

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING
DATE: **8th June 2011**

AGENDA
ITEM
NUMBER

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

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

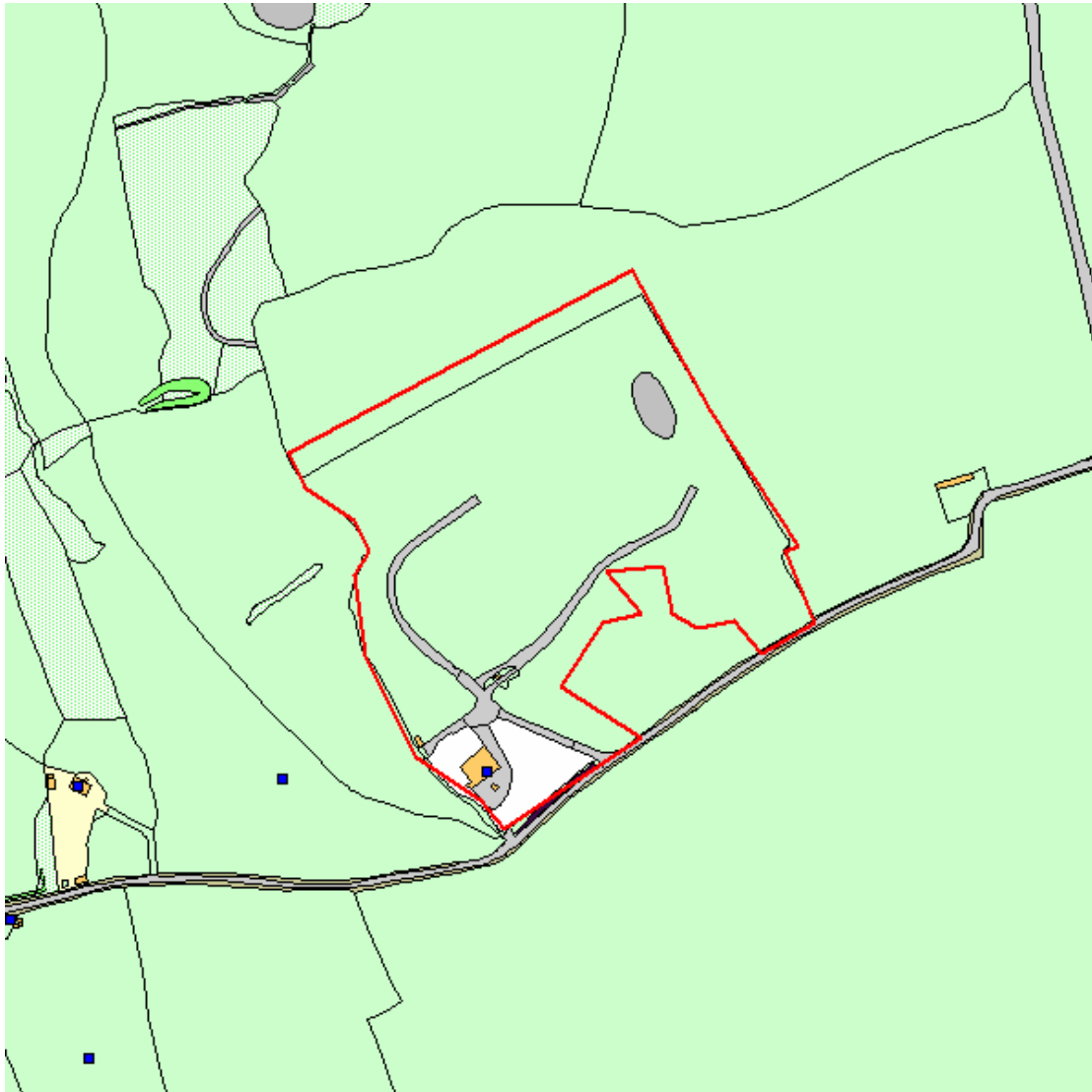
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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

Item No: 01
Application No: 10/05199/MINW
Site Location: Stowey Quarry, Stowey Road, Stowey, Bristol



Ward: Chew Valley South **Parish:** Stowey Sutton **LB Grade:** N/A

Ward Members: Councillor V L Pritchard

Application Type: Minerals and Waste application

Proposal: Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) and inert wastes.

Constraints: Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal fields, Existing Mineral Working, Forest of Avon, Mineral Consultation, Water Source Areas,

Applicant: Mr Larry Edmunds

Expiry Date: 7th March 2011

Case Officer: Chris Herbert

REPORT

Stowey Quarry is located approximately 1.5km south east of Bishop Sutton and 550m from Stowey House Farm on the edge of the escarpment overlooking the Chew Valley. Access to the site is via the A37 at Clutton, onto the Stowey Road and then Nanny Hurn Lane, which also forms the southern boundary to the site. The site is bounded by agricultural land to the north, east and west with the nearest residential property approximately 250m to the west.

The site is a regionally important geological site and is within a groundwater source protection area. Nearby designations include the Mendip Hills AONB and the Chew Valley Special Protection Area.

The proposed development is for the restoration of Stowey Quarry using stable non reactive hazardous waste (SNRHW, which is the term used to describe asbestos) and inert wastes. The proposed development will also involve the processing of the quarry waste stockpiles that are currently on site with a crushing and screening plant in order to recover usable aggregate and for the remaining soils and clay to be used in the restoration of the site. It also provides for the creation of a screening bund along the western boundary of the site, limits vehicle movements to a maximum of 100 (50 in, 50 out) a day and limits the depth of the quarry to 150m AOD as required by the existing planning permissions for the site.

It is proposed to import up to 150,000 tonnes a year of waste over a ten year period. However the maximum void of the quarry is estimated at 430,000m³ which, based on a conversion factor of 1.5 tonnes to a m³, would require approximately 645,000 tonnes of material to infill the quarry. Therefore if the maximum infill rate of 150,000 tonnes a year were to be achieved the restoration would be completed in less than 10 years. Based on a 10 year life the site would receive an average of 65,000 tonnes a year. A conversion factor of 2 tonnes to a m³ would increase this to approximately 86,000 tonnes a year. It is therefore likely that actual tonnages into the landfill will be well below 100,000 tonnes a year over the proposed 10 year life, although it will also be necessary to import materials to construct the landfill cells themselves.

The landfill would be filled and restored in a phased manner. Ten phases are proposed with the majority of the western part of the landfill being completed early in the process. In order to operate the landfill will also require an Environmental Permit from the Environment Agency which will contain strict guidelines for the handling and disposal of asbestos in accordance with the Control of Asbestos Regulations 2006 and the Hazardous Waste Regulations 2005. Once tipped the waste will be immediately covered with a 250mm layer of inert material and coverage of up to 1m of inert fill will be applied at the end of each working day. A dust and leachate monitoring scheme for the site will also be a requirement of the Environmental Permit.

The application also proposes to demolish the existing industrial building on the site which was used for cutting the quarried stone and replacing it with a much smaller portacabin to provide office and welfare facilities

Access to the site would be via the existing site access and concrete haul road. Wheel washing facilities are proposed.

Hours of operation would be 0700 to 1800 Monday to Friday and 0800 to 1300 on Saturdays with no operations on Sundays and Bank Holidays.

The site would be restored to a nature conservation/agricultural after use with access to a retained geological face in the north east corner of the site. Restoration contours would link into the part of the site previously tipped to a height of approximately 165m AOD and would slope down from 164m AOD to 154m AOD from south to north. Existing boundary vegetation would be retained and new planting is proposed together with a wetland area/pond.

