. The Council's Building Control Team have confirmed that this site is within an area where land stability is an issue, due to the previous mining activity, but that such concerns can be overcome through engineering solutions to the construction of the dwelling.

Conclusion:

The proposal to erect a further dwelling within the Rockery Tea Gardens site, in addition to those currently under construction permitted under 08/03370/FUL, has been met with significant objection and concern from local residents.

The location of the dwelling with the woodland area, safeguarded by a S106 legal agreement under 08/03370/FUL, and close to the SAC, also resulted in objections from the Arboricultural Officer, Ecologist and Landscape Officer as adequate mitigation wasn't proposed and there were concerns about the impact on the woodland and also the habitat of the bats.

However the proposals were revised to provide off site planting on the adjacent Glen Field and other measures to increase planting within the existing woodland area in order to address these concerns. In addition the dwelling has been revised to reduce window openings and will be fitted with glass that tints at night in order to reduce light spill onto the surrounding area.

Furthermore, due to the close proximity of the SAC, a Test of Likely Significant Effect has been carried out by the Ecologist where she concluded that the net impact on bats including bats of the SAC will be neutral, and potentially enhanced due to the stronger habitat connectivity that will result from the proposed off-site planting.

Therefore the revised scheme has overcome the objections raised by the consultees and is not now considered to have an adverse impact on the habitat of protected species, in particular the bats that are known to use this site.

As has been explained above in some depth the proposed development, and the off site tree planting, is not considered to have a detrimental impact on the residential amenity of both the future occupiers of the development or the existing residents of the neighbouring dwellings.

Furthermore the design of the dwelling is considered to be acceptable and, in conjunction with its location, is not considered to have a detrimental impact on the character and appearance of the surrounding area or this part of the World Heritage Site.

Finally the proposal is not considered to have a harmful impact on highway safety.

RECOMMENDATION

Authorise the Divisional Director, Development to PERMIT subject to condition(s)

CONDITIONS

0 A: Authorise the Group Manager, in consultation with the Planning and Environmental Law

Manager, to enter into a section 106 agreement to provide/agree the following:

The submission of an acceptable Habitat Conservation Management Plan for the land known as Glen Field including the future long term implementation of the approved plan.

That no felling of trees or development shall commence until the approved new tree and woodland planting is in place.

That the future owners of the approved dwelling sign up to a management company for the future maintenance of the communal road leading to the dwelling.

B: On completion of an acceptable S106 legal agreement, PERMIT subject to the following conditions:

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

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

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

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

5 The dwelling(s) shall not be occupied until space has been laid out within the site in accordance with the approved plan(s) for the parking and turning of vehicles, and such area(s) shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development, in accordance with the details of the approved drawings.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in any elevation, roof or roof slope at any time unless a further planning permission has been granted.

Reason: To avoid harm to existing habitats and protected species.

7 No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, service run locations and movement of people and machinery.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals.

8 No development activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The Local Planning Authority is to be notified in writing two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

9 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless otherwise agreed in writing by the Local Planning Authority. A signed certificate of compliance shall be provided by the appointed Arboriculturalist to the Local Planning Authority prior to the occupation of the dwelling.

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

10 The development shall be constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dBLAeqT, for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax. Compliance with the levels specified shall be demonstrated with proper provision for ventilation.

Reason: In the interests of the residential amenity of the future occupiers.

11 Notwithstanding the approved plans or submitted documents, no development shall commence until a hard and soft landscape scheme, that is compatible with the Ecological

Management Plan , approved under the S106 legal agreement attached to Planning permission ref: 08/03370/FUL, has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To avoid harm to existing habitats and protected species and to ensure the provision of an appropriate landscape setting to the development.

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

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

13 No external lighting shall be erected, attached or otherwise provided within the boundary of the approved dwelling until full details have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with any approved details.

Reason: To avoid harm to existing habitats and protected species.

14 No development shall commence until an Ecological Working Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement should provide details of all necessary wildlife protection working methods; named Ecological Clerk of Works; and provide details of exclusion zones and protective fencing for retained vegetation, to ensure no harm to wildlife during site clearance and construction.

Reason: To avoid harm to existing habitats and protected species.

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,

- o ecological systems,
- o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: In order to ensure that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

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

Reason: In order to ensure that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

17 Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: In order to ensure that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

18 Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: In order to ensure that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

19 Long Term Monitoring and Maintenance - A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

Reason: In order to ensure that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

20 No development shall commence until a fully annotated drawing showing the finished floor, eaves, ridge and flat roof heights of the approved dwelling and in relation to the adjacent dwelling shown as Plot 2 on drawing No 2233/2001 has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: In the interests of clarity.

21 No development shall commence until a technical specification has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the glazing to all the windows to the dwellinghouse hereby permitted will limit any light spill to a minimum and acceptable level. The development shall thereafter be occupied only with the agreed glazing specification in place.

Reason: To safeguard the local ecology and the amenity of nearby residents.

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

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

PLANS LIST:

1 This decision relates to drawing nos L331 SK, L331 SK2 Rev B, L331 SK3, 2233/2000 Rev C, 2233/2001, 2233/2002 Rev A, 2233/2003 Rev A, 2233/2004, 2233/2005 Rev B, 2233/2008, 1098-02 A, 1076-10 Rev C

2 Decision Making Statement

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

3 Advice Note:

The submitted "Woodland Management Plan" dated 30th Jan 2012 by A to B Landscapes has not been considered acceptable and does not form part of the approved scheme.

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

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

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

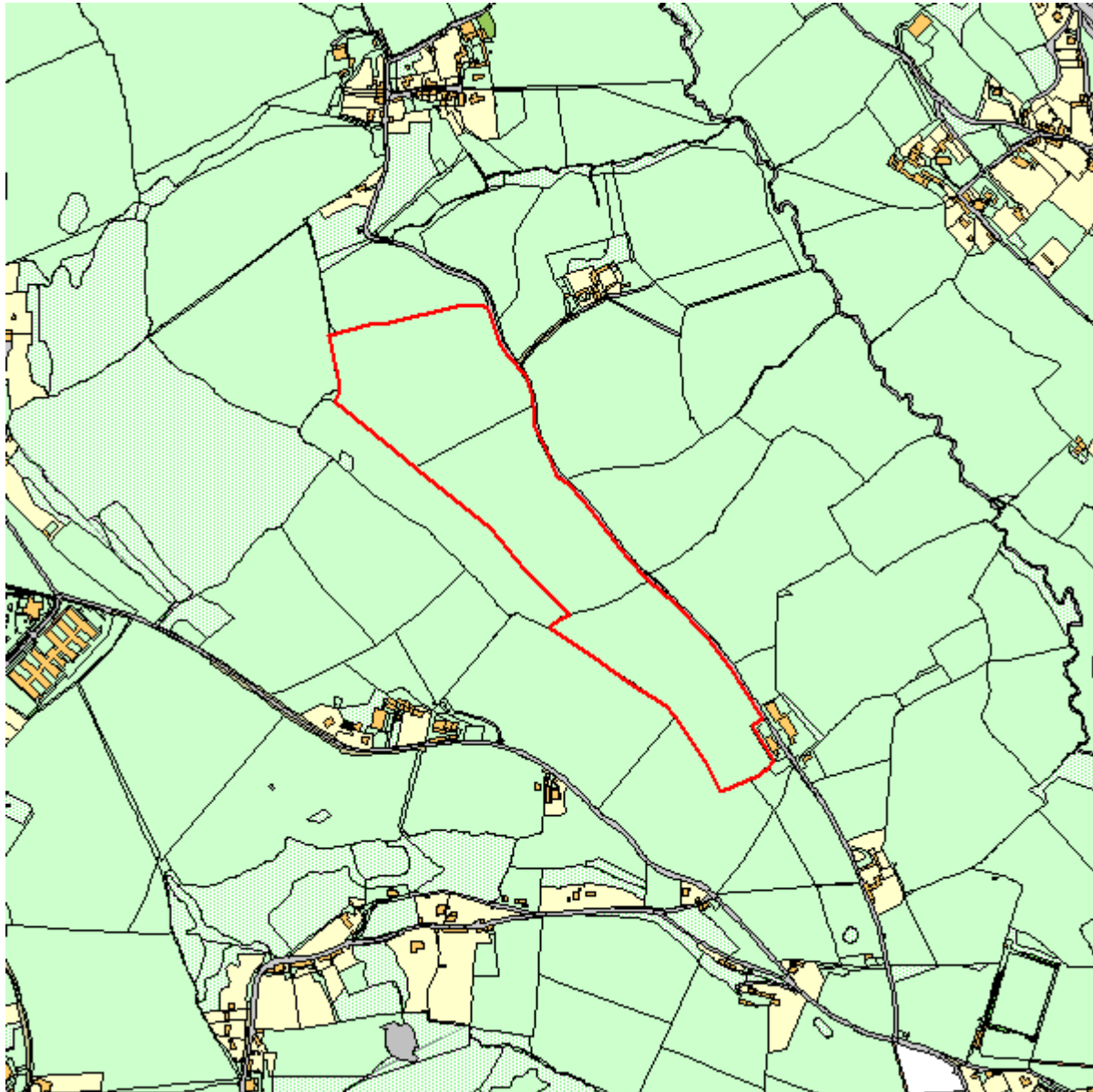
Consideration should be given to proofing any roof/flat surfaces against gull's nests.

4 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.

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

Item No: 04
Application No: 14/01124/FUL
Site Location: Parcel 2866 Woolley Lane Charlcombe Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Geoff Ward
Application Type: Full Application
Proposal: Erection of 2no. mobile field shelters.
Constraints: Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Article 4, Greenbelt, MOD Safeguarded Areas, Sites of Nature Conservation Interest,
Applicant: Golden Valley Paddocks Ltd
Expiry Date: 9th July 2014
Case Officer: Richard Stott

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Both Charlcombe Parish Council and Swainswick Parish Council have objected to this application, contrary to the Officer recommendation (details of the objections set out below). In accordance with the adopted Scheme of Delegation and as agreed with the Chairman this application has been deferred to the Development Control Committee for determination. Councillor Martin Veal has endorsed the request of Charlcombe Parish Council that the application be considered by the Committee.

DESCRIPTION OF SITE

The site is an agricultural holding situated just beyond the north-east edge of the built up area of Bath, located along the western side of Woolley Lane, a single-track road leading northwards from Charlcombe Lane to the village of Woolley. The site area to which this application relates covers three fields totalling 12 hectares of land however forms part of a larger agricultural holding comprised of 20.5 hectares of land.

The site occupies an elevated position on the western side of the Charlcombe valley with the land sloping down towards Woolley Lane and beyond to Lam Brook, then rising to the east towards the A46 and Charmy Down/Little Solsbury Hill. The village of Upper Swainswick is located on the eastern side of the valley and overlooks the site.

All vehicular access is at the southern end of the site, located opposite an entrance to agricultural buildings on the eastern side of Woolley Lane.

The site is located in the Bath/Bristol Green Belt, the Cotswold Hills Area of Outstanding Natural Beauty and is within the setting of the Bath World Heritage Site.

The fields to which this application relates are adjacent to a site designated as a Site of Nature Conservation Interest that includes Sopers Wood (located to the north west of the holding). For clarification, this application does not include land within the designated SNCI.

The site is subject of an Article 4 Direction (confirmed in 1992) that removes agricultural permitted development rights over a wider area of Swainswick Valley.

This application seeks retrospective permission for the erection of two mobile field shelters. These structures are 7.49m long by 3.6m wide to an eaves height of 2.2m and an overall ridge height of 3.032m. The structures are clad in naturally stained timber under a black onduline sheet roof. The structures feature a double opening to the front with no doors. The structures have no internal base and are set on skids with a tow hook on the end elevation meaning that they can be towed around the site to serve the relevant area of land. As these are mobile structures intended to be sited across the site as and when required this application is seeking consent for the siting of the shelters on the entire 12 hectares of land meaning that they could be towed into position in accordance with the rotation of livestock.

RELEVANT HISTORY

The site has been the subject of a number of applications between 2008 and 2014. In summary these are:

- o 08/02397/FUL - Erection of agricultural building, alterations to access, formation of track and hardstanding, siting of temporary timber-clad mobile home for an agricultural worker. REFUSED 22 August 2008
- o 09/01020/FUL - Erection of extension to agricultural building, siting of temporary agricultural workers mobile home, formation of track and alterations to access (retrospective) (resubmission). REFUSED 21 May 2009
- o 09/04403/FUL - Siting of a temporary agricultural workers mobile home, and retrospective formation of track and alterations to access (Revised proposal). REFUSED 31 March 2010
- o 10/04188/FUL - Retention of 15m x 12m stock pond. PERMITTED 21 January 2011 (quashed by High Court July 2012)
- o 11/00678/COND - Discharge of condition 2 of application 10/04188/FUL APPROVED 28 March 2011 (quashed by High Court July 2012)
- o 11/00854/FUL - Siting of temporary timber-clad mobile home for an agricultural worker, erection of dog kennel and alterations to access (Revised proposal). WITHDRAWN
- o 11/02081/FUL - Construction of farm track and siting of 2no. feed hoppers (Retrospective) WITHDRAWN
- o 11/02085/COND - Discharge of condition 1 of application 10/04188/FUL WITHDRAWN
- o 12/05660/FUL - Alterations and extension to existing agricultural building; alterations to access; formation of hard-standing, farm track and concrete path adjacent to existing building; construction of stock pond; siting of 2no. feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years REFUSED 14 May 2013
- o 12/05661/FUL - Erection of a general purpose agricultural building REFUSED 14 May 2013
- o 12/05662/FUL, 12/05663/FUL, 12/05664/FUL - Siting of 10 mobile poultry units on the land REFUSED 14 May 2013
- o 13/03358/FUL - Alterations and extension to existing agricultural building, formation of farm track, construction of stock pond and ancillary works (Retrospective) (Resubmission of 12/05660/FUL) - PERMITTED 4th December 2013
- o 13/03374/CLEU - Certificate of lawfulness for the existing alterations to access and formation of hardstanding and track around existing building - LAWFUL, 3rd December 2013
- o 14/00451/NACOU - Change of use of part of agricultural building as office (Class B1) - PERMITTED DEVELOPMENT

Following the refusals of planning permission in May 2013 Enforcement Notices were served requiring the removal of the caravan, sheds and poultry units. These Notices have been complied with.

The site is currently used for the grazing of sheep and cows and the farm operations are considered to be for agricultural purposes and consistent with the authorised use of the land.

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("The EIA Regulations") include in Schedule 2 descriptions of development (and applicable thresholds and criteria) for the purpose of classifying development for environmental impact assessment purposes. A Screening Assessment of the proposed development has been undertaken to assess whether an environmental impact assessment of the development is required.

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION:

SWAINSWICK PARISH COUNCIL: OBJECT (objection comments summarised as follows)

- o Original stock barn should be reinstated - takes away the need for the field shelter.
- o Size comparable to modern garages
- o References to Doynnton are irrelevant due to the Article 4 direction.
- o Financial status of the company belies its ability to achieve an objective of supporting economic growth.

CHARLCOMBE PARISH COUNCIL: OBJECT (objection comments summarised as follows)

- o Not small structures
- o Will have significant landscape impact.
- o Article 4 direction was specifically related to protecting the slope to which this application relates.
- o Duty to consider the reason why permitted development was removed for this land.
- o Existing stock barn should be utilised.
- o The fact the shelters are moveable does not take away from the fact they will be permanent on the land as a whole.
- o Financial viability for the agricultural business should be tested.

BATH PRESERVATION TRUST: OBJECT (objection comments summarised as follows)

- o Application should be viewed in light of the site history
- o Cumulative harm to the Area of Outstanding Natural Beauty and setting of the World Heritage Site
- o Individually and collectively represents an inappropriate development in the Green Belt

HIGHWAY DEVELOPMENT: No Comments Received

LANDSCAPE: No comments Received

ECOLOGY: No Comments Received

REPRESENTATIONS:

During the public consultation 41 letters of objections have been received. As many of the objections raise the same or similar issues the salient points are summarised as follows (full details of individual letters are however retained on the planning file):

- o Size of the structures are not small.
- o Article 4 designed to protect the slopes
- o No shelter for cattle or sheep has previously been required so why now?
- o Detract from the AONB
- o Existing barn on site should not have been converted
- o Why not use the original stock barn?
- o Not necessary
- o Harm to the openness of the green belt
- o Area should be preserved
- o Any development on this site should be refused
- o Results in mud on the road.
- o Inappropriate development
- o Significant visual impact
- o Contrary to Policies GB.2, NE.1, NE.2, NE.3, ET.6 and D.4
- o Damage to hedgerows and wildlife
- o Do the barns need water and electricity?
- o Viability should be tested
- o High Court ruled that moveable structures are development
- o If approved this could lead to more similar structures being built

In addition to the objections, 2 letters of general comments have been received raising the following issues (summarised):

- o Consideration should be given to goat farming
- o GVP aim to wear down the system in order to achieve their aim
- o Is this just another random plan (like the alpacas, chickens and ducks)?

1 letter of support has been received raising the following points (summarised):

- o There are 5 other mobile field shelters throughout the valley without permission
- o These are not a blot on the landscape.
- o Will provide a higher level of care to livestock

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- o Core Strategy
- o Saved Policies in the B&NES Local Plan (2007)*
- o Joint Waste Core Strategy

The following policies should be considered:

- o B4 - The World Heritage Site and its setting
- o CP6 - Environmental Quality
- o CP8 Green Belt

*The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy:

GB2: Visual amenities of the Green Belt

NE2: Areas of Outstanding Natural Beauty

NE9: Locally important wildlife sites

NE.10: Nationally important species and habitats

BH.6: Development within or affecting Conservation Areas

ET.6: Agricultural development

D.2: General design and public realm

T.24: General development control and access policy

NE.14: Flood Risk

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF (March 2012) sets out the Government's support for a prosperous rural economy, stating that planning policies should support economic growth in rural areas in order to create jobs and prosperity, by taking a positive approach to sustainable new development. In respect of conserving and enhancing the natural environment the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. Specifically, great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. The NPPF also states that conservation of wildlife and cultural heritage are important considerations in all these areas, and when determining planning applications local planning authorities should aim to conserve and enhance biodiversity. With regard to conserving and enhancing the historic environment the NPPF states that the objective is to avoid or minimise conflict between the conservation of a heritage asset and any aspect of the proposal.

