

# Bath & North East Somerset Council

**MEETING:**            **Development Management Committee**

**MEETING DATE:**            **14th February 2018**

AGENDA  
ITEM  
NUMBER

--

**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.

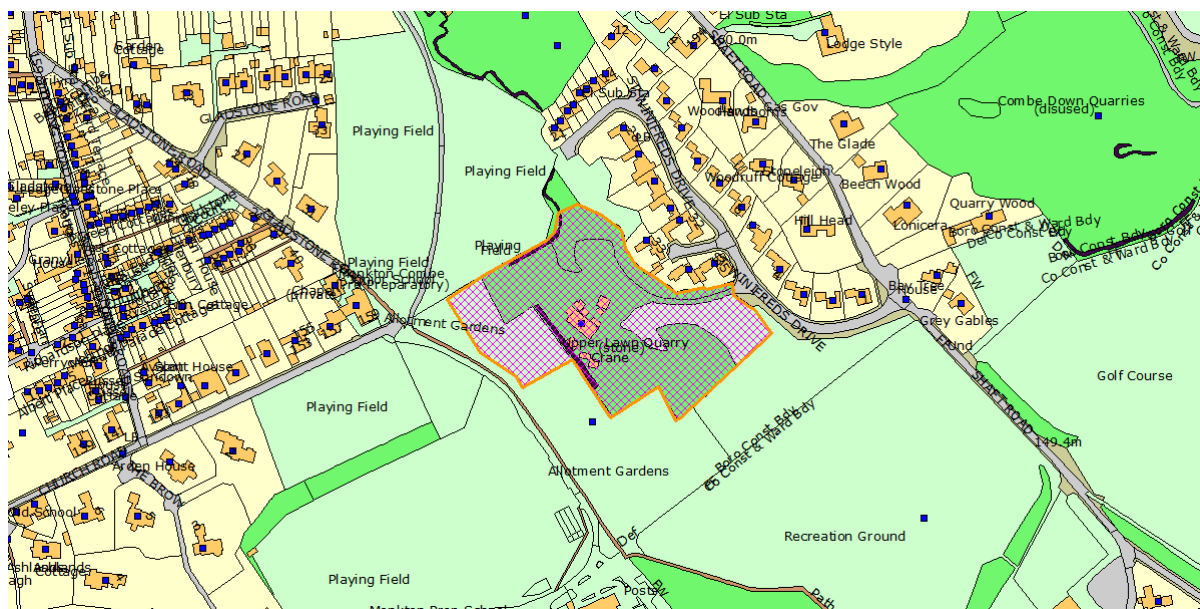
## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/05548/MINW 28 February 2018	Messrs Hancock Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath, Bath And North East Somerset Extension of quarry and variation of restoration strategy and period of extraction up until 2035.	Combe Down	Tim Pearce	Delegate to PERMIT
02	17/00329/FUL 28 February 2018	Messrs Hancock Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath, Bath And North East Somerset Change of use of an area of paddock land for use as allotments	Combe Down	Tim Pearce	Delegate to PERMIT
03	17/05748/FUL 22 January 2018	Mr Peter Wood Fairash Poultry Farm , Compton Martin Road, West Harptree, Bristol, BS40 6EQ Conversion and part demolition of redundant poultry sheds to form 2 No. live-work dwellings and associated access and landscaping works (Resubmission)	Mendip	Chris Gomm	REFUSE
04	17/05569/FUL 15 February 2018	Mr J Cox Roundhill Farm, Moorledge Road, Chew Magna, Bristol, Bath And North East Somerset Erection of extension and conversion of farm buildings to provide 1no. dwelling.	Chew Valley North	Chloe Buckingham	REFUSE
05	17/05316/FUL 15 February 2018	Mr James Tadman Bloomfield House, 3 Braysdown Lane, Peasedown St. John, Bath, BA2 8HQ Demolition of existing rear single storey extension and replacing with new two storey rear extension	Peasedown St John	Samantha Mason	REFUSE

Mr Matt Cochrane  
27 Horsecombe Brow, Combe Down,  
Bath, Bath And North East Somerset,  
BA2 5QY  
Erection of single storey rear extension  
and two storey side extension,  
replacement of existing windows and  
re-cladding of existing dormer window  
following demolition of existing garage  
and side extension.

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

**Item No:** 01  
**Application No:** 16/05548/MINW  
**Site Location:** Upper Lawn Quarry St Winifred's Drive Combe Down Bath Bath And North East Somerset

**Ward:** Combe Down**Parish:** N/A**LB Grade:** N/A**Ward Members:** Councillor Cherry Beath Councillor Bob Goodman**Application Type:** Application for Variation of Condition**Proposal:** Extension of quarry and variation of restoration strategy and period of extraction up until 2035.**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Existing Mineral Working, Forest of Avon, Hotspring Protection, Preferred Area for Mineral Extraction, MOD Safeguarded Areas, Regionally Important Geological Site RIG, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,**Applicant:** Messrs Hancock**Expiry Date:** 28th February 2018**Case Officer:** Tim Pearce

## **REPORT**

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

Councillor Cherry Beath has requested that this Application be determined by the Development Management Committee as it is of public concern and effects an important amenity in the Community. Details of her concerns are provided in the report below.

In accordance with the Council's Scheme of Delegation, the application was referred to the chairman of Development Management Committee who has decided that the application should be determined by Committee as the proposals include changes to community facilities.

This application was deferred at the Development Management Committee of 23rd August 2017 to enable further information to be submitted by the applicant.

**PROPOSAL:** Extension of quarry and variation of restoration strategy and period of extraction up until 2035.

**SITE LOCATION:** Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath

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

The application site comprises a parcel of land of approximately 0.15 hectares located adjacent to the existing Upper Lawn Quarry, on the south-western side of St Winifred's Drive, on the outskirts of Combe Down. The land is currently part of an allotment garden with the existing quarry bordering its north west and north eastern boundaries, with the remainder of the allotment gardens bordering its south west and south eastern boundaries.

It is proposed to extend Upper Lawn Quarry westwards into a small area measuring approximately 41 metres by 44 metres, similar to the previous extension to the north west approved in 2001. The proposed new working area lies adjacent to the current extraction area where stone is removed from a working face over 30 metres high.

The extension will be worked in two phases, moving from north-east to south-west. In entering each phase the top and subsoils will be removed separately and used to restore worked out land in the southern part of the existing quarry.

It is proposed that the commencement of soil stripping and extraction will be preceded by the translocation of the existing quarry perimeter hedge, where feasible. The hedge will be supplemented by native planting to maintain the integrity of the hedge, with a new hedge being planted on the southern and western boundaries. A post and wire fence will be erected for security.

The site is located within a Mineral Safeguarding Area (Policy M1 of the Adopted Placemaking Plan) as well as a Minerals Allocations Area (Policy M2 of the Adopted Placemaking Plan) and is identified as a preferred area for mineral extraction. The land where the quarry extension is proposed is currently part of allotment gardens operated by BANES Council which are protected under Policy LCR8 of the Adopted Placemaking Plan.

The application site also lies within a Regionally Important Geological Site (Policy NE3), the World Heritage Site (Policy HE1), Bath Hot Springs Protection Area (Policy PCS8) and a Water Source Protection Area (Policy PCS7). The site is also within proximity of Conservation Areas (Policy HE1), the Cotswolds AONB (Policy NE2), as well as sites used as playing fields, subject to Policy LCR5 and land protected as Green Belt (Policy CP8).

The proposals also seek to extend the extraction life of the quarry to 2035, in order to take account of the quarry extension, as well as proposing a variation to the restoration strategy for the quarry site as a whole.

The application is supported by the following additional information:

1. Planning Statement
2. Supplementary Planning Statement
3. Construction Method Statement

Given the protection afforded the site for both mineral extraction under Policies M1 and M2 of the Adopted Placemaking Plan and allotment gardens under Policy LCR8 of the Adopted Placemaking Plan the applicant has agreed to prepare and submit a separate planning application for replacement allotments. This application to extend the quarry should be considered in association with the allotments application that has also be referred to this Development Management Committee.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **CONSULTATIONS AND REPRESENTATIONS:**

A summary of consultation responses to the application has been provided below:

**ENVIRONMENT AGENCY:** No objection but provides informative advice to reduce the risk of contamination.

**LANDSCAPE ARCHITECT:** No objection, subject to conditions regarding a scheme of restoration and the implimenation of the submitted planting scheme prior to the commencement of extraction. With regard to the restoration condition it is considered that given the length of the life of extraction it would be premature to establish the proposed after use at this time, especially when considering the life of the Local Plan up to 2036. Attaching a condition that requires the submission of a restoration strategy closer to the end of the extraction life would allow the applicant and the Council the flexibility to agree a scheme and an after use that is considered most appropriate at that time.

**CONSERVATION OFFICER:** No comment in relation to Heritage.

**ECOLOGICAL OFFICER:** No objection, subject to conditions regarding the implementation of recommendations in the submitted Ecological Assessment and the submission of a lighting scheme, to be agreed, should new lighting be proposed.

**HIGHWAY DEVELOPMENT OFFICER:** No objection but recommended consultation with PRow Officer regarding the potential impact on PRow - Officer Note: This issue is being dealt with by Condition 11 detailed in the recommendation part of this report.

ENVIRONMENTAL HEALTH OFFICER: No comment in relation to Environmental Health.

PARKS AND GREEN SPACES: Raised objection to the application in its original form, stating the need to replace the allotment land being lost. They have subsequently raised no objection, subject to conditions regarding allotment construction specification, provision of a water supply and the timing of works, to planning application 17/00329/FUL which proposes the replacement of the allotments subject to this application.

PLANNING POLICY: No objection, subject to condition.

MONKTON COMBE PARISH COUNCIL: The Parish Council support the historic quarrying business and proposal, and consider that wholly reasonable provision for replacement allotments has been made.

### OTHER REPRESENTATIONS / THIRD PARTIES

112 consultation responses were received consisting of 97 objections, 9 general comments and 6 comments of support. With regard to the reasons for objection the main issues of concern can be summarised as follows:

1. The applicant has failed to prefer the use of land of a lesser environmental value i.e. mineral reserves lying under the Monkton School playing fields to the north where damage to the overall playing fields would be slight in comparison to the loss of allotments or the restoration completed working areas within the quarry itself. The lesser environmental impact has not been considered.
2. The application represents poor conservation of a limited mineral resource. Application does not comply with National Policy on conserving minerals as far as possible.
3. Failure by the applicant to comply with conditions to previous extension permissions including the provision of replacement allotments and the preparation of a restoration plan.
4. There is a lack of biodiversity consideration in the proposed hedgerow planting.
5. The application has failed to comply with the requirements of a development that impacts on a RIG i.e. pre-app consultation with local RIGS group.
6. Concerns over the address for the application site being misleading.
7. Concerns over the failure to submit a Geological Assessment.
8. Concerns over the absence of a restoration plan within the application that reflects the plans for the whole quarry site and a failure to consider aftercare.
9. Failure to seek a EIA screening opinion or provide an Environmental Statement.
10. Failure to consider the loss of a community space / amenity and make alternative provision for the allotments that provide community benefits including health and wellbeing, local food economy and educational and social benefits.
11. Failure to consider the historical significance of the allotments and their importance for public health both past and present.
12. Insufficient community engagement and no evidence of pre-application discussions.
13. Concerns over the proximity of the PRoW to the quarry extension.
14. Inadequate Landscape and Visual Impact Assessment and concerns over the loss of Local Green Space status.

15. Inability to provide timely reinstatement of the quarry due to the instability of fill material adjacent to working areas.
16. The application drawings provided fail to adequately define the limits of the area that will be affected by this development. The latest version of the Combe Down Allotments Mastermap is of particular importance in assessing the proposals.
17. Poor Ecological Assessment that underestimates the bio-diversity of the allotments.
18. Concerns regarding the ability of Council Officers to determine the scale of allotments to be lost.
19. Concerns that the proposed fencing and hedgerow planting are insufficient to provide an adequate and secure boundary.
20. Local Plan policy M2 states that on current levels of extraction the quarry should be sufficient for the Plan period.
21. Bath stone is available at other quarries without the need for further extraction at Upper Lawn.
22. Mineral extraction with unacceptable impact on the environment, climate change, local community, transport routes or the integrity of European Wildlife sites which cannot be mitigated should not be permitted.
23. Concerns that any change in quarrying methods would result in further noise and traffic disturbance for the local community.
24. Concerns that approval of the application will set a precedent for all the allotments to be developed with there already pressure on allotment land from further residential development.
25. Concerns that the proposals will undermine and devalue homes in the area.
26. Without a peg in the ground to define the exact loss of land the ability of allotment tenants' to comment on the applications is constrained.
27. There is a lack of information regarding the clearance of plots, storage space during the construction of the new allotments and help in relocating buildings.
28. Concerns over the lack of information regarding the allotments to be lost including questions over the need to extend the site boundary and the ability for maintenance of hedgerows adjacent to allotment plots.
29. Existing allotments rely on water troughs with new / replacement water troughs being required.
30. The proposed change to the restoration plan raises questions over the long-term impacts of the quarry on the local community and whether the extension to extraction should be granted. Without the Restoration Plan the application is incomplete and contrary to policy.
31. The site should be restored to the level of the surrounding land using inert waste so that it can revert to its current status as a Local Green Space. The traffic assessment for the planning application should include the vehicles required for the import of materials for restoration
32. The proposed timescale for eviction and clearance of plots to the provision of new plots is unclear, both in terms of length of time and the time of year. There does not appear to be any provision for vehicular access to facilitate relocation. The new allotments need to be available during the notice period so the existing allotment holders can transition their cropping to the new plots.
33. Assistance must be given by the applicant and B&NES to assist in relocating all sheds, cages, water butts etc. No comments have been made regarding compensation for lost crops.

34. There is a need for a Construction Management Plan to be agreed with clear phases and sign off procedures, including how the top soil / sub soil will be transported between the sites and managed.

35. The sequence of the proposals should be that the new plots should be laid out and sub-soil added. Tenants should then have the opportunity to remove and temporarily store the infrastructure on their plots before the top soil is carefully collected from the existing plots and added immediately to the new plots and additional compost provided.

9 general comments have been received and the main points can be summarised as follows:

1. There is an identifiable need to both continue extraction at the quarry as well as to ensure the provision of allotments is maintained, a careful balance should be struck in achieving both.