The site is a long established quarry with planning permission first being granted in the 1950s but recently there has only been limited or no activity on the site. Planning permission (07/02328/var) was granted in 2008 to extend mineral extraction until November 2012 but it is understood that no extraction has been undertaken. At the same time a second permission (07/02326/minw) was granted for an inert recycling facility and restoration of the quarry using inert materials by November 2028. Limited operations in respect of creating an area of hardstanding and the formation of a proposed screening bund have been carried out but no recycling has occurred. Both these permissions are subject to the same conditions which require restoration of the site by November 2028, the creation of a bund along the western boundary of the site, a limit of 50 lorries (100 movements) a day, a tonnage limit of 125,000 tpa and no extraction below 150m AOD. These therefore form the permitted baseline for the site.

The principle change from the approved restoration scheme is that this planning application proposes the total infilling of the quarry over a reduced timescale and the use of SNRHW as well as inert waste

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: No objections subject to conditions.

ENVIRONMENTAL HEALTH: No comments

LANDSCAPE: Object, further information is required to show the extent of existing vegetation to confirm what will be lost and what will be retained and its relationship to the proposed bund - additional information has been submitted and a revised consultation response is awaited.

The principle of the proposed restoration landform is considered acceptable but a more detailed landscape plan is required, so a detailed Landscape Management Plan should be submitted providing details of the proposed planting, wetland area, geological exposure and restoration afteruse details

ECOLOGY: Object, it has not been demonstrated that there are sufficient safeguards in place to protect Chew Valley Lake and more information is required in order to demonstrate that there would be no significant effect on the conservation status of the SPA. Additional information to enable the LPA to undertake a test of likely significant effect should be submitted - additional information has been submitted by the applicant and a revised consultation response is awaited.

The proposed biodiversity mitigation will prevent the overall loss of ecological interest and should be secured by condition prior to the commencement of the development.

NATURAL ENGLAND: Object, the application does not provide sufficient information for Natural England to advise on any likely significant effects on the protected site as insufficient detail is provided regarding the measures which will be taken to protect Chew Valley, in particular the management of leachate from the site. The applicant should therefore provide further information on surface and groundwater protection measures and the Council must undertake its own assessment of likely significant effects prior to giving consent - additional information has been submitted by the applicant on this point and a revised consultation response is awaited.

The biodiversity mitigation recommended in the Environmental Statement should be required by condition requiring an Environmental Management Plan to be produced prior to the development commencing.

ENVIRONMENT AGENCY: No objections subject to conditions. We would expect a hydrogeological risk assessment to be prepared as part of the environmental permitting process

BRISTOL WATER: Object, as we consider the proposals result in a material increase in risk to our water resource at Chew Valley reservoir. We consider proposals to develop a large scale waste facility close to a major water supply, SPA and SSSI inappropriate. The assessments do not consider Chew Valley reservoir. There is no detailed analysis of groundwater gradients or flow paths or how future loading may affect groundwater flow in the future. Unclear on the nature and permeability of the landfill lining material and on how leachate will be handled and groundwater monitored. How will the site be engineered to control surface water and prevent contaminated run off. How will waste be sorted to remove non inert or contaminated material?

CLUTTON PARISH COUNCIL: Object due to the non existent provision of any improvement in the access/egress route through the village. The Stowey Road/A37 junction is already difficult at peak times and with this increase in HGVs there should be a major improvement of either a roundabout or traffic lights. The consequences of this congestion will be lorries seeking alternative routes along unsuitable minor roads. The environmental effects of either in terms of a spillage on surrounding roads or on the local water table and water courses has not been properly assessed.

STOWEY SUTTON PARISH COUNCIL: Objects as this was not included in the West of England Joint Waste Core Strategy. There are concerns for water safety as springs feed into Chew Valley Lake. Also the road infrastructure is considered inadequate for the proposed levels of traffic which would use the site.

HINTON BLEWETT PARISH COUNCIL: Object on the grounds that run off from the site would contaminate the water courses that flow directly into Chew Valley lake and that if permission is granted can the access road with Stowey Hill be modified on highway safety grounds to cope with anticipated increase.

AVON WILDLIFE TRUST: the site is within an Avon Wildlife Trust Living Landscape area of interest and represents an opportunity to re-create a permanent wildflower meadow on

the site. The Trust would be happy to advise further. Recommend that a reptile survey is carried out on site before development commences. Proposed ecological mitigation should be included in a legal agreement and the replacement wetland habitat provided during the operational phases of the landfill. Quarry faces should be surveyed for bats.

AVON RIGS GROUP: have been able to negotiate the retention of part of the existing quarry face which contain the best features and protect this area from future landfilling and securing access for groups wanting to visit the site. At this stage the Avon RIGS group is happy with what has been offered by the quarry owners.

At the time of writing this report 2 letters of representation had been received. The first letter is from the adjoining landowner who is concerned that the proposed restoration levels will be above the original level prior to quarrying which will appear anomalous with this part of the Mendip landscape and also whether the weight of the fill material may aggravate the problem of land slippage on the adjoining land to the north. The applicant has not properly considered alternative sites and there is no need for such a landfill, which undermines the case for supporting the application in its current form. Have been unable to identify the implications for ingestion of asbestos and the implications for livestock on the adjoining fields. Do not object to the principle of landfill but seeks reassurance that the development will not adversely affect his farming activities.

The second letter is from the nearest residential property which highlights a number of concerns/questions and comments they would like addressing as follows: lack of consultation from the applicant, will this lead to a widening of the use of the quarry until it can take putrescible material; is there a demand for this type of facility, reliability of current owner, monitoring of current conditions, depth limit for the quarry, will this replace the 2007 consent, where will topsoil come from, will conditions control the covering of waste and stockpiles, site is visible from the AONB, why are final levels higher than original ground levels, how many portacabins and how high, will a generator be used for power, 2007 permission has not been fully implemented and therefore there has never been the level of traffic proposed on the road a condition report will be vital, concerned about safety on the lane, confirmation that residents will not be at risk from asbestos particles, will landscaping requirements be imposed, is the noise report accurate, will lighting be controlled, would like a temporary bund along the concrete access road, what controls on reversing beepers will there be, a wheelwash must be installed, can the 100 movements cover all types of vehicle, what steps to prevent lorries turning right, how will they prevent the site being over run by rats and rabbits, how will training of operatives be controlled, what is the basis for altering the end date for mineral extraction on the 2007 consent, why have conditions on the previous consents not been enforced, 2007 permission limits tonnage to 125,000 and 150,000 is now proposed, why the increase - applicant refers to average of 65,000 why cannot this be used, figures on capacity need verifying, restoration levels will create an artificial mound how do these differ from those permitted in 1998, will a 6m bund around screening equipment be constructed. If consent is to be granted it should be with a very full set of conditions with suitable incentives to ensure compliance. As the development will cause disruption and inconvenience to locals should they not make a contribution to local amenities?

POLICIES/LEGISLATION

WEST OF ENGLAND JOINT WASTE CORE STRATEGY 2011

Policy 8 on Landfill

BATH AND NORTH EAST SOMERSET LOCAL PLAN, INCLUDING MINERAL AND WASTE POLICIES, 2007 (the Local Plan):

WM1 and WM12 on waste management; ES.5 on Drainage; ES 9, 10 and 12 on pollution, nuisance, health and noise; ES14 on stability; NE1 and NE2 on landscape; NE9 and NE10 on ecology; NE13 on groundwater and NE14 on flooding; M9 and T24 on highways.