NATIONAL PLANNING PRACTICE GUIDANCE, 2014

Due consideration has been given to the recently published NPPG, March 2014

OFFICER ASSESSMENT

PREAMBLE

As set out, this application seeks retrospective permission for the erection of two mobile field shelters with the intention that they are to be sited across the whole site as and when required. This application is seeking consent for the siting of the shelters on the entire 12 hectares of land meaning that they could be towed into position in accordance with the rotation of livestock.

The shelters themselves are not dissimilar to other field shelters which are noted as being commonplace on agricultural land not just in this district but across the country, the purpose of the units is to offer a level of shelter to livestock on the fields however given the size of the structures they would not be used to house animals.

Several commentators to this application have made reference to the fact that the former stock building (which has been converted to a farm office and equipment and machinery store) should be used to provide the shelter offered by these units rather than considering new structures on the land, however these building are no longer available for use and the Council could not reasonable seek the reversion of the buildings to their former use. Notwithstanding this fact, as the applicant notes in their cover letter, the former stock building is in a fixed location at the southern end of the site, distant from where livestock would be grazed thus rendering this building impractical to serve the on-site needs of livestock in the fields. This view is advocated by Officers based on the functional use of shelters.

In terms of determining this application, full consideration has been given to all comments and objections received and whilst several of these focus on the viability of Golden Valley Paddocks as a business, this application is assessed on the relative merits of the scheme as presented and the overall impact of the shelters on the landscape setting of Woolley Valley.

AGRICULTURAL DEVELOPMENT

The land is currently used to graze cows, sheep and a commercial flock of goats, although it is noted from recent correspondence with local residents that the livestock may now have vacated the land. Officers consider that irrespective of whether livestock are currently on site this application can still be determined on the functional merits of the shelters for agricultural purposes.

In consideration of the history of the site, unlike the former poultry units, these shelters are not required for commercial purposes, they are to provide onsite shelter as part of an agricultural duty of care. Several objections have been raised, including by the Parish, on the basis of a lack of any financial viability assessment submitted with this application. To clarify this point, the land is established agricultural land and the shelters are to provide cover within the fields for livestock. As the Council is not considering the agricultural use of the land, and the shelters are not required to fulfil a business need it is not necessary to consider the viability in terms of the "need" for these structures in fulfilling a business objective thus it would not be necessary to seek a viability assessment with this application.

The principal agricultural tests for this application are set out in Policy ET.6 of the Bath and North East Somerset Local Plan which is a saved policy under the Core Strategy. The Policy states that development involving the erection of new agricultural buildings should have regard to (i) any adverse environmental impacts, (ii) the adequate provision for storage and disposal of animal waste, and (iii) where there is harm or conflict with other policies, the need for or benefit to the enterprise or rural economy.

Looking at these three tests, Officers make the following observations:

- o Firstly, in terms of consideration to adverse environmental impact, the applicant has had regard to the number of structures proposed, their size and scale and their siting within the field and whilst it is acknowledged that they could be sited anywhere on the land, in practical terms and visual terms these are to be (and have been) located adjacent to the field hedgerows. In respect of the first test the applicant has had regard to the

impact of the structures and the application is thus considered to be acceptable. A more detailed officer assessment of the impact will be set out below.

o Secondly, as these structures are mobile and intended for occasional shelter on site rather than in a permanent position offering indoor housing to the animals on site there is no requirement for the provision of storage and disposal of animal waste. This requirement of the policy relates more to purpose built barns where animals would be housed for long periods of time and where arrangements would need to be made for "mucking out", this requirement is therefore not relevant to the application under consideration.

o Thirdly, as stated above, given the nature and use of the structures, i.e. they provide shelter to fulfil a duty of care towards the animals rather than fulfilling any commercial purposes, this is not an application whereby financial viability would need to be tested. Objections have been made stating that the mobile shelters conflict with policies relating to the green belt and the Area of Outstanding Natural Beauty and that they harm the landscape and setting of the World Heritage Site, as will be explained below, this is a view that is not shared by officers primarily on the basis that these are small scale structures that are entirely commonplace within rural farming landscapes and the overall impact is largely contained to the immediate area. Notwithstanding, in response to the objections and in consideration of the third test, it is concluded that (irrespective of who is farming the land) these structures would be of a benefit to the lawful agricultural use of the land, that said, in order to ensure that these structures are used in an appropriate manner and in support of the grazing of livestock on the land it is considered acceptable to recommend the granting of a temporary permission for a duration of one year so that the Council can reconsider the case.

In summary of the above, full consideration has been given to both the agricultural justification for the two mobile structures and the comments and objections received however overall it is concluded that the proposal represents an acceptable form of "development" in this rural location, in accordance with adopted policy.

LANDSCAPE IMPACT

A substantial proportion of the objections raised refer to the Article 4 Direction that covers this landscape and state that permission should not be granted on the basis that the designation was brought in to protect the landscape. To clarify this point, the Article 4 Direction emphasises the fact that this is a sensitive landscape and was placed on the land to remove agricultural permitted development so that the Council could retain a level of control over any proposed developments that might otherwise harm the landscape; the Article 4 Direction does not however mean that no development should be allowed only that applications for works are required and the Council is then required to make an appropriate assessment as to the acceptability of development. The following section will consider the acceptability of this application in relation to the various landscape considerations (Green Belt, Area of Outstanding Natural Beauty, adjoining Conservation Area, Setting of the World Heritage Site).

In respect of the green belt designation which applies to this site, the primary tests are set out in Policy CP8 of the Core Strategy - which states that the openness of the green belt will be protected from inappropriate development in accordance with national planning policy - and in saved policy GB.2 which states that permission will not be granted for

development which would be visually detrimental to the green belt by reason of siting, design or materials.

In terms of the setting of the Area of Outstanding Natural Beauty, saved policy NE.2 is applicable and states that development that adversely affects the natural beauty of the AONB will not be permitted.

In terms of the setting of the Bath World Heritage Site, the appropriate policy is set out at B4 in the Core Strategy and states that there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity. This presumption applies equally to development within the setting of the World Heritage Site.

In terms of the setting of the adjoining Conservation Area in Upper Swainswick, saved Policy BH.6 states that development affecting the setting will only be permitted where it preserves or enhances the character and appearance of the area.

Looking at the NPPF in terms of the appropriateness of the development in the Green Belt, paragraph 89 confirms that new buildings for the purposes of agriculture are not inappropriate and therefore there is no requirement to assess whether any very special circumstances exist to justify this development, the principal consideration therefore is whether these two structures are detrimental to openness and landscape character.

As has been set out elsewhere in this report, given the size, scale and nature of the structures coupled with the fact that they are mobile and will not be viewed in any one fixed location on the site it is concluded that the overall impact on the openness of the green belt will be limited and not sufficient to justify refusing this application on the basis of harm to openness.

Finally, in respect of the impact on the character of the Area of Outstanding Natural Beauty (which forms part of the setting to the World Heritage Site and the setting of the Upper Swainswick Conservation Area) it is noted that the landscape is generally characterised by open fields free from buildings and structures and where there are buildings they are generally in small clusters. Clearly these are new features in the landscape however they are comparatively small and can be positioned in locations whereby their impact is limited; furthermore they are constructed from natural materials in neutral tones that will better fit with the landscape. What sets this application apart from the previously refused schemes in relation to the feed hoppers and the poultry sheds again is that these structures are small scale and mobile. Overall it is noted that there are other similar structures to these further up the valley and looking around the farms and fields surrounding Bath such field shelters are part and parcel of the rural agricultural landscape, the siting of these shelters in this landscape do not look overly out of place and it is therefore concluded that the proposed do not harm the local distinctiveness of the area or adversely harm the setting of the adjoining World Heritage Site.

In respect of the Conservation Area setting it is considered that Upper Swainswick is sufficiently distant from the application site that whilst the site is visible from the village the scale of development does not impact on the character of the conservation area itself and as such it cannot be considered that this proposal detracts from the setting.

Overall, this application is not considered to conflict with policies B4 or CP8 of the Core Strategy or saved policies GB.2, NE.2 or BH.6 of the Local Plan.

ECOLOGICAL MATTERS

The site is situated to the east of a Site of Nature Conservation Interest (SNCI) referred to as the 'Langridge - Woolley Complex' however the red line of the application site does not include or abut the designated SNCI. The site is within the bat feeding zone associated with the Bath & Bradford-on-Avon Bats Special Area of Conservation (SAC). When the previous planning application for the stock pond was determined in 2011 and subject to the approval and implementation of a Wildlife Management and Enhancement Scheme no objection was raised to the development on ecological grounds in terms of both the SNCI within the site and Lam Brook approximately 700m to the east. The current planning applications propose a far smaller scale of works and due to the nature of the structures the application does not involve works that would have any significant effect on European sites or protected species, nor require a licence from Natural England. Consistent with the conclusions previously reached in respect of far more intensive proposals for this site it is considered that the proposal currently under consideration does not significantly adversely affect the nature conservation value of the area (saved Local Plan policy NE.9), nor species which are internationally or nationally protected or the habitat of such species (saved Local Plan policy NE.10).

RESIDENTIAL AMENITY

No issues in respect of residential amenity are identified by this application and it is considered that the amenities of the closest residents would not be adversely affected. The proposed is not considered to conflict with saved Policy D.2.

ACCESS AND HIGHWAY SAFETY

The shelters will not require additional vehicle movements to or from the site and the application does not propose an intensification in agricultural practice that would otherwise prejudice highway safety. Access is unaffected by these shelters. The proposal is not considered to conflict with the requirements of saved policy T.24.

CONCLUSION

For the reasons set out in this report it is concluded that this retrospective application proposes an acceptable form of development in this sensitive location. Clearly this application has generated a substantial level of objection however it is apparent that much of the objection in part stems from the history relating to this site. Objectively looking at the structures, what they are used for, what they are made from and how they are to be used, and setting aside the complex history of the site it is concluded that the siting of two, small scale mobile field shelters is entirely appropriate for the use indicated for the land. Notwithstanding, as set out previously in this report, it is considered appropriate to recommend granting a one year temporary permission to allow the Council to consider whether there is an on-going need for these shelters.

RECOMMENDATION

It is recommended that permission is granted for these shelters for a period of one year, after the expiration of one year these shelters should be removed from the land unless otherwise applied for and approved by the Local Planning Authority.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 This permission shall expire on 1st August 2015 and the use of the field shelters hereby permitted shall be discontinued and removed from the land on or before this date unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to review the impact of the development.

2 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 Photo (2028/97) and Elevation and Floor Plan (drawing 2028/98) date stamped 11th March 2014 and to the Site Location Plan (drawing 2028/99) dated 9th April 2014

2 DECISION TAKING STATEMENT

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

Item No: 05
Application No: 14/02308/FUL
Site Location: Somerset Inn Bath Road Paulton Bristol Bath And North East Somerset



Ward: Paulton **Parish:** Paulton **LB Grade:** N/A
Ward Members: Councillor J A Bull Councillor Liz Hardman
Application Type: Full Application
Proposal: Change of use of Public House (Use Class A4) to form a single dwelling (Use Class C3) and associated works. (Resubmission).
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Housing Development Boundary,
Applicant: Poulton Ltd
Expiry Date: 15th July 2014
Case Officer: Daniel Stone

REPORT

REASON FOR REPORTING TO COMMITTEE

The application is a re-submission, following a former committee decision on application 14/04607/FUL, which is now the subject of a pending appeal. Councillor Liz Hardman has requested that the application be determined by committee, and the Chair has agreed to this request as the Committee considered the previous application, and the Chair of the Planning Committee has agreed to this.

SITE CONTEXT

The application site consists of a vacant public house on the eastern edge of Paulton on Bath Road. The site lies beyond the adopted Housing Development Boundary. To the rear of the public house lies a large paddock, which was the subject of an application to erect 22 dwellings. This outline application, reference 13/04606/OUT, was refused on 23rd January 2014 and was the subject of an appeal, which has now been withdrawn.

To the east and west the site is bounded by dwellings; to the south the site backs onto the open countryside. The applicant reports that the premises ceased trading in 2011.

PROPOSALS

The application is a resubmission for the conversion of a public house into a dwelling, following the refusal of application 13/04607/FUL, which is now the subject of a pending appeal. This application was refused for the following reason:

"Inadequate information has been submitted to demonstrate that the Somerset Inn has been effectively marketed and is unviable as a public house. As such, the proposals are contrary to policy CF.7 of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007 and the guidance in the National Planning Policy Framework."

The current application is identical to the refused application, except that additional information has been submitted on the marketing of the application, consisting of the Contract of Sale, plus emails from the Sales agent and conveyancing solicitor.

RELEVANT PLANNING HISTORY:

- o 13/04607/FUL - Conversion from a Public House (Use Class A4) to form a single dwelling (Use Class C3) - Somerset Inn, Bath Road, Paulton
- o 13/04606/OUT- Erection of up to 22 dwellings and associated works - Refused 23.01.14 - appeal pending (reference APP/F0114/A/14/2214569)
- o 13/04610/OUT - Erection of up to 14 dwellings and associated works - withdrawn

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

CONSULTATION

Consultation letters were sent out to 7 adjoining properties, a press notice was displayed and the Parish Council were consulted.

Detailed objections have been received from 4 residents, 2 of whom made offers to buy the public house as a going concern:

- o Mr Macey reported making a verbal offer to buy the pub for £250,000 in February 2011, but that his offer was rejected over the phone, on the basis that the property had significant development potential and the offer was not enough. He comments that his research of the free pub market confirmed that this offer was at the right commercial level, and at a level which would make the pub viable. His offer was not based on credit, and therefore the cost of finance was irrelevant. Hence interest payments did not need to be taken into account in the viability of his owning and running the pub.

- o Mr Macey questions the approach taken in both the Viability report submitted with the application and the Independent appraisal carried out (on behalf of the Council) by GVA, in that both reports have a biased view of pub company performance, as both experts derive their incomes from pub companies. Both reports assume a fixed requirement for the business to be profitable from day one, whereas an independent entrepreneur will look more long-term and accept a low level of income initially while they grow the business. Including finance costs, he calculates the yearly profit (and therefore income for the pub owner) deliverable from the pub at £37,392. As debts were paid off, over a 15 year period, the finance costs would disappear and the business owner would now own an asset.

- o Mr Macey questions the initial asking price for the pub of £475,000 (in January 2011) which was 3 times the £150,000 valuation set out in their viability study and claims that the pub was marketed (and priced) as a development site from the start.

- o Mr Macey raises concerns about the viability of the pub company model, large companies managing hundreds of pubs (such as Admiral Taverns, Punch Taverns and Enterprise) by comparison with independently owned pubs, and consider that it is this business model that threatens pub viability rather than the market conditions affecting individual pubs. Admiral Taverns have themselves been in administration twice prior to coming to agreement with the administrator involving the majority of their shares being owned by Lloyds Bank. The notion that pub companies are disposing of their "low end" pubs for economic reasons is inaccurate and it is alleged that the real reason is that they cause Landlord's to leave due to high rents and exorbitant drinks prices, which their tenants are forced to pay. Likewise if a pub company invests money into one of its pubs, the rent increases to cover the cost of the improvements, and the leases have upward only rent reviews, so that if a landlord works hard to improve a failing pub, he is rewarded with a rent increase.

- o Mr Yoxall made an offer for the purchase of the pub in March / April 2013 for £255,000 and appears to have been in a bidding race with Yorkton Overseas Development Limited, the company that finally bought the pub on 25th April. He comments that unreasonable time pressures were applied to finalise the sale. Mr Yoxall has submitted a 2-year costed business plan to turn the pub into an Arts Centre and Bistro. The viability report submitted by the applicant (and the independent appraisal

undertaken by GVA on behalf of the Council) did not take into account these additional sources of revenue.

o Mr James raised concerns about the general approach of Admiral Taverns around the country, with approaches to Admiral Taverns from groups and individuals able and willing to purchase a pub as a going concern frequently being ignored in favour of pubs being sold to property developers. Newspaper articles were produced of 4 pubs being sold to property developers, despite there being apparent interest from would-be commercial buyers.

o Mr James also refers to an article on the <http://ukpubsales.wordpress.com/> website whereby Property agents Caldicott Payne Commercial has taken the decision to cease marketing licensed properties on behalf of Admiral Taverns. The sales director of Caldicott Payne commented that he removed them from his books following what he described as "many problems with being kept up to date with sites that are available for sale, then not for sale, then mysteriously exchanged or completed without prior warning". Payne says he found contracts were being exchanged on many of the sites within days of coming to the market and that he believed multiple parties were competing for the same property in 'contract races', to see who would exchange first. The news comes as agent Paramount Investments confirmed it has sold 16 of the 51 Admiral sites released in January.

PAULTON PARISH COUNCIL (PPC) - Object

Marketing of the Somerset Inn.

The Marketing and Viability reports prepared by Fleuret in support of the application appears to accurately record the timescales for the various attempts to initially dispose of the leasehold interests in 2005 and ultimately the sale in 2013 of the freehold interests of the business plus the development potential of the site.

The vendor (Admiral Taverns) had an obligation under the Localism Act to ensure the continuation of the premises as a public house and there are still questions about why offers to buy the pub to continue operation were not accepted. A rejection on the basis of not taking account of the development potential was not correct.

Given the high value of £475,000 that was the asking price for the property in 2011, and the valuation placed on the property of £150,000 (figures from the Fleuret Marketing Report) it is clear that the vendor was intent on making it very difficult for anyone who wanted to continue the business as a pub by setting the asking price too high.

It is clear that the vendor always wanted to realise the development value of the site and given the above,

PPC requests that BANES carryout further investigation of the terms and conditions of the sale to Poulton

Ltd to establish whether the sale contains any agreement for additional value to be paid in the event that planning approval is achieved for the proposed 22 house development.

Viability of the Somerset Inn

PPC questions why the viability reports submitted on behalf of the applicant contain outline business plans which are based on assumed sales figures (£75,000) which are less than 50% of the actual last recorded sales figures (£160,000 figures from Fleurets' marketing literature) for the pub operation. Also, PPC questions why the assumed sales figures do not take account of the 30% increase in the population of Paulton and the resulting increase in sales that a properly managed, independent business on the site may achieve.