4 comments of support have been received and the main points can be summarised as follows:

1. This is a historic quarry that provides stone of a unique quality and employs local people. It should be allowed to expand if alternative provision for the allotments can be found.

AVON REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES (RIGS) GROUP: Has raised no objection to proposals but has outlined the need to preserve as much of the quarry face as possible, in terms of height and length, as part of any restoration strategy, with access available. They advised that the site provides the best exposures of the Combe Down Oolite in the area, which is why it is designated as a RIGS, and will be very important for geologists in the future.

LOCAL MEMBER: Councillor Cherry Beath has stated that this is a controversial application and that a number of residents were wishing to object. She advised that no planning notices have been posted, which has caused a delay for some residents in making their comments. She has requested that the application be determined by the Development Management Committee as it is of public concern and effects an important amenity in the Community. She has also raised concerns regarding the application's lack of addressing the impact on the Community, and making no reparation of lost Allotment spaces and private buildings (sheds/greenhouses) and plants. Cllr Beath has also endorsed several of the reasons for objection raised by local residents. Officer Note: Site notices have been displayed on the allotment site and in St Winifred's Drive.

#### RELEVANT PLANNING HISTORY:

00/00384/MINW

Approval of planning conditions for continued operation of the quarry

APPROVED - 17 May 2000

00/02251/MINW

Extension of Bath Stone Quarry

APPROVED - 31 January 2001



17/00329/FUL

Change of use of an area of paddock land for use as allotments  
Pending Consideration

## **POLICIES/LEGISLATION**

### **POLICY CONTEXT:**

NATIONAL POLICY: National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight. Of particular relevance to this planning application are:

- o Paragraph 144 of the National Planning Policy Framework NPPF; and
- o Planning Practice Guidance: Minerals

### **LOCAL POLICY:**

The Development Plan for Bath and North East Somerset comprises:

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

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

DW1 District Wide Spatial Strategy  
SD1 Presumption in favour of Sustainable Development  
CP2 Sustainable Construction  
CP6 Environmental Quality  
CP7 Green Infrastructure  
CP8a Minerals

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

SU1 Sustainable Drainage  
D6 Amenity  
HE1 Historic Environment  
NE1 Development and Green Infrastructure  
NE2 Conserving and enhancing the landscape and landscape character  
NE3 Sites, species and habitats

NE4 Ecosystem services  
NE5 Ecological networks  
NE6 Trees and woodland conservation  
PCS1 Pollution and nuisance  
PCS2 Noise and vibration  
PCS5 Contamination  
PCS6 Unstable Land  
LCR1 Safeguarding local community facilities  
LCR2 New or replacement community facilities  
LCR6a Local green spaces  
LCR8 Protecting allotments  
LCR9 Increasing the Provision of Local Food Growing  
M1 Mineral safe-guarding areas  
M2 Minerals Allocations  
M4 Winning and working of minerals  
ST7 Transport requirements for managing development

## **OFFICER ASSESSMENT**

OFFICER ASSESSMENT:

The main issues to consider are:

1. Background
2. Principle of development
3. Loss and replacement of allotments
4. Minerals development
5. Amenity
6. Landscape
7. Ecology
8. Highways
9. Heritage
10. Other Matters
11. Conclusion

### **1. BACKGROUND**

Upper Lawn Quarry has operated as a family business for over 150 years and is one of only two sites allocated for minerals extraction within Bath and North East Somerset. It is currently worked in an open cast manner and it is the intention of the applicant to continue to work the quarry and any subsequent extensions in this way.

Planning Permission has been granted for the quarry's previous extension and growth in 1980, 1984, 1994 and most recently 2001. The most recent extended area of land measured 35m by 44m and comprised approximately 1500m<sup>2</sup> and was intended to produce 100,000 tonnes of high quality Bath Stone. The production rate was intended to continue up to 5000 tonnes per year.

In May 2000 a scheme of operational conditions was approved by BANES Council in accordance with the Review of Old Mineral Planning Permissions (ROMP), under the Environment Act 1995. Those established and accepted parameters continue to be in place and will ensure the appropriate operation of the quarry moving forward.

As detailed above, when considering the impact of the proposed development on the existing allotments, following submission of the planning application, the applicant agreed to prepare and submit a separate planning application for replacement allotments. This application should be considered in association with the allotments application that has also been referred to this Development Management Committee.

It should be noted that during the application the proposals were subject to an EIA Screening which determined that an Environmental Impact Assessment would not be required in this instance.

## 2. Principle of Development

The application site is located within land allocated as a Mineral Safeguarding Area (Policy M1 of the Adopted Placemaking Plan) as well as a Minerals Allocations Area (Policy M2 of the Adopted Placemaking Plan) and is identified as a preferred area for mineral extraction. Given that the proposals are for the extension of a quarry for mineral extraction and that the site lies within the minerals allocation area identified by Policy M2 the proposed development would accord with the principles of these policies and the principle of development is established on that basis.

With regard to the extension of the extraction period to 2035 it is considered that as an existing use that has been in operation for more than 150 years the continuation of its use for a further 14 years to facilitate the extraction of the quarry extension would be acceptable in this instance.

## 3. Loss and replacement of allotments

Whilst the principle of minerals development has been established for the application site it is acknowledged that the site is also protected as allotment land under Policy LCR8 of the Adopted Placemaking Plan. However, criterion 1(b) states that:

"1) Development resulting in the loss of land used for allotments (or land evidenced as last used as allotments) will not be permitted, unless:

b) the site is allocated for another use in the Placemaking Plan and suitable, equivalent and accessible alternative provision is made in line with LCR9."

When considering that the site has a dual allocation within the Adopted Placemaking Plan the proposals subject to application 17/00329/FUL are integral to the acceptability of the proposed quarry extension in the context of Policies LCR8 and LCR9. The acceptability of the proposed allotments is considered in more detail in the associated Committee report, however, it should be noted that the proposed allotment site has been assessed as a suitable, equivalent and accessible alternative provision, subject to conditions that will ensure that the criteria contained within Policy LCR9 are met and is in accordance with Policy LCR8.

It is also considered that the principles outlined above would demonstrate very special circumstances, as detailed in Policy LCR6a of the Adopted Placemaking Plan, that justify the loss of the area designated as Local Green Space for development in this instance.

Following consultation with the Council's Parks Department it is considered that, subject to supplementary conditions regarding the timing of the notice of eviction from the existing allotments and the provision of a replacement water trough, the submitted Construction Management Plan is an appropriate methodology for the provision of the replacement allotments whilst allowing the applicant to make use of existing resources as part of their construction, with a programme for construction that is compliant with the aforementioned policies.

#### 4. Minerals Development

Within the context of Policy CP8a of the Adopted Placemaking Plan, Policy M4 outlines the criteria against which applications for the winning and working of minerals will be assessed and are considered in turn as follows:

- a. The need for Bath stone has been demonstrated and established through the allocation of the site as a minerals safeguarding area and minerals allocation area through policies M1 and M2 of the Adopted Placemaking Plan respectively, as well as through the limited number of minerals extraction sites within the BANES area to serve the needs of the development sector within the World Heritage Site;
- b. The scale and nature of the proposed development is consistent with previous extensions to the quarry and continues a working practice that has been part of the area for 150 years. It should be noted that whilst the quarry extension will require a greater resource it is for the continuation of the existing operation and not an intensification of its existing use;
- c. Through appropriate planning conditions the ecological and landscape impacts of the proposals are deemed to be acceptable, as assessed by the Council's Landscape and Ecological officers. It should also be acknowledged that the Council's Environmental Health Officer made no comment with regard to Environmental Health issues.
- d. An appropriate condition has been attached ensuring the future restoration of the site which will maintain or enhance its value to the environment and/or community; and
- e. The Highways Officer has considered the proposals, including the submitted Construction Management Plan and raises no objection. Given that the scale of operation and method of working would remain the same no traffic impacts over and above the existing are anticipated.

In view of the above it is felt that the proposed quarry extension would be in accordance with the criteria outlined in Policy M4 in relation to the winning and working of minerals.

#### 5. Amenity

As discussed above the existing operational intensity at the quarry will remain unchanged and as such it is not anticipated that there would be any further impacts on the residential amenity of sensitive premises in the surrounding area than the existing situation. It should also be noted that the Environmental Health Officer has made no comment regarding Environmental Health issues.

In terms of visual amenity the Council's Landscape Officer has stated that the current site is visually contained due to the open cast and mostly below surrounding ground level nature of the extraction; the surrounding flat topography; and the intervening vegetation

and buildings. As a consequence the visual impact of the proposals is likely to be minimal and temporally limited to periods when the working face is at or close to the surface.

In terms of the visual impact during stone extraction it is felt that this can be mitigated by screen planting and appropriate condition has been attached to ensure that the proposed planting scheme is implemented prior to the commencement of extraction operations on site.

As such it is considered that, subject to conditions, the proposals are in accordance with Policy D6 of the Adopted Policymaking Plan.

## 6. Landscape

With regard to landscape impacts the Council's Landscape Officer has commented that the stone extraction will have a marked landscape impact during the working phase, however, this is considered to be temporal in nature provided that a suitable restoration scheme is conditioned. As with previous applications for extensions to the quarry conditions have been attached that require the restoration of the quarry at a appropriate time. However, it should be noted that given the proposed increase in the extraction life of the quarry and the emergence of the Local Plan that will run until 2036 it is felt that a condition that allows greater flexibility to the end use would be more appropriate in this instance. This will place a requirement on the applicant to ensure the site is restored in accordance with these conditions and within the specified time frame.

It is therefore considered that any harm caused to the World Heritage Site would be less than substantial and that the landscape impacts would be temporary in nature provided that the land is restored to an appropriate level and use on the completion of extraction operations.

When considering the temporal nature of the landscape impacts associated with the development and the ability for the site to be restored to a proposed after use it is felt that, over time, the development would be able to conserve the local landscape character and features and would adequately mitigate any adverse impact on the landscape. This would be in accordance with Policy NE2 of the Adopted Placemaking Plan.

## 7. Ecology

An Ecological and Bat Survey and Assessment was submitted in support of the application which concluded that the proposal is not capable of having a "likely significant effect" on the nearby Bath and Bradford on Avon Bats Special Area of Conservation (SAC). The report includes survey findings for bat roost potential in the existing rock face that would be affected by the proposal.

The Council's Ecology Officer has assessed the proposal and considered the submitted Ecological and Bat Survey and Assessment and concluded that no significant ecological constraints are identified and that the proposal is not capable of harming the SAC or the bats of the SAC.

Conditions have also been attached that require the submission of new lighting details to be submitted and agreed as well as compliance with the recommendations of the submitted Ecology Assessment.

Given the limited impact of the proposals on identified protected species and their habitats it is felt that the proposed development would be in accordance with Policy NE3 of the Adopted Placemaking Plan.

## 8. Highways

Given that quarry operations will remain the same the quarry extension is expected to result in no increase in staffing and a negligible increase in existing site generated traffic. This is supported by the Council's Highways Officer who did not raise any objection to the extension proposal on highway grounds. It should also be noted that no conditions in respect of highway matters were previously imposed on the Application 00/02251/MINW. In view of the above it is considered that the proposals are in accordance with Policy ST7 of the Adopted Placemaking Plan.

The Highways Officer also noted that the south-eastern corner of the proposed works area would extend close to public right of way (BC62/3). In order to ensure that this route is maintained and not hampered by the adjacent works a condition has been attached requiring the PRow to be available for use at all times.

## 9. Heritage

When consulted on the application the Conservation Officer made no comment in relation to Heritage, whilst as detailed above the Landscape Officer considered that any harm caused to the World Heritage Site would be less than substantial. However, it should be noted that as a quarry that extracts Bath stone the application site plays an important role in the conservation and enhancement of heritage assets within the World Heritage Site. When considering all the above it is felt that the proposals are therefore in accordance with Policy HE1 of the Adopted Placemaking Plan.

## 10. Other Matters

In terms of the consideration of alternative sites it should be noted that the Council's Officers must assess the application that is in front of them based on its own individual merits and set of circumstances. Should the environmental impacts prove to be within acceptable limits and the overall development in accordance with both national and local planning policy and guidance then the Council is duty bound to approve the application.

With regard to the conservation of a limited mineral resource it should be noted that the NPPF states that minerals are essential to support sustainable economic growth and there is no suggestion that the minerals that are being extracted are not being put to good use.

Failure of the applicant to comply with conditions relating to previous consents is a matter raised by objectors and arrangements are being made for this to be looked into further by Officers.

It is considered that the application site address gave a true reflection of the location of the proposed development and its association with Upper Lawn Quarry and that the supporting documents would have reaffirmed this to those that viewed them.

Whilst it is good practice for the applicant to consult the local community prior to the submission of an application it is not a requirement in this instance. The Council's own consultation as part of the planning application process, including the erection of site notices and the sending of individual consultation letters, complies with development management procedures and is considered acceptable and sufficient in this instance.

It should be noted that Avon RIGS Group were consulted on the application and raised no objection on geological grounds.

With regard to the setting of a precedent it should be noted that each application is considered on its own individual merits and set of circumstances.

It should be noted that the devaluation of homes is not a material planning consideration.

The planning application process allows for the submission of scale drawings to define the parameters of an application site. It is considered that following the submission of amended drawings that the parameters of the application site are easily defineable and that requiring the applicant to 'peg out' the application site boundaries would be unreasonable in this instance.

Following the submission of the Supplementary Planning Statement and Construction Management Statement it is considered that a sufficient level of information has been provided to assess the scale of allotment land to be lost, the storage space to be provided and the process of clearing the existing allotments and providing the new allotments. It should be noted that the Council's Parks Department have raised no objection and found the proposals acceptable, subject to conditions regarding the timing of the notice of eviction and the construction of the new allotments subject to application 17/00329/FUL.

It should be noted that given the liability that would be associated with the relocation of the allotment buildings, should damage occur, it would be unreasonable for the Council to require the applicant to provide such assistance.

Whilst the Council notes the request for the entirety of the allotment plot in row 7 to be included within the red line boundary it is the Council's understanding that this would result in the need for further negotiation with and payment to be made to the landowner. This is something that is a decision for the applicant alone.