OFFICER ASSESSMENT

WASTE MANAGEMENT: The West of England Joint Waste Core Strategy (JWCS) advises that the SW region is broadly self sufficient in hazardous waste treatment capacity, however there is currently no disposal facility for the stable non reactive hazardous waste stream within the West of England sub region. As the West of England is considered to be a significant generator of this waste stream the provision of such a facility within this area would therefore contribute to a reduction in the waste miles this waste has to travel and would be considered to be the nearest appropriate facility in accordance with waste management policy. Given the lack of disposal facilities within the West of England there is therefore considered to be a need for this type of facility to meet the needs of the sub region. In respect of inert waste the JWCS identifies that inert disposal capacity is all but exhausted within the sub region but that there are a number of quarries that will require such waste to secure their restoration. Stowey is considered to be such a quarry and the currently approved restoration scheme for the site relies on the use of imported inert material.

Policy 8 of the JWCS deals with landfill and requires that waste to be landfilled should not be capable of re-use or recycling which is the case for the proposed waste streams. In addition the quantity of waste should be the minimum required and secures the restoration of former quarries. Having regard to existing levels on the site and that the complete restoration of the quarry is proposed it is considered that the development complies with these requirements. It also requires that new schemes should not prejudice the restoration of existing sites but given the lack of disposal facilities within the West of England this is not considered to be an issue here. The final requirement of policy 8 is that proposals should not be within water source protection areas or within the buffer zones of European sites except where the relevant legislative requirements can be met. Stowey is within such an area but later sections of this report on Ecology and Groundwater demonstrate how the necessary requirements are considered to have been met. The development is therefore considered to comply with policy 8 of the JWCS.

Policy WM1 of the Local Plan requires that proposals have regard to regional self sufficiency, the proximity principle and the precautionary principle as well as having no unacceptable impacts on the environment or local communities. As previously stated there is considered to be a need for such a facility within the sub region and it would reduce the distance this waste currently has to travel. In respect of the precautionary principle the proposed development will have to meet both the requirements of the planning and the environmental permitting system and the information submitted to date and the consultation responses received in my view satisfy the requirements of the

planning system as no unacceptable impacts on the environment or local communities have been demonstrated. The development is therefore considered to comply with policy WM1.

Policy WM12 requires that landfill should only be permitted where it relates to mineral sites in accordance with approved restoration schemes. The currently approved restoration scheme for Stowey does not provide for the complete infilling of the quarry but given the lack of disposal facilities within the West of England it is considered appropriate to seek the complete infilling of the quarry to maximise the use of local voidspace and avoid exporting waste from the sub region. WM12 also requires that such waste should not be capable of re-use or recycling, that there is sufficient material available and the development is temporary, all of which the proposed development is considered to comply with. The development is considered to comply with policy WM12 and will become the approved restoration scheme for the quarry.

HIGHWAYS: Policy M9 requires that applications for minerals and waste development will only be permitted where the highway is adequate for the type and volume of traffic proposed or that it can be upgraded without harm to the environment. It also requires that alternatives to road are used unless they are not commercially or environmentally suitable. Policy T24 provides similar tests, requiring a high standard of highway safety for all road users and avoiding the introduction of excessive traffic on unsuitable roads. The existing planning permissions at Stowey currently have a limit of 50 HGVs a day (100 movements) and tonnage limits of 125,000tpa and 2,500tpw a week. The applicant is proposing to retain the 50 HGV a day limit but is proposing 150,000tpa with no weekly limit. Whilst the Highways Authority have no objection subject to conditions it is noted that many of the local concerns raised relate to traffic and the 50 HGVs a day should be regarded as a maximum to be achieved only during busy periods and not become the norm. It is therefore proposed to retain the existing tonnage limits of 125,000tpa and 2,500tpw to ensure that the daily average of vehicle movements will remain below the 50 a day maximum. It will also be a requirement that a road condition survey is carried out before the development commences to ensure that if there is any excessive wear to the highway as a result of this development it can be quickly identified and rectified at the expense of the operator. The site will also be required to install a wheelwash. On the basis of these controls, improvements to the highway network are not considered necessary as the type and volume of traffic will be adequately controlled by condition. In respect of peak hour flows at the A37 junction it is a feature of waste development that it does not generate high peak hour flows and so adds very little to any congestion at these times. Having regard to the location of the site alternative forms of transport to road are not considered commercially viable. The development is therefore considered to comply with policies M9 and T24.

POLLUTION, NUISANCE, NOISE AND HEALTH: Policy ES9 deals with pollution and development will not be permitted where it poses an unacceptable risk of pollution. Because this is a waste management development it is important to understand the relationship between the planning system controlled by the Council and the pollution control system administered by the Environment Agency. This is because the development will require both a planning permission from the Council and an environmental permit from the Environment Agency in order to operate. An environmental permit cannot be issued until planning permission is granted and in addition Government policy advises (PPS23) that planning permissions should not seek to duplicate the

controls that can be imposed by the environmental permit and that they should determine planning applications on the basis that the requirements of the environmental permitting system will be properly applied and enforced by the Environment Agency. Given the nature of the proposed waste stream there is also additional legislative requirements on how it should be managed to ensure that people and the environment are adequately protected. The environmental permit will control such matters as the specification of the landfill lining material and the management of leachate and other emissions from the landfill and comprehensive waste handling protocol and monitoring schemes will also be a requirement. It is noted that the Environment Agency has no objection in principle to this development and a permit will not be issued unless and until the Environment Agency are satisfied that there will be no risk of adverse pollution effects on the environment or communities. Based on the information received to date it is therefore considered that the proposed development does not pose an unacceptable risk of pollution and it therefore complies with policy ES9.

Policy ES10 deals with air quality including dust, odour and health. Because of the nature of the waste concerns have been raised over possible health impacts, however, as stated above there are specific regulations covering the management of this waste stream and as landfill is the only option available for this waste the requirements of legislation and the environmental permitting system have been designed to minimise these effects. A comprehensive study of the health impacts of waste management facilities has been carried out by the Government and this concluded that they present a minimal risk to health when compared to the many day to day risks that people face and that there is no evidence of any unacceptable health impacts as a result of waste management facilities. As previously stated landfill is the only disposal option for this waste stream and the monitoring results of similar landfills elsewhere in the country demonstrate they have no adverse impacts on air quality. There is therefore considered to be no evidence to support the view that these facilities have an adverse impact on health of people or animals. In respect of dust a management plan to be controlled by condition has been provided and because of the nature of the waste stream it will not generate any adverse odours. The development is therefore considered to comply with policy ES10.

Policy ES12 deals with noise and vibration and existing conditions already set appropriate noise limits at the nearest property, require that it is monitored on a regular basis and no blasting is permitted. Whilst no comments have been received from the environmental health officer on this scheme, they have previously accepted the proposed conditions as providing an acceptable level of control. The development is therefore considered to comply with policy ES12.

DRAINAGE: Policy ES5 deals with surface water drainage and requires that development should not be permitted where there is inadequate surface water infrastructure and it would result in surface water problems off site. Foul drainage is only required for the site offices and leachate management from the landfill will be controlled by the Environment Agency via the Environmental Permitting system. The Environment Agency has also recommended a suitably worded condition to manage surface water drainage and have no objections to the proposed development. It is therefore considered to comply with policy ES5.