PPC requests BANES to attempt to obtain Business Plans from the two previous bidders for the pub operation (Mr C Macey and Mr G Yoxall) so that a meaningful comparison between these and the theoretical viability reports submitted on behalf of the applicant can be made as a more accurate test of the projected viability on the business in the future.

The National Planning Policy Framework

In addition to the above, it is relevant to consider the proposals in the light of the NPPF as follows, and the following comments are also important and should be taken into account:

1. Building a strong, competitive economy - retention of the premises for commercial use clearly supports this.
2. Ensuring the vitality of town centres - whilst Paulton is not a town, the principal here supports retention of amenities within local communities. Our community in Paulton is expanding by circa 30% in ten years as a result of recent and on-going development in the village, and, with little additional provision of amenity, what precious little amenity we have must be retained if at all possible.
3. Supporting a prosperous rural economy - In PPC's Community Plan 2010 and as updated by Questionnaire in 2013/2014, we have identified an imbalance between housing and employment, and we wish to take every opportunity to encourage and support local business. A thriving Somerset Inn operation will help to achieve this aim and be an asset to the community.
4. Promoting sustainable transport - The retention of local amenity goes straight to this. The Somerset Inn should be a local facility, thereby reducing the need for local residents to make car journeys and reducing the journey time for the local and to the wider catchment area. Approving the change of use would be one step towards the developer's ultimate goal which is completely contradictory to this issue.
5. Protecting Green Belt land - whilst not in the Green Belt, all local residents and visitors to the area perceive this site as contributing greatly to the green infrastructure of the village on this eastern site of the settlement which is not considered suitable for development under the SHLAA of March 2013 or in the emerging Place Making Plan or Core Strategy.

HIGHWAYS DEVELOPMENT CONTROL - No objection

COAL AUTHORITY - Comments awaited

ARCHAEOLOGIST - No objection. No conditions are required.

ECOLOGY - NO OBJECTIONS subject to conditions.

POLICIES/LEGISLATION

Policies/Legislation:

BATH & NORTH EAST SOMERSET LOCAL PLAN (including Waste and Minerals)
ADOPTED 2007 - Saved policies

- CF.7 - Loss of public houses
- D.2 - General Design and Public realm considerations
- HG.4 - Residential Development in the urban areas and R.1 settlements
- HG.12 Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings
- NE.10 & NE11 - Nationally & Locally Important species and habitats
- SC.1 - Settlement classification
- T.1 - Overarching access policy
- T.24 - General development control and access policy

Bath and North East Somerset - Core Strategy - Adopted July 2014

- DW1 - District-wide spatial Strategy
- SV1 Somer Valley Spatial Strategy
- RA1 Development in the Villages meeting the listed criteria
- RA2 Development in Villages outside the Green Belt not meeting Policy RA1 criteria
- CP6 - Environmental Quality

- National Planning Policy Guidance
- National Planning Policy Framework
- Hansard minutes of Parliamentary Debate - Greg Mulholland MP - 16th October - <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm131014/debtext/131014-0004.htm#13101431000002>
- Press Release on reform to Publicans rights - <https://www.gov.uk/government/news/publicans-to-get-a-fairer-deal>
- Setting the Record Straight - Debunking the Myths about Pubco Reform - October 2013 - <http://www.fairdealforyourlocal.com/wp-content/uploads/2013/10/FDFYL-Setting-the-Record-Straight-Oct-2013.pdf>

OFFICER ASSESSMENT

Officer Assessment:

The previous application was refused solely because the committee considered that insufficient information had been submitted to demonstrate that the Somerset Inn had been effectively marketed and would be unviable as a public house. Officers and the committee had no objections to the application on highway safety grounds and considered that the pub could be easily be converted into a quality dwelling which would offer a high quality residential environment for future occupiers.

This report will therefore assess just the marketing and viability of the public house, which is safeguarded by saved Local Plan policy CF.7 which states:

Planning permission will not be granted for the redevelopment or change of use of a public house which would result in the loss of premises which provide, or could provide, a needed community facility in that locality, unless:

- i) the operation of a public house serving the local community is not viable and the premises have been effectively marketed as a public house without success; or
- ii) the development or change of use would result in the provision of alternative facilities of equivalent or greater benefit to the local community.

ASSESSMENT OF ADDITIONAL EVIDENCE SUBMITTED

MARKETING / SALE OF PUB

No further information has been submitted of the efforts to market the pub. Whilst full details of the marketing efforts are not available, it appears that the property was marketed for a period in excess of 2 years.

A question arises as to whether the pricing of the property has delayed its sale and put off would-be purchasers wishing to operate the pub as a going concern. When placed on the market in 2011, the property (including the land to the rear) was offered for sale at £475,000, with the price progressively reduced until it sold for £275,000 in April 2013. Given that the applicant's viability report gives a notional acquisition value of £150,000 it seems likely that the originally the property was over-valued and would have put off commercial purchasers. This is as much admitted in the email of 22nd May 2014 from James Allen at Allen Residential, who were marketing the property from 2nd October 2012 to 26th March 2013. The email comments, "during the time that we were selling the property 2nd October 2012 to 26th March 2013 we had 19 viewings & 7 offers in total; 3 of which were from the same party. The interest to be honest was pretty poor although we were selling at an asking price of £299,950 which was pretty high."

It follows that if £299,950 is a "pretty high price", a price of £475,000 is exorbitant. The excessive price would have dissuaded buyers, and the delay in selling it would have worsened its condition, further dissuading potential commercial buyers.

The applicant has submitted an email from the agent for the sale of the property, reporting that during the time they were selling the property, from October 2012 to March 2013 there were 19 viewings in total, and 7 purchase offers, 3 of which were from the same party, meaning that there were at various times 4 parties bidding for the purchase of the pub. Officers have sought further clarification from the applicant as to when the various offers were received, who they were from (i.e. developers or pub operators) and what the offers were, but no further information has been received. This is of direct relevance, in that it goes to the heart of whether there was any demand for the pub in an ongoing commercial use.

Both Mr Macey and Mr Yoxall report making offers to buy the pub although Mr Macey's was a verbal offer. On 18th April 2013 (one week before it was actually sold) Mr Yoxall made a formal offer of £255,000 for the pub, but he was given only 1 day to complete the sale, despite the fact that searches and investigations into the mine shaft had not been completed. It appears that Mr Yoxall was in a bidding race with the current landowners.

Mr Yoxall has submitted evidence of Admiral Taverns acting in a similar manner elsewhere in the country, with pubs being sold over-night to property developers seemingly without any public marketing process, or with apparently legitimate bids from individuals wishing to buy the pub as a going concern being ignored.

The Parish Council have questioned whether the sale of the pub was straight-forward, and whether a side-payment was made to reflect the enhanced value of the pub as a development site. The discussion during the committee meeting for the previous application also touched upon whether the sale was condition on the property no longer being used as a public house, as Admiral Taverns own a second pub in Paulton, The Winterfield Inn.

The appellants have submitted a copy of the sales contract between the vendor Admiral Taverns and the purchaser Yorkton Overseas Development Limited. This shows that the pub was sold for £275,000 in total (including a £25,000 deposit), which is consistent with what was stated in the applicants viability report.

The contract shows no evidence of there being a side-payment reflecting a higher value of the property as a residential dwelling and includes no provision for additional value to be paid in the event that planning permission were to be achieved for the proposed 22 house development to the rear of the site. Additionally, whilst the contract notes the buyers' intention to convert the pub to a dwelling, there appear to be no clauses that would prevent the property from being used as a public house. From this perspective therefore, the contract for sale appears to be straight-forward.

In conclusion in respect of the marketing of the pub, it appears that the property was properly marketed but it could not be said that there wasn't interest in the pub as a going concern, with a fully funded bid for its continuing commercial use submitted 1 week before the sale of the pub to the current owners.

VIABILITY

The applicants have submitted no further evidence in respect of the potential viability of the pub as a going concern, but Mr Macey and Mr James, both of whom put in offers to purchase the pub, have both submitted commentary on the viability report.

It is recognised that the pub is limited in size, and this will have an impact on its viability as a conventional public house. However officers recognise that the viability of a business will vary according to who runs it and how.

The fact that at least two residents sought to purchase the pub as a going concern, both of whom evidently considered that the pub was capable of being a viable going concern, must be a relevant consideration to which significant weight must be applied. Mr Yoxall in

particular has submitted a costed business plan setting out calculations behind his proposal to turn the pub into an arts centre / Bistro.

Mr Macey has submitted additional information underlining the material differences between the potential profitability of an independent pub (in private ownership) and a "tied" pub owned by a pub company such as Admiral Taverns, the former owners. Essentially an independent owner will have full choice as to where they source their stock, where-as the landlord of a tied pub will both have to rent the pub from the pub company, buy their stock from the pub company, at (according to the parliamentary debate referred to below) a substantial markup from the price paid by an independent publican. The exact conditions of the tenancy between the former publican of the Somerset Inn and Admiral Taverns are however unknown.

This analysis is confirmed by discussions in parliament, which raised concerns about the abuse of publicans by large pub companies, which through taking excessive profits, artificially depress the viability of what would otherwise be economically viable pubs, were they to be in independent ownership. The discussion in parliament also comments that the large pub companies are in fact, heavily leveraged property companies, and that in considering their portfolio they also consider the value that could be derived from the sale of a site for re-development, whether or not the property is in fact commercially viable. <http://www.pubpal.co.uk/news/2013/10/greg-mulholland-mp-and-the--great-british-pub-scam-.aspx>. The discussion in Parliament referred to above in fact comments that large Pub Companies have been known to encourage a high turnover of tenants in order to maximise the overall fees chargeable from tenants.

In June 2014 the Government undertook a consultation on new legislation that would give publicans new rights under a statutory code, and set up an independent adjudicator with the power to resolve disputes. Tied tenants will be given the power to request a rent review and will also have the right to review the information pub owning companies have used to decide to increase rents. These proposals will put on a statutory footing the principle that a tied tenant should be no worse off than a free of tie tenant and that all tied agreements should be fair and lawful. <https://www.gov.uk/government/news/publicans-to-get-a-fairer-deal>

The consequence of this analysis is that the fact that a tied pub, owned by a large pub company is "unviable" is not necessarily reflective of the potential viability of the same pub in independent ownership, as its viability is constrained by the income demanded from the publican by the pub company. Likewise, the fact that a tied pub has a rapid turnover of landlords may be more reflective of the pub companies policies than true market conditions.

Whilst the applicants submit theoretical assessments of the likely turnover of the pub, there is no evidence that the last commercial occupation of the pub was loss making, and no information as to why the last set of tenants moved out. The Parish Council highlight that the theoretical turnover given in the viability report of £75,000 is significantly less than the last known actual turnover of £160,000 in 2004 (set out on sales particulars dated November 2005).

Objectors have made what appear to be valid criticisms of both the applicants' viability assessment and the independent advice to the Council by GVA, in that both assume that

the pub would be purchased on credit and that therefore, that finance costs would have to be included in the assessment of viability. In fact both Mr Macey and Mr Yoxall's were cash offers, involving no credit and therefore no finance costs.

Additionally both assessments assume that the property would continue to run as a public house, where-as Mr Yoxall's proposal was to develop the property as an arts centre and bistro, also offering camping in the field behind the property. It is likely that these changes would require planning permission, but subject to it being obtained, would introduce additional sources of revenue which are not considered in either the Applicant's viability report or the GVA report.

In conclusion, no additional evidence has been submitted to demonstrate that the Somerset Inn could not be operated viably. Additional evidence submitted by objectors suggests that the business model used to run the Somerset Inn, as a tied pub, owned by a large Pub company, may have artificially depressed the viability of the pub, compared to its operation as an independent non-tied pub.

Mr Yoxall, who narrowly missed buying the pub himself, has a fully worked-up 10-year business plan, and clearly believes that it could be a going concern.

CONCLUSIONS

Whilst the Somerset Inn is limited in size and would need repairs to bring it back into use, the applicants have not overcome the committee's reason for the refusal of the previous application, and in fact objectors have produced more evidence which suggests that the pub could be capable of continued commercial use and that there was and still is demand to use the pub commercially. Officers recommend that the application be refused, confirming the committees decision in respect of application 13/04607/FUL.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 Inadequate information has been submitted to demonstrate that the Somerset Inn has been effectively marketed and is unviable as a public house or as an alternative community facility. As such, the proposals are contrary to saved policy CF.7 of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007 and the guidance in the National Planning Policy Framework.

PLANS LIST:

1 Plans List:

This decision relates to

- Drawing P01 PROPOSED SITE PLAN
- Drawing 127 P02 REV A PROPOSED FLOOR PLANS
- Drawing 127 P04 PROPOSED ELEVATIONS
- Drawing 127 P05 PROPOSED ELEVATIONS
- Drawing 127 S02 EXISTING SITE PLAN

- Drawing 127 S03 EXISTING FLOOR PLANS
- Drawing 127 S04 EXISTING ELEVATIONS
- OS Extract 127 S01 LOCATION PLAN
- BAT SURVEY & BUILDING INSPECTION REPORT
- ECOLOGICAL APPRAISAL
- GVA SURVEYORS REPORT
- HERITAGE STATEMENT
- PHASE 1 GEOENVIRONMENTAL ASSESSMENT
- SUSTAINABLE CONSTRUCTION CHECKLIST
- ADDITION MARKETING INFORMATION - EMAIL From Richard Fisk 18.04.13 re:
contract race
- ADDITIONAL MARKETING DETAILS - email of 22nd May 2014 from James Allen
at Allen Residential,
- COVERING EMAIL WITH ADDITIONAL MARKETING INFORMATION
- ADDITIONAL MARKETING INFORMATION - CONTRACT OF SALE dated 25th
April.

2 DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Council did consider the application positively and pro-actively, however following consideration of 3rd party comments on the viability of the pub and marketing process, concluded that the application had failed to demonstrate that the property was unviable and had been properly marketed. In fact, evidence suggests that there was and remains demand for the continued use of the property as a community venue. This issue ran to the heart of the application, and therefore the Local Planning Authority moved forward and issued its decision to refuse the application.

Item No: 06
Application No: 14/00808/FUL
Site Location: Whiteways White Cross Hallatrow Bristol Bath And North East Somerset



Ward: High Littleton **Parish:** High Littleton **LB Grade:** N/A
Ward Members: Councillor L J Kew
Application Type: Full Application
Proposal: Erection of 2no. holiday cottages to expand existing B&B business following the demolition of existing outbuildings (Resubmission)
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Hazards & Pipelines,
Applicant: Mr Nick Pollett
Expiry Date: 16th April 2014
Case Officer: Daniel Stone

REPORT

Whiteways, White Cross, Hallatrow, Bristol, Bath And North East Somerset

REASON FOR REPORTING APPLICATIONS TO COMMITTEE:

The application has the support of the Parish Council, but is recommended for refusal. As the application was refused at Committee last year the Chair of Committee has decided that Members should consider the proposal.

SITE CONTEXT + PROPOSALS

The application site consists the garden of a vacant bungalow on a roomy site in the open countryside on Green Lane, Hallatrow, just off the A37. The site is not within the Green Belt and lies within Flood Zone 1. The site lies within the HSE notification zone for a hazardous pipeline.

Consent is sought for the erection of two single storey holiday cottages, in the garden of the property which is extensive. Planning permission was recently given for a replacement dwelling on the footprint of the existing bungalow, which is in very poor condition.

The proposed holiday cottages would be located approximately 80 metres from the applicants existing Bed and Breakfast business at Green Lane Farm.

The application is a resubmission of refused application 13/00846/FUL for 2 holiday cottages, and is essentially identical to this application, but for the offer of a legal agreement. This would tie the holiday cottages to the existing bed and breakfast business at Green Lane Farm so that the holiday cottages cannot be operated as a separate business or be occupied by the same occupant for longer than 3 months. The intention of the legal agreement would be to prevent the holiday cottages being occupied as permanent dwellings.

RELEVANT PLANNING HISTORY:

13/00846/FUL - Erection of 2no. holiday cottages to expand existing B&B business following the demolition of existing residential - refused 07.06.13

12/04576/FUL - Erection of 1.5 storey dwelling with associated landscaping works following demolition of existing bungalow - approved 04.12.2012

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

CONSULTATION

Consultation letters were sent out to 3 adjoining properties, and a notice was placed in the local press.

To date no response has been forthcoming to the public consultation, but if any comments are received they will be reported to the committee.

HIGH LITTLETON PARISH COUNCIL - Support

HIGHWAYS DEVELOPMENT CONTROL - No objection subject to conditions.

The previous similar application on this site raised highways comments that this is not a sustainable site in transport/travel terms due to its remote location. The supporting letter submitted by the applicants Transport Advisers sought to address these concerns (it also accompanies this current application), pointing out that holiday accommodation by its nature did not need to consider access to certain facilities (schools, employment opportunities etc.), and that relatively frequent bus services do exist on the A37, within a reasonable walking distance. On balance the view was therefore that there were no grounds for objection on this basis.

This remains the case.

ECOLOGY - No objections subject to conditions

POLICIES/LEGISLATION

POLICIES

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- o Core Strategy
- o Saved Policies in the B&NES Local Plan (2007)
- o Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

- o DW1 - District Wide Spatial Strategy
- o RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
- o CP6 - Environmental Quality

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

- o D.2 General design and public realm considerations
- o D.4 Townscape considerations
- o T.1 Overarching access policy
- o T.6 Cycling Strategy: cycle parking
- o T.24 General development control and access policy
- o T.26 On-site parking and servicing provision
- o ET.4 Employment development in and adjoining rural settlements

- o HG.4 Residential development in the urban areas and R.1 settlements
- o HG.10 Housing outside settlements (agricultural and other essential dwellings)

- o - National Planning Policy Framework
- o - Ministerial statement entitled 'Planning for Growth', 23 March 2011

OFFICER ASSESSMENT

KEY ISSUES:

A. IS THE PRINCIPLE OF NEW BUILD HOLIDAY ACCOMMODATION IN THE OPEN COUNTRYSIDE ACCEPTABLE?

Policy ET.4 of the Adopted Local Plan advises that development proposals for small scale purpose built visitor accommodation will be permitted at rural settlements (i.e. defined in Policy SC.1 as R1, R2 or R3 settlements) provided that such development: a) is appropriate in scale and character to its surroundings; and b) in the case of R1 and R2 villages, lies within or adjoining the settlement; or c) in the case of R3 villages, is infilling in line with Policy GB.1.