In terms of the scale of allotment land to be lost it should be noted that the Council, as determining authority, is duty bound to assess the application in the form that it has been submitted. Moreover, as has been highlighted above the new allotments subject to application 17/00329/FUL are considered to be acceptable, therefore the proposals would be in compliance with policies LCR8 and LCR9.

In measuring the extent of the application boundary alongside the extent of the extension, landscaping and fencing combined it is evident that there would be approximately 1m of

land remaining outside of the security fence line. This should provide sufficient space for the relocation of the existing water trough and the maintenance of any hedgerows.

Conditions have been proposed for this application and the replacement allotments application that require the replacement of the water trough being lost and the provision of a new water trough respectively.

It should be noted that a condition has been attached requiring the submission of a restoration plan to be agreed at an appropriate date in the future which allows for the Council to assess its potential land use requirements for the wider quarry site at a time closer to the end of the extraction period which would be in line with the final years of the Local Plan period. Any restoration plan would need to be supported by an appropriate transport assessment.

It is considered that a condition requiring both the quarry extension and replacement allotments to be constructed in accordance with the Construction Management Plan, as well as individual conditions relating to the timing of construction, the replacement / provision of water troughs and the construction of the replacement allotments would ensure that there are sufficient planning controls over the developments. Should a breach of a planning condition occur and this be reported to the Council the Planning Enforcement Team will investigate the matter and take any necessary enforcement action to remedy the situation.

It should be noted that compensation for the loss of plants etc. is not a material planning consideration.

Finally, it should be noted that the Secretary of State has received a request to consider calling in this application. In general, they consider that it is inappropriate in these cases to consider whether intervention at Government level is appropriate until the Council has reached a clear recommendation, taking into account the views expressed by consultees and the local community. Should the Development Management Committee be minded to approve the application the Secretary of State will then consider the call in request along with any other issues raised by the application against the call-in policy set out in the Ministerial Statement of 26 October 2012. They would then need a period of time to assess the call in request, post Committee, preventing the issuing of planning permission until a formal decision has been issued.

## 11. Conclusion

When considering that the principle for minerals development at the site has already been established through its allocation in the Adopted Placemaking Plan the principle of development and the extension of the quarry's operational life is therefore found to be acceptable. In assessing the application all Consultees found the proposals acceptable, subject to conditions, and the development was considered to accord with the relevant local and national planning policies.

As this application is to be considered alongside application 17/00329/FUL the remaining point for consideration is the acceptability of the new allotment land subject to that application. It should be noted that the principle of development for the allotments proposals has also been found to be acceptable and in assessing the allotment



application all Consultees found the development acceptable, subject to conditions, and the proposals were considered to accord with the relevant local and national planning policies.

In summary, should the Development Management Committee consider application 17/00329/FUL acceptable, the application for the quarry extension can be considered to accord with the relevant policies of the Bath and North East Somerset Core Strategy, the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework. Subject to the Secretary of State not calling in the application it is recommended that the Group Manager be authorised to grant permission subject to the following conditions:

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

0 Subject to the Secretary of State not calling in the application authorise the Group Manager, Development Management to PERMIT with the following conditions:

### **1 Standard Time Limit (Compliance)**

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

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

### **2 Winning and Working of Minerals (Compliance)**

The winning and working of minerals at the site shall take place in accordance with conditions appended to planning permission reference 00/00384/MINW, as amended or supplemented by planning permission reference 00/02251/MINW, and as supplemented or varied by conditions 3 -17 below.

Reason: To enable the Local Planning Authority to control the development and to ensure that the impact on the amenities of the surrounding area is minimised, in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

### **3 Approved Details (Compliance)**

The development shall be carried out fully in accordance with the application dated 14th November 2016 together with the supporting statements and drawings (including revisions) except where varied by conditions attached to this permission and to permissions ref. 00/00384/MINW and 00/02251/MINW.

Reason: To enable the Local Planning Authority to control the development and to ensure that the impact on the amenities of the surrounding area is minimised, in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

### **4 Allotments Condition (Bespoke Trigger)**

The extraction of minerals from the quarry extension site shall not commence until the allotments approved under planning permission 17/00329/FUL have been constructed and completed in accordance with the approved scheme and any relevant conditions.

Reason: To enable the Local Planning Authority to control the development and to ensure that allotments being lost as part of the proposed development are replaced in advance of works commencing, in accordance with Policies LCR8 and LCR9 of the Bath and North East Somerset Placemaking Plan.

#### 5 Extraction / Restoration (Bespoke Trigger)

Condition 2 of planning permission reference 00/00384/MINW and Condition 2 of planning permission reference 00/02251/MINW are varied to the effect that extraction of minerals from the quarry shall cease by 31st December 2035 and restoration of the quarry shall be completed by 31st December 2036 or within 12 months of cessation of mineral extraction, whichever is the sooner, unless otherwise agreed in writing with the LPA.

Reason: To enable the Local Planning Authority to control the development and ensure that the impact of the development on the amenities of the surrounding area is minimised.

#### 6 Planting Works (Pre-commencement)

All planting works shall be carried out in accordance with the approved detailed sketch planting plan 01/C showing hedge and hedge tree planting. The works shall be carried out prior to the commencement of any extraction operations on the proposed extension site. A 0.5m area either side of the hedgerow planting and 1m diameter area around tree planting shall be maintained in a weed and grass free condition for a period of 3 years after planting. Any trees or plants indicated on the approved scheme which, within a period of five years from planting 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.

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

#### 7 Restoration Specification (Bespoke Trigger)

Prior to 31st December 2034 or within 1 month of the cessation of minerals extraction operations, whichever is the sooner, a restoration scheme for the whole quarry site shall be submitted to and agreed in writing with the Local Planning Authority. The quarry site shall be restored in accordance with the agreed restoration scheme, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the land is restored to a condition suitable for an agreed after use, in accordance with Policy M4 of the Bath and North East Somerset Placemaking Plan.

#### 8 Depth of Working (Compliance)

The maximum depth of working in Phases 1 and 2 of the site shall not be below 43m, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To control the development in the interests of amenity and groundwater protection.

#### 9 Ecology Recommendations (Compliance)

The development hereby permitted shall be carried out only in accordance with the recommendations of section 5.5 of the approved Ecological Survey and Appraisal report dated June 2016 by AD Ecology.

Reason: To secure adequate ecological protection during the course of development, in accordance with Policy NE3 of the Bath and North East Somerset Placemaking Plan.

#### 10 External lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of the proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto bat roost access points, bat flight routes, vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and other wildlife, in accordance with Policy NE3 of the Bath and North East Somerset Placemaking Plan.

#### 11 PRoW Protection (Compliance)

Public right of way BC62/3 shall remain accessible at all times.

Reason: In the interests of public access, in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

#### 12 Drainage (Bespoke Trigger)

Prior to the commencement of minerals extraction operations details of existing surface water drainage shall be submitted for the approval of the Local Planning Authority. If deemed necessary, extraction shall not begin until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the method of collection and disposal of surface water and the maintenance thereof.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal, in accordance with Policy SU1 of the Bath and North East Somerset Placemaking Plan.

#### 13 Written Notification (Bespoke Trigger)

Written notification shall be served on the Local Planning Authority no later than 100 days prior to the date on which the allotment land subject to the quarry extension shall be vacated.

Reason: To ensure that the Council is provided with sufficient time to serve notice on the allotment tenants.

#### 14 Operational limitations (Compliance)

Apart from the preparation and restoration of the site, there shall be no operations above natural or restored ground levels connected with the winning, working or processing of minerals at the site.

Reason: To control the generation of noise in the interests of amenity in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

#### 15 Stripping of topsoil (Compliance)

Topsoil shall only be stripped from the site when in a dry and friable condition. Stripped topsoil shall be stored separately and spread on the restoration area only when in a dry and friable condition.

Reason: To ensure that the structure of topsoil is maintained in the interests of proper restoration of the site in accordance with Policy M4 of the Bath and North East Somerset Placemaking Plan.

#### 16 Plans List (Compliance)

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

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

#### 17 Storage Compound (Bespoke Trigger)

The proposed storage compound shall be available for use no later than 7 days from the receipt of written notification of the need to vacate the allotment land subject to the quarry extension.

Reason: To ensure that the allotment holders are able to utilise the storage compound for the full 3 months notice period.

### PLANS LIST:

This decision is based on the following drawings and information:

Topographical Survey 2257-500-01 and Planning Statement received 14/11/2017; Supplementary Planning Statement received 05/09/2017; Site Location Plan received 15/09/2017; Site Plan 01 Rev E and New Hedge Planting 01 Rev C received 05/12/2017; and Construction Management Plan received 15/12/2017.

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.

### Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Advice from the Environment Agency:

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

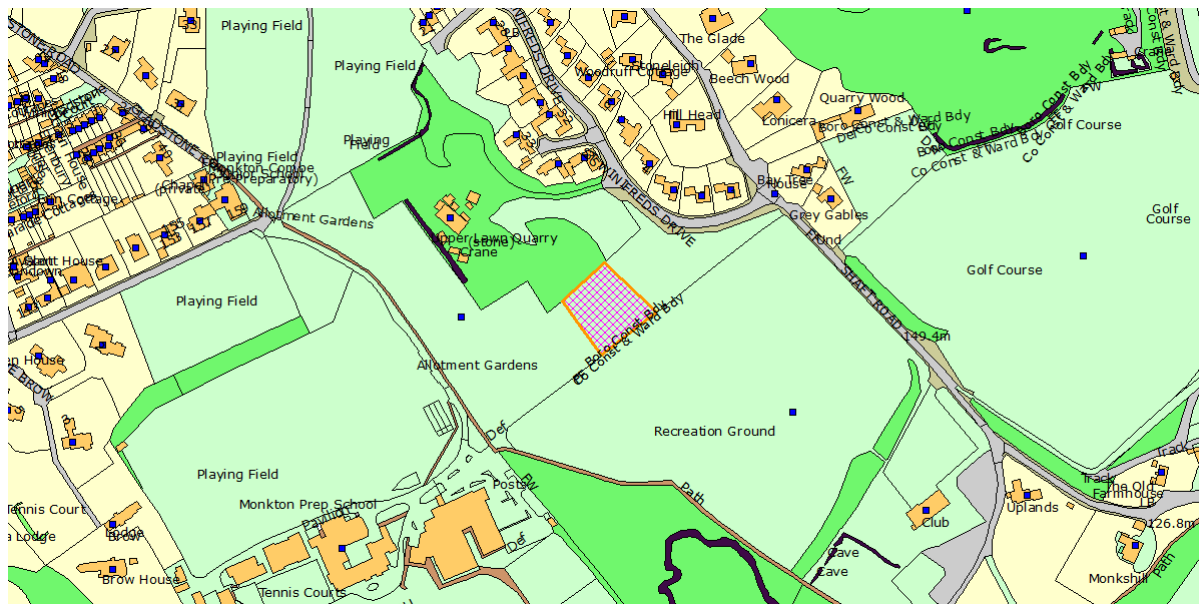
This is a requirement of the Control of Pollution (Oil Storage) (England) Regulations 2001.

Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters whether direct or via soakaways.

The proposed development lies 150 metres to the north-west of Old Quarry and Land Adjoining Shaft Road, former landfill sites that accepted inert waste material. The proposed development would not appear however, to increase the risk of landfill gas intrusion into property and the Agency would therefore have no objections in principle. The applicant should however, be advised of the presence of the former sites as they may wish to carry out their own risk assessment. Additionally, your Council's own Building Control section may also wish to address the issue of subsurface gas when finalising the construction details of any new or modified structures on the site.

**Item No:** 02  
**Application No:** 17/00329/FUL  
**Site Location:** Upper Lawn Quarry St Winifred's Drive Combe Down Bath Bath And North East Somerset



**Ward:** Combe Down      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Cherry Beath      Councillor Bob Goodman  
**Application Type:** Full Application  
**Proposal:** Change of use of an area of paddock land for use as allotments  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Existing Mineral Working, Forest of Avon, Hotspring Protection, Mineral Construction Area, MOD Safeguarded Areas, Regionally Important Geological Site RIG, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,  
**Applicant:** Messrs Hancock  
**Expiry Date:** 28th February 2018  
**Case Officer:** Tim Pearce

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

This application is associated with the proposed quarry extension at Upper Lawn Quarry (Application No: 16/05548/MINW) and the subsequent loss of allotment land as a result of the proposed development. This application seeks to provide adequate replacement allotment land to satisfy the requirements of Policy LCR8 of the Adopted Placemaking Plan for Bath and North East Somerset. As such the application should be considered alongside application 16/05548/MINW which has also been submitted to this Development Management Committee for consideration following a request from Councillor Cherry Beath.

Councillor Beath has requested that Application 16/05548/MINW be determined by the Development Management Committee as it is of public concern and effects an important amenity in the Community. Details of her concerns are provided in the associated Committee report.

In accordance with the Council's Scheme of Delegation, the application was referred to the chairman of Development Management Committee who has decided that the application should be determined by Committee along with application 16/05548/MINW as the proposals are closely linked and application 16/05548/MINW would impact upon community facilities.

This application was deferred at the Development Management Committee of 23rd August 2017 to enable further information to be submitted by the applicant.

**PROPOSAL:** Change of use of an area of paddock land for use as allotments

**SITE LOCATION:** Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath

**DESCRIPTION OF SITE AND APPLICATION:**

The application site comprises an area of paddock land of approximately 1800m<sup>2</sup> located adjacent to the south-eastern side of the existing Upper Lawn Quarry, on the south-western side of St Winifred's Drive, on the outskirts of Combe Down. The land is currently part of a paddock with the existing quarry bordering its north-west boundary, the existing allotments bordering its south-west boundary, playing fields bordering its south-east boundary with the remainder of the paddock bordering its north-east boundary.

The site is located within a Mineral Safeguarding Area (Policy M1 of the Adopted Placemaking Plan) and borders the Cotswolds AONB (Policy NE2) to the south-east. The application site also lies within the World Heritage Site (Policy HE1), Bath Hot Springs Protection Area (Policy PCS8) and a Water Source Protection Area (Policy PCS7). The site is also within proximity of a Regionally Important Geological Site (Policy NE3), Conservation Areas (Policy HE1), the Cotswolds AONB (Policy NE2) as well as sites used as playing fields, subject to Policy LCR5 and land protected as Green Belt (Policy CP8).