LANDSCAPE: Policy NE1 requires that proposals conserve or enhance the character and local distinctiveness of the landscape and representations have commented that as the

proposed landform will be above the original ground contours it will not be in keeping with the local area. The landscape officer has no objections in principle to the proposed landform and it will achieve the complete restoration of the site. Previous historic tipping at the site has left levels of 165mAOD and the proposed development goes no higher than this. Instead it seeks to tie in with this level and then slope down to the north. This will result in a landform that is higher than the surrounding land but it is not considered to be out of character. The proposed 6m high bund along the western boundary has previously been approved as part of the existing planning permissions for the site and is considered necessary to screen the operations from the nearest property. It will be removed as part of the final restoration of the site to a nature conservation/agricultural after use and detailed landscaping and restoration conditions are proposed to achieve this. Having regard to the need to restore the quarry and the current levels on the site the proposed contours are considered to create an acceptable landform and are in accordance with the requirements of policy NE1. The outstanding objections of the landscape officer relate to the need for the development to accurately identify what existing vegetation will be retained and what will be lost as a result of the proposed bund. Additional information has been submitted to clarify this point and the final comments of the landscape officer are awaited.

Policy NE2 of the local plan seeks to prevent adverse impacts on the AONB and whilst the proposed development will be visible from the nearby AONB it is not considered to have an adverse impact on it and in the longer term it is considered that the restoration of the site will improve views from the AONB.

STABILITY: Policy ES14 deals with unstable land and requires that development does not adversely affect the stability of the site or adjoining land. Representations from the adjoining landowner have raised the concern of potential impacts on their land from both the existing quarry and the proposed landfill. In respect of the current operations this has previously been investigated and no evidence has been provided to demonstrate that the quarry is adversely affecting adjoining land. In respect of the proposed landfill a stability risk assessment will be required as part of the Environmental Permitting process and having regard to the proposed contours and cross sections it is considered that a long term stable landform is being proposed with no excessively steep slopes. There is no evidence that the proposed landform will adversely affect adjoining land and there are adequate safeguards to prevent this. The development does not therefore conflict with policy ES14.

ECOLOGY: In respect of ecology the site is a regionally important geological site and therefore covered by policy NE9 of the Local Plan. However discussions between the applicant and the local RIGs group have secured the preservation of a section of the quarry face as part of the proposed restoration scheme. The development is therefore considered to comply with policy NE9 and the proposed after use and landscaping will provide additional benefits for ecology in the area.

The site is also within 2km of the Chew Valley reservoir which is a designated European site of nature conservation important and the Council is required by legislation to consider whether the proposed development is likely to have a significant effect on the nature conservation interest of this designation. Objections from the ecology officer and Natural England have led to the submission of additional information on this point. This information has been considered and is considered to demonstrate that no significant

effects on Chew Valley are likely. Confirmation on this point is awaited and planning permission cannot be granted until the Council's ecology officer has confirmed that no significant effects are likely. A meeting with Natural England and the ecology officer to seek this confirmation has been arranged and the outcome will be reported in an update report.

GROUNDWATER: Policy NE13 deals with the protection of groundwater and development within source protection areas will need to demonstrate that it will not have an adverse impact. Bristol Water has objected to the proposed development because of the proximity of the site to Chew Valley, which is a public water supply and the lack of information contained within the application. Additional hydrogeological information has been submitted by the applicant which is considered to demonstrate that an adverse impact is unlikely given the nature of the proposed waste stream (it is inert and stable and not readily decomposable so will not generate significant quantities of leachate) and the fact that the site is geologically separated from Chew Valley by in excess of 100m of mudstone sequences. No response has been received from Bristol Water to the additional information but it is noted that the Environment Agency, as the relevant pollution control authority, has consistently had no objections to the proposed development and as part of the environmental permitting system a further hydrogeological risk assessment will be required. Therefore based on the information provided to date it is considered that the proposed development complies with policy NE13.

FLOODING: Policy NE14 deals with flooding but the development is not within a flood risk area and is not considered to increase the risk of flooding elsewhere. Therefore subject to a condition to manage surface water run off there is no conflict with policy NE14.

OTHER MATTERS: Representations have also made reference to the identity of the proposed operator, the reliability of the current owners and previous non compliance with conditions at the site. However as planning permissions run with the land the identity of who may operate the site is not considered relevant, as who ever operates the site will have to comply with the proposed conditions. The enforcement of conditions will be a matter of judgement if or when a breach may occur and is not an automatic action. The Council will continue to monitor and take what actions it considers necessary at the site. The proposed conditions do however provide a comprehensive means for regulating future activities at the site and additional contribution to local amenity are not considered to be necessary. With regard to concerns expressed about the site subsequently taking a wider range of wastes this would require an entirely new planning application which would be considered on its merits if it were ever submitted but it is not considered relevant to the determination of this application.

CONCLUSION

The proposed development will meet a need for landfill capacity within the sub region and reduce the need to export waste from the sub region. The information submitted in support of the planning application has been considered and meets the requirements of the relevant planning policies which together with the additional requirements of the environmental permitting system administered by the Environment Agency are considered to provide adequate safeguards to prevent any unacceptable impacts on the environment or local communities. It is therefore considered that subject to the confirmation from the ecology officer that no significant effects are likely on the Chew Valley European site that planning permission be granted.

RECOMMENDATION

Upon receipt of confirmation from the Council's ecology officer that no significant effects are likely on the Chew Valley European site Authorise the Development Manager to PERMIT subject to the following conditions:

CONDITIONS

1 No development shall commence until a highway operational statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:

- Routing arrangements for vehicles entering and leaving the site and details of the proposed penalties for drivers who do not follow the approved route; and
- A road condition survey from the site access to the junction with the A37.

Upon receiving approval the scheme shall be implemented and maintained for the life of this permission.

Reason: To enable the Local Planning Authority to monitor the condition of the highway and approved routes.

2 The permission hereby granted shall be limited to a period expiring on the 31 July 2027. The site shall be restored in accordance with the approved scheme by the 30 November 2022; and the aftercare period will be completed by the 31 July 2027.

Reason: To ensure the site is restored within a reasonable timescale.

3 The site shall be operated in accordance with the approved scheme, which shall consist of the following:

- Drawing numbers 205/126/02 rev B date stamped 10 December 2010; 205/126/03 rev A date stamped 6 January 2011; 2055/126/04 rev A date stamped 10 December 2010; 2055/126/05 rev A date stamped 10 December 2010; 2055/126/06 date stamped 10 December 2010; 2055/126/07 rev A date stamped 4 March 2011; 2055/126/08 date stamped 10 December 2010; 2055/126/10 date stamped 6 January 2011; 2055/126/11 dated 17 February 2011; and 2055/126/12 dated 4 March 2011.;
- The Planning Design and Access Statement version 1.4 dated 21 March 2011 ref 2055-126-B;
- The Environmental Statement version 1.3 dated 21 March 2011 ref 205-126-A;
- Response to comments received up to 21 March 2011 on Application 10/05199/minw version 1.0 dated 21 March 2011 ref 205-126-G;
- Details required by conditions 1,5, 7, 16,18 and 34.

Reason: To enable the Local Planning Authority to properly control the development and to minimise its impact on the amenities of the area.