In this case, Hallatrow is classed as a R.2 settlement, but the site lies outside of the established development boundary, in the open countryside.

Local Plan Policies HG.4 and HG.10 direct residential development towards existing towns and villages defined by development boundaries, with dwellings only being permitted in the countryside if they are essential for agricultural or forestry workers.

Policy RA1 of the Adopted Core Strategy advises, "At the villages located outside the Green Belt or excluded from the Green Belt, proposals for residential development of a scale, character and appearance appropriate to the village and its setting will be acceptable within the housing development boundary provided the proposal is in accordance with the spatial strategy for the District set out under Policy DW1 and the village has:

- a: at least 3 of the following key facilities within the village: post office, school, community meeting place and convenience shop, and
- b: at least a daily Monday-Saturday public transport service to main centres,

At the villages outside the Green Belt which meet these criteria, development sites will also be identified in the Placemaking Plan and the housing development boundary will be reviewed accordingly to enable delivery during the Plan period of the 1,120 dwellings identified on the Key Diagram. Residential development on sites outside the Green Belt adjoining the housing development boundary at these villages will be acceptable if identified in an adopted Neighbourhood Plan."

It is clear from this text that outside of these villages, visitor accommodation will not be supported.

Whilst planning permission was recently granted for the erection of a dwelling at the site, this was only allowed because it was a replacement for the existing bungalow on the site,

which is in poor repair. The site lies in the open countryside, and whilst the site is within a small group of houses, it is not in a R1, R2 or R3 village, and therefore the application is be contrary to Local Plan policy ET.4.

Paragraph 28. of the NPPF advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- o promote the development and diversification of agricultural and other land-based rural businesses;
- o support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

In this case no details have been submitted to demonstrate that the need for tourist accommodation is not being met by existing facilities within existing settlements, and the Core Strategy and Local Plan policies do not define this as an appropriate location for residential or holiday accommodation development.

A recent appeal decision, in respect of the creation of a holiday home at Broadway Lane, Clandown (reference 13/03275/FUL, appeal APP/F0114/A/14/2212768) is worthy of examination. This application was refused as being an unsustainable location for a new dwelling outside of the housing development boundary.

Here, assessing this appeal against the guidance in the NPPF, the Inspector noted:

"In particular, paragraph 55 (of the NPPF) makes it clear that isolated new homes in the countryside should be avoided except in special circumstances. These may include the re-use of redundant or disused buildings where this would lead to an enhancement to the immediate setting. However, it does not seem to me that this particular proposal would lead to any significant enhancement of the building's setting. The special circumstances required to justify such development do not therefore exist.

Furthermore, in view of the isolated rural location, I agree with the Council that occupiers of the proposed holiday home would be heavily reliant on travel by private car. This would be contrary to the Framework's objective of promoting sustainable transport, albeit that the opportunities to achieve this objective will vary from urban to rural areas...."

The Inspector continued:

"The Framework nevertheless supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. However, based on the limited detailed information that has been provided, it has not been demonstrated that the proposal would meet an identified need that is not met by existing facilities in rural service centres, as required by paragraph 28 of the Framework. It has not therefore been demonstrated that the provision of new tourist facilities in this instance would be in an appropriate location."

In dismissing this appeal, the Inspector has confirmed officer's view that new-build tourist accommodation in the open countryside, outside the adopted Housing Development Boundaries, are unacceptable and not supported by local or national planning policy.

The offered legal agreement offers some comfort that the proposed holiday cottages would not turn into permanent dwellings, but does not overcome the objection to the principle of the proposed development.

IS THE SITE A SUSTAINABLE LOCATION FOR DEVELOPMENT?

The National Planning Policy Framework stresses the need to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling" (paragraph 17) and to "support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport" (paragraph 30).

The site is located just off the A37, approximately 1200 metres from Farrington Gurney and 900 metres from Hallatrow. There are narrow pavements to both settlements, but the A37 in particular experiences very heavy traffic flows and is not a welcoming walking environment, or particularly safe for cyclists.

The site is served by bus stops on the A37 at White Cross which provide bus access to Bath, Bristol, Wells, Clutton, Midsomer Norton and Radstock.

Officers accept that the range of facilities available in Hallatrow and Farrington Gurney (which are both defined as RA1 villages in the emerging Core Strategy) are relatively limited. Both villages have pubs, The Old Station and Carriage in Hallatrow, and the Farrington Inn in Farrington Gurney. Farrington Gurney also now has a Co-op supermarket, which has occupied the building formerly used by the Little Chef. Therefore officers accept that the facilities currently available within the villages are not significantly more extensive than those available outside.

However, it is reasonable that if in the future additional facilities and services are provided to serve these settlements, they will be located within the village boundaries, as evidenced by the new Co-op supermarket. Development (such as tourist accommodation) located within the villages would help support existing and new services, and thereby help support a more sustainable pattern of growth which facilitates the maximum use of walking, cycling and public transport to access facilities.

Conversely the visitors staying in the proposed development, located in the open countryside not within convenient walking distance, are less likely to support these facilities, and are much more likely to get there by car. As a result, the development would fix into place a dispersed pattern of development that relies on vehicular transport to access facilities. The location of the proposed development thus fails to make the fullest possible use of walking, cycling and public transport.

ARE THE PROPOSED HOLIDAY COTTAGES ACCEPTABLE IN THEIR DESIGN?

The site does not lie in a Conservation Area and has no strong design character of its own, with the area having an undistinguished mix of dwelling types and styles. The proposed holiday cottages would be single storey in height and would be faced in stone with concrete tiled roofs. Whilst their detailed design could be acceptable in some circumstances, there is an in principle objection to the proposed holiday cottages which would constitute the creeping urbanisation of this location in the open countryside, which would be harmful to its character.

ARE THE PROPOSALS ACCEPTABLE IN TERMS OF HEALTH AND SAFETY IMPACTS?

The Health and Safety Executive were consulted in respect of the previous consented application for a replacement dwelling. They advised that there was a gas pipeline lying close to the site and that the pipeline operator be consulted. Officers have undertaken an online search using the Linesearch website, but this has identified no pipeline operators within 75 metres of the application site.

CONCLUSION

The site, whilst located in a cluster of other buildings is, for planning purposes located in the open countryside. The proposed application is contrary to Local Plan policy ET., and to guidance in the NPPF. Officers can see no reasonable justification to set these policies aside, and therefore the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed holiday cottages, being in an open countryside location and poorly related to services would constitute an unsustainable, dispersed pattern of development which would not facilitate the use of sustainable modes of transport and would constitute the creeping urbanisation of this rural location, harmful to the character of the open countryside. As such the development is contrary to Policy ET.4 of the Bath & North East Somerset Local Plan adopted 2007, policy DW1 and RA1 of the draft Bath and North-East Council Core Strategy and the guidance in the National Planning Policy Framework.

PLANS LIST:

1 PLANS LIST

This decision relates to drawing nos:

- 51467/03/101 REV C - combined proposals drawing
- OS Extract 51467-03-001 REV Site Location Plan, Block Plan and combined existing drawing
- Planning Statement
- Protected Species Survey
- traffic assessment letter

2 Decision Taking Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The submitted application was considered to be unacceptable in principle for the reasons outlined above and the applicant was advised that the application was to be recommended for refusal but 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.

Item No: 07
Application No: 14/01943/FUL
Site Location: Bathway House 144 London Road West Lower Swainswick Bath BA1 7DD



Ward: Lambridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor B Chalker Councillor Dave Laming
Application Type: Full Application
Proposal: Erection of 2no detached dwellings and associated landscape works
Constraints: Agric Land Class 1,2,3a, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
Applicant: Mr Andrew Pegler
Expiry Date: 4th August 2014
Case Officer: Alice Barnes

REPORT

Reasons for reporting the application to committee

The application is being reported to the committee as the applicant is an employee of Bath and North East Somerset Council who works within the Development Management department.

Description of site and application

Bathway House is located on the eastern edge of Bath city close to the village of Batheaston. It is a large detached property with a residential annex. It is located within the Conservation Area and World Heritage Site.

The application relates to the erection of two detached dwellings with associated landscaping and parking. The existing property is located on the busy main road of London Road West. The site slopes downwards below the road. It is partially visible from the streetscene. There is a residential annex adjacent to the main house. The existing site includes a large outbuilding to the rear of the property. The dwellings are proposed to be sited outside of the Green Belt boundary they are also located outside of, but adjacent to the floodplain.

Relevant history

AP - 13/00051/RF - DISMIS - 15 November 2013 - Erection of 1no. dwelling.

DC - 12/05169/FUL - RF - 13 February 2013 - Conversion and extension of existing barn/workshop and erection of garden store and change of use to private dwelling.

DC - 12/05171/OUT - RF - 13 February 2013 - Erection of 1no. dwelling.

DC - 11/02489/FUL - PERMIT - 18 August 2011 - Change of use of ancillary office to ancillary residential.

DC - 01/00336/REM - WD - 9 March 2006 - Removal of condition 05 and 06 of planning permission 15038-4 granted on 2.5.96 and use of basement as store

DC - 98/00197/FUL - PERMIT - 26 June 1998 - Construction of implement store after demolition of existing sheds, and reconstruction of existing livestock pens to create barn

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: Object. Any increased use made of the existing sub-standard access generated by the proposed development would be prejudicial to highway safety.

Highways drainage: Object. The development lies within the flood plain and this has not be acknowledged by the applicant. No flood risk assessment has been submitted.

No surface water drainage strategy has been submitted.

Arboricultural: No objection subject to condition

Representations: One representation has been received objecting to the application for the following reasons:

This is a conservation area and the dwellings would be accessing a busy road.

POLICIES/LEGISLATION

At its meeting on 10th July 2014 the Council approved the Core Strategy for Development Management purposes. The following policies should be considered:

Saved local plan policies

D.2: General design and public realm considerations

D.4: Townscape considerations

Bh.6: Development within or affecting Conservation Areas

GB.2: Visual amenities within the Green Belt

T.24: General development control and access policy

Replaced local plan policies

B1 - Bath Spatial Strategy

B4 - The World Heritage Site and its Setting

OFFICER ASSESSMENT

Planning History

An application was refused in February 2013 for the provision of one dwelling within the rear garden. The application was refused as it would have caused harm to highway safety, harm to the amenity of existing occupiers of the site and harm to an existing ash tree. The application was dismissed on appeal in November 2013. The inspector upheld the reasons for refusal relating to highway safety and residential amenity.

Principle of development

The application site is located within the City of Bath. Policy HG.4 allows for residential development within the city of Bath. Therefore the principle of development is accepted subject to compliance with all other conditions.

Permission has been granted at neighbouring dwellings for the provision of dwellings within the rear gardens. Therefore to move development to the rear of the site would not be uncharacteristic of the surrounding conservation area.

Design

The proposed dwellings can be described as two and half stories in height. With rooms located within the roof space. The dwellings would be set below the road level behind existing development and would not impact visually on the existing streetscene. The provision of two storey dwellings would be broadly in line with existing surrounding development.

The proposed dwellings would be constructed with rubble Bath stone and render. The roof will be a mix of clay tiles and slate. The proposed materials will complement the existing mix of materials in the surrounding area. Overall the design of the dwellings are considered to preserve the character of the surrounding Conservation Area.

Highways

The highways officer has raised an objection to the application. The existing access is 3.8m wide and would not allow for two cars to pass. Visibility is also currently restricted to approximately 2m by 15m to the north east and 10m to the south west, but from the appropriate set-back distance of 2.4m, visibility is further restricted to 7m to the north east and 6m to the south west. The proposal seeks to widen the existing access to 5.3m and to re-grade the driveway to serve the existing dwelling, Bathway House, the annexe accommodation, the barn/workshop and land, and the two new dwellings.

The widened access would allow for two cars to pass in the access, if required, and would marginally increase the junction and inter visibility, although the narrowness of the footway would still not enable an acceptable level of visibility to be provided. The design guidance relevant to London Road West would require visibility splays of 2.4m by 43m for the current 30mph road, which is not available for the development.

The current proposal is different to the previous two applications, in that it is now proposed for two new dwellings, which would be in addition to the existing residential accommodation and barn/workshop, compared to the previous applications seeking one new dwelling and the conversion of the barn/workshop to a dwelling. Therefore, any traffic generation associated with the barn/workshop, and associated land to the rear, would still be in addition to the proposed dwellings, which the previous applications had advised generated 2 visits per day.

There have been some changes since the time of the previous applications, and subsequent appeal, including the commencement of the Waggon & Horses redevelopment, which gives more certainty to the implementation of the highway works, together with alterations to parking restrictions in the immediate vicinity of the site, but these factors do not outweigh the lack of visibility from the exit.

Any increased use made of the existing sub-standard access generated by the proposed development would be prejudicial to highway safety. The development is therefore contrary to policy T.24 of the local plan. This reason for refusal was also previously supported by the Planning Inspector in the dismissed appeal.

Amenity

The proposed development will result in an access road running between number 144 and its annexe. The entrance to the site is located directly opposite the front elevation of the existing annexe. It is considered that the noise from additional vehicles including lights at night would result in an unacceptable intrusion to the amenity of the occupiers of the annexe.

The access road will cut through the existing residential unit of the main dwelling and the annexe. This would separate the annexe from the main dwelling driving the access road through the garden of the dwelling and its annexe.

These factors were considered when the previous application was considered by the inspector. The severing of the annexe from the main dwelling by the driveway was

described as being unduly intrusive. The inspector considered that as the development was located broadly in front of the annex, which sits at a lower level. The differing ground level means that the headlights of vehicles entering the site will shine into the windows at the front of the annex. Whilst this could already be a source of some nuisance, the annex and main dwelling currently remain as one planning unit. The proposed dwelling would lead to increased use of the existing access.

The comments made by the inspector are still considered to be relevant to this application. The previous application was for one dwelling and as this application is for two dwellings the problem would therefore be increased.

Other Matters

The proposed development will be located outside of the Green Belt and is not considered to harm the visual amenity of the surrounding Green Belt.

Concern has been raised by the highways drainage team stating that the development lies within the floodplain. This is incorrect, the application site is a steeply sloping site where the floodzones 2 and 3 are located at the base of the site not within the area proposed to be developed.

Conclusion

The proposed development is considered to result in severe harm to highway safety and significant harm to residential amenity, therefore refusal is recommended.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed access road will run between the existing dwelling of 144 and its related residential annexe. This will result in unwanted noise and disruption to these existing occupiers to the detriment of their amenity. It will sever the existing house and annex which would be unduly intrusive. The proposed development is therefore contrary to saved policy D.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

2 The proposed development will result in the increased use of a sub-standard access. This would result in a severe impact upon highway safety. It is therefore contrary to saved policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Item No: 08
Application No: 14/00958/VAR
Site Location: St James Surgery 8 - 9 Northampton Buildings Lansdown Bath Bath
And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Douglas Nicol Councillor A J Furse
Application Type: Application for Variation of Condition
Proposal: Variation of condition 6 of application 08/04692/FUL. (Erection of a new surgery annexe (Use Class D1) and first floor apartment (Use Class C3) following demolition of garages)
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
Applicant: St James' Surgery
Expiry Date: 1st August 2014

Case Officer: Alice Barnes

REPORT

Reason for reporting application to committee

The application is being reported to the committee at the request of Councillor Andrew Furse. The application has been referred to Councillor Curran who has agreed that the application should be considered by the committee.

Description of site and application

Northampton Buildings is located to the north of Bath city centre. It is a cul-de-sac located between Northampton Street and St James Square. St James Surgery is located at the top of the cul-de-sac which also provides access to a number of dwellings and St Andrews School.

This is an application to vary condition 6 of application 08/04692/FUL. Application 08/04692/FUL granted permission for the erection of a new surgery annexe (Use Class D1) and first floor apartment (Use Class C3) following demolition of garages. Condition 6 states that;

6. The ground level annex accommodation hereby permitted shall be ancillary to the principal surgery premises only, and shall be occupied for administrative, storage and training purposes with no public access permitted.

Reason: To prevent a material increase in patient numbers at the surgery, which would result in a significant hazard to highway and pedestrian safety.

The applicant is proposing to revise the condition to;

6. The ground floor annexe hereby permitted shall be ancillary to the principle surgery only

This would enable the applicant to use the annexe as a dispensing pharmacy which is intended to be ancillary to the existing surgery.

Relevant History

DC - 98/00228/FUL - PERMIT - 22 May 1998 - Installation of two additional velux windows on east elevation of St James's Surgery

DC - 99/00550/FUL - WD - 6 October 1999 - Change of use of lower ground floor to provide a pharmacy within St James's Surgery

DC - 99/01205/FUL - RF - 31 March 2000 - Internal alterations to lower ground floor to provide a new dispensary within St James's Surgery (Re-submission), appeal allowed.

DC - 08/04693/CA - CON - 12 February 2009 - Demolition of garage block.

DC - 08/04692/FUL - PERMIT - 19 March 2009 - Erection of a new surgery annexe (Use Class D1) and first floor apartment (Use Class C3) following demolition of garages

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: The applicant correctly states that the development will have an overall benefit in travel terms, by not requiring patients to make secondary journeys to collect prescriptions, but also that it will have little impact on the local streets as patients will already (for the most part) be on the premises.

The updated Operational Statement confirms there will be no retail element to the pharmacy, which will reduce the level of custom to be expected. The statement also states that 95% of the pharmacy's current business is by home delivery. The customer figures provided for the existing pharmacy on Brock Street, indicate a very low level of individual visits. I do not believe the development would result in a significant or severe impact on highway safety, and there is therefore no highway objection.

Councillor Andrew Furse: Object;

This is an unsuitable location for a retail premises.

The nearby pharmacies rely in prescriptions for a substantial amount of their business. This application will put them out of business. The pharmacy in St James Street attracts footfall to the local shopping area which would be lost.

The proposal will result in an increase in traffic including additional deliveries.

Representations: 314 representations have been received objecting to the application for the following reasons;

A new pharmacy would have a major effect on the nearby Hawes Whiston pharmacy in St James Street.

If the Hawes Whiston were to close this would have a detrimental impact on the nearby shopping street.

It will jeopardise the entire nearby local shopping area.

Building work should not take place outside of anti-social hours.

There is no need for a pharmacy.

Prescriptions are an important part of the revenue at Hawes Whiston and the provision of a pharmacy at the surgery would result in a huge loss of revenue. People visiting Hawes Whiston for prescriptions will often buy additional items.