The application is supported by the following additional information:

1. Covering Letter;
2. Ecological Survey and Appraisal;
3. Preliminary Risk Assessment; and
4. Construction Management Plan

Given the protection afforded the site for Mineral Safeguarding under Policy M1 of the Adopted Placemaking Plan and allotment gardens under Policy LCR8 of the Adopted Placemaking Plan this application should be considered in association with the Upper Lawn Quarry extension application that has also been referred to this Development Management Committee.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**CONSULTATIONS AND REPRESENTATIONS:**

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

ECOLOGICAL OFFICER: No objection, subject to a condition requiring the submission of a lighting design should new external lighting be proposed.

HIGHWAY DEVELOPMENT OFFICER: No objection subject to the details submitted and agreed in accordance with application 16/005548/MINW.

ENVIRONMENTAL HEALTH OFFICER: Raised no objection regarding contaminated land, subject to a condition requiring the reporting of any unexpected contamination.

PARKS AND GREEN SPACES: Raised no objection, subject to conditions regarding allotment construction specification and the provision of a new water trough.

### OTHER REPRESENTATIONS / THIRD PARTIES

27 consultation responses were received, consisting of 9 objections, 13 general comments and 5 comments of support. These comments can be summarised as follows:

The main reasons for objection consist of the following:

1. The application should not be separate to 16/05548/MINW - the company is not accountable for providing replacements for allotment tenants affected by the extension.
2. The pony paddock has a thin layer of poor topsoil and its condition should be enhanced before the area can be deemed suitable for use as allotments.
3. There seems to be no provision for vehicular access from the existing track through the site to the new plots. Bearing in mind that the existing track is about 30 to 40 metres from the existing boundary with the paddock, this will make the delivery of manures and other heavy materials impossible.
4. The new application still does not take into account of the need for new water supplies to be introduced into the new allotment area.
5. Plot holders who have to move should not be responsible for the cost and risk of moving their own sheds.
6. The new plots should be made ready in the paddock prior to the removal of the existing, allowing movement to the new plots in one operation and referred to in 2001 as "Synchronous restoration".
7. The discrete construction stages within the Construction Management Plan should indicate how the approval of the quality of work of each stage (or construction element) will be assessed so that formal approval to proceed to the next stage or sign off of the work can be given.
8. It should be ensured that the most up to date master map of the allotments is available to the Planning Committee.
9. There is an extremely high and wide Leylandii hedge running along the southern edge of the proposed allotment site, which will render a wide strip of land to the north of the hedge unuseable for cultivation.
10. Concern over the quality of the soil in the new allotments and the need to remove rubble to make the soil workable again.
11. The developer has the choice of digging the new plots out to a depth of 1.3m and then adding sub-soil, top soil and compost, or adding additional materials on top of the existing



soil to provide the required depth of soil of horticultural quality. The existing soil on the paddock should not be mixed with the top soil from the existing plots, as this would degrade the top soil.

General comments on the proposal can be summarised as follows:

1. Allotments can be unsightly, therefore a condition if approved should consist of a screen to reduce the visual impact for residents.
2. A further fence to protect allotments from deer and to add to security should be erected.
3. Ground Investigation & Risk Assessment should be undertaken to assess potential contamination of land to ensure the land is suitable for intended horticultural use.
4. As a condition the proposed area should be designated as green space.
5. New land should be prepared in advance in conjunction with requirements of the Parks Department of BANES Council (Grampian condition).

Comments of support on the proposal consist of the following:

1. The replacement of land allocated to allotments is welcomed, providing the effect of relocation on tenants is minimal.
2. Application a welcome departure from the previous application 16/05548/MINW due to mitigation of loss to allotment land with an alternative plot on the site.

#### RELEVANT PLANNING HISTORY:

00/00384/MINW

Approval of planning conditions for continued operation of the quarry  
APPROVED - 17 May 2000

00/02251/MINW

Extension of Bath Stone Quarry  
APPROVED - 31 January 2001

16/05548/MINW

Extension to quarry  
Pending Consideration

#### **POLICIES/LEGISLATION**

##### **POLICY CONTEXT:**

NATIONAL POLICY: National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight. Of particular relevance to this planning application are:

- o Paragraph 70 of the National Planning Policy Framework NPPF; and
- o Planning Practice Guidance: Open space, sports and recreation facilities, public rights of way and local green space.

##### **LOCAL POLICY:**

The Development Plan for Bath and North East Somerset comprises:

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

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

DW1 District Wide Spatial Strategy  
SD1 Presumption in favour of Sustainable Development  
CP2 Sustainable Construction  
CP6 Environmental Quality  
CP7 Green Infrastructure  
CP8a Minerals

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

D6 Amenity  
HE1 Historic Environment  
NE1 Development and Green Infrastructure  
NE2 Conserving and enhancing the landscape and landscape character  
NE3 Sites, species and habitats  
NE4 Ecosystem services  
NE5 Ecological networks  
NE6 Trees and woodland conservation  
PCS5 Contamination  
LCR1 Safeguarding local community facilities  
LCR2 New or replacement community facilities  
LCR6a Local green spaces  
LCR8 Protecting allotments  
M1 Mineral safe-guarding areas  
ST7 Transport requirements for managing development

## **OFFICER ASSESSMENT**

**OFFICER ASSESSMENT:**

The main issues to consider are:

1. Background
2. Principle of development
3. Provision of new allotments

4. Contamination
5. Highways
6. Parks and Green Spaces
7. Landscape
8. Amenity
9. Ecology
10. Other Matters
11. Conclusion

## 1. BACKGROUND

This application for the provision of new allotments has been submitted in association with application 16/05548/MINW which is seeking to extend Upper Lawn Quarry on land that is currently used for allotment gardens.

As detailed above, given the protection afforded the site for both mineral extraction under Policy M1 of the Adopted Placemaking Plan and allotment gardens under Policy LCR8 of the Adopted Placemaking Plan this application is considered in conjunction with the minerals extraction application that has also been referred to this Development Management Committee.

## 2. PRINCIPLE OF DEVELOPMENT

The application site is located within land allocated as a Mineral Safeguarding Area (Policy M1 of the Adopted Placemaking Plan). Policy M1 states that:

"Non-mineral development within Mineral Safeguarding Areas as shown on the Policies Map will be permitted provided:

- 1) It will not sterilise or unduly restrict the extraction of mineral deposits which are, or may become, of economic importance and which are capable of being worked; and
- 2) It will not adversely affect the viability of exploiting a mineral resource or be incompatible with an existing or potential minerals development;"

In view of the fact that allotment land has been developed for extensions of the quarry in the past it is not considered that the proposed allotments would sterilise or unduly restrict the extraction of mineral deposits in the future, or adversely affect the viability of exploiting a mineral resource, or be incompatible with the existing or potential minerals development at Upper Lawn Quarry. As such the proposals are considered to be in accordance with this policy.

## 3. PROVISION OF NEW ALLOTMENTS

With regard to the provision of new allotments Policy LCR9 of the Adopted Placemaking Plan states that:

"1) The identification of all new allotments sites must comply with the B&NES Allotments Site Selection Criteria and must:

- a) Be suitable for productive use.

- b) Be accessible to the area they are intended to serve.
- c) Be suitable for use as allotments through appropriate design (e.g. considering ecology and landscape).

2) New allotments must be well designed and managed in line with the B&NES Allotments Management Plan & B&NES Allotment Design Guide and must have a site Management Plan."

The acceptability of the proposed allotments is considered in more detail below, however, it should be noted that the proposed allotment site has been assessed as a suitable, equivalent and accessible alternative provision, subject to conditions that will ensure that the criteria contained within Policy LCR9 are met.

#### 4. CONTAMINATION

The application is supported by a Preliminary Risk Assessment that considered the potential contamination linkages which could affect the development and it was concluded that none of them are likely to be significant. The site is therefore considered suitable for the proposed use without further assessment or investigation. The Environmental Health Officer (Contaminated Land) has assessed the application and the submitted assessment and has raised no objection subject to a condition regarding the reporting of unexpected contamination. On this basis and subject to a condition that requires the land to be made suitable for allotment use and equivalent to the existing allotment land to be quarried, the application site is considered suitable for productive use and therefore in accordance with Policy LCR9 of the Adopted Placemaking Plan.

#### 5. HIGHWAYS

With regard to accessibility the proposed allotments are adjacent to the existing allotment gardens and will be served by the existing public right of way following the removal of the existing fence, subject to condition. As such the allotments are considered accessible to the area they serve and would not generate any further traffic impacts. This is in accordance with policies LCR9 and ST7 of the Adopted Placemaking Plan.

#### 6. PARKS AND GREEN SPACES

In terms of appropriate design and management of the allotments the Parks and Green Spaces Officer has requested that conditions be attached that requires the applicant to: improve the ground profile and soil content; provide adequate boundary treatments; provide an extension of the water utilities provision; provide the agreed layout of the allotments and remove stones, debris and waste from the site. These measures will ensure that the land subject to the application is suitable for allotment use and equivalent to the existing allotment land to be quarried. As such subject to conditions the proposals are considered in accordance with Policy LCR9 of the Adopted Placemaking Plan.

It should be noted that a condition has also been attached that requires the replacement allotments to be completed within 6 months of written notification being received of the need to vacate the allotment land subject to planning application 16/05548/MINW.

#### 7. LANDSCAPE

The application site is boarded by playing fields to its south-eastern boundary that are also part of the Costwold AONB. Given the recreational nature of the existing playing fields and both the existing and proposed allotment gardens it is considered that the development would conserve the landscape character of the AONB, whilst incorporating green space within the scheme that positively contributes to creating a high quality environment by enhancing landscape character and biodiversity, through the additional hedgerow planting. The proposals are therefore in accordance with Policy NE2 of the Adopted Placemaking Plan.

## 8. AMENITY

With regard to visual and residential amenity, given the nature of allotment garden use and the attached condition requiring appropriate boundary treatments to be erected, the proposals are considered to at the very least maintain the status quo if not improve the existing situation when compared to the existing paddock use. Therefore the proposals, subject to condition, are in accordance with Policy D6 of the Adopted Placemaking Plan.

## 9. ECOLOGY

An Ecological and Bat Survey and Assessment was submitted in support of the application which was assessed by the Council's Ecology Officer who accepted the report's findings. The Ecology Officer concluded that there was no objection on ecological grounds and that they did not consider the proposal capable of significant impact on the nearby SAC or bats using the SAC. This is on the provision that any new external lighting proposed is submitted to the Council for approval.

Given the limited impact of the proposals on identified protected species and their habitats it is felt that the proposed development would be in accordance with Policy NE3 of the Adopted Placemaking Plan.

## 10. OTHER MATTERS

Despite being a separate application to application 16/05548/MINW the two are intrinsically linked. As such a condition has been proposed for the quarry extension application that requires the completion of the new allotment gardens prior to the commencement of mineral extraction operations.

It is considered that the provision of a vehicular access to the new allotments would have a detrimental impact on the existing allotment site, requiring the removal of further plots to facilitate it. As such, given the distance of the proposed allotments from the existing vehicular access, on planning balance, a vehicular access is not considered necessary in this instance.

It should be noted that given the liability that would be associated with the relocation of the allotment buildings, should damage occur, it would be unreasonable for the Council to require the applicant to provide such assistance. It should also be noted that compensation is not a material planning consideration.

Having considered the submitted Construction Management Plan and following consultation with the Council's Parks Department it is felt that the proposed use of top and sub soil from the existing allotments is a reasonable and acceptable method of construction. This would make the establishment of the allotments in advance of the existing allotments removal impossible.

It is considered that a condition requiring both the quarry extension and replacement allotments to be constructed in accordance with the Construction Management Plan, as well as individual conditions relating to the timing of construction, the replacement / provision of water troughs and the construction of the replacement allotments would ensure that there are sufficient planning controls over the developments. Should a breach of a planning condition occur and this be reported to the Council the Planning Enforcement Team will investigate the matter and take any necessary enforcement action to remedy the situation.

It should be noted that the most up to date master map of the allotments will be made available to the Planning Committee.

With regards to the provision of a deer fence to add security to the allotments it should be noted that the Council's Parks and Green Spaces Officer has recommended that the allotments be enclosed by a mixture of chain link fencing and hedgerows. It is considered that this level of boundary treatment is acceptable in this instance.

It should be noted that the designation of a Local Green Space can only be achieved through the local plan or neighbourhood plan process and not via a planning condition.

## **11. CONCLUSION**

With regard to the principle of development the proposed allotments are considered an acceptable non-minerals development that would not sterilise or unduly restrict the extraction of mineral deposits in the future. Moreover, it has been established that, subject to conditions, the proposed allotment site is suitable for productive use and a suitable, equivalent and accessible alternative provision to that being lost to the Upper Lawn Quarry extension.

In assessing the application all Consultees found the proposals acceptable, subject to conditions, therefore the proposed allotments can be considered to accord with the relevant policies of the Bath and North East Somerset Core Strategy, the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework. However, as this application is so closely linked to application 16/05548/MINW it is recommended that the Group Manager be authorised to grant permission subject to the conditions if the Secretary of State decides not to call in that application.

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

0 Subject to the Secretary of State not calling in planning application no. 16/05548/MINW authorise the Group Manager, Development Management to Permit subject to the following conditions:

1 Standard Time Limit (Compliance)

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

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

2 Approved Scheme (Compliance)

The development shall be carried out fully in accordance with the application dated 23rd January 2017 together with the supporting statement and drawings (including revisions), supplementary Preliminary Risk Assessment received 6th June 2017 and the Construction Management Plan received 15th December 2017, except where varied by conditions attached to this permission.

Reason: To enable the Local Planning Authority to control the development and to ensure that the impact on the amenities of the surrounding area is minimised, in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

3 Allotment construction specification (Compliance)

The development hereby approved shall be constructed in accordance with the following construction specification:

- (a) the soil profile after construction is to comprise of a minimum of 200mm of topsoil overlaying 800mm of subsoil.
- (b) soil stripping, handling, storage and preparation should be completed in accordance with and using the preferred methods in the recommendations of BS 3882:2015 Annex A.
- (c) the ground material of any soil receiving areas requiring additional topsoil/subsoil shall be de-compacted to increase permeability, additional soil shall be consolidated as it is laid to ensure that there is no post-construction settlement;
- (d) all stones and other debris within the upper 200mm of topsoil exceeding 50mm in diameter shall be removed;
- (e) the allotment plots shall be spread with a 100mm layer of suitable organic material with a balanced pH meeting BSI PAS 100, which shall be cultivated into the top 100mm of topsoil;
- (f) the allotment will be landscaped in accordance with the Layout Plan provided by B&NES Parks & Green Spaces on 25th January 2018; and
- (g) all wastes and all rubbish shall be removed from site.