4 The site shall be restored in phased manner in accordance with the following timetable:

- The perimeter bund as shown on Drawing 2055/126/11 dated 17 February 2011 shall be completed prior to the construction of Phase 1 of the landfill as shown on Drawing 2055/126/07 Rev A dated 4 March 2011;
- No placement of waste within phase 3 to commence until phase 1 has been restored, no placement of waste in phase 4 until phase 2 has been restored, no placement of waste in phase 5 until phase 3 has been restored, no placement of waste in phase 6 until phase 4 has been restored, no placement of waste in phase 7 until phase 5 has been restored, no placement of waste in phase 8 until phase 6 has been restored, no placement of waste in phase 9 until phase 7 has been restored and no placement of waste in phase 10 until phase 8 has been restored; and
- Final restoration in accordance with Drawing 205/126/05 Rev A date stamped 10 December 2010 to be completed by the 30 November 2022.

Reason: To minimise the impact of the development on the amenities of the area.

5 No development shall commence until an Ecology and Landscape Mitigation and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- The creation of the wetland area;
- The creation of a wildflower meadow upon restoration of the site;
- The retention and management of the area of ruderal vegetation as shown on Drawing 2055/126/05 rev A date stamped 10 December 2010
- The management and public access to the retained geological face (RIGS section) shown on Drawing 2055/126/05 rev A date stamped 10 December 2010
- The protection and management of existing vegetation to be retained;
- The proposed planting of native tree and hedgerow species (including numbers, size, species, spacing and fencing) as shown on Drawing 2055/126/05 rev A dates stamped 10 December 2010 and on the proposed screening bund as shown on Drawing 2055/126/11 dated 17 February 2011; and
- A timetable for the implementation of the above works and for its ongoing management for the life of this permission.

Reason: In the interests of the visual and ecological amenities of the area.

6 There shall be no extraction below 150m AOD.

Reason: To retain control over the size of the void to be landfilled.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending, revoking or re-enacting that order no fixed plant or machinery, buildings, structures, floodlights or spotlights shall be erected, extended, installed or replaced until details of the construction, cladding, colour, plans and elevations have been agreed in writing by the Local Planning Authority.

Reason: To retain control over the approved development in the interests of the amenities of the area.

8 The total amount of inert and stable non reactive hazardous waste, landfill lining material and recycled aggregates and soil imported to and exported from the site, as approved under this permission (10/05199/MINW) and planning permissions 07/02326/MINW and 07/02328/VAR, shall not exceed when combined a maximum of 2,500 tonnes a week and 125,000 tonnes a year and 100 vehicle (excluding cars) movements (50 in and 50 out) a day.

Reason: In the interests of highway safety and to protect the amenities of the area.

9 The operators shall maintain records of the weekly imports and exports of material and vehicle movements as approved under planning permissions 07/02328/VAR, 07/02326/MINW and 10/05199/MINW and shall submit them to the Local Planning Authority on a quarterly basis for the first two years from the date of this permission, after which the frequency will be reviewed. All records shall be kept for at least five years.

Reason: To enable the Local Planning Authority to monitor the imports and exports from the site.

10 Only lias limestone and recycled aggregates shall be removed from the site. All other materials shall be retained for use in the restoration of the site. Stockpiles of recycled aggregate or restoration materials shall not exceed 5 metres in height.

Reason: To ensure that sufficient material to restore the site in accordance with the approved scheme and timescales.

11 No mineral shall be imported to the site for processing or treatment.

Reason: To prevent the need for additional processing plant and machinery which may adversely affect the amenities of the area.

12 No refuse, waste or similar materials originating from outside the site except inert and stable non reactive hazardous waste material shall be stockpiled, or deposited on the site. Stockpiles of inert waste shall not exceed 5 metres in height.

Reason: To enable the Local Planning Authority to adequately control the development and to minimise the risk of pollution to water courses and aquifers.

13 There shall be no de-watering or pumping of the site unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect the hydrology of the surrounding land.

14 No operations shall take place except between the following hours:

0700 to 1800 hours Monday to Friday;
0800 to 1200 hours Saturdays; and
No operations on Sundays or Public Holidays.

Reason: To minimise disturbance to the surrounding area.

15 No explosives shall be used on site.

Reason: In the interests of the amenities of the area.

16 No development shall commence until a scheme for the provision of surface water drainage works has been submitted and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved drainage works shall be completed in accordance with the details and timetable approved.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

17 Any above ground oil/chemical storage tanks shall be surrounded by an impervious bund and integral base with a retention capacity of at least 110% of the largest tank within the bunded area. There shall be no working connections outside the bunded area.

Reason: To minimise the risk of pollution to water courses and aquifers.

18 Any external generators used on the site shall be housed within a sound proofed structure, the design and location of which shall be approved in writing by the Local Planning Authority prior to the generator being used.

Reason: To protect the amenities of the area.

19 Noise levels arising from the site shall not exceed a level of 46 dBA LAeq (1 hour) freefield at Hill View House.

Reason: To protect the amenity of local residents.

20 Noise levels arising from the development shall be monitored as follows:

- Upon commencement of the development noise levels shall be monitored once a month for the first six months at Hill View House. Thereafter, if no breaches have been recorded, monitoring shall be undertaken on an annual basis. If breaches have occurred monitoring shall continue on a monthly basis until a period of six months has passed with no breaches.
- If the noise limit in condition 19 is breached operations on site shall cease immediately until measures to comply with the noise limit have been implemented.

Reason: To ensure the development complies with condition 19.

21 All plant, machinery and vehicles used on site shall be fitted with effective silencers and maintained in accordance with the manufacturer's specifications.

Reason: To protect the amenity of local residents.

22 All vehicles used on site shall only be fitted with a broadband/white noise type of reversing warning system.

Reason: To protect the amenity of local residents.

23 Dust emissions from the site shall be controlled in accordance with the dust management plan at Appendix 5 of Document Ref.2055-126-A dated 21st March 2011 for the life of this permission.

Reason: To protect the amenities of the local area.

24 No access to the site shall be used other than that at OS grid reference ST 5985 5863.

Reason: In the interests of highway safety.

25 The concrete site access road shall be maintained in a good state of repair and free from mud, dust and other debris at all times until the completion of the site restoration and aftercare.

Reason: To prevent the deposition of mud or dust on the public highway in the interests of highway safety.

26 No development shall commence until details of the proposed wheel wash and its installation date have been submitted to and approved in writing by the Local Planning Authority. Once installed the approved wheel wash shall be maintained in good working order and be used by all vehicles leaving the site for the life of this permission.

Reason: To prevent mud and dust being deposited on the public highway in the interests of highway safety.

27 All loaded lorries entering and leaving the site shall be adequately sheeted to secure their loads.

Reason: In the interests of highway safety.

28 A sign shall be erected and maintained at the site exit for the life of this permission instructing drivers to turn left out of the site and proceed to the A37 at Clutton.

Reason: In the interests of highway safety.

29 No movement of soils for restoration purposes shall occur other than during the months of April to October, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To maintain the condition of soils used for restoration.

30 Existing top and subsoil stored on the site shall be retained on site and only used for reclamation purposes.

Reason: To ensure that there is adequate soil available for restoration purposes.

31 The final restoration levels, including the final layer of soil, shall conform to the contours shown on Drawing 2055/126/05 rev A date stamped 10 December 2010.

Reason: In the interests of the visual amenities of the area.

32 During the life of the permission all planting shall be examined on an annual basis and any failures shall be replaced in the current or next planting season, whichever is the earliest.