Hawes Whiston collects repeat prescriptions from the surgery and delivers them to customers.

Less people will visit the local shopping area if Hawes Whiston were to close which would harm the neighbouring businesses.

It is dishonest of the surgery to build the annexe and state it would not be used as a pharmacy and now seek to change that.

There is limited on site parking and if people then have to wait for a prescription they will park there longer. This would result in more cars parked on double yellow lines.

The traffic in the street is too busy and excessive. This is a narrow and congested road with school already causing congestion.

People who are visiting the pharmacy but not the surgery will further add to traffic problems.

Hawes Whiston sells a range of products which are not available locally elsewhere.

Hawes Whiston and the pharmacy at Brock Street rely on prescriptions for their income.

Without this they would close.

A new pharmacy would be unnecessary.

GPs should not profit from the dispensing of drugs.

This will lead to illegal parking and the blocking of existing garages.
This could harm the safety of nearby school children. The main entrance to the school is only 50m away in the direct path of the delivery vehicles.
The provision of a pharmacy will result in an increase of deliveries to the site.
This will cause problems for people collecting repeat prescriptions who would otherwise not need to visit the surgery.
Hawes Whiston provides advice on non prescriptive matters and have an area of the shop for private matters.
Traffic flow will not be reduced as patients will have to visit the pharmacy for repeat prescriptions. Pharmacies have twice daily deliveries.
The site is very difficult to access as it is up a steep hill.
The information submitted does not take account of extra traffic created by patients collecting their prescriptions.
The impact on the extra traffic is liable to cause accidents.
Hawes Whiston provides a vital service to the less mobile people in our community.
The closure of Hawes Whiston will have a negative impact on the other businesses within the local shopping area with a reduction in footfall.
Northampton Buildings is a residential area and further encroachment from the surgery is inappropriate.
Transferring the pharmacy from Brock Street to the surgery will also mean the loss of another pharmacy.
The proposed development will result in a reduction of income of Hawes Whiston and will force it to close.
Pharmacies form a lynchpin business in secondary shopping areas. Hawes Whiston attracts a significant amount of footfall.
Customers of the Hawes Whiston will then visit other shops which supports the local shopping area.

In addition a petition has been received objecting to the application it includes 87 signatures.

Two representations have been received in support of the application for the following reasons;

With an on-site pharmacy prescriptions can be collected straight away and this is convenient for people with mobility problems.

It provides healthy competition with the local chemist to ensure competitive pricing and increases choice for patients.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy

- Saved Policies in the B&NES Local Plan (2007)

- Joint Waste Core Strategy

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality

B4 - The World Heritage Site and its Setting

D.2: General design and public realm considerations

D.4: Townscape considerations

Bh.6: Development within or affecting Conservation Areas.

T.24: General development control and access policy

T.26: On-site parking and servicing provision

CF.2: Provision of new or replacement community facilities

S.4: Retail development proposals (outside) the identified shopping centres

S.8: Retention of shops in district, local and village centres

National Policy

The National Planning Policy Framework adopted March 2012

OFFICER ASSESSMENT

This is an application to vary condition 6 of application 08/04692/FUL. Application 08/04692/FUL granted permission for the erection of a new surgery annexe (Use Class D1) and first floor apartment (Use Class C3) following demolition of garages. Condition 6 states that;

6 The ground level annex accommodation hereby permitted shall be ancillary to the principal surgery premises only, and shall be occupied for administrative, storage and training purposes with no public access permitted.

Reason: To prevent a material increase in patient numbers at the surgery, which would result in a significant hazard to highway and pedestrian safety.

The applicant proposes to vary this condition to state;

The ground floor annexe accommodation hereby permitted shall be ancillary to the principle surgery premises only.

The applicant wishes to amend this condition to utilise the ground floor of the annexe as a pharmacy. The applicant has stated that they intend to use the pharmacy to provide a prescription service for their existing patients.

Planning history

In 2000 the surgery applied to include a dispensary within the original surgery building. This was originally refused by the council as the proposed development was regarded as being A1 retail and would prejudice the nearby local shopping area. The application was

subsequently overturned at appeal. The inspector disagreed with the council stating that the proposed dispensary would not operate as a retail use and therefore was considered to be ancillary to the main surgery use and would fall under the existing D1 use. The provision of the proposed dispensary was never implemented.

In 2008 permission was granted for the annexe to be built to the existing surgery. The annexe is located on the opposite side of the road to the main surgery building. The upper floor was intended to be used as residential independent of the surgery. The ground floor was intended to be used as an annexe to the surgery. This was conditioned to be used as ancillary to the main surgery with no public access. This was to prevent an increase in patient number in the interests of highway safety.

Principle of development

The principle of the development is considered against whether the proposed pharmacy operates as A1 retail or as ancillary to the existing surgery and remains part of its D1 use. If the proposal is considered to be A1 it would prejudice the retail policies within the local plan, but if it is considered to form part of the existing D1 use at the surgery then it would not be in conflict with the retail policies within the local plan.

The applicant has provided an operational statement giving details of how the proposed use would operate. The variation of the condition would allow the applicant to use the ground floor of the annexe for the dispensing of prescriptions. The primary function would be to dispense prescriptions and sell some over the counter medicines such as paracetamol. The information provided by the applicant states that the proposed change would not operate as a retail use and would provide an ancillary service to the existing surgery use. It would operate within the hours of the existing surgery.

The applicant has submitted a floor plan of how they intend to use the annexe. The plan shows all medicines would be behind a counter with no shelves within the public area. The plan shows chairs have been set against the existing windows thereby not allowing the windows to be used as a display area. This can also be enforced by condition along with the opening hours.

The proposed change would operate in line with the opening hours of the surgery and primarily function to dispense prescriptions to patients of the surgery. Therefore the use of the annexe for this function is considered to fall within the existing D1 use of the surgery. It is not considered to result in a retail use of the existing annexe and therefore would not prejudice the existing retail policies contained within the local plan.

This use of the existing surgery annexe to provide prescriptions requires permission due to the conditions attached to the original permission for the annexe. If the surgery were to open a dispensary, within the existing main building then an application for permission would not be required.

Much concern has been raised within the representations with regards to the impact of the surgery on the nearby local shopping centre at St James Street. There is currently a pharmacy, Hawes Whiston, located within St James Street. Residents are concerned that the proposed pharmacy at the surgery would remove business from the pharmacy within St James Street which would harm the local shopping area.

Whilst planning policy seeks to protect local shopping centres by preserving the retail uses it does not specify the protection of one business over another. Therefore whilst this application would result in a further dispensary close to the local shopping area, as it will not result in a retail use it cannot be considered under planning policy to prejudice the retail use of the local shopping area.

A number of objections have made reference to a recent appeal decision in Tottenham (ref APP/Y/5420/X/13/2196155) whereby a pharmacy connected to an existing surgery was not found to be ancillary. In this case the pharmacy was intended to be open beyond the normal surgery hours and therefore does not form a direct comparison to this case.

Development control practise makes reference to a case in Hounslow whereby a pharmacy was considered to be ancillary to a doctors surgery. This case considered that while the dispensing of medicines prescribed elsewhere and the retail sale of various pharmaceutical items was undertaken in order to comply with the doctor's registration and contract under the Medicines Act 1968, such activities were extremely limited and could for planning purposes be considered de minimis.

Much concern has been raised with regards to the existing pharmacy Hawes Whiston located in nearby St James Street. Objectors to the application are concerned that the proposed development would remove business from Hawes Whiston causing the business to close. The objectors consider that this would have a negative knock on effect on other businesses in the street. One objection has been received from the pharmacy itself stating that the majority of their income is from filling prescriptions.

Whilst such concerns are understood planning policy does not exist to protect the rights of one particular business over another as this is considered to be a private rather than public issue. Policies exist to protect a local shopping area as a whole for example retaining retail uses and resisting out of centre retail uses, but policies do not exist to protect individual businesses for example a similar business to Hawes Whiston could open within St James Street in an existing retail unit and this would not be considered to be contrary to policy.

Highways

The highways officer has raised no objection to the application. The reason given for condition 6 was in the interests of highway safety. This was to prevent an increase in patient numbers which would have resulted in a hazard to highway safety. It is the view of the highways officer that if the site was used as retail then concern would be raised over the potential increase in traffic. However the surgery have stated that there will be no retail element to the pharmacy and the proposal has been judged to be ancillary to the existing annexe. The highways officer has stated that the development will not result in further harm to highway safety and no objection has been raised.

Amenity

The applicant has provided the operational hours of the proposed pharmacy which would operate in line with the opening hours of the existing surgery therefore avoiding visits to the surgery during anti-social hours.

Conclusion

The proposed pharmacy would operate as ancillary to the existing D1 use and is not considered to be operating as a retail use. The proposed development is not considered to cause harm to highway safety and permission is recommended subject to conditions.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 The ground floor annexe accommodation hereby permitted shall be ancillary to the principle surgery premises only.

Reason: To prevent a material increase in patient numbers at the surgery, which would result in a significant hazard to highway and pedestrian safety.

3 The annexe shall not operate outside the hours of 08:00 to 18:30 Monday to Friday and 09:00 to 12:00 Saturdays in line with the existing surgery opening hours.

Reason: In the interests of residential amenity

4 The annexe shall operate in accordance with the proposed floor layout plan detailed in drawing 9049_L_22 rev A. The existing windows shall not be used as a display area.

Reason: To ensure that the proposed use remains within the D1 use class and ancillary to the existing surgery.

5 The development hereby permitted shall only commence in accordance with the Operational Statement submitted.

Reason: In the interests of highway safety.

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

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

PLANS LIST:

1 PLANS LIST:

Site location plan 9049 (L) 001 P3

Proposed ground floor layout 9049_L_22 rev A

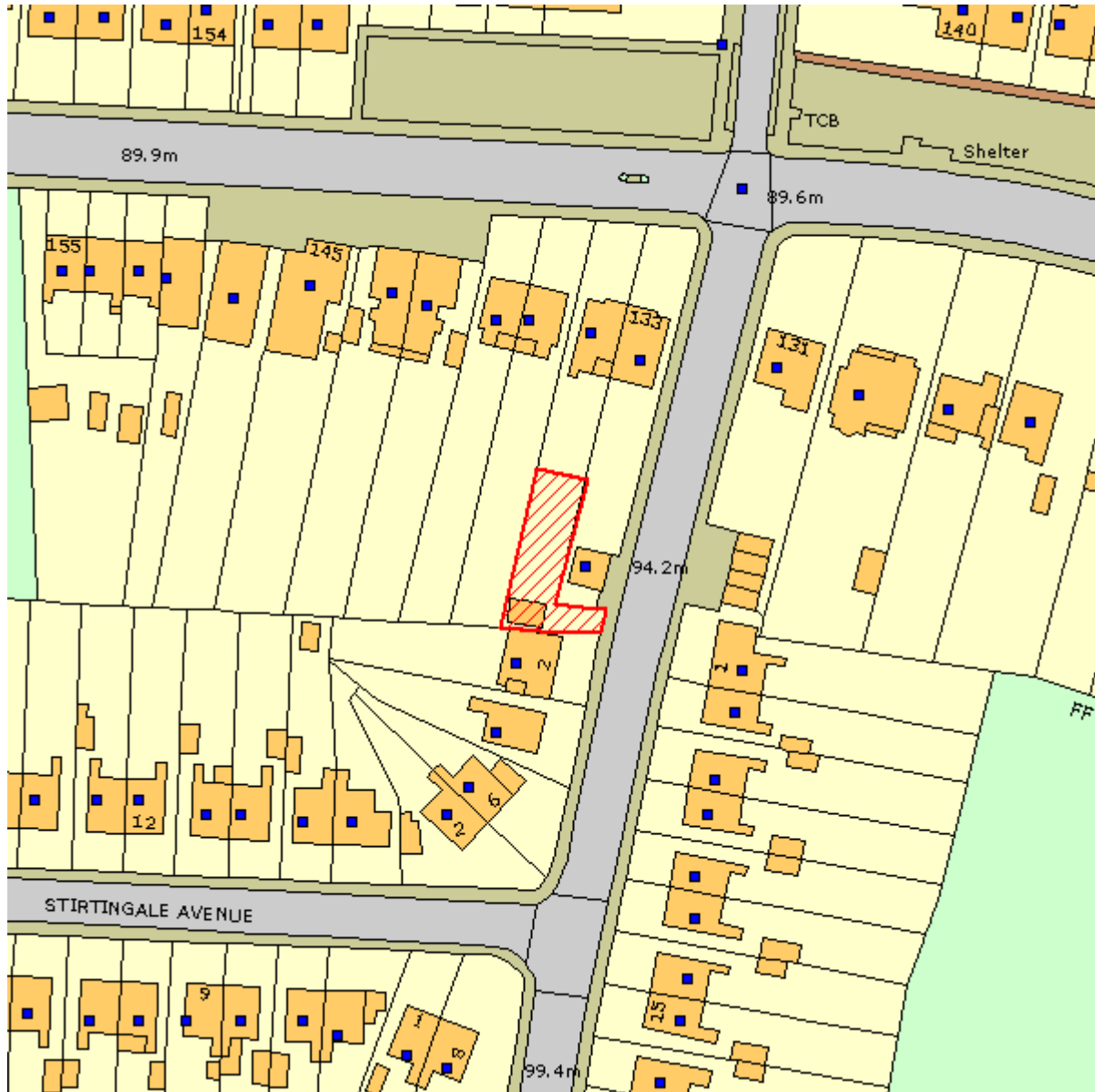
Advice Note:

The applicant should be advised that the surgery shall not be entitled to apply for on-street parking permits over-and-above their current allocation.

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, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

Item No: 09
Application No: 14/01542/FUL
Site Location: 135 Englishcombe Lane Southdown Bath Bath And North East Somerset BA2 2EL



Ward: Oldfield **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor David Dixon Councillor W Sandry
Application Type: Full Application
Proposal: Erection of a new dwelling
Constraints: Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
Applicant: Mr Sam Sardo
Expiry Date: 27th May 2014
Case Officer: Tessa Hampden

REPORT

Reason for referring this application to Committee

Cllr Dixon has offered support to this planning application and has requested for the application to be heard at committee. The reasons for support are outlined in the representations section of this report and the Chair has agreed to this request as a detached house was approved next door in 2008.

Site description and proposal

The site forms part of the residential curtilage of 135 Englishcombe Lane and is situated alongside a new dwelling that borders the site on the corner of Stirtingale Avenue. The site is outside of the City of Bath Conservation Area but within the World Heritage Site.

The application seeks planning permission for the erection of a new dwelling. The proposal includes a new access driveway to the side of the new dwelling and no.2 Stirtingale Avenue.

Relevant planning history

No.133 Englishcombe Lane

- 08/00114/FUL - Erection of a detached dwelling - Permission 03.03.2008

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - following receipt of additional information, the highway objection has been removed and there is no objection subject to the inclusion a conditions

Cllr Dixon - supports this proposal and the application can be determined as follows:

- This is a rather interesting proposal making neat use of space from the large rear garden of the host property.
- The site is not overlooked and the development, although of high quality modern design would be a welcome addition to this area, providing much needed homes.
- The space currently allocated as parking for the host property, due to it's location is not used and would therefore come into use to provide a parking space for the new dwelling.
- There is plenty of road space in the area, plus this sits on a well served bus route.
- It is not until you visit the site and look around that you really appreciate how well it would work within the local area.

Three letters of objection from local neighbours have been received raising the following issues:

- Parking issues within the area
- Inaccuracy from applicant as driveway which is proposed to be used as new access driveway has been used consistently for parking for the host building
- Fencing erected to give the impression of a new parking space
- No local consultation on impact upon neighbours to address concerns
- Design unsympathetic to local vernacular

-Proposal is out of context

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)
- Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality
DW1 - District Wide Spatial Strategy
B1 Bath Spatial Strategy
B4 World Heritage Site

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations
D.4: Townscape considerations
HG.4: Residential development in the urban areas and R.1 settlements
T.24: General development control and access policy
T.26: On-site parking provision

National Planning Policy Framework - March 2012

OFFICER ASSESSMENT

Principle of development

The site is within the built up area of Bath where new residential development can be supported in principle subject to the compliance with the relevant policies of the Development Plan.

Character and appearance

The character of the area is defined by linear development following the roadside; the erection of a new dwelling within the garden of the above property would be against the grain of development which is predominantly void of back land residential development. This would result in significant harm to the visual amenities of the immediately area. It is noted that a new dwelling has been recently erected on the adjacent site. This dwelling however follows a linear pattern of development that borders the street and has a frontage onto the Stirlingale Road and the context of the two sites are considered to be significantly different. It should be noted that the National Planning Policy Framework (NPPF) discourages the use of garden land for development.

The development would result in the subdivision of the plot, and would bring the built form significantly closer to the established building grain of Englishcombe Lane. The proposed building will also be sited in close proximity to the neighbouring dwelling at 2 Stirlingale Avenue and the new recently erected dwelling. When viewed from Stirlingale Avenue, this results in the site and development appearing cramped, and the lack of space between dwellings, is also contrary to the prevailing character of the area.

The submission proposes a contemporary dwelling, and there is no objection in principle to this approach in this location. The materials used takes cues from the surrounding environment and are considered to be acceptable. However, the contemporary design, in such close proximity to the neighbouring traditional style dwellings, has an uncomfortable relationship.

Overall, the development due to the unacceptable siting, scale and design would form an incongruous proposal that would be at odds with the established pattern of development in the area, appearing cramped in the street scene and would have a resultant harmful impact upon the character and appearance of the area.

Residential amenity

The windows on the new dwelling have been located to avoid issues of overlooking and loss of privacy. There are some concerns with the position of the dwelling to the rear garden in relation to the enjoyment of the rear amenity areas the adjoining sites. The scale of the proposed dwelling within the rear garden would increase the sense of enclosure for neighbouring properties. However, this is not considered to be significantly different to the impact of the recently approved dwelling, and is not considered to be to a degree to warrant a refusal of this planning application.

Overall therefore, the proposed dwelling is not considered to result in significant harm to the residential amenity currently enjoyed by the neighbouring occupiers.