Reason: To ensure that the land is in a condition suitable for allotment use and equivalent to the existing allotment land to be quarried, in accordance with Policy LCR8 and LCR9 of the Bath and North East Somerset Placemaking Plan.

4 Water Supply and Trough Provision (Pre-occupation)

Prior to first occupation the approved allotments shall be provided with a water supply and water troughs in accordance with the agreed allotment layout plan dated 25th January 2018.

Reason: To ensure that suitable replacement allotment amenities are provided, LCR9 in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan

#### **5 Timing of works (Compliance)**

The replacement allotments are to be completed prior to the commencement of the minerals extraction works or within 6 months from the date that written notification is received to vacate the existing allotment land associated with planning permission 16/05548/MINW.

Reason: To enable the Local Planning Authority to control the development and to ensure that allotments being lost as part of the proposed development are replaced in advance of works commencing, in accordance with Policies LCR8 and LCR9 of the Bath and North East Somerset Placemaking Plan.

#### **6 Reporting of Unexpected Contamination (Bespoke Trigger)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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

#### **7 External Lighting (Bespoke Trigger)**

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill upwards and onto adjacent land and vegetation that is suitable for use by bats, including bats associated with the nearby Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and other wildlife, in accordance with Policy NE3 of the Bath and North East Somerset Placemaking Plan

#### **8 Plans List (Compliance)**

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

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



## **PLANS LIST:**

This decision is based on the following drawings and information:

Covering letter received 23/01/2017; Ecological Survey and Appraisal 14/03/2017; Preliminary Risk Assessment received 06/06/2017; Site Location Plan and Construction Management Plan received 05/12/2017.

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.

### **Condition Categories**

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

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

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

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

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

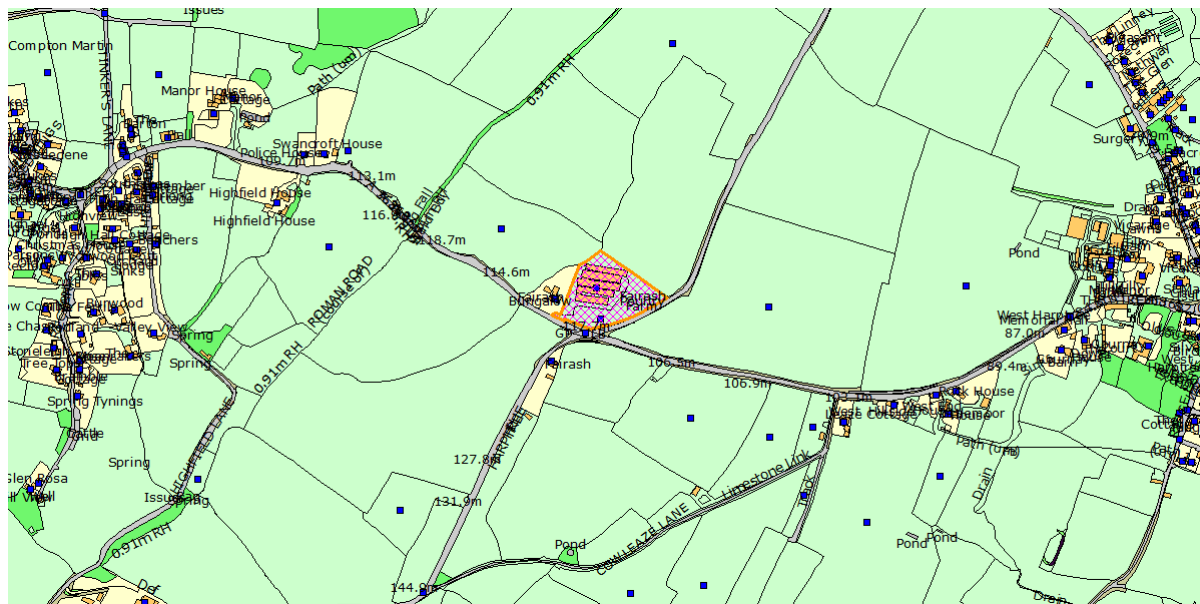
Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### **Comments of the Parks and Green Spaces Officer:**

The construction of the replacement allotments will provide a cost effective opportunity for the applicant to also fulfil the requirement of application 00/02251/MINW Condition 9 to restore Area B as allotments. The Council would welcome the combined construction of these planning application requirements to minimise disruption to existing tenants and assist in meeting the high demand for allotments in the Combe Down ward.

**Item No:** 03  
**Application No:** 17/05748/FUL  
**Site Location:** Fairash Poultry Farm Compton Martin Road West Harptree Bristol BS40 6EQ



**Ward:** Mendip                      **Parish:** West Harptree                      **LB Grade:** N/A  
**Ward Members:** Councillor T Warren  
**Application Type:** Full Application  
**Proposal:** Conversion and part demolition of redundant poultry sheds to form 2 No. live-work dwellings and associated access and landscaping works (Resubmission)  
**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,  
**Applicant:** Mr Peter Wood  
**Expiry Date:** 22nd January 2018  
**Case Officer:** Chris Gomm

## REPORT

Full planning permission is sought for the change of use and conversion of two former poultry sheds to form two 'live-work' dwellings in the countryside near West Harptree.

### The Application Site

The application site is situated in the open countryside mid-way between the villages of West Harptree and Compton Martin immediately to the north of the main A368 road (from

which the site is accessed). The site is within the designated Mendip Hills Area of Outstanding Natural Beauty (AONB).

The site currently comprises five tightly grouped former poultry sheds which it is understood were constructed predominantly in the early 1980s - with some earlier buildings. The sheds are of a substantial size and generally would appear to be in a poor state of repair. Three feed silos are situated at the western end of the buildings. Due to the sloping topography of the site some of the sheds have a substantial under-croft storey. There is extensive hard standing adjacent to and surrounding the buildings.

A residential dwelling 'Fairash Bungalow' is situated immediately to the west of the application site but is not within it.

There are no longer any birds housed at the site although it was evident from the site inspection (some months ago) that at least one of the buildings is currently in use for storage and egg-packing purposes.

### The Proposal

It is proposed to retain two of the five existing poultry buildings and convert them both into two separate live-work dwellings; the three remaining buildings will be demolished except those parts which will be retained to form two detached garages and two detached work units. Substantial structural landscaping (tree planting) is proposed surrounding the development on its south, east and northern sides. The proposal includes moving the site access (to/from the A368) approximately 10m to the west in order to improve highway visibility.

### Relevant Planning History

- o 17/04129/FUL: Conversion and part demolition of poultry sheds to form 3 No. dwellings and associated access and landscaping works. REFUSED
- o 17/02511/FUL: Conversion and part demolition of redundant poultry sheds to form 5 No. dwellings and associated access and landscape works. WITHDRAWN
- o 12/02165/OUT: Erection of 3no. dwellings following demolition of existing poultry farm (revised resubmission). REFUSED and APPEAL DISMISSED
- o 11/03843/OUT: Erection of 7no. dwellings following demolition of existing poultry farm. REFUSED
- o 09/01216/FUL: Change of use of poultry buildings to business (Use Class B1, B2 and B8). WITHDRAWN

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

Ward Member (Cllr Warren): Comments

"I write concerning the above application. I believe now that most of the planning issues have been met, although agree that the issue still remains around new dwellings. I believe this has partly been taken care of by the revised design and reduction of properties proposed. The chicken sheds have now outlived their lifespan and are no longer used for egg production, although one shed is still used for sorting. I am concerned that when these buildings fall into further disrepair they will become more of an eyesore to the

houses around the site, and the general area. Therefore can I please request that if you are minded to refuse this application, it be decided by the DM committee".

B&NES Arboriculturalist: Not acceptable in its current form

The trees to be retained remain as previously proposed and a more substantial tree belt is to be located to the south and west. Insufficient information has been submitted however with regard to how trees to be retained would be protected during the realisation of the development proposals as well as how they will be protected from pressure to carry out further works or felling following occupation.

B&NES Landscape Officer: Objection

Continue to object to the development proposals because through the retention and adaptive reuse of some of the existing buildings they would conserve a feature that does not enhance the character of the landscape; adversely affects the natural beauty of the Mendip Hills AONB and would be visually detrimental to the Green Belt by reason of its siting, design and the materials used in its construction [the site is not within the Green Belt but can be seen from it]. In addition the proposal would be likely to have an adverse impact on trees of wildlife, landscape and amenity value.

B&NES Highways: Objection

Objection due to the site's unsustainable location (there is no objection on road safety grounds subject to improvement works to the access and there is sufficient space within the site for adequate parking).

West Harptree Parish Council: Comment

"Access onto the busy A368 is very near Fairash crossroads A368/junction with Harptree Hill/C406, it is a staggered junction on the brow of a hill and is a safety concern. West Harptree Parish Council would be mindful to support this application if fundamental improvements to Fairash Crossroads and the Site access/turn in from the A368 could be achieved.

The proposed design and building materials should be sympathetic and reflective of the Chew Valley Neighbourhood Plan criteria and the Area of Outstanding Natural Beauty in which it sits. Whilst we are unhappy with the access to this Site which is outside the village boundary, development of this site will ensure that the redundant chicken sheds will not deteriorate further and become an eyesore."

Compton Martin Parish Council: Object on highway grounds

"The overall look of the new submission is definitely an improvement on previous ones, but, this still does not mean that the predominant issues with developing this site have been removed.

We thank the applicant for the use of the CVNP. The reduction in the number of buildings is certainly welcome, and the innovative design and use of the space is to be commended. However, even reduced traffic movement on this site is dangerous, and the safest solution

to this is to rework the whole junction, not only to Fairash, but the crossroads as well. We do not know whether the studio units would be let out by homeowner's, or if employees would attend the site, leading to a possible increase traffic flow. As the Design and Access statement notes, there are several amenities in the 2km radius as stated but getting to them by foot in real terms is extremely hazardous, again we suggest the planners make a site visit. The labelling on page 22 of the design and access statement would seem to be incorrect, perhaps this could be clarified"

B&NES Flooding & Drainage Team: No objection

## **POLICIES/LEGISLATION**

Policies/Legislation:

The Council's Development Plan now comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan (2007) Policy GDS1 (K2;NR2;V3 &V8) only
- o Made Neighbourhood Plans (where applicable)

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

Policy DW1: District Wide Spatial Strategy  
Policy SD1: Presumption in favour of Sustainable Development  
Policy CP1: Retrofitting Existing Buildings  
Policy CP2: Sustainable Construction  
Policy CP5: Flood Risk Management  
Policy CP6: Environmental Quality  
Policy CP7: Green Infrastructure  
Policy CP13: Infrastructure Provision

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

Policy SCR1: On-site renewable energy requirement  
Policy SCR5: Water efficiency  
Policy SU1: Sustainable drainage policy  
Policy D1: General urban design principles  
Policy D2: Local character and distinctiveness  
Policy D3: Urban fabric  
Policy D5: Building design  
Policy D6: Amenity  
Policy NE2: Conserving and enhancing the landscape and landscape character  
Policy NE4: Ecosystem services  
Policy NE5: Ecological network

Policy NE6: Trees and woodland conservation  
Policy CP7: Green infrastructure  
Policy NE1: Development and Green Infrastructure  
Policy GB1: Visual amenities of the Green Belt  
Policy PCS5: Contamination  
Policy H1: Housing  
Policy H3: Residential uses in existing buildings  
Policy H7: Housing accessibility  
Policy H8: Affordable housing regeneration schemes  
Policy LCR7B: Broadband  
Policy LCR9: Increasing the provision of local food growing  
Policy RE6: Re-use of rural buildings  
Policy ST1: Promoting sustainable transport  
Policy D8: Lighting  
Policy NE2A: Landscape setting of settlements  
Policy NE3: Sites species and habitats  
Policy ST7: Transport requirements for managing development

Chew Valley Neighbourhood Plan (Made 2017)

Policy HDE1: Rural Landscape Character  
Policy HDE3: Important Views

## **OFFICER ASSESSMENT**

Principle - Sustainability of the location

The site is located in the open countryside outside of any Housing Development Boundary as defined in the Development Plan.

A Planning Inspector dealing with the 2013 proposal for 3 dwellings on this site previously considered the sustainability of the site. That Inspector recognised that the site is relatively close to the two settlements of Compton Martin and West Harptree, and that creating additional households would help underpin local facilities. Furthermore the Inspector also recognised that there is a bus service along the A368 and that the villages are within reasonable walking and cycling distances. However he went on to conclude that the lack of footpaths along the A368 would dissuade residents from walking and furthermore residents would be unlikely to be dissuaded from using their private cars by the bus service due to its relative infrequency; the appeal was ultimately dismissed.

It is evident that the application site is in an unsustainable location. There are no footways between the site and the two villages and as such the relative close proximity of those villages carries little weight. It is highly likely that residents of the proposed development will be entirely reliant on the private car to access local services and facilities. It is noted that the proposal, unlike previous applications, now includes home-working facilities and the application describes the units as 'live-work' dwellings.

The home-working facilities are described as ancillary work studios in the submission and are to be provided within detached buildings alongside each dwelling. These two buildings will be formed from retained elements of two of the former poultry buildings and will have a Gross Internal Area of 59sqm. The submission argues that the provision of ancillary work

studios will enable occupants to work from home and this could minimise or potentially eliminate commuting trips. This is not disputed; it is accepted that the proposals are such that home working is more likely, however whilst measures could be put into place to ensure that the work studios are only used for ancillary home working, and no other purpose, such a restriction would not force a future occupier to work from home and would not prevent them from commuting to employment elsewhere. It is considered therefore that the weight to be attached to the proposals live-work nature and the impact that this has on commuting patterns for the lifetime of the development is limited. Notwithstanding homeworking and commuting patterns it remains the case the proposal is isolated from the other local services required by residents (such as retail and education for example), employment is only one such service. The conversion of these poultry sheds to residential use, albeit with enhanced home working facilities, is unacceptable in principle and accordingly the proposal is contrary to the Bath & North East Somerset Core Strategy in particular policies DW1 and SD1, and is contrary to the Bath & North East Somerset Placemaking Plan in particular policy ST1 (Policy RE6 is dealt with below).