Reason: To ensure the successful establishment and ongoing maintenance of the planting in the interests of the visual amenity of the area.

33 Following the replacement of soils, they shall be examined to determine the fertiliser, lime and management required to bring the soil back into a condition suitable for supporting a wildflower meadow.

Reason: To ensure the site is returned to a condition capable of creating a wildflower meadow.

34 Ecological/agricultural aftercare shall be carried out for a five year period following restoration of the site in accordance with a scheme that shall be submitted to the Local Planning Authority for approval in writing by the 31 July 2012. The matters to be covered in this scheme shall include:

- Notification of the completion of restoration and entry in to the after care period;
- Cropping pattern and grassland management;
- Cultivation practices;
- Remedial treatments;
- Field drainage;
- Arrangements for an annual inspection visit to assess progress and agree any remedial action that may be required; and
- Submission of a detailed annual programme of works four weeks prior to the annual inspection referred to above.

Reason: To ensure the satisfactory aftercare of the site.

35 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: 205/126/02 rev B date stamped 10 December 2010; 205/126/03 rev A date stamped 6 January 2011; 2055/126/04 rev A date stamped 10 December 2010; 2055/126/05 rev A date stamped 10 December 2010; 2055/126/06 date stamped 10 December 2010; 2055/126/07 rev A date stamped 4 March 2011; 2055/126/08 date stamped 10 December 2010; 2055/126/10 date stamped 6 January 2011; 2055/126/11 dated 17 February 2011; and 2055/126/12 dated 4 March 2011.

ADVICE NOTE:

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

Reasons for Granting Permission:

- 1) The decision to grant permission has taken account of the Development Plan and is in accordance with the policies set out in A below.
 - 2) The development is not considered to have an adverse impact on the ecology, landscape, amenity or character of the area. It is not considered to have any unacceptable stability, groundwater, flood, drainage, pollution, nuisance, noise or health impacts
- A) The proposed development accords with policy 8 of the Joint Waste Core Strategy and policies WM1 and WM12 on waste management; ES.5 on Drainage; ES 9, 10 and 12 on pollution, nuisance, health and noise; ES14 on stability; NE1 and NE2 on landscape; NE9 and NE10 on ecology; NE13 on groundwater, NE14 on flooding and policies M9 and T24 on highways of the Bath and North East Somerset Local Plan, including mineral and waste policies, as adopted October 2007.

Item No: 02
Application No: 11/00540/FUL
Site Location: Tennis Court Farm, Wells Road, Hallatrow, Bristol



Ward: High Littleton **Parish:** High Littleton **LB Grade:** N/A
Ward Members: Councillor L J Kew
Application Type: Full Application
Proposal: Erection of a pair of semi-detached dwellings following demolition of an agricultural barn together with the provision of off-street car parking for No's 2-5 (incl) Bloomfield
Constraints: Agric Land Class 1,2,3a, Coal fields, Forest of Avon, Housing Development Boundary,
Applicant: Ben J Stock
Expiry Date: 13th April 2011
Case Officer: Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: Formal request by the Chair of the Planning Committee.

DESCRIPTION OF SITE AND APPLICATION: The application site is located outside the housing development boundary on the southern fringe of the village settlement of Hallatrow. The site relates to part of an agricultural unit of Tennis Court Farm and an adjoining parcel of land which is considered high grade agricultural land.

The character of the Tennis Court Farm and its outbuildings is one of relative open development with traditional buildings in a loose relationship with one another. All the subsidiary traditional farm buildings are in close proximity to the main farmhouse but visually subservient to it. An essential part of the setting of the locality is the manner in which views can be obtained between the buildings and then also out to surrounding countryside, this spatial relationship is a rural characteristic that is preserved within this part of the village.

The predominant housing type within the village is of detached dwellings set within large plots, a few sets of terraces are situated at either end of the village, semi detached dwellings are not characteristic of the village, however they are not alien to this built environment, therefore in principle the semi detached design is not out of keeping with the village context.

The application proposes the construction of a pair of semi detached dwellings on the western side of Combe Lane which runs through the farm as an access lane. An existing timber clad elongated barn will be removed to accommodate the proposed development. As the application site is outside of the housing development boundary the applicant has incorporated a parking scheme for the benefit of the residents of Bloomfield Cottages designed to improve highway safety on the A39 via the removal of the existing parking and traffic management system.

No. 1 and 6 Bloomfield Cottages already benefit from off street parking facilities therefore the proposed parking area will provide 8 parking spaces 2 per dwelling for 2-5 and will also provide pedestrian access to individual properties. The parking/turning area to the south west of the cottages will take up an area of approximately 220 square metres and will be a rolled hoggin surface, the access track will run from the existing access into Tennis Court Farm along the rear boundary of no. 6 Bloomfield Cottages. The parking area will be separated from the proposed dwellings by a small landscaped amenity area.

The semi detached dwellings have been designed as large three bed cottages with dormer style features to each of the first floor windows on the front and rear elevations in addition to a lean to porch. Parking for vehicles is proposed to the front of the dwellings which will face south overlooking the open countryside, 2 spaces per dwelling have been provided. Amenity space will be located to the rear facing the access lane and the farm buildings beyond. It is proposed to enclose the site by a natural rubble wall to reflect the traditional boundary treatment which is a characteristic of this locality.

It is proposed to use local traditional stone for the walling and pantiles as the roofing material which are both common materials used locally. The rear elevation which faces the farm yard is proposed to be finished in a white through smooth render. No justification

has been provided as to why render is proposed to this elevation and the continuation of stone is not adopted. The fenestration details are low key and reflective of the proportions of the dwellings.

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT OFFICER: A degree of highways pre-application advice has been given in respect of this site, and there is no in-principle objection to residential development at this location. Whilst the site lies marginally outside the housing development boundary for Hallatrow, it sits closely within an area subject to recent residential development where no objections on grounds of sustainability have been raised.

Remain unconvinced of the need for off-street parking for no's. 2-5 Bloomfield. There appears to be no justification for this, and there has been correspondence from these residents (through the Area Traffic Engineer) that it is not required, as the on-street parking currently available is adequate and has a traffic-calming benefit (although it is suggested that further work could be done). While there is no specific objection to this parking in highway safety terms, do not understand the need if it is not wanted by the residents, and there seems to be no mechanism by which it will remain available for their use as it is not on their land. If not used, there might be the possibility that it could be used for another reason which may have implications.

AREA TRAFFIC ENGINEER: The on-street parking introduced along the front of the cottages, together with the footway, has a highways safety benefit, and this is the reason it was installed. See no justification why it should be removed, in fact the view is that its removal would result in increased traffic speeds to the detriment of highway safety.

ENVIRONMENTAL HEALTH OFFICER: This site is in close proximity to existing residential premises and it would be essential to protect residential amenity during demolition and construction. Request informatives relating to code of practice and noise during construction.

OTHER REPRESENTATIONS / THIRD PARTIES

HIGH LITTLETON PARISH COUNCIL - Object. Contrary to policy D.2 and HG.10 of local plan as it is outside the housing development boundary.