Highway safety

The proposal will be served by a vehicular access and parking off Stirlingale Avenue. It would appear that the access from Stirlingale Avenue is already an established access. Concerns were raised that this already served as parking for 135 Englishcombe Lane and as such would result in a loss of parking for this property, with the parking for 135 Englishcombe Lane being displaced onto the highway. Following concerns raised by officers, additional information was submitted by the agent regarding the parking for the existing dwelling which is stated as taking place from Englishcombe Lane. It is understood that the access from Stirlingale Avenue has been fenced off for some time due to the distance for any parked vehicle from the dwelling, and all parking associated with the dwelling takes place to the front of the dwelling, on Englishcombe Lane.

Whilst there was clearly a time where parking was made available for the existing dwelling within the site, it is accepted that more recently on-street parking has taken place for the existing dwelling, which has not appeared to cause any highway safety issues.

The proposed scheme is therefore not considered to result in any undue harm to highway safety.

Other issues

No other issues have arisen as a result of this planning application, but due to the concerns relating to the unacceptable impact upon the character and appearance of this area as outlined above, this application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The development, due to the unacceptable siting, scale and design, would form an incongruous proposal that would be at odds with the established pattern of development in the area, appearing cramped in the street scene and would have a resultant harmful impact upon the character and appearance of the area. The development would therefore be contrary to saved policies D2 and D4 of the of the Bath and North East Somerset Local Plan - 2007 and policy CP6 of the Core Strategy July 2014

PLANS LIST:

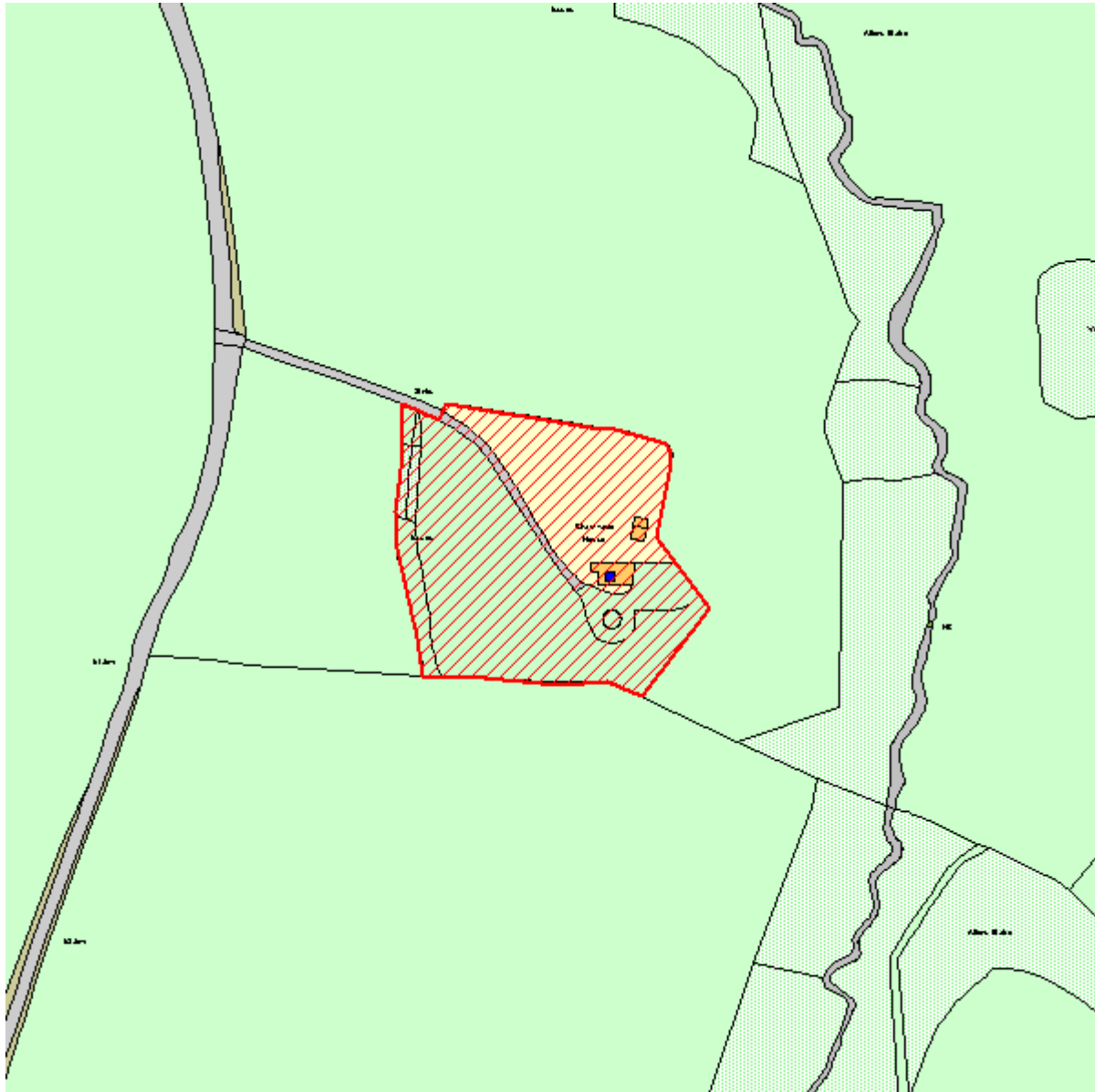
0 Plans:

01 Apr 2014	353-S-01	LOCATION PLAN
28 May 2014	353/P/00 A	SITE PLAN
28 May 2014	353/P/03 A	PROPOSED EAST ELEVATION
28 May 2014	353/P/04 A	PROPOSED WEST ELEVATION
28 May 2014	353/P/05 A	PROPOSED SOUTH ELEVATION
28 May 2014	353/P/06 A	PROPOSED NORTH ELEVATION
28 May 2014	353/P/07 A	PROPOSED STREET ELEVATIONS
28 May 2014	353/S/01 A	LOCATION PLAN

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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 chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 10
Application No: 14/01624/FUL
Site Location: Charnwood House Rankers Lane Compton Dando Bristol Bath And North East Somerset



Ward: Farmborough **Parish:** Compton Dando **LB Grade:** N/A
Ward Members: Councillor S Davis
Application Type: Full Application
Proposal: Erection of extension to garage to form car ports and store
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
Applicant: Mr Neil Saunders
Expiry Date: 1st August 2014
Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING TO COMMITTEE

Compton Dando Parish Council has supported the proposal and, in accordance with the Council's scheme of delegation, the application was referred to the Chairman of the Development Control Committee. The Chairman decided that the application should be determined by the Development Control Committee because the car port has support from the parish council and no objections.

DESCRIPTION

The application relates to a detached property situated in a generous plot in a relatively prominent position in the village of Compton Dando. The property has been extended significantly and the character of the original small cottage has been lost. Within the site there is also a large double garage, a stable type building and a swimming pool. The site is located within the Bristol, Bath Green Belt.

The proposal is for the erection of a single storey extension to the existing garage to form a car port and lean-to store.

SITE HISTORY

1976

B.3682 - Addition of toilet and shower - APPROVED

1991

WB003682B - Two storey extension - APPROVED

1992

WB003682 E - Two storey extension - APPROVED

1995

WB003682 G - Detached garage - APPROVED

1996

WB00382 I - Extensions and alterations - APPROVED

2000

00/01676/FUL - Conversion and alterations of workshop to provide residential annexe - application permitted - 26.10.2000

2002

01/02182/FUL - First floor extension - PERMITTED

April 2009

09/00383/FUL - Erection of a 2 storey rear extension, single storey side extension and front porch. Alterations to front bay window and garage. Relocation of swimming pool - PERMITTED

(Note: Condition 3 of this permission removed permitted development rights for outbuildings).

July 2009

09/01679/CLPU - Certificate of Lawfulness for a Proposed Development - Erection of a swimming pool support building

(Note: This outbuilding was erected prior to the implementation of 09/00383/FUL and therefore was not in breach of condition 3 of that permission)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

COMPTON DANDO PARISH COUNCIL

Support - There is a visual impact, and the property is visible from footpaths and from the road, but the Parish Council is of the opinion that the extension, though large, is in keeping with the existing building. As one side of the building is open, it has the appearance of a cowshed or similar outbuilding.

THIRD PARTIES/NEIGHBOURS

No letters of representations have been received from any third parties or neighbours.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- o Core Strategy
- o Saved Policies in the B&NES Local Plan (2007)
- o Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

- CP6: Environmental Quality
- CP8: Green Belt

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application:

- D.2: General Design and public realm considerations
- D.4: Townscape considerations
- GB.2: Visual amenity of the Green Belt
- HG.15: Dwellings extensions in the Green Belt

SUPPLEMENTARY PLANNING DOCUMENTS

Extensions to existing dwellings in the Green Belt SPD - Adopted October 2008

NATIONAL POLICY & GUIDANCE

National Planning Policy Framework (NPPF)

Section 7: Requiring good design

Section 9: Protecting Green Belt land

National Planning Practice Guidance (NPPG)

OFFICER ASSESSMENT

The main issues to consider are:

- The impact upon the Green Belt;

- The impact upon the character and appearance of the area;
- The impact upon residential amenity.

GREEN BELT

Policy CP8 of the Core Strategy reflects guidance in the NPPF which states that development in the Green Belt is inappropriate with only a few categories of exception. Paragraph 89 states that the extension to an existing building in the Green Belt is not inappropriate provided that it does not result in disproportionate additions to the original building. The Council's Extensions to existing dwellings in the Green Belt SPD states that extensions which result in additions exceeding one third of the volume of the original dwelling will be considered disproportionate.

The application dwelling has been extended extensively by virtue of a number of previous extensions since 1961, the most recent of which was granted permission in April 2009 for a 2 storey rear extension, single storey side extension and front porch. This application acknowledged that the volume of the original property had already been increased by over 100% and so necessarily considered them disproportionate. However, those extensions were justified on the basis of very special circumstances whereby an existing stables building would be demolished to offset the increased volume of the house.

Given the age of the property it is difficult to determine the exact volume of the original cottage. However, existing plans attached to planning permission WB003682B show the building to be approximately 570 cubic metres in 1971. The property has since been extended significantly with the additions resulting in an increase in volume of approximately 100%.

The proposed extension to the garage is approximately 380 cubic metres and represents a further significant increase to the size of the original dwelling. The proposal would increase the total size of the property and its outbuildings to approximately 168% over the size of the original building.

Even if all previous extensions are discounted, the proposed extension represents an approximate 66% increase in the volume of the original building which is, in itself, significantly in excess of the one third limit stated in the SPD.

The proposed extension is therefore clearly disproportionate to the original dwelling and is therefore considered to be inappropriate development within the Green Belt.

The proposed extension would also result in some harm to the openness of the Green Belt as it would introduce new built form with a sizeable footprint on to what is currently undeveloped land.

CHARACTER AND APPEARANCE

The proposed extension has an L-shaped footprint and connects to the existing side elevation of the detached garage. It is single storey and open front and would be constructed from stone and timber cladding and brown roof tiles. Its design and character is considered to be in keeping with the character of the main dwelling and its appearance appropriate within this rural context.

The extension would form part of an enclosure around the existing driveway at the front of the property. It would be visible in longer views from the west, but is screened in views from the east by a row of mature trees along the far boundary of the adjoining field. Its single storey form and open fronted design means that it will not have any significant impact upon the character of the landscape and will not appear out of keeping with its surroundings.

RESIDENTIAL AMENITY

The site is in a relatively isolated rural location with no immediate neighbours. The proposals are therefore considered not to harm residential amenity.

CONCLUSION

As discussed above, the proposed extension is disproportionate and is therefore inappropriate development in the Green Belt. Paragraph 87 of the NPPF states that inappropriate development should only be approved if very special circumstances exist. Paragraph 88 of the NPPF states that 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.

Inappropriate development is harmful by definition and some harm is also identified to the openness of the Green Belt due to the size of the proposed extension. Paragraph 88 states that substantial weight should be given to any harm to the Green Belt.

No very special circumstances have been advanced in favour of the proposal, and besides the minor benefits arising from construction jobs associated with the building of the extension, there are no other significant considerations which weigh in favour of the application.

It is therefore considered that other considerations do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the harm to its openness. Very special circumstances do not exist and the proposal is therefore unacceptable.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed extension represents a disproportionate addition to the original building and is therefore considered inappropriate development in the Green Belt. Furthermore, the proposal results in harm to the openness of the Green Belt. Very special circumstances do not exist to clearly outweigh the substantial harm to the Green Belt. The proposal is therefore contrary to policy CP8 of the Bath and North East Somerset Core Strategy, policy GB.2 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

PLANS LIST:

1 CHBS394JY-1 C
CHBS394JY-2
CHBS394JY-1 B

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Council encourages the use of pre-application advice. Unfortunately, this was not sought in the current case. For the reasons given, and expanded upon in a related case officer's report, the proposal was unacceptable and was refused planning permission.

Item No: 11
Application No: 14/02319/FUL
Site Location: 3 High Street Wellow Bath And North East Somerset BA2 8QH



Ward: Bathavon South

Parish: Wellow

LB Grade: II

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Erection of rear single storey extension, attic conversion and roof alterations with conservation lights

Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,

Applicant: Mr Chris Watt

Expiry Date: 15th July 2014

Case Officer: Victoria Griffin

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The applicant is a Bath and North East Somerset Councillor

DESCRIPTION OF SITE AND APPLICATION:

The application site is located within the Bath/Bristol Green Belt, Wellow Conservation Area, Area of Outstanding Natural Beauty and Housing Development Boundary and relates to an end of terrace property.

3 High Street is a modestly scaled grade II listed building located. The list description refers to the property as a house that was remodelled in the early C19. It appears to be an amalgam of two structures, originally dating from the early C18 and added to in the early C19. It is proposed to make internal and external alterations and to erect a single storey rear extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

WELLOW PARISH COUNCIL : has raised concerns that the proposed extension may represent an overdevelopment of the site. It is particularly concerned that "the conservation lights in the roof facing the High Street are inconsistent with the adjoining property, which has none, and they do not enhance the property sitting as it does in the Conservation Area. It was noted that in fact none of the properties along the High Street nor in The Square, to the west of the property, have such rooflights and we would not wish to see the roof line broken up in this way".

Subsequently the roof lights on the front roof slope facing the street have been removed from the proposals.

CONSERVATION OFFICER:I have no objections to this proposal

POLICIES/LEGISLATION

RELEVANT HISTORY:

Listed building consent was granted in 2008 (Ref:08/01364/LBA) for external alterations including removal of part of the stone boundary wall to allow vehicle parking in the garden.

POLICY:

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

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)*
- Joint Waste Core Strategy

The following policies should be considered:

CP6 - Environmental Quality

CP8 - Green Belt

DW1 - District Wide Spatial Strategy

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy

D.2 - General design and public realm considerations

D.4 - Townscape considerations

GB2 - Visual amenities of the Green Belt

BH.2 - Listed buildings

BH6 - Impact on setting of Conservation Area

NE2 - Areas of Outstanding Natural Beauty

Existing Dwellings in the Green Belt SPD (2008)

OFFICER ASSESSMENT

CHARACTER AND APPEARANCE:

Close internal inspection at the pre-application stage revealed that the complete interior up to first floor ceiling level had been demolished apart from the cross wall, presumably at some time in the mid/late C20. All the internal walls and staircase were removed and the walls 'lined' with concrete blockwork and stud partition walls inserted. The entire ground floor has concrete floors installed and UPVC windows inserted. There is no record of these works receiving consent.

The Heritage Statement provides a very detailed assessment of the building and concludes that "as an architectural and historical entity No 3 High Street is substantially incomplete...what little significance it does retain is archaeological and is restricted to the structural fabric of the cross wall...and the primary roof structure".

Internally the current proposals include removal of the blockwork, lining and plastering the walls, inserting a new staircase and room layout and converting the attic space for habitable use. Externally it is proposed to replace the poorly designed UPVC windows with traditional painted timber side hung casements, remove the existing lean-to conservatory, construct a single storey rear extension and insert 'conservation' roof lights in the rear roof slope.

Internally the new attic staircase and narrow opening in the attic spine wall will involve minor loss of historic fabric which is considered acceptable when balanced against the overall improvements to the internal character and refurbishment of the listed building. There will be particularly significant improvement to the external appearance of the listed building which will enhance this part of the conservation area street scene.

The proposed rear extension projects 4.5m from the rear wall. It has a traditional pitched roof form clad with clay double Roman tiles and lime rendered walls. There are a variety of such single story forms protruding from the rear walls of the adjoining properties, and it is considered that the extension will harmonise with them and is of proportionate scale. The concrete window surrounds on the rear elevation are to be replaced with natural stone and plastic rainwater goods replaced in cast iron. All materials proposed are of traditional high quality.

The proposals have been subject to negotiation and are considered acceptable. They will result in a significant degree of improvement to the character and appearance of both the

listed building and this part of the conservation area as well as the settings of adjoining listed and other historic buildings.

GREEN BELT:

The NPPF in accordance with core strategy policy CP8 sets out the broad types of development that are acceptable within the Green Belt, one such form of development is the extension of dwelling houses. The fact that a proposal may be acceptable in principle does not mean that it will necessarily be granted planning permission.

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

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

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

In this case, under limb i) it is considered that the guidance in the SPD and NPPF should carry weight and taken with other previous additions on an overall increase of 5% cannot be considered to be disproportionate in purely size terms.

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

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

It is now necessary to consider the impact of the proposal on the openness of the Green Belt. The extension it is not considered to have a negative impact on the openness of the Green Belt. The extension will be subservient in scale and character.

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

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

The alterations do not change the local distinctiveness of the surrounding AONB and will preserve the appearance of the building in this location, therefore it is considered to preserve the rural character of the Green Belt. Due to the size of the site and replacing an

existing conservatory/porch, the plot is capable of accommodating the extension and is not considered to erode the harmonious balance between the dwelling and the stables/forge set behind the site thus preserving the character and appearance of the local streetscene, overall the enhancement of the building will make a positive contribution to the character and appearance of the Conservation Area.

RESIDENTIAL AMENITY:

Due to the scale, orientation and siting of the proposed extension, the proposed development will not cause any undue harm to the amenity of neighbouring residential occupiers in terms of overlooking, loss of privacy or have an increased sense of enclosure.