### Form, Bulk and General Design

Notwithstanding that the proposal is unacceptable in principle, the LPA is nevertheless obliged to go on to assess all relevant material considerations before reaching an overall final conclusion. Policy RE6 of the Placemaking Plan deals with applications for the conversion of rural buildings to alternative uses. Policy RE6 sets out a number of tests applicable to proposals for the change of use of rural buildings. This policy (as with all policies) cannot be applied in isolation but in the context of the development plan as a whole and other material considerations. The first test is that the form, bulk and general design of the building must in keeping with its surroundings and the proposal must respect the style and materials of the existing building.

Whilst the existing poultry sheds cannot be described as attractive or aesthetically pleasing they are nonetheless in keeping with their surroundings. Linear poultry sheds and associated paraphernalia are what is to be expected in rural areas, particularly in mixed agricultural areas such as the Chew Valley. The buildings are simple in form, bulk and general design; they are appropriate to their former intended function. Furthermore the aforementioned Planning Inspector concluded in 2013 that the buildings in question had "no significantly harmful effect upon the AONB".

The proposed conversion will result in a small group of residential buildings which in design terms will not be substantially different to the buildings as they currently exist. The most significant visual change will be to the roofs; a significant number of roof lights will also be added and glazing will be fitted to the eastern gable-ends at ground floor level. It will be evident that the buildings are no longer in agricultural use but have been converted to residential use but the previous agricultural use will be equally evident (rather than disguised). The buildings themselves will remain of a form, design and general design in keeping with their surroundings. The breaking-up of the two central buildings to form garaging and work units will not be easily apparent beyond the site; the outward appearance of this cluster of buildings will not be significantly affected by this particular change. The application complies with the first test of Policy RE6.

### Structural Soundness of the Building(s)

The second proviso of Policy RE6 is that the subject building, to be eligible for conversion pursuant to this policy, not be of temporary or insubstantial construction and must be capable of conversion without substantial or complete reconstruction/major extension.

A structural survey has been submitted with the application. This survey concludes that the buildings are in a reasonable structural condition. Recommended structural work includes the replacement of timber ground floor joists with concrete in places. It has also been recommended that certain timber aisle props should be replaced by steel beams to maximise parking and storage space. It has been stated that all existing wall structures can be utilised albeit the wall thickness should be augmented to provide better insulation. Externally it is recommended that the timber cladding be renewed.

The buildings are clearly not of temporary or insubstantial construction; whilst they have the outward appearance of insubstantial sheds, they are timber framed structures built off of blockwork lower walls and supported in places by steel beam. The proposed structural recommendations summarised above whilst not insignificant are not considered to be 'substantial' or 'complete'. The replacement of the external timber cladding in its entirety will clearly significantly affect the appearance of the building but these works are essentially cosmetic. The application complies with the second test of Policy RE6.

## Ecology

The third test of Policy RE6 requires such proposals to enhance visual amenity and not harm ecological function; visual amenity is dealt with separately below as part of the landscape section. There are no ecological concerns in respect of this proposal. An Ecological Report has been submitted with the application. The report confirms that the poultry sheds were inspected for evidence of use by roosting bats or nesting birds and no signs of these species were found. When the barns were still in active use for poultry rearing the noise, light and dust would have made them unsuitable for these purposes and they lack thermal stability or crevice features which would be suitable for roosting bats. The barns are light and draughty internally, further reducing their suitability. The barns have negligible potential to support roosting bats or nesting birds.

The report also confirms however that the trees and hedgerows at the boundaries of the site do have the potential to support a range of species; be that as it may the current proposals for the site include the retention and enhancement of these features and no adverse impact is therefore anticipated. The surrounding grassland is also suitable for common reptile species; again the current proposals include the retention of this habitat. No evidence of dormice has been identified.

The application complies with the third test of Policy RE6 in so far as it relates to ecological matters; as stated visual amenity is dealt with separately below.

## The Prejudice of Town and Villages and the Balance of Isolated Location vs Benefit

The fourth and fifth stipulations of Policy RE6 are that the proposal should not result in the dispersal of activity which prejudices town or village vitality and viability and; in circumstances where the building is isolated from public services and community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or



disused building and any enhancement to its immediate setting should outweigh the harm arising from the isolated location.

The development in itself is unlikely to prejudice the vitality and viability of nearby villages; Compton Martin and West Harptree themselves are unlikely to be significantly affected by this proposal. However as outlined above (in the 'Principle' section) the site is evidently in an isolated rural location where heavy reliance on the private car is a certainty; the live-work nature of the proposal does not mitigate this concern for the reasons set out above. The proposed development will encourage highly unsustainable patterns of movement. It is noted that the development brings with it the benefits associated with the provision of two additional dwellings but these benefits are limited and do not outweigh the aforementioned harm resulting from the site's isolated location. The application is contrary to this element of Policy RE6 and therefore contrary to the policy as a whole.

In respect of the final two criteria of Policy RE6 (that the conversion should not lead to the erection of harmful replacement agricultural buildings or undermine the Green Belt); the subject buildings have been redundant for some time so replacement buildings are highly unlikely, furthermore the site is outside of the Green Belt.

#### Landscape Impact and Visual Amenity

The site is located within the Mendip Hills Area of Outstanding Natural Beauty (AONB). The site is also within an area which is identified (by the adopted Core Strategy) as forming part of the district's Strategic Green Infrastructure. Policy CP6 of the Core Strategy seeks to, amongst other things, conserve or enhance the distinctive character and quality of the district's landscape. Placemaking Plan Policy NE2 similarly seeks to conserve or enhance local landscape character. As stated above the third test of Policy RE6 is that proposals involving the conversion of rural buildings must enhance visual amenity.

Policy CP7 of the Core Strategy seeks to maintain, protect and enhance the integrity, multi-functionality, quality and connectivity of the strategic Green Infrastructure. Policy NE1 of the Placemaking Plan similarly sets out the circumstances that development may be permitted in the context of Policy CP7. Policy HDE1 of the CVNP (Chew Valley Neighbourhood Plan) states that development proposals must conserve and not harm the characteristic rural features of the area. Policy HDE3 of the CVNP states that development must demonstrate regard for sensitivity to relative visual prominence and not significantly harm the important views including those identified in the plan.

The previous application (to convert three poultry buildings to three dwellings) was refused amongst other things on landscape impact grounds. There was concern that the development, as previously proposed, would have introduced significant domestic activity into the area. There was concern that the extensive domestic car parking would have been apparent within the landscape as well as manicured planting and other domestic paraphernalia such as washing lines and children's play equipment. This would not have conserved or enhanced the distinctive character and quality of the landscape and would not have enhanced visual amenity; it would have undermined it. There was also concern at that time that the scenic beauty of, and public views within/of, the AONB would have been harmed.

The current proposal differs from that previously refused in a number of ways relevant to its landscape impact and visual amenity. The development is now very insular in nature. The demolition and removal of additional buildings within the site has enabled additional space in between the retained buildings to be released for use as domestic gardens/private amenity areas. These spaces are enclosed by existing/retained built form and as such domestic paraphernalia will be largely screened. Alongside this, amenity space on the outward periphery of the buildings will be limited and the site as a whole will be enclosed by significant landscaping/planting. Once the planting is established and is of a reasonable level of maturity the site will take on the appearance of a copse (albeit with buildings within it). The concerns of the Landscape Officer in respect of the potential adverse landscape impact of retaining the buildings themselves are noted, but as set out above this issue has recently been explored in depth by an appeal Inspector and it was concluded that the landscape impact of these poultry sheds was acceptable. It is considered that the development as now proposed overcomes previous landscape and visual amenity concerns and now complies with Policy RE6 in this respect as well as Cores Strategy CP6 and CP7; Placemaking plan NE1 and NE2 and; CV Neighbourhood Plan HDE1 and HDE3.

### Residential Amenity

The application site is in a remote rural location however two residential properties are located nearby. 'Fairash Bungalow' is situated immediately beyond the western boundary of the site and a property known simply as 'Fairash' is situated to the near-south beyond the main road. The proposed change to residential is likely to result in a less intrusive use which is more compatible with the existing neighbouring residential uses than the current egg-packing business. Furthermore the proposed dwellings will not cause unacceptable levels of loss of privacy or loss of light to the aforementioned existing properties.

The proposed work studios are to be ancillary to the primary dwelling houses and had permission been granted would have been limited to use by the occupants of the principal dwelling (albeit with occasional visitors expected). On this basis the impact of these studios on the amenity of the host dwelling and on the neighbouring dwellings is considered to be acceptable.

### Highway Matters

The submitted Transport Assessment summarises the proposed highway arrangements as follows:

- o Site access junction to be relocated east, approximately 10m from its existing location to ensure maximum available visibility splay to the right;
- o Simple priority T-junction with 5m wide minor arm and 6m junction radii;
- o Visibility to the left 2.4m x 120m, visibility to the right 2.4m x 24.5m;
- o 1.8m wide footway to be provided along eastern side of the site access road and continued along northern side of A368 to the existing bus stop;
- o Alteration to A368 / Harptree Hill North kerb line to improve junction radii; and
- o Provision of new uncontrolled crossing with dropped kerbs and tactile paving across Harptree Hill north to provide a continuous pedestrian route to the adjacent bus stop.

The scheme proposes six car parking spaces per unit (i.e. a total of twelve); these are all located within garaging; this includes three parking spaces to serve each work unit. Whilst this level of provision would seem rather excessive, the Council's Highway Team have confirmed that this level of parking proposed is appropriate as are the associated turning areas.

The Highways Team have confirmed that the existing access to the A368 is substandard. The proposal includes significant improvements to the access including re-siting it 10metres to the west (to achieve maximum visibility), various alterations to the kerb line and the provision of an uncontrolled crossing over Harptree Hill. The Highway Team have acknowledged that the submitted Transport Statement suggests that the level of traffic generated by the proposal will be slightly reduced and that over time HGV movements associated with the site will be reduced. Accordingly the Highway Team have no objection to the application from a highway safety perspective (there is however an objection on sustainability grounds as explored above).

### Summary, Planning Balance and Final Conclusion

The proposed development is poorly located in an isolated rural location remote from the services and facilities required by residents. This isolated location will foster the need to travel particularly by private car as there are limited alternative options. Access (by alternative means of transport) to the villages of Compton Martin and West Harptree is severely restricted by virtue of the lack of safe pedestrian/cycle links; furthermore public transport provision is poor. The development constitutes unsustainable development and is contrary to the development plan in this respect.

The public benefits of the scheme must be taken into account. It is acknowledged that the development will provide two additional homes (with home-working facilities) but the wider public benefit of two additional homes is not significant. There are also benefits in respect of bringing the redundant buildings back into use and potential highway improvements but again these benefits carry limited weight due to their scale. The need to ensure sustainable patterns of development is promoted by the NPPF and thus must be given significant weight. There are no public benefits (or other material considerations) overriding the concerns identified above and accordingly it is concluded that the development is unacceptable in principle and it is recommended that permission be refused.

### **RECOMMENDATION**

REFUSE

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

1 The application site is situated in a rural location, outside of any defined housing development boundary, isolated from the day-to-day services and facilities required by residential occupants. Pedestrian links to local villages are poor as are public transport connections; the residents of the proposed development will be heavily, if not totally, reliant upon the private car. The public benefits of reusing the buildings do not outweigh the harm caused by the site's location isolated from local services and facilities. The proposal constitutes unsustainable development and accordingly is contrary to the Bath &

North East Somerset Core Strategy in particular policies DW1 and SD1, and is contrary to the Bath & North East Somerset Placemaking Plan in particular policies RE6 and ST1.

#### **PLANS LIST:**

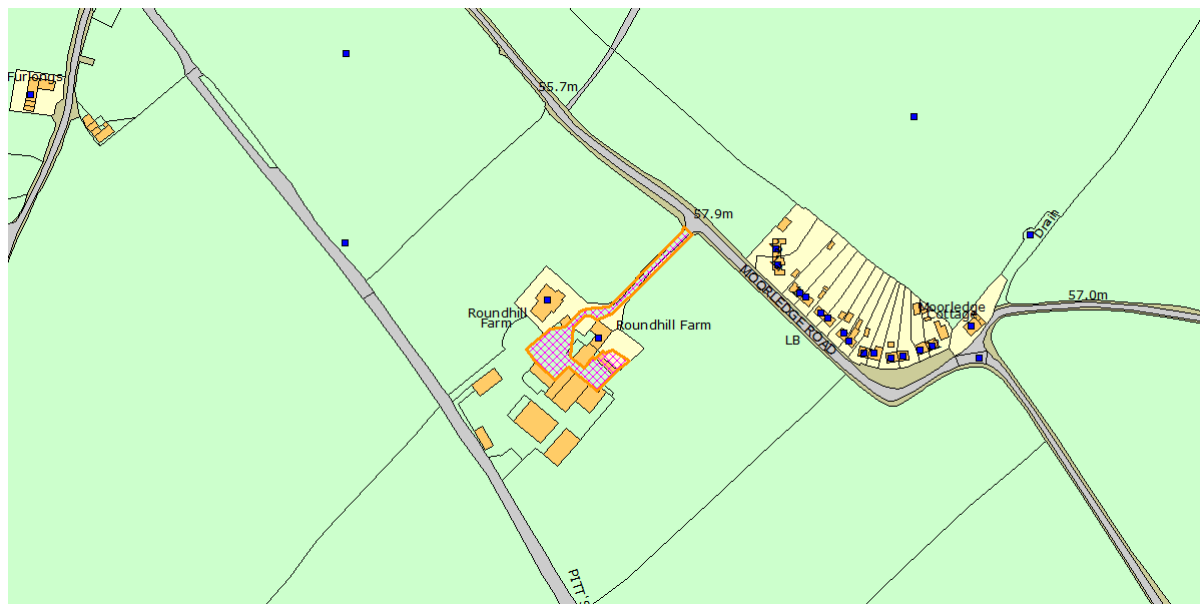
LANDSCAPE PLAN: 063-002  
TREE RETENTION AND REMOVAL: 063-004  
EXISTING IMPERMEABLE SURFACES PLAN: 063-005  
PROPOSED IMPERMEABLE SURFACES PLAN: 063-006  
PLANTING PLAN: 063-201  
TREE PIT DETAILS: 063-401  
TREE PIT DETAILS, UNDER 20CM GIRTH: 063-402  
TREE PIT DETAILS, SEMI MATURE: 063-403  
KERB DETAIL: 063-404  
SECTION AA: 063-500  
SECTIONS BB: 063-501  
ILLUSTRATIVE LANDSCAPE MASTERPLAN: 063-802  
ILLUSTRATIVE SECTION AA: 063-803  
ILLUSTRATIVE SECTION BB: 063-804  
AP(0)10 REV D PROPOSED SITE PLAN  
AP(0)11 REV B PROPOSED GROUND FLOOR DEMOLITION PLAN  
AP(0)13 REV C PROPOSED DRAINAGE PLAN  
AP(0)15 REV E PROPOSED GROUND FLOOR PLAN  
AP(0)16 REV E PROPOSED ROOF PLAN  
AP(0)20 REV E PROPOSED SITE ELEVATIONS  
AP(0)21 REV E PROPOSED ELEVATIONS - DWELLING 1  
AP(0)22 REV E PROPOSED ELEVATIONS - STUDIO 1  
AP(0)23 REV C PROPOSED ELEVATIONS - STUDIO 2  
AP(0)24 REV E PROPOSED ELEVATIONS - DWELLING 2  
AP(0)30 REV E PROPOSED SITE SECTIONS  
AP(0)01 SITE LOCATION PLAN

#### **Community Infrastructure Levy**

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

**Item No:** 04  
**Application No:** 17/05569/FUL  
**Site Location:** Roundhill Farm Moorledge Road Chew Magna Bristol Bath And North East Somerset



**Ward:** Chew Valley North      **Parish:** Chew Magna      **LB Grade:** N/A  
**Ward Members:** Councillor Liz Richardson  
**Application Type:** Full Application  
**Proposal:** Erection of extension and conversion of farm buildings to provide 1no. dwelling.  
**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, Public Right of Way, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,  
**Applicant:** Mr J Cox  
**Expiry Date:** 15th February 2018  
**Case Officer:** Chloe Buckingham

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

Chew Magna Parish Council have supported the application. The chair of committee has agreed to take the application to committee for the following reason:

I have looked at the application & all relevant information noting the PC reasons for supporting it.

The application has been assessed in line with relevant planning policy & paragraphs 89 & 90 of the NPPF supports the PC aspiration of bringing back into use redundant agricultural buildings but the size of the proposed dwelling & its impact on the openness of the Greenbelt & surrounding area is controversial.

I therefore recommend the application be determined by the DMC so the issues can be debated.

#### DESCRIPTION OF SITE AND APPLICATION:

The proposal is in relation to an existing out-building currently used for agricultural storage positioned to the side of the main detached dwelling located within the Green Belt. The development proposal involves the conversion and extension of the building to provide one dwelling.

#### Relevant Planning History:

DC - 05/01789/FUL - PERMIT - 9 August 2005 - Agricultural building for animal food storage

DC - 07/00566/FUL - PERMIT - 19 April 2007 - Erection of 18m monopole with 3 no. antennas, (revised description) as amended by plans received on 19 April 2007 (In field N W of Roundhill Farm)

#### SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Chew Magna Parish Council: Chew Magna Parish Council supports this proposal because it is compliant with our desire to bring redundant agricultural buildings into use. Although significant new build would be required to create first floor accommodation, the existing farm building would be mostly incorporated with a modest increase in footprint. Being within the wider curtilage of existing buildings relating to the farm, the new dwelling would not look out of place or affect distant neighbours.

Highways: No objection subject to 2 conditions.

Drainage and Flooding: No objection.

Contaminated Land: No objection subject to 1 condition and an advisory.

Ecology: No objection subject to 1 condition.

Third party comments: None received.

#### POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites

- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

The following B&NES Core Strategy policies should be considered:

CP6 Environmental Quality  
 CP2 Sustainable construction  
 CP8 Green Belt

The relevant Placemaking Plan policies should be considered:

DW1 District Wide Spatial Strategy  
 RE6 Re-use of Rural Buildings  
 RE4 Essential dwellings for rural workers  
 D2 Local character and distinctiveness  
 D4 Streets and Spaces  
 D5 Building Design  
 D6 Amenity  
 ST1 Promoting sustainable travel  
 ST7 Transport Access and Development Management  
 GB1 Visual Amenities of the Green Belt  
 GB2 Development in Green Belt Villages  
 GB3 Extensions and Alterations to buildings in the Green Belt  
 H7 Housing Accessibility  
 LCR9 Local Food Growing  
 LCR7 Broadband  
 SCR5 Water Efficiency

Relevant policies from the Chew Valley Neighbourhood Plan (2016);

HDE1 - Rural Landscape Character  
 HDE2 - Settlement Build Character

#### LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

#### NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

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

#### NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

Supplementary Planning Documents: Existing Dwellings in the Green Belt SPD (October 2008)

#### **OFFICER ASSESSMENT**

##### PRINCIPLE OF PROPOSED USE:

The development lies outside of the Settlement Boundary of Chew Magna within designated Green Belt land. Whilst development is not generally considered acceptable

outside of a settlement boundary, it should be noted that the proposal is to re-use and extend an existing building positioned within the curtilage of the existing farmhouse.

Paragraph 90 of the NPPF (2012) lists a number of forms of development which are not considered to be inappropriate development in the Green Belt. One of such exceptions is the reuse of buildings provided they are of permanent and substantial construction and that the re-use of the building preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.

Policy RE4 of the Placemaking Plan (2017) states that new dwellings will not be permitted outside a Housing Development Boundary in the open countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside and where it can be demonstrated:

- i) there is a clear functional need for the worker to live on the holding;
  - ii) the business is financially viable
  - iii) the need for the accommodation is for a fulltime worker;
  - iv) the functional need could not be fulfilled by another existing dwelling in the holding or other existing accommodation in the area or through the reuse of an existing building in the holding;
  - v) such dwellings are sited within a hamlet or existing group of buildings and are restricted in size relative to the functional requirements of the business; and
  - vi) occupancy will be restricted to rural workers.
- 2) New dwellings essential to support a newly established rural business will only be granted for a temporary period provided there is clear evidence of a firm intention and ability to develop the enterprise concerned and the provisions of clause 1) are satisfied.

However, there has been no submission of the evidence required to satisfy policy RE4 in terms of the need for the dwelling and the financial viability of the business.

The Existing Dwellings in the Green Belt SPD (2008), paragraph 89 of the NPPF and policy GB3 state that extensions will be permitted providing that they do not result in disproportionate additions over and above the existing dwelling. The Existing Dwellings in the Green Belt SPD goes on to state that extensions over 33% of the original building as of 1st July 1948 would be viewed as disproportionate additions. The proposal is to extend above the existing single storey building to create a second storey. As the proposed extension of the original building brings the total volume to approximately 465.72 cubic metres this is a proposed increase of approximately 41.5% of the original volume of approximately 328.5 cubic metres.

As the volume increase is above the recommended 33% the application is recommended for refusal due to the disproportionate volume increase to a dwelling in the green belt.

Whilst it is considered that the building is of a permanent and substantial construction, due to the size, scale and positioning of the proposed development it is considered that this will have a significant negative impact on the openness of the Green Belt. Therefore the proposal does not comply with the specification within paragraph 90 of the NPPF (2012),



policy CP8 of the Core Strategy (2013), policy RE6 of the Placemaking Plan (2017) and the Green Belt SPD (2008).

Paragraph 87 of the NPPF (2012) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The applicant has not put forward any 'very special circumstances' in support of the proposal and so it is considered that there are no very special circumstances for the application.

#### DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:

Policy RE6 lists a number of conditions where, if met, the conversion of a building or buildings to a new use in the countryside outside the scope of Policies RA1, RA2 and GB2 will be permitted. One of such conditions is that the form, bulk and general design of the building is in keeping with its surroundings and respects the style and materials of the existing building and that the development enhances visual amenity. Whilst the plans state that the existing stone walls will be re-pointed which is welcomed, the size of the proposed building is considered to be over-development of the site to the detriment of the character of the main building and wider area. Overall the proposed dwelling is considered to be over-development of the site, contrary to policies RE6, D2, D5 and GB1.

The proposal is also not considered to result, or be likely to result, in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity. However, policy RE6 goes on to explain that in the case of buildings in the Green Belt, the conversion must not have a materially greater impact than the present use on the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. However, as previously explained that the extension to create a second storey above the existing building will have over an approximate 41.5% volume increase on the existing building and this will have an unacceptable impact on the openness of the Green Belt.

Policy RE6 goes on to explain that the proposal must not result in the dispersal of activity which prejudices town or village vitality and viability. Here it is considered that the creation of a dwelling will not prejudice the vitality and viability of Chew Magna. Furthermore, whilst the site is located outside of the defined housing development boundary for Chew Magna the site is related to an established group of buildings and is close to Chew Magna and so the location is not considered to be isolated.

#### IMPACT ON RESIDENTIAL AMENITY:

Whilst it is shown on the plans that there will be garden space to the front and rear of the proposed dwelling, due to the positioning of the garden for the main dwelling being directly to the rear of the newly separated garden space for the main dwelling, it is considered that there will be a significant negative impact in terms of over-looking and loss of privacy for both properties due to the first floor windows of the proposed dwelling directly over-looking the existing property's garden. Therefore, the proposal is also contrary to policy D6 of the Placemaking Plan (2017).

## **PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:**

There is no highways objection to the proposal subject to two conditions regarding parking. However, this is not considered to overcome the issues described above and so such conditions are not considered necessary.

## **ECOLOGY:**

There is no objection to the proposal in terms of ecological impacts subject to a condition. However, such conditions are not considered necessary as the proposal is unacceptable for other reasons as identified in the report.

## **CONCLUSION:**

The proposal represents inappropriate development within the Green Belt as it has not been demonstrated that the dwelling is essential for a rural worker, contrary to policy CP8 of the Core Strategy (2013) and policy RE4 of the Placemaking Plan (2017).

The proposed development which materially alters and extends an existing building represents inappropriate development in the Green Belt and will have a significant negative impact on the openness of the Green Belt contrary to Policies GB3 and RE6 of the Bath and North East Somerset Placemaking Plan (2017), CP8 of the Bath and North East Somerset Core Strategy (2013) and the aims of the National Planning Policy Framework (2012).

The proposal represents overdevelopment of the site and due to the close proximity of the rear first floor windows of the proposed building to the outdoor private amenity space of the existing dwelling a significant negative impact for both dwellings in terms of overlooking and loss of privacy will be created. The proposal is therefore contrary to policy D6 of the Bath and North East Somerset Placemaking Plan (2017).

## **RECOMMENDATION**

**REFUSE**

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

1 The proposal represents inappropriate development within the Green Belt as it has not been demonstrated that the dwelling is essential for a rural worker, contrary to policy CP8 of the Bath and North East Somerset Core Strategy (2013) and policy RE4 of the Bath and North East Somerset Placemaking Plan (2017).

2 The proposed development which materially alters and extends an existing building represents inappropriate development in the Green Belt and will have a significant negative impact on the openness of the Green Belt contrary to Policies GB3 and RE6 of the Bath and North East Somerset Placemaking Plan (2017), CP8 of the Bath and North East Somerset Core Strategy (2013) and the aims of the National Planning Policy Framework (2012).

3 The proposal represents overdevelopment of the site and due to the close proximity of the rear first floor windows of the proposed building to the outdoor private amenity space of the existing dwelling a significant negative impact for both dwellings in terms of overlooking and loss of privacy will be created. The proposal is therefore contrary to policy D6 of the Bath and North East Somerset Placemaking Plan (2017).

#### **PLANS LIST:**

This decision relates to the:

Site Location Plan received 15th November 2017.

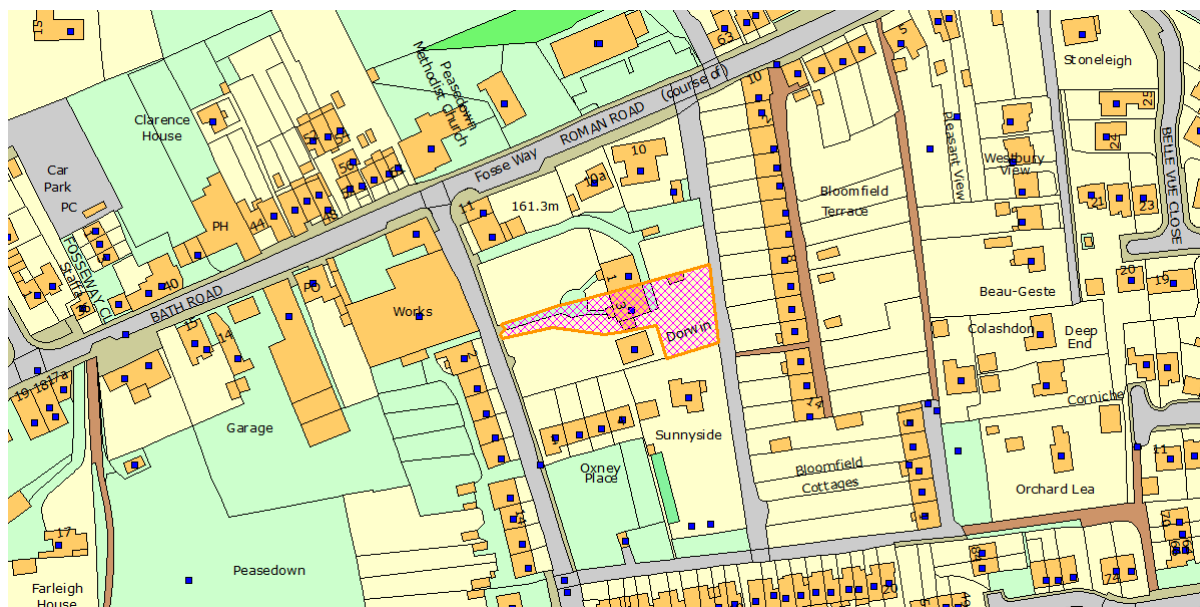
Proposed Floor Plans (1726/04), Proposed Elevations (1726/05) and Existing Plans and Elevations (17/01) received 26th January 2018.

Existing and Proposed Block Plan received 29th January 2018.

#### **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 applicant was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

**Item No:** 05  
**Application No:** 17/05316/FUL  
**Site Location:** Bloomfield House 3 Braysdown Lane Peasedown St. John Bath BA2 8HQ



**Ward:** Peasedown St John

**Parish:** Peasedown St John

**LB**

**Grade:** N/A

**Ward Members:** Councillor Sarah Bevan Councillor Karen Walker

**Application Type:** Full Application

**Proposal:** Demolition of existing rear single storey extension and replacing with new two storey rear extension

**Constraints:** Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Neighbourhood Plan, SSSI - Impact Risk Zones,

**Applicant:** Mr James Tadman

**Expiry Date:** 15th February 2018

**Case Officer:** Samantha Mason

## REPORT

Reason for going to Committee:

Peasedown St John Parish Council supports the scheme and the case officer is minded to refuse. As per the councils scheme of delegation the application was referred to the Chair of the committee.

Although not expressly calling the application in, Cllr Walker also supports the scheme.

It is also noted that the applicant is related to a staff member of the development management team. Whilst this does not automatically trigger the need for the application to go to the committee it is a consideration for the chair.

The Chair stated the following in her decision; 'I have studied the application, I note the PC and third party comments both supporting and objecting to the proposal. The officer has assessed the application in line with relevant planning policy addressing the concerns raised. However I am also aware the applicant is related to a Senior Planning Officer in the Authority therefore to ensure transparency in decision making I recommend this application be determined by the DMC.

Site description and proposal:

The application refers to a two storey semi-detached house located in Peasedown St John. The property is located in the Housing Development Boundary.

Planning permission is sought for the demolition of the existing rear single storey extension and replacing it with a new two storey rear extension.

Relevant Planning History:

There is no relevant planning history on this site.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Peasedown St John Parish Council: Support. It was noted that the proposed development would not significantly increase the footprint of the existing extension, nor would it increase the number of bedrooms. It was thought that the house sits in large grounds which can accommodate the planned build and it was therefore resolved that this application should be supported.

Cllr Walker: I wish to support this planning application because; the property benefits from a substantial rear garden and has the capacity to undertake the increase to the host building. The proposed two storey extension has no impact on the appearance to front of the property. There will be no loss of light to either neighbour adjacent to the property.

Representations Received :

Two objections and one comment of support were received. The following is a summary of the objections:

- Impact through overlooking and loss of privacy
- Impact through overshadowing and loss of light
- Visually overbearing due to bulk and mass
- The large scale and materials will impact on character and appearance
- Out of keeping with the pair of semis

One comment of support was also received from a third party.

## **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan

and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

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

#### Core Strategy:

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

CP2: Sustainable Construction

CP6: Environmental Quality

DW1: District Wide Spatial Strategy

#### Placemaking Plan:

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

D1: General Urban Design Principles

D2: Local Character and Distinctiveness

D.3: Urban Fabric

D.5: Building Design

D.6: Amenity

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

### **OFFICER ASSESSMENT**

The application refers to a two storey semi-detached house located in Peasedown St John. The property is located in the Housing Development Boundary. The site is not within a conservation area nor is the property listed. There are no other relevant planning constraints on the site.

Therefore the main issues to consider are:

- Character and appearance
- Residential amenity

## Character and appearance:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host dwelling and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The existing dwelling is a two storey semi-detached dwelling located in the centre of Peasedown St John. The site is within the Housing Development Boundary. The property is a Victorian house and the pair of semi-detached houses were designed with three rear gable projections. The application property benefits from a small single storey historic rear gable extension that is shared with neighbours and a further more recent single storey extension both projecting out from the existing rear gable.

The existing house is stone built with a slate roof and white UPVC windows, the current single storey element has a small amount of timber and render to the rear elevation.

This proposal seeks to demolish the single storey rear extension and replace it with a larger two storey extension and part single storey element.

The proposed two storey extension will project out from the current two storey rear gable extension by approximately 7m. The original depth of the house (up to the two storey gable but not including the single storey extension) is 8m. The proposal will result in the length of the house being 15m approximately. The current width of the semi is 10m, therefore the rear projection will result in a proposal that is larger than the width of the existing house.

The proposed two storey extension will effectively extend the rear gable projection by approximately the same length as the existing width of the property. The application property is easily open to view from the side and rear and will easily be apparent. In such a situation the proposed extension is considered to result in the overdevelopment of the site as well as causing a visual imbalance to the two semis in such a way that is harmful to the character and appearance of the host dwelling and its pair. The proposed extension is not subservient to the main house and it is not considered that a two storey extension of the proposed proportions can be achieved here without harm to the appearance of the building.

Furthermore, the proposed two storey extension will have render to the ground floor elevations and timber weatherboarding to the first floor elevations. The roof will be slate and the fenestration will be aluminium. It is considered that the resulting proposal is a mix that is overly complicated and a simplified materials palette is required. The timber weatherboarding will be visually prominent as it is set at second storey. Overall the materials result in an incongruous appearance that harms the character of the existing dwelling and locality.

It is therefore considered that the proposal, by reason of its design, siting, scale, massing, layout and materials is unacceptable and harms the character and appearance of the surrounding area.

#### Residential Amenity:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The proposal site is part of a pair of semis. Number 1 is the adjoining property and is located to the north. A detached bungalow called Dorwin is located in close proximity to the south. It is considered that the proposed two storey extension will result in an overbearing impact on the neighbours at number 1 due to its size causing a visual dominance from the outlook of number 1.

It is also considered that the proposal will result in the increased overlooking of the garden amenity space of Dorwin to the south. The proposed master bedroom has a window in the south elevation that will directly overlook the garden of Dorwin.

Given the design, scale, massing and siting of the proposed development the proposal would cause harm to the amenities of adjacent occupiers through loss of light, overshadowing, overbearing impact, and loss of privacy.

#### Conclusion:

It is considered that the proposal is contrary to the relevant planning policies as outlined above and the proposal is recommended for refusal.

### **RECOMMENDATION**

REFUSE

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

1 The proposed two storey rear extension is considered to harm the character and appearance of the host dwelling and locality, as well as negatively impacting on the residential amenity of neighbours. Therefore the proposal is contrary to policy D1, D2, D3, D5 and D6 of the Bath and North East Somerset Placemaking Plan.

### **PLANS LIST:**

This decision relates to the following plans:

31 Oct 2017 3491-03 Site Location Plan

31 Oct 2017 3491-04 Existing & Proposed Block Plans

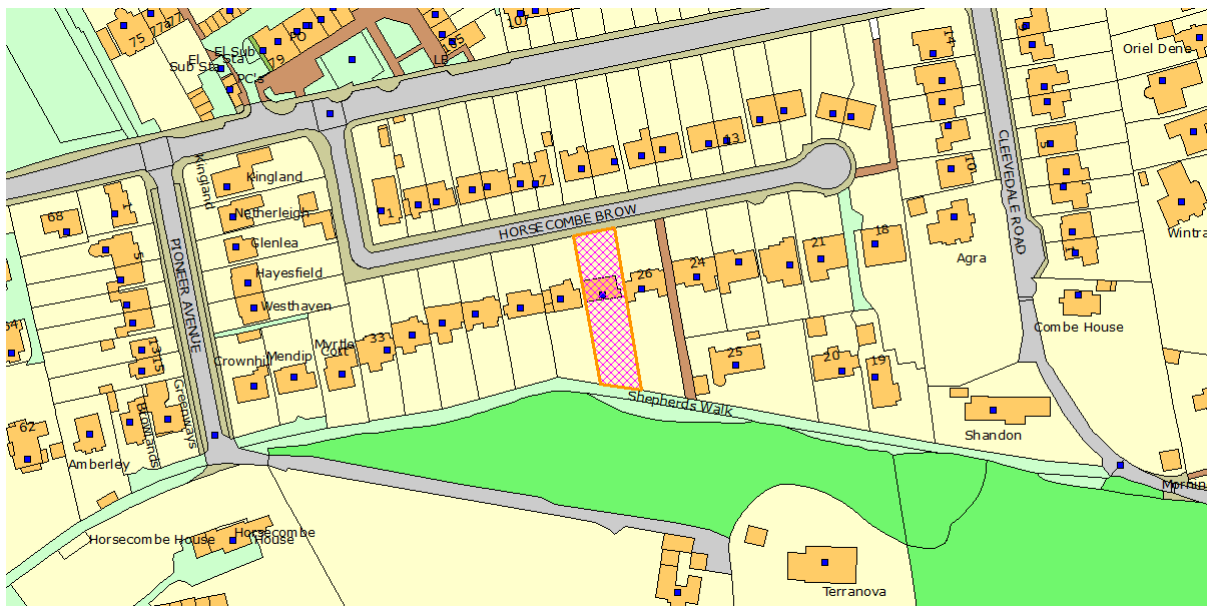
31 Oct 2017 3491-02 Proposed Floor Plans & Elevations

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was



unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

**Item No:** 06  
**Application No:** 17/05269/FUL  
**Site Location:** 27 Horsecombe Brow Combe Down Bath Bath And North East Somerset BA2 5QY



**Ward:** Combe Down      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Cherry Beath      Councillor Bob Goodman  
**Application Type:** Full Application  
**Proposal:** Erection of single storey rear extension and two storey side extension, replacement of existing windows and re-cladding of existing dormer window following demolition of existing garage and side extension.  
**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,  
**Applicant:** Mr Matt Cochrane  
**Expiry Date:** 15th February 2018  
**Case Officer:** Nikki Honan

## REPORT

This application has been referred to the Development Management Committee as the applicant is an elected Member.

Planning permission is sought for a single storey rear extension; two storey side extension; replacement of existing windows; re-cladding of the existing dormer; and demolition of existing garage and side extension.

The application property is a detached house on the southern side of Horsecombe Brow, a residential cul-de-sac in the Combe Down ward. The site is within the World Heritage Site.

Following discussions, revised plans have been submitted showing alterations to the design and materials.

Planning History:

The property has no relevant planning history.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highways:

No objection subject to condition

Although the proposed development will not result in an increase in parking demand in accordance with policy ST7 of the BANES Placemaking Plan (PMP), the loss of the existing garage will result in one less potential parking space. However, it is noted that there is ample space within the driveway to accommodate a sufficient level of parking to meet the demands of the PMP.

Highways DC therefore do not anticipate any impacts of significance on the public highway as a result of the development and have no objection to its approval subject to condition.

1 neighbour support:

We thoroughly approve of the plans; a great improvement to a long neglected property, and an enhancement to the neighbourhood.

## **POLICIES/LEGISLATION**

On 13th July 2017 the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

Core Strategy:

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

CP2: Sustainable Construction

CP.6: Environmental Quality

B.4: World Heritage Site

#### Placemaking Plan:

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

D.1: General Urban Design Principles

D.2: Local Character and Distinctiveness

D.3: Urban Fabric

D.4: Streets and Spaces

D.5: Building Design

D.6: Amenity

D10: Public Realm

NE.2: Conserving and Enhancing the Landscape Character and Landscape Character

NE2A: Landscape setting of settlements

HE.1: Historic Environment

ST7: Transport requirements for managing development and parking standards

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

#### **OFFICER ASSESSMENT**

##### Site Context:

27 Horsecombe Brow is a detached house constructed of natural Bath stone walls. The hipped tile roof includes a large rear dormer, clad in white UPVC, which is prominent within the street scene. The house includes a single storey side element, set back from the principle elevation. The house also includes an attached single storey lean to garage.

##### Proposed Development:

The application as first submitted incorporated a flat roof on the two storey side extension. External wall included black timber cladding on the two storey extension, single storey extension and dormer.

Following the submission of revised plans a set down hipped roof has been incorporated into the two storey extension. The external walling of the two storey and single storey extensions have been amended to natural timber. The existing dormer is now proposed to be clad in tiles to match the host dwelling. Windows on the front elevation have also been altered to reflect the position and proportions of the existing dwelling.

##### Character and Appearance:

Following the submission of revised plans the scheme is considered suitability sympathetic to the host dwelling. Although a new material (natural timber cladding) is introduced, the scheme has other ways to link the additions to the host dwelling. In this case natural timber this material is considered to complement the host dwelling. Matching fenestration (proportions, heights and materials) as well as a hipped roof with matching roof tiles on the two storey extension will allow the additional elements to integrate to the host dwelling. Revised plans show the eaves level maintained. The roof of the extension is stepped down to appear subservient.

Cladding the dormer in dark tiles will soften the visual prominence of the dormer. Matching roof tiles will help the dormer to integrate to the host dwelling.

The single storey side and rear extension is not as prominent in the street scene. Timber cladding and natural Bath stone walls will help to integrate it to the host dwelling.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

#### Residential Amenity:

Although the two storey side extension is on the boundary, the roof is hipped away from the neighbouring property (number 28). Number 28 is built off the boundary and has 2no. side windows at first floor level. Given the characteristics of the site the impact of the two storey side extension on the neighbouring occupants at number 28 is not considered significantly harmful to warrant refusal of the application.

The single storey side and rear extension and cladding of the existing dormer are not considered significantly harmful to neighbouring residential amenity.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

#### Highways:

The highways authority has confirmed the application meets parking standards.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

#### World Heritage Site:

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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

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

## **2 Materials (Compliance)**

All external roofing materials to be used on the two storey side extension hereby permitted and the dormer cladding hereby permitted shall match those of the existing building in respect of size, material, colour, texture and profile.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

## **3 Parking (Compliance)**

The area allocated for parking (driveway) 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: To ensure sufficient parking is retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

## **4 Plans List (Compliance)**

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

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

### **PLANS LIST:**

The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

1715-P-010, 1715-P-020-, 1715-P-040, 1715-P-050-, 1715-P-001 - received 27th October 2017

1715-P-110-A, 1715-P-120-B, 1715-P-140-A, 1715-P-150-B, 1715-P-160-A - received 22nd January 2018

### **Condition Categories**

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

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

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

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

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

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.