OTHER REPRESENTATIONS - 4x objections

- concern that the properties proposed are outside the residential development boundary and this would therefore set an uncomfortable precedent for further development.
- would put increased pressure on the local infrastructure and existing transport network
- would impact on the value of the properties
- The car parking on the main road for the Bloomfield properties was provided in conjunction with the pavement, to provide a safe pedestrian link
- If removed it would result a narrow two way road, resulting in increased traffic speeds through the village

- the proposed development has a far larger footprint than that of the agricultural barn that would be demolished. It is also of greater height which would have a negative impact on all of the cottages.
- There has been no stated intention that access to such parking will be: 1. Available to the residents; 2. Without charge; 3. That access to the parking spaces will be provided by the proposed scheme without cost to the Bloomfield Cottages residents; 4. That the access road to the proposed parking spaces will be maintained by the developer 5. That adequate lighting and security measures will be installed to protect the cottages, and their inhabitants, from intruders; 6. That the access road in joining up to the Wells Road will not cause further traffic problems and compromise the security and welfare of residents accessing their vehicles from the Wells Road and pedestrians using the new footpath.

1 objection received from GL Hearn planning consultants on behalf of the residents of Bloomfield Cottages. They summarise that: The proposed development is outside the designated Housing Development Boundary for Hallatrow, and is therefore contrary to Local Plan Policy HG.10, the proposed development represents built development in the open countryside, which will not conserve or enhance the landscape setting of Hallatrow. The development is therefore contrary to Local Plan policy NE.1, the proposal represents inappropriate development in a 'backland' location, which is not in keeping with the general layout of development in Hallatrow, this is contrary to Local Plan policy D.2, the proposed dwellings, access track and parking spaces would have a detrimental impact on the amenities of the Bloomfield Cottages residents, by virtue of increased activity to the front of their properties and the potential overlooking and loss of privacy that could occur. This is contrary to Local Plan policy D.2.

4x comment only, in favour of development.

- would be beneficial to anyone living in close proximity to the proposed development, because at certain times of the day the build-up of traffic due to the present parking situation at the cottages spreads past the Old Station Inn.
- The line marking that currently allows parking on this A road interrupts the flow of traffic in an already congested village

2x support

- would ease the traffic congestion in this area, offering residents the opportunity of safe parking and manoeuvrability in and out of sites opposite the cottages.
- time that we tried to support the development of housing for the younger generations whose families have lived and worked in this area for many years

POLICIES/LEGISLATION

PLANNING ISSUES:

POLICY CONTEXT:

NATIONAL:

Planning Policy Statement 1: Planning for Sustainable Development and Planning Policy Statement 7: Sustainable Development in Rural Areas states:

'New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly

controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all'.

'All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness'.

Paragraph 18 states that: 'Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design, conservation and the provision of public space'.

Paragraph 34 states that: 'Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'.

LOCAL:

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

D2 - General design and public realm considerations

D4 - Townscape considerations

HG10 - Housing outside settlements

NE5 - Forest of Avon

NE16 - Protection of best and most versatile agricultural land

T24 - General development control and access policy

T26 - On site parking and servicing provision

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

Policy HG 10 states ' Outside the scope of Policies HG.4, 6 and 9 new dwellings will not be permitted unless they are essential for agricultural or forestry workers'.

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

RA2 - Development in villages outside the green Belt not meeting policy RA1 criteria

RA4 - Rural exceptions Sites

Paragraph 5.30 states 'The rural exceptions policy allows the release of land that would not normally be used for housing for development of 100% affordable housing, on small sites and where there is a demonstrated local need'.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE: The proposed development is outside of the housing development boundary and therefore new housing outside of this defined area is considered in principle inappropriate unless they are for agricultural or forestry workers. The application has not applied for workers dwellings associated with Tennis Court Farm

neither have the applicant or agent provided justification for housing outside of the settlement boundary and would therefore be contrary to policy HG.10 of the Local Plan.

Policy RA2 of the Submission Core Strategy states that villages outside the Green Belt with a housing development boundary defined and do not meet the criteria of policy RA1 proposals for residential and employment development will be acceptable where: a) they are of a scale, character and appearance appropriate to the village; b) in the case of residential development they lie within the housing development boundary; c) in the case of employment development they lie within or adjoining the housing development boundary. The proposed residential development fails to comply with points a and b of the above policy and is therefore contrary to Policy RA2 of the Submission Core Strategy, however as stated previously this submission can only be given limited weight, the decision will be weighted on the Local Plan policies.

Policy RA4 is not considered relevant to this application as the scheme is not proposing affordable housing and therefore fails to meet the policy criteria.

OTHER PLANNING POLICY CONSIDERATIONS: Whilst the proposal involves the demolition of an existing agricultural barn, the new dwellings themselves will be sited further west of this barn, with only a small portion of the dwellings sitting on the area vacated by the barn itself. The proposal will also introduce additional boundary treatments, car parking spaces for the dwellings, and the proposed parking area set aside for Bloomfield Cottages residents, in an area that currently is mainly open field.

The provision of the new dwellings, parking spaces, access track, Bloomfield Cottages parking area and other domestic paraphernalia would result in a significant new built development in an area of open countryside. This will not conserve or enhance the attractive landscape setting of this part of Hallatrow. The addition of cars parked in this area would further detract from the character and appearance of this natural landscape which is a positive attribute of this rural locality and considered contrary to policy NE.1 and D.4 of the Local Plan.

The proposed semi detached design is considered acceptable and the utilisation of local materials is welcomed and responds to the local context of the area, however the proliferation of half dormer window detailing introduces visual clutter which over dominates both the front and rear roofscapes, this jagged appearance creates a top heavy appearance to the detriment of the character and appearance of this part of Hallatrow, contrary to policy D.2 and D.4 of the Local Plan.

The proposed parking area and shared amenity space will encroach into the neighbouring field and result in the loss of high grade 1 agricultural land. Under policy NE.16 of the local plan, development which would result in the loss of the best and most versatile agricultural land will not be permitted, in this case, the land at present due to its proximity to residential dwellings and agricultural operation of the Farm is used for grazing purposes and not arable. The area lost is not considered significant enough to warrant a reason for refusal under policy NE.16.

RESIDENTIAL AMENITY: Concern has been raised by the neighbours consultant that the proposed development will be closer to the cottages than the existing barn and will have the potential to cause increased overlooking of their properties and gardens, where no

such overlooking currently exists. The proposed dwellings will be set perpendicular to the Bloomfield Cottages on a similar line to that of the Barn, which minimises the impact of the development in terms of causing an overbearing presence. The pair of cottages will be sited approximately 24 metres from the nearest dwelling (no.6), but will be situated within 5 metres of the boundary curtilage of this dwelling. However the side elevation which overlooks the garage of this dwelling does not contain any window openings. The orientation of the dwellings and separation is considered to be significant enough to protect the amenity currently enjoyed by the residents of Bloomfield Cottages and is not considered to result in any undue harm to the amenity of the users of the rear amenity spaces of Bloomfield Cottages.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: The residents of Bloomfield Cottages have not agreed to the provision of the parking spaces on the land behind their properties, and indeed do not want them as they already have the benefit of a designated parking area outside their houses on Wells Road, which the Council's highway department wish to see retained.

The parking area has as noted previously been incorporated into the scheme as compensation for developing outside of the housing development boundary in that the removal of the parking on the A37 would improve highway safety and would therefore outweigh any harm caused by developing outside the housing development boundary. However no evidence has been provided to support this statement and the area traffic engineer considers that the current situation is a positive feature which slows traffic within this village setting and thus enhances highway safety. Therefore the proposed would be contrary to policy T.24 of the local plan.