CONCLUSION:

Overall, the proposed design respects the integrity of the dwelling and the fabric of the listed building and surrounding environment. It is considered to enhance the appearance of the building which acts as part of the entry approach to the Barn site at the rear which is undergoing renovation and therefore plays an important role in the setting of the neighbouring listed buildings which preserves the local distinctiveness of the surrounding Conservation Area and Green Belt.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 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 site location plan and drawing numbers 2557-02B and 2557-04 all received on 19 May 2014. Drawing numbers 2557-J-01, 2557-J-02 and 2557-05 Rev B all received on 17 June 2014. Drawing numbers 2557-J-03 Rev G and 2557-J-03 Rev G both received on 3 July 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.

Item No: 12
Application No: 14/02384/LBA
Site Location: 3 High Street Wellow Bath Bath And North East Somerset BA2 8QH



Ward: Bathavon South **Parish:** Wellow **LB Grade:** II

Ward Members: Councillor Neil Butters

Application Type: Listed Building Consent (Alts/exts)

Proposal: Internal and external alterations to include the erection of single storey rear extension, attic conversion, alterations to roof, installation of conservation lights, removal of modern internal wall and lining wall, reposition of modern staircase to first floor and installation of new staircase to roof space.

Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,

Applicant:	Mr Chris Watt
Expiry Date:	12th August 2014
Case Officer:	John Davey

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The applicant is a Bath and North East Somerset Councillor

3 High Street is a modestly scaled grade II listed building located in the Wellow Conservation Area. The list description refers to the property as a house that was remodelled in the early C19. It appears to be an amalgam of two structures, originally dating from the early C18 and added to in the early C19. It is proposed to make internal and external alterations and to erect a single storey rear extension.

Planning History:

Listed building consent was granted in 2008 (Ref:08/01364/LBA) for external alterations including removal of part of the stone boundary wall to allow vehicle parking in the garden.

Pre-application advice was sought on the current proposal which has been adhered to.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Wellow Parish Council has raised concerns that the proposed extension may represent an overdevelopment of the site. It is particularly concerned that "the conservation lights in the roof facing the High Street are inconsistent with the adjoining property, which has none, and they do not enhance the property sitting as it does in the Conservation Area. It was noted that in fact none of the properties along the High Street nor in The Square, to the west of the property, have such rooflights and we would not wish to see the roof line broken up in this way".

Subsequently the roof lights on the front roof slope facing the street have been removed from the proposals.

POLICIES/LEGISLATION

The primary consideration is the duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

From the historic environment aspect there is also a duty placed on the Council under Section 72 of the Act to pay special attention to the setting of the adjoining Conservation Area.

Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. The Historic Environment Planning Practice Guide published jointly by CLG, DCMS, and English Heritage provides more detailed advice with regard to alterations to listed buildings and development in conservation areas.

OFFICER ASSESSMENT

Close internal inspection at the pre-application stage revealed that the complete interior up to first floor ceiling level had been demolished apart from the cross wall, presumably at some time in the mid/late C20, All the internal walls and staircase were removed and the walls 'lined' with concrete blockwork and stud partition walls inserted. The entire ground floor has concrete floors installed and UPVC windows inserted. There is no record of these works receiving consent.

The Heritage Statement provides a very detailed assessment of the building and concludes that "as an architectural and historical entity No 3 High Street is substantially incomplete...what little significance it does retain is archaeological and is restricted to the structural fabric of the cross wall...and the primary roof structure".

Internally the current proposals include removal of the blockwork, lining and plastering the walls, inserting a new staircase and room layout and converting the attic space for habitable use. Externally it is proposed to replace the poorly designed UPVC windows with traditional painted timber side hung casements, remove the existing lean-to conservatory, construct a single storey rear extension and insert 'conservation' roof lights in the rear roof slope.

Internally the new attic staircase and narrow opening in the attic spine wall will involve minor loss of historic fabric which is considered acceptable when balanced against the overall improvements to the internal character and refurbishment of the listed building. There will be particularly significant improvement to the external appearance of the listed building which will enhance this part of the conservation area street scene.

The proposed rear extension projects 4.5m from the rear wall. It has a traditional pitched roof form clad with clay double Roman tiles and lime rendered walls. There are a variety of such single story forms protruding from the rear walls of the adjoining properties, and it is considered that the extension will harmonise with them and is of proportionate scale. The concrete window surrounds on the rear elevation are to be replaced with natural stone and plastic rainwater goods replaced in cast iron. All materials proposed are of traditional high quality.

The proposals have been subject to negotiation and are considered acceptable. They will result in a significant degree of improvement to the character and appearance of both the listed building and this part of the conservation area as well as the settings of adjoining listed and other historic buildings.

RECOMMENDATION

CONSENT with condition(s)

CONDITIONS

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Notwithstanding the submitted drawings of the casement window joinery and stone details, large scale details of the casement windows, including the thickness of glazing and its method of fixing are to be submitted to the local planning authority for agreement in writing.

Reason: To safeguard the character and appearance of the listed building.

3 Prior to commencement of development full details of the proposed treatment and repair methods for fireplace openings, including any surrounds are to be submitted to the local planning authority for approval in writing.

Reason: To safeguard the character and appearance of the listed building.

4 Prior to commencement of development large scale detailed drawings of the new staircases are to be submitted to the local planning authority for approval in writing.

Reason: To safeguard the internal character and appearance of the listed building.

5 Prior to commencement of development large scale details of the roof lights are to be submitted to the local planning authority for approval in writing.

Reason: To safeguard the character and appearance of the listed building.

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

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

PLANS LIST:

0 Heritage Statement, Design and Access Statement, Photographs, site location plan and drawing numbers 2557-02B and 2557-04 all received on 19 May 2014. Drawing numbers 2557-J-01, 2557-J-02 and 2557-05 Rev B all received on 17 June 2014. Drawing numbers 2557-J-03 Rev G and 2557-J-03 Rev G both received on 3 July 2014.

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

Item No: 13
Application No: 14/01866/FUL
Site Location: Land And Buildings To Rear Of 1-7 High Street Mill Hill Wellow Bath
Bath And North East Somerset



Ward: Bathavon South **Parish:** Wellow **LB Grade:** II

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Conversion of former farm buildings to form 1No. dwelling with associated works. (Resubmission with revisions of 13/02812/FUL)

Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,

Applicant: Mr Chris Watt

Expiry Date: 9th July 2014

Case Officer: Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The applicant is a Bath and North East Somerset Councillor

DESCRIPTION OF SITE AND APPLICATION:

The application site is located within the Bath/Bristol Green Belt, Wellow Conservation Area, Area of Outstanding Natural Beauty and Housing Development Boundary within a parcel of land to the rear of the cottages on the High Street. The site relates to a barn and stables that are Grade II listed buildings dating back to the 18th and 19th century. Directly to the east of the former stables, on lower ground, is the forge which appears to date back to the late 19th century. The forge is regarded as curtilage listed.

Wellow Conservation Area Appraisal notes this part of the village as an area for enhancement. It appears that the site may also be identified on page 17 under the heading 'General Condition' which refers to other buildings potentially at risk such as Weavers Barn, the group of buildings near Station Masters House on Mill Lane and the unoccupied buildings on the Square and near the former Railway line. The barn and stables are also on the Councils Building at Risk Register.

The application is a resubmission of a previously approved scheme which is currently being implemented as it is proposed to include as part of the development an underground space to accommodate the swimming pool, plant room and additional storage space. This will remove the swimming pool from the space behind the barn. Significant pilling works are required in order to stabilise the building part of this will involve excavation of part of the yard area to incorporate the engineering solutions to stabilise the Stables building. The conversion and linking of the two barns will form one residential unit.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

WELLOW PARISH COUNCIL : Support. The omission of the extension and swimming pool to the rear of the barn would create a more open space. Wellow Parish Council supports in principle the basement level proposals but the works can only be assessed by a specialist in that field.

CONSERVATION OFFICER: I have no objections to this proposal. Placing the pool below ground in the position proposed will not harm the setting, character or appearance of the listed buildings and in my view is preferable to the consented scheme for the above ground pool which could appear incongruous in this farmyard setting. A further benefit is the removal of the approved extension which more sensitively respects the heritage assets. A condition may be required regarding any potential venting from the pool use.

ECOLOGY: No objection subject to conditions. The completed surveys located a roost on the barn and bats using the site for foraging and commuting. An EPS licence and provision of replacement roosts to compensate for the loss of the pipistrelle roost will be required, and the LPA must consider the 'three tests' of the Habitats Regulations. Sensitive 'bat friendly' lighting will be necessary to avoid light spill onto replacement roosts and into areas used by bats for foraging and commuting. The report recommends suitable compensation and mitigation measures. Provided these are implemented in full, I would

consider the third test, of ensuring maintenance of the population of the species concerned at a favourable conservation status, will be met. Collectively, the buildings offer a range of bat roosting opportunities and I would recommend the proposal includes incorporation of some additional bat box provision to provide further roost opportunities in a greater number of locations than the minimum required by the EPS licence to compensate for the loss of the known roost. This is to replace 'roost opportunities' and provide equivalent roosting opportunities in the newly developed site to those currently present.

HIGHWAYS: No objection. The dwelling would be served by the existing gated access from High Street, which would be shared with Forge Cottage, and it is proposed that the concrete yard would be replaced with a compacted gravel, with the first 5 metres of the access remaining, as existing, with a tarmac surface. The new dwelling would have adequate parking and turning facilities, and as the proposal would result in a reduction in the traffic movements using the shared access compared to the previously approved scheme.

POLICIES/LEGISLATION

RELEVANT HISTORY:

08/03285/LBA - WD - 19 September 2008 - Internal and external alterations to include conversion of Barn Stables and Forge to form 3 no dwelling units

08/03286/FUL - WD - 23 September 2008 - Conversion of barn, stables and forge to form 3 no dwelling units

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

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

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

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

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

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

14/00532/NMA - APP - 4 March 2014 - Non Material Amendment to application 13/02812/FUL (Conversion of former farm buildings to form 1 no. dwelling with associated works. (Resubmission of 12/03905/FUL))

14/00535/LBA - RF - 23 April 2014 - External alterations to include changes to glazed screen to kitchen and roof materials on barn to approved scheme 13/02813/LBA

14/01867/LBA - PDE - - Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission with revisions of 13/02813/LBA)

POLICY CONTEXT:

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

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)*
- Joint Waste Core Strategy

The following policies should be considered:

CP6 - Environmental Quality

CP8 - Green Belt

DW1 - District Wide Spatial Strategy

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy

D.2 - General design and public realm considerations

D.4 - Townscape considerations

HG.6 - Residential development in the R.3 settlements

HG.12 - Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings.

GB2 - Visual amenities of the Green Belt

BH.2 - Listed buildings

BH6 - Impact on setting of Conservation Area

NE2 - Areas of Outstanding Natural Beauty

NE.10 - Nationally important species and habitats

T.24 - General development control and access policy

OFFICER ASSESSMENT

There is a history of proposals for this site and pre application discussions.

The proposed site plan 1270 /1/A also shows works to Forge Cottage, at the entrance to the former farm yard complex. This is not within the application site but currently benefits from planning permission, works are close to completion and the extension and lime based render have enhanced the building which was previously a negative feature within the Conservation Area.

PRINCIPLE OF DEVELOPMENT:

The application site is located within an R.3 settlement and as the conversion of a non-residential dwelling will be considered under policy HG.6 whereby there is a presumption in favour of development. However this must be balanced with other policies, including

impact on amenity, listed buildings and the Conservation Area and impact on protected species.

Permission has previously been granted for the conversion and linking of the barns and development has commenced on site. The material alteration to the proposal is the additional engineering works to accommodate an underground swimming pool and store, the ground works must be carried out in order to carry out the engineering work required to stabilise the building, the side and rear elevations have shifted away from the main building line an issue that has seen the buildings remain on the buildings at risk register for a long period of time. However there is a significant conservation gain in retaining the buildings as they make a positive contribution to the heritage of the village and to the character and appearance of the Conservation Area.

CHARACTER AND APPEARANCE:

The present scheme proposes to link the structures to form one residential unit which does involve an extension within the yard.

The stables and forge will be linked and will be a split level property, with rear access onto the rear courtyard elevated above Mill Hill which will provide pedestrian access only onto the lane, vehicular access would not be supported due to restricted visibility. This area and an upper terrace will act as additional amenity space for the stables/forge development. It is proposed to create an underground room adjoining the stables at the lower yard level which will appear as a retaining wall with glazed rooftop, a lantern light will be insert into the roof but the wall will act as a parapet enclosing the space. It is proposed to utilise existing openings on the Mill Hill elevation. However some openings will be introduced, one on the stables elevation, 2 slit windows in the underground room and some rooflights.

In the proposals for the barn the agent hopes to retain as far as possible its character by the introduction of small vent type openings, and also avoiding excessive subdivision of the interior by providing an extension at the rear of the barn in addition to the link extension between the barn and stables. The original circular opening on the south elevation of the barn will be reinstated; a small elongated glazed unit will be incorporated.

The proposed link will be in two parts, an oak framed pitched roof extension from the stables which will run along the south easterly boundary wall for approximately 10 metres, this merges with a fully glazed extension which will be reduced in depth to sit behind the porch of the Barn so as to appear subservient and transparent, creating the sense of detachment between the Barn and stables to respect the historical integrity of the Barn.

The proposed conversions have been sympathetically designed to ensure the integrity of the buildings are preserved whilst providing a functional re-use of the buildings which is considered to enhance the character and appearance of this part of the Conservation Area and secures the future preservation of the listed buildings.

A garage is proposed to the rear of the Barn close to neighbouring properties and has a steep pitched roof which kinks at the rear so as not hinder the opening of a small window on the neighbouring property. The high pitched roof does make the garage top heavy, however the use of materials, siting and stepped down location to the neighbouring properties will result in the garage becoming engulfed into the existing mix of buildings

and would still appear subservient to the main barn, therefore on balance this element of the proposal is considered acceptable.

The underground swimming pool and store will be set beneath the courtyard to the front of the Stables and will provide access into the lower ground floor area and will form part of the engineering works which will stabilise the building. The underground rooms would not be visible from within or outside the site, the area would be partly gravelled over as part of the parking area. The swimming pool to the rear of the Barn would not be constructed which would provide a traditional amenity space within an enclosed environment and would improve the relation between the listed building and surrounding environment. The change is considered to be a conservation gain.

GREEN BELT:

The NPPF sets out the broad types of development that are acceptable within the Green Belt and therefore represent special circumstances, one such form of development is infilling within settlement boundaries and the re-use of rural buildings which is in accordance with the saved local plan policy ET.9.

Consideration has been given with regards to the Green Belt Policy. The proposal cannot be considered under policy ET.9 as it refers to rural buildings outside the scope of HG.6. The proposal as addressed above is within and R.3 settlement and complies with the criteria within policy HG.6.

R.3 settlements are restricted to infilling of new dwellings or sub-division/conversion of existing buildings. The site is a brownfield site between existing dwellings within a residential area, and is considered in compliance with Policy HG.6 and the NPPF.

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

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

The requirements relating to design are that development should respond to its local context and in the case of extensions, respect and compliment their host dwelling. The proposal involves the conversion and repair of the existing outbuildings which are listed due to their historic/architectural importance, all repairs will be made good to match the existing buildings, in respect of material, pointing and coursing. It is proposed that the materials will either match or will be sympathetic to the existing buildings and will be of an architectural style to match that of the host building, thereby responding to their local context. The alterations do not change the local distinctiveness of the surrounding landscape and are therefore considered to preserve the rural character of the Green Belt and local distinctiveness of the surrounding AONB.

The proposal will restore these historic assets that are registered as buildings at risk and will secure their future preservation by conversion to a residential use.

The proposed is located within the built environment of a rural village which sits comfortably within the hillside and the proposal is considered to preserve the natural distinctiveness of the natural environment within this locality, a landscape condition will be attached to ensure an appropriate scheme is adopted that will preserve the balance between the natural and built environment

Overall the proposed development is considered to preserve the openness and rural character of the green belt.

ECOLOGY:

The ecological surveys outlined the presence of a roost on the barn and bats using the site for foraging and commuting. Bats are protected Under the EU directive and as such any development that would result in a breach (disruption or destruction) of the Habitats Regulations (meaning that a bat license is required from Natural England) would have to be assessed against the three tests outlined in the directive.

With regard to the three tests, noted in the observations of the ecologist these are as follows:-

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.

The buildings are listed Grade II listed and on the Council's Buildings at Risk Register. The forge which is regarded as curtilage listed, is also in very poor condition. The buildings are also located in Wellow Conservation Area. Due to their heritage significance a scheme needs to be agreed which will find an economic use for the buildings and ensure their repair. To ensure the assets are conserved for the benefit of this and future generations.

There is a justification to allow the works in compliance with test 1 of the habitats regulations.

2. There is no satisfactory alternative.

This test is concerned with the works proposed and whether the scheme as submitted is the only satisfactory option and that there are no alternatives available.

The development would allow the conservation of important buildings which are in urgent need of repair. The conversion to the two units to one residential unit is appropriate. The do nothing option is not advisable as the stables in particular will continue to deteriorate and ultimately the building may be lost through structural deterioration, this option would therefore not be of interest or benefit to either the bats or the historic environment.

3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

The applicants have had a full survey carried out and mitigation measures outlined, part of which has been incorporated into the design of the barn. The Council's Ecologist is supportive of the application subject to suitable conditions.

In conclusion, officers consider that the derogation tests are met with regard to the site, subject to the mitigation being secured by condition, there would be no deliberate disturbance caused.

AMENITY:

The application proposes to utilise where possible existing openings to provide light and ventilation into the new dwellings, some new openings are proposed but they are small and adopt the same fenestration design as the others. The proposed forge/stables conversion has the potential to cause harm to the amenity of a neighbouring property located opposite the site on Mill Hill (Milford Head) as both are located along the roadside in an elevated position. A new opening is proposed which will overlook the school which is not considered to cause loss of privacy, it is the 2 windows within the forge gable end that will result in some overlooking, it is at this point where the 2 neighbouring buildings are at their closest, the windows will provide light into a bedroom. The forge is set down from Milford Heath and the outlook is marginally broken by the boundary hedge which means that overlooking would only result when stood up in the orangery of Milford Heath and vice versa when standing in the windows of the bedroom of the forge. There is not considered to be direct overlooking but an increase sense of being overlooked, and although this is the case the level of harm caused is not considered to be significant enough to warrant a reason for refusal.