CONCLUSION: It is the view of the Local Planning Authority that the erection of a 2no. dwellings and a large car park in this locality would represent inappropriate development outside of the housing development which would neither preserve nor enhance the character and appearance of this rural environment, and introduces a hardstanding that would be encroach into open countryside. The proposed would therefore be contrary to adopted policies D.2, D.4, NE.1, HG.10 and T.24 which reflect current Government advice in particular PPS 1 and PPS 7.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development by reason of its design does not respond to the local context and will be visually harmful to the appearance of the area, contrary to policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007.

2 The proposed development, by reason of its siting outside of the housing development boundary would represent inappropriate development contrary to policy HG.10 of the Bath and North East Somerset Local Plan (including waste and minerals policies) 2007.

3 The proposed development, by reason of the siting of the proposed car parking area in this location would encroach into open countryside and would be visually detrimental to the

rural character of this locality. This would be contrary to policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including waste and minerals policies) 2007.

PLANS LIST: This decision relates to drawing no's BS/02, BS/03, BS/04, BS/05 and the Design and Access Statement date stamped 27th January 2011.

Item No: 03
Application No: 11/00559/FUL
Site Location: 20 Walden Road, Keynsham, Bristol, Bath And North East Somerset



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Marie Longstaff Councillor Bryan Organ
Application Type: Full Application
Proposal: Erection of a single storey front extension (resubmission).
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary,

Applicant:	Mr & Mrs Wiggins
Expiry Date:	6th April 2011
Case Officer:	Victoria Griffin

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: The application has been called to Committee by Councillor Organ following the Town Council and local neighbour objections. After discussions with the Chair of the Committee it was agreed this application should be determined at Committee.

DESCRIPTION OF APPLICATION AND SITE: The application relates to the erection of an 'L' shaped single storey front extension on its north-eastern side. The extension would be situated adjacent to the gable end of no.18 Walden Road and would project between 3 - 4.2m in depth incorporating a double hipped roof design. Materials for the roof include low profiled roof tiles to match with brickwork and render for walls.

The property is a semi-detached dwelling located in a predominantly residential area. On the western side of the street the properties have a degree of uniformity with a staggered building pattern, front dormers and large roofscapes that are typical of this post war housing design. The houses are arranged with a small set back from the road with garden and driveway areas. Each pair of houses has a stepped building line situated side by side that provides a small recess from each pair when viewed looking north. On the opposite side of the road the street is characterised by rows of terraces and garages in blocks.

The site falls within the housing development boundary.

PLANNING HISTORY:

16445 - Single storey front extension - Refused 26/05/93 - Size, design and mass would be detrimental to the appearance of the building and the visual amenity of the existing street scene.

16445A - Single storey front extension - Permission 26/07/93

10/04176/FUL - Refused - 30 November 2010 - Erection of a single storey front extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: I confirm that Highway Development Control wishes to make no comment on the above planning application.

KEYNSHAM TOWN COUNCIL: Object on the grounds that this proposal would:

- a) Be out of keeping with the street scene
- b) Not follow the building line
- c) Affect neighbouring properties
- d) Be the only extension of this type within the street
- e) Have a roof construction of a material that the Town Council does not think is appropriate

- f) Be a much larger extension than the previously approved 1998 application for a flat roofed extension.

The Town Council has noted the contents of the Planning Officers email letter of 14th May 2010. However, they recommended that the planning office should be of mind that considering the number of objections from neighbours that this application should go to committee.

REPRESENTATIONS: 18 no. letters of objection received raising the following points (summarised):

- out of character and appearance with the surrounding street scene.
- the extension exceeds the established building line
- the proposed roof of the new extension is out of keeping with the existing house and surrounding properties
- out of harmony with the visual appearance of the row of houses
- concern it will set a precedent
- unsympathetic materials
- will destroy the appearance of the street scene
- the new amended roof plan would also have an overbearing impact on our property.
- Walden Road benefits from open drives and spaces. This extension would look bulky and detached from the existing building which is not in keeping with the rest of the street
- loss of value - Officer note: this is not a material planning consideration
- loss of visibility looking down the street

LOCAL MEMBER: Councillor Organ has requested that this proposal is referred to Committee for consideration.

POLICIES/LEGISLATION

The following policies are material considerations:

D.2: General design and public realm considerations

D.4: Townscape considerations

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

Consideration has been given to the emerging Bath & North East Somerset - Draft Core Strategy - Publication Version December 2010, however this can only be given limited weight.

OFFICER ASSESSMENT

THE PRINCIPLE OF DEVELOPMENT: The site is within the urban area of Keynsham where residential development is broadly acceptable in principle provided it accords with other policy requirements.

IMPACT ON HOST BUILDING & STREET SCENE: The property obtained planning permission for a front extension in 1993 which incorporated a flat roof design. Advice

sought from this department in 2010 stated that the policy and street context has not changed since 1993 and that the principle of a front extension would not be unacceptable. However it was considered that a pitched roof design would integrate the extension with the host building better. A subsequent application was made under ref. 10/04176/FUL which was refused due to the impact of the proposed roofscape on the street scene and loss of amenity to no.18 Walden Road. The proposed roof design is not a feature of this dwelling style and would form a different but not harmful design element. The extension would retain the integral garage with garage door opening and is proposed in materials to match the existing. The revised proposal has sought to address the grounds for refusal under ref. 10/04176/FUL and now includes a simpler roof profile.

Whilst it would project further than other front extensions within the street scene, where there is an element of uniformity on this side of the street, the extension would be viewed looking north against the gable end of no.18 with a low profile roof projection. From the opposite end of the street the extension would not be visible. In addition a set back from the neighbouring property would be retained to maintain a degree of openness to the front garden areas.

It is acknowledged that the provision of an extension to the principal elevation of a property can often be resisted due to the alteration of the character and appearance of the building and its wider setting. In this respect the staggered street pattern and projecting frontages of the existing street context suggest that this proposal would not be harmful to the regular frontage design prevalent in Walden Road. Furthermore the host building does not exert any design qualities which render a different design unacceptable.

On balance of all the issues raised and noting the planning history of the site it is not considered the proposed design, size and siting would be harmful in this context to warrant a refusal on this basis.

IMPACT ON RESIDENTIAL AMENITY: The previous grounds for refusal referred to the impact of the position of a larger roof on habitable rooms in the neighbouring property facing onto no.20. The revised roof design has eliminated this element from the proposal and would not reduce the visual amenities of the neighbour's property. In respect of the impact on the adjoining semi-detached property, the extension would be positioned approximately 3m away from the nearest window. Whilst the extension would adapt their outlook, the extension would be positioned alongside the gable wall of the neighbouring property which already provides a degree of screening and enclosure to the side. Due to the siting, scale and design it is not considered that the extension would cause significant loss of amenity to warrant a refusal on this basis.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: No objection has been raised by the highways officer in respect of the extension of the garage, furthermore sufficient parking can be accommodated to the front of the dwelling.

CONCLUSION: On balance of the issues raised your officers consider that the scale and position of the extension is acceptable. In this context the proposal is not considered to cause significant harm to the character and appearance of the host building or the street scene to warrant a refusal. For the reasons stated above the application is recommended for approval.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

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

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

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

Location plan, L[00]10A, L[00]01 - L[00]05, Design & Access Statement 09/02/11
North & South Elevations, Roof Plan and East elevations date received 23/03/11

REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the streetscene or the host building
2. By reason of the scale, position and siting of the extension it would not cause significant harm to the amenity of the surrounding residential occupiers.
3. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007