The barn development is within close proximity of Elm Lea and it is along this boundary that two extensions are proposed, which has the potential to cause an increased sense of enclosure. As previously stated above there is only one opening which faces towards Elm Lea and concern was expressed previously in an application about the potential for overlooking, the circular window will be at an elevated height and will look directly at a blank wall which protects the amenity of the neighbouring occupier and the future occupiers of the barn. The proposed extensions will sit at a higher level than the existing boundary wall and as such will create a greater shadow effect, the space to the rear of Elm Lea dwelling appears to be used as a small courtyard and not the main amenity space, this is located to the north east of the property and is well screened by mature landscaping. There are limited windows on the North West elevation of Elm Lea; most are positioned at first floor level. The proposed extension will enclose the garden area associated with the barn improving privacy within this space, the ridgeline will sit at a similar level, however its pitched design will still provide a sense of space between the buildings. The extension between the stables and the barn will again sit above the boundary wall which encloses the garden of Elm Lea, however there is mature landscaping along this boundary which will minimise any potential impact. Overall the proposed will result in an increased sense of enclosure, however it is not within the main amenity space and due to the single storey nature of the extension and existing landscaping the proposed development is not considered to cause significant harm to the amenities of the neighbouring properties surrounding the barn.

HIGHWAYS:

There is an existing vehicular access which leads past Forge Cottage, from the main high street, and then onto the application site, it is proposed to use this as the main access, a courtyard to the front of the stables will provide adequate parking and turning for users of the development and the driveway follows round to the rear of the barn where sufficient

space is proposed for parking and turning for occupiers of the barn development. The yard will also be landscaped simply therefore avoiding an over domestic appearance.

CONCLUSION:

The barn structures are of visual quality and historic interest, and justify their retention by conversion into residential use in accordance with policy BH.2 and the NPPF. The proposed scheme of conversions would retain the character of both buildings and thus contribute to the surrounding built environment which will enhance the character and appearance of this part of the Conservation Area and preserves the local distinctiveness of the AONB in accordance with saved policies BH.6 and NE.2. The proposed will utilise a brownfield site within the housing development boundary and is considered to preserve the openness and rural character of the Green Belt in accordance with policy HG.6, HG.12 and GB.2. Some harm may arise in terms of amenity behind neighbouring dwellings however this is not considered significant enough to warrant a reason for refusal.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

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 shall take place until full details of a Wildlife Mitigation and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Details of replacement bat roosts and additional bat roost provision including bat tubes and boxes and specifications and methods for their incorporation into the fabric of the building where applicable

(ii) Details of bat friendly lighting, demonstrating avoidance of light spill onto roosts and provision of dark corridors for commuting bats

(iii) Details of wildlife friendly planting and other ecological enhancements as appropriate

Reason: In the interests of the ecology of the area.

5 The development hereby permitted shall be carried out only in accordance with the approved Wildlife Mitigation and Enhancement Scheme, and the approved Bat and Bird Survey (ACE Consulting dated 29th August 2012 and CTM Wildlife Ltd Bat Survey dated July 2013) or any amendment to these documents as approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: In the interests of the ecology of the area.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in any elevation; at any time unless a further planning permission has been granted.

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

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

9 Provision shall be made within the site for the disposal of surface water. Details of which including the means of outfall shall be submitted to, and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of Flood Risk Management.

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

Reason: In the interests of amenity and highway safety

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

Reason: To retain adequate off-street parking provision.

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

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

PLANS LIST:

1 This decision relates to The Bat and Bird Survey, Tree Survey and Subterranean pool methodology date stamped 22nd April 2014 and drawing no's 2544-17A, 2544-02C, 2544-03H, 2544-05G, 2544-07D, 2544-08A, 2544-09A, 2544-0210A, 2544-11B, 2544-12A, 2544-15B, 2544-16B, 2544-S-02A, 2544-S-03A, 2544-SK-01H, 2544-SK-02, 2544-SK-03, 2544-S-04a, 2544-SK-05B, 2544-17A, 12654-200-001 date stamped 14th May 2014.

ADVICE NOTE:

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

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

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

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.

Item No: 14
Application No: 14/01867/LBA
Site Location: Land And Buildings To Rear Of 1-7 High Street Mill Hill Wellow Bath
Bath And North East Somerset



Ward: Bathavon South **Parish:** Wellow **LB Grade:** II

Ward Members: Councillor Neil Butters

Application Type: Listed Building Consent (Alts/exts)

Proposal: Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission with revisions of 13/02813/LBA)

Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,

Applicant: Mr Chris Watt

Expiry Date:	9th July 2014
Case Officer:	Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The applicant is a Bath and North East Somerset Councillor

DESCRIPTION OF SITE AND APPLICATION:

The application site is located within the Bath/Bristol Green Belt, Wellow Conservation Area, Area of Outstanding Natural Beauty and Housing Development Boundary within a parcel of land to the rear of the cottages on the High Street. The site relates to a barn and stables that are Grade II listed buildings dating back to the 18th and 19th century. Directly to the east of the former stables, on lower ground, is the forge which appears to date back to the late 19th century. The forge is regarded as curtilage listed.

Wellow Conservation Area Appraisal notes this part of the village as an area for enhancement. It appears that the site may also be identified on page 17 under the heading 'General Condition' which refers to other buildings potentially at risk such as Weavers Barn, the group of buildings near Station Masters House on Mill Lane and the unoccupied buildings on the Square and near the former Railway line. The barn and stables are also on the Councils Building at Risk Register.

The application is a resubmission of a previously approved scheme which is currently being implemented as it is proposed to include as part of the development an underground space to accommodate the swimming pool, plant room and additional storage space. This will remove the swimming pool from the space behind the barn. Significant piling works are required in order to stabilise the building part of this will involve excavation of part of the yard are to incorporate the engineering solutions to stabilise the Stables building. The conversion and linking of the two barns will form one residential unit.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

WELLOW PARISH COUNCIL : Support. The omission of the extension and swimming pool to the rear of the barn would create a more open space. Wellow Parish Council supports in principle the basement level proposals but the works can only be assessed by a specialist in that field.

ECOLOGY: No objection subject to conditions. The completed surveys located a roost on the barn and bats using the site for foraging and commuting. An EPS licence and provision of replacement roosts to compensate for the loss of the pipistrelle roost will be required, and the LPA must consider the 'three tests' of the Habitats Regulations. Sensitive 'bat friendly' lighting will be necessary to avoid light spill onto replacement roosts and into areas used by bats for foraging and commuting. The report recommends suitable compensation and mitigation measures. Provided these are implemented in full, I would consider the third test, of ensuring maintenance of the population of the species concerned at a favourable conservation status, will be met. Collectively, the buildings offer a range of bat roosting opportunities and I would recommend the proposal includes incorporation of some additional bat box provision to provide further roost opportunities in a greater number of locations than the minimum required by the EPS licence to compensate for the loss of the known roost. This is to replace 'roost opportunities' and

provide equivalent roosting opportunities in the newly developed site to those currently present.

POLICIES/LEGISLATION

POLICY CONTEXT:

From the point of view of the historic environment the primary consideration is the duty placed on the Council under S 16 of the Listed Buildings Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

There is also a duty under S 72 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

The National Planning Policy Framework sets out government advice concerning alterations to listed buildings, development in conservation areas and world heritage sites.

Species such as bats are protected under UK and European Legislation. Proposals have the potential to affect these species.

If the Council is minded to grant consent it is not a requirement to notify the Secretary of State before a decision is issued.

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

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)*
- Joint Waste Core Strategy

The following policies should be considered:

CP6 - Environmental Quality

CP8 - Green Belt

DW1 - District Wide Spatial Strategy

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy

D.2 - General design and public realm considerations

D.4 - Townscape considerations

HG.6 - Residential development in the R.3 settlements

HG.12 - Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings.

GB2 - Visual amenities of the Green Belt

BH.2 - Listed buildings

BH6 - Impact on setting of Conservation Area

NE2 - Areas of Outstanding Natural Beauty

NE.10 - Nationally important species and habitats

T.24 - General development control and access policy

OFFICER ASSESSMENT

There is a history of proposals for this site and pre application discussions.

The proposed site plan also shows works to Forge Cottage, at the entrance to the former farm yard complex. This is not within the application site but currently benefits from planning permission, works are close to completion and the extension and lime based render have enhanced the building which was previously a negative feature within the Conservation Area.

PRINCIPLE OF DEVELOPMENT:

Permission has previously been granted for the conversion and linking of the barns and development has commenced on site. The material alteration to the proposal is the additional engineering works to accommodate an underground swimming pool and store, the ground works must be carried out in order to carry out the engineering work required to stabilise the building, the side and rear elevations have shifted away from the main building line an issue that has seen the buildings remain on the buildings at risk register for a long period of time. However there is a significant conservation gain in retaining the buildings as they make a positive contribution to the heritage of the village and to the character and appearance of the Conservation Area.

CHARACTER AND APPEARANCE:

The present scheme proposes to link the structures to form one residential unit which does involve an extension within the yard.

The stables and forge will be linked and will be a split level property, with rear access onto the rear courtyard elevated above Mill Hill which will provide pedestrian access only onto the lane, vehicular access would not be supported due to restricted visibility. This area and an upper terrace will act as additional amenity space for the stables/forge development. It is proposed to create an underground room adjoining the stables at the lower yard level which will appear as a retaining wall with glazed rooftop, a lantern light will be insert into the roof but the wall will act as a parapet enclosing the space. It is proposed to utilise existing openings on the Mill Hill elevation. However some openings will be introduced, one on the stables elevation, 2 slit windows in the underground room and some rooflights. The interior of the east 'stable' building has an original first floor which is retained in the conversion.

Internal surviving agricultural features such as the chocolate-block pavements, gully and remaining stall are being retained. An extension is proposed to the east linking with the former forge structure which is included in the scheme. This faces on to the side lane and includes an area of flat 'green' roof.

Windows on these original buildings are to be oak framed with double glazed units. In this context these are considered appropriate.

In the proposals for the barn the agent hopes to retain as far as possible its character by the introduction of small vent type openings, and also avoiding excessive subdivision of the interior. The original circular opening on the south elevation of the barn will be reinstated; a small elongated glazed unit will be incorporated.

The scheme allows for the retention of the internal full-height volume of the barn, with a mezzanine level inserted in the southern end bays with a frameless glass balustrade. Externally a glazed entrance 'screen' will be inserted in the midstrey, introducing an honest and simple design approach, sympathetic to the character and appearance of the barn. The existing full height timber midstrey doors will be retained internally to act as shutters.

The single storey linking structure has a glass front wall framed in powder coated metal, facing into the courtyard with a simple verge detail and a double Roman tile clad roof. At the western end a glass 'box' design links this new building with the historic barn, providing transparency to avoid visual interruption of this part of the barn. This contemporary design approach is considered appropriate and the structure will clearly read as C21 avoiding pastiche.

Large scale details of new doors and windows are all considered sympathetic to character, together with other submitted details including use of cast iron for rainwater goods and surfacing the yard with gravel. Conditions are proposed for inclusion on the consent where further detail is required.

The proposals will ensure that the buildings are repaired and found a suitable new use.

The proposed conversions have been sympathetically designed to ensure the integrity of the buildings are preserved whilst providing a functional re-use of the buildings which is considered to enhance the character and appearance of this part of the Conservation Area and secures the future preservation of the listed buildings.

A garage is proposed to the rear of the Barn close to neighbouring properties and has a steep pitched roof which kinks at the rear so as not hinder the opening of a small window on the neighbouring property. The high pitched roof does make the garage top heavy, however the use of materials, siting and stepped down location to the neighbouring properties will result in the garage becoming engulfed into the existing mix of buildings and would still appear subservient to the main barn, therefore on balance this element of the proposal is considered acceptable.

The underground swimming pool and store will be set beneath the courtyard to the front of the Stables and will provide access into the lower ground floor area and will form part of the engineering works which will stabilise the building. The underground rooms would not be visible from within or outside the site, the area would be partly gravelled over as part of the parking area. The swimming pool to the rear of the Barn would not be constructed which would provide a traditional amenity space within an enclosed environment and would improve the relation between the listed building and surrounding environment. The change is considered to be a conservation gain.

An existing vehicular access which leads past Forge Cottage, from the main street, and then onto application site at the rear will be retained. Car parking for the stables and the barn will be in the former farm yard. The yard will also be landscaped simply therefore avoiding an over domestic appearance.

ECOLOGY:

The ecological surveys outlined the presence of a roost on the barn and bats using the site for foraging and commuting. Bats are protected Under the EU directive and as such any development that would result in a breach (disruption or destruction) of the Habitats Regulations (meaning that a bat license is required from Natural England) would have to be assessed against the three tests outlined in the directive.

With regard to the three tests, noted in the observations of the ecologist these are as follows:-

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.

The buildings are listed Grade II listed and on the Council's Buildings at Risk Register. The forge which is regarded as curtilage listed, is also in very poor condition. The buildings are also located in Wellow Conservation Area. Due to their heritage significance a scheme needs to be agreed which will find an economic use for the buildings and ensure their repair. To ensure the assets are conserved for the benefit of this and future generations.

There is a justification to allow the works in compliance with test 1 of the habitats regulations.

2. There is no satisfactory alternative.

This test is concerned with the works proposed and whether the scheme as submitted is the only satisfactory option and that there are no alternatives available.

The development would allow the conservation of important buildings which are in urgent need of repair. The conversion to the two units to one residential unit is appropriate. The do nothing option is not advisable as the stables in particular will continue to deteriorate and ultimately the building may be lost through structural deterioration, this option would therefore not be of interest or benefit to either the bats or the historic environment.

3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

The applicants have had a full survey carried out and mitigation measures outlined, part of which has been incorporated into the design of the barn. The Council's Ecologist is supportive of the application subject to suitable conditions.

In conclusion, officers consider that the derogation tests are met with regard to the site, subject to the mitigation being secured by condition, there would be no deliberate disturbance caused.

CONCLUSION:

The barn structures are of visual quality and historic interest, and justify their retention by conversion into residential use in accordance with policy BH.2 and the NPPF. The proposed scheme of conversions would retain the character of both buildings and thus contribute to the surrounding built environment which will enhance the character and

appearance of this part of the Conservation Area and preserves the local distinctiveness of the AONB in accordance with saved policies BH.6 and NE.2.

RECOMMENDATION

CONSENT with condition(s)

CONDITIONS

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Prior to the re-pointing of existing external walls a sample of the lime pointing to be undertaken and details of the areas of wall to be re pointed shall be submitted to and agreed in writing by the local planning authority. The works shall be undertaken in accordance with the approved sample.

Reason. To safeguard the character and appearance of the listed buildings.

3 Prior to the erection of the new walls a sample panel of natural limestone stonework shall be constructed on site to show type, bonding, and pointing with a lime based mortar, to be agreed in writing by the local planning authority . The works shall be undertaken in accordance with the approved specification of works.

Reason. To safeguard the character and appearance of the listed buildings.

4 Prior to commencement of the extension works full structural details of the method for supporting the existing barn structure shall be submitted to and agreed in writing by the local planning authority.

Reason: To avoid damage to the structural integrity of the listed building.

5 Prior to re-cladding the roofs of the listed buildings a sample of the clay tiles to be used shall be submitted to and agreed in writing by the local planning authority. The works shall be undertaken in accordance with the approved sample of roof tile.

Reason. To safeguard the character and appearance of the listed buildings.

6 Prior to commencement of the works large scale details of the roof lights are to be submitted to the local planning authority for approval in writing.

Reason. To safeguard the character and appearance of the listed buildings.

7 Prior to the fitting of any external vents, gas or electricity meter inspection boxes details of their appearance and location on the buildings shall be submitted to and agreed in writing by the local planning authority .

Reason: To safeguard the character and appearance of the listed buildings.

8 Prior to the fitting of the external joinery, details of the final colour finish shall be submitted and agreed in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.

Reason. To safeguard the character and appearance of the listed buildings.

9 Prior to works commencing on the existing floors and interior walls of the listed buildings a detailed specification of works to include existing and proposed finishes shall be submitted to and agreed in writing by the local planning authority. The works shall be undertaken in accordance with the approved specification of works.

Reason. To safeguard the character and appearance of the listed buildings

10 Prior to repair works to the first floor and roof structure in the stables and the roofs of the barn and the forge, a detailed specification of works shall be submitted to and agreed in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.

Reason. To safeguard the character and appearance of the listed buildings.

11 Prior to commencement of the works full details of the proposed mezzanine in the barn shall be submitted to and agreed in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the appearance and character of the listed building.

12 Prior to commencement of works to construct the swimming pool, details of the pool surround and any associated structures or boundary treatment shall be submitted to and agreed in writing by the local planning authority.

Reason: To safeguard the appearance, character and setting of the listed buildings.

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

(i) Details of replacement bat roosts and additional bat roost provision including bat tubes and boxes and specifications and methods for their incorporation into the fabric of the building where applicable

(ii) Details of bat friendly lighting, demonstrating avoidance of light spill onto roosts and provision of dark corridors for commuting bats

(iii) Details of wildlife friendly planting and other ecological enhancements as appropriate

Reason: In the interests of the ecology of the area.

14 The development hereby permitted shall be carried out only in accordance with the approved Wildlife Mitigation and Enhancement Scheme, and the approved Bat and Bird

Survey (ACE Consulting dated 29th August 2012 and CTM Wildlife Ltd Bat Survey dated July 2013) or any amendment to these documents as approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: In the interests of the ecology of the area.

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

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

PLANS LIST:

1 This decision relates to The Bat and Bird Survey, Tree Survey and Subterranean pool methodology date stamped 22nd April 2014 and drawing no's 2544-17A, 2544-02C, 2544-03H, 2544-05G, 2544-07D, 2544-08A, 2544-09A, 2544-0210A, 2544-11B, 2544-12A, 2544-15B, 2544-16B, 2544-S-02A, 2544-S-03A, 2544-SK-01H, 2544-SK-02, 2544-SK-03, 2544-S-04a, 2544-SK-05B, 2544-17A, 12654-200-001 date stamped 14th May 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 consent was granted.

2 ADVICE NOTE:

When a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to an approved application, or where a request to discharge conditions is submitted, it will assist the Local Planning Authority if the 1APP standard form is used. The form is available from the Planning Portal at www.planningportal.gov.uk. Requests can be submitted via the Planning Portal or sent direct to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG.