

Bath & North East Somerset Council

MEETING:	Development Control Committee	AGENDA ITEM NUMBER	
MEETING DATE:	28th September 2011		
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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02	11/03051/FUL 7 September 2011	Filers Coaches Tia Filers Coaches, Wick Lane, Stanton Drew, Bristol, Bath And North East Somerset Extend area of coach/bus stationing for an additional 10 vehicles (resubmission).	Clutton	Mike Muston	REFUSE
03	07/02424/EOUT 2 November 2007	Purnell Property Partnership Closed Polestar Purnell Factory Site, Access Road To Works, Paulton, Bath And North East Somerset, BS39 7LQ Mixed use redevelopment of former printworks comprising offices, industrial, residential, continuing care retirement community, pub/restaurant, community building, open space, associated infrastructure, landscaping and access roads	Paulton	Mike Muston	APPROVE

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

Item No: 01
Application No: 11/02504/FUL
Site Location: Oldfield School, Kelston Road, Newbridge, Bath



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor L Morgan-Brinkhurst Councillor C M L Roberts
Application Type: Full Application
Proposal: Erection of a new 4 court sports hall incorporating changing rooms, car park, multi use game area, associated external works and landscaping
Constraints: Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Gas Pipelines, Greenbelt, Hotspring Protection, Major Existing Dev Site, World Heritage Site,
Applicant: Oldfield School
Expiry Date: 18th August 2011
Case Officer: Victoria Griffin

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application is being referred to Committee on the basis that it is a Council proposal which raises Green Belt policy issues which need to be considered by Members.

The application seeks permission for the siting of a 4 no. courts (badminton) sports hall incorporating changing rooms, office, male and female WC and showers, a plant room and external and internal storage rooms. Other works include a car park, multi use games area (MUGA) and associated external works and landscaping.

The proposed sports hall has a total gross floor area of approximately 985sqm. The height measures approximately 10.2m to the ridge and 9.5m to the eaves. The floor level of the hall has been set to keep the roofline within the limits of the existing school buildings. The main entrance to the sports hall would be situated to the side from within the school grounds.

The sports hall by its nature is a large volume that has been designed to accommodate the provision of various indoor sports. The overall size of the building has been influenced by the minimum space standards guidance set in Sport England's Sports Halls Design & Layouts (2011), and by the need to meet Department for Education requirements associated with the committed transfer of the school to co-educational use. Materials proposed include vertical timber and polycarbonate cladding at high level with render and facing stonework and stonework to the lower sections of the building.

The MUGA pitch area would be situated to the east of the Sports Hall on part of the recreation ground that is connected by a new footpath which links to the existing east west path network and the proposed sports hall changing rooms. The pitch is proposed to be enclosed by a mesh perimeter fence. On-site parking is retained within a central hardstanding area that would form the main access to the sports hall and reception area to the school.

The application site is situated to the west of the city centre on the edge of the built up area of Weston with school access from Kelston Road and Penn Hill Road. The site is one of two halves which is divided by a public footpath that dissects the site between the easterly historic part of the site (which accommodates a grade II listed building that provides a 6th form centre), and the modern school development to the west.

Specifically the building is proposed on a piece of open space situated on the Kelston Road which is within the modern part of the site. The siting of the building in this location has followed a detailed landscape and visual assessment and public consultation that considered a number of alternative positions within the school grounds. A detailed landscape analysis has been submitted which has considered the prominence of the building from various vantage points along Kelston Road and the wider context which seeks to retain the pond to the front of the building. It is considered that this position would ensure the ecology of the pond area for school purposes which would form the optimum position for the sports hall.

The site falls outside of the Conservation Area but is situated within the Green Belt, Forest of Avon, Hotspring Protection zone, World Heritage site and is a Major Existing

Development Site. The land to the south, north and west of the site is located within an Area of Outstanding Natural Beauty.

The application is supported by a number of documents including:

- A design & access statement,
- An amended Landscape and Visual Assessment, Tree Constraints Plan, Tree protection plan,
- Ecological Walkover Assessment and Ecology Method Statement,
- A planning statement addressing Green Belt policy
- A Travel Plan, Traffic operation statement,
- Construction Management Plan, Heritage statement, Sustainable Construction checklist and;
- An Archaeological desk study

RECENT PLANNING HISTORY:

DC - 04/00943/FUL - PERMIT - 1 July 2004 - Erection of a building to house dance studio and changing rooms

DC - 05/01148/LBA - CON - 20 June 2005 - Partial demolition and alterations to curtilage wall (Penn Hill House) in Kelston Road (Regularisation)

DC - 06/02619/FUL - PERMIT - 27 September 2006 - Replacement windows in the toilets of the rear elevation of the main building

DC - 07/02001/FUL - PERMIT - 30 August 2007 - Replacement of existing modular classroom building

DC - 07/02209/FUL - PERMIT - 31 August 2007 - Erection of an extension to existing classroom

DC - 08/01664/FUL - PERMIT - 2 July 2008 - Erection of first floor extension to existing resource centre

DC - 11/00436/REG03 - PERMIT - 12 May 2011 - Erection of a new external stair link, uniting three existing stair cores

DC - 11/02952/FUL - Pending Consideration - Installation of solar panels on the roof and electrical inverters.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: No objection subject to conditions (summarised) being attached to any permission granted (dated received 06/09/11):-

(1) Prior to the occupation of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the management of the access and parking areas by both the School and any community groups.

Reason: To ensure the safe operation of the highway.

(2) Prior to the occupation of the development a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

(3) I would also recommend that a suitably worded condition be imposed to restrict the use of the sports facilities by community groups and outside bodies, either through hours of use or the number of days that the facility can be offered for hire.

LAND DRAINAGE TEAM: Comments only - (clarification sought on the site area, as indicated by the red line, which does not exceed 1ha)

- The applicant's proposal is located outside the Flood Zones- Flood Zone 1
- Applicant indicated that the surface water from the site will be discharged to Main Sewer, however a drainage strategy that incorporates SuDS features should be provided.
- Confirmation from Wessex Water that they are happy to accept additional discharge to their network is required.
- Surface water should be attenuated on site to greenfield runoff rate of 1 in 100 year event with an additional 30% allowance for climate change.
- The proposed discharge rates should be submitted for approval.

PUBLIC RIGHTS OF WAY TEAM: Comments only, possible public right of way CQ24 shown on the plan by an orange dashed line runs through the development site. The full width of the path should not be affected during or after construction. No gates or barriers may be erected across the path.

BUILDING CONTROL: No comment received

ECOLOGY: FURTHER COMMENTS dated 11/08/11 in response to revised ecological assessment (summarised):

- Planting - a stronger scheme is required
- Ecological fencing should be secured for the pond and badger setts within the site
- If plans are amended to re-site the pond a mitigation plan and methods would be required

ARCHAEOLOGY: No objection, subject to a watching brief condition.

LANDSCAPE TEAM: Comments received DATED 27/06/11 raise the following points (summarised):

- A number of points raised concerning the options presented as part of the pre-application submission
- Significant impact on the green corridor along the north side of Kelston Road and the removal of trees
- Key entry point into the city and WHS

- It would block views due to its forward position
- Landscape and Visual Assessment requires further illustration and detail with cross sections and photomontages of a few key viewpoints
- Conditions for the design and implementation of a hard and soft scheme is required to include the site boundary treatment and a condition for preparing a landscape management plan.
- This option would have a significantly greater impact because of the high impact on the Kelston Road corridor which is a key entry point into the city within the World Heritage Site.
- Option 2 however would significantly extend the apparent influence of the larger buildings on the site with a greater impact on the Green Belt, Area of Outstanding Natural Beauty setting and the character of the Kelston Road.

Verbal comments received 12/09/11 - Maintain position in line with previous response and Urban Designer comments and would like to provide further representations to Landscape and Visual Assessment. These will be reported at the meeting of the Committee.

ARBORICULTURAL: Comments received DATED 20/07/11 raising a number of concerns (summarised):

- The submitted Arboricultural Report does not provide sufficient information to permit an objective assessment of this application.
- It would be preferable to allocate the trees unique numbers for the purpose of the arboricultural report rather than the database numbering that has been used in this instance.
- Root Protection areas are not shown and the proposed layout drawing does not indicate which of the existing trees are to be removed and which are to be retained.
- Measures for the protection of trees to be retained are not shown on a Tree protection Plan. This should include where protective fencing in accordance with BS5837:2005 is to be located and where special engineering solutions are to be employed where Root Protection Areas will be breached. There are no indications of changes in levels.
- A detailed Tree Constraints Plan showing existing levels and a detailed Tree Protection Plan showing proposed level changes should be produced.
- A Preliminary Arboricultural Method Statement is also required in order to demonstrate that the proposed development can be achieved without compromising the retained trees.

Officer note: Additional details have been submitted (dated 04/08/11) to address issues with Landscape and Arboricultural matters that includes a Tree Constraints Plan, Tree Protection Plan and Amended Arboricultural Statement including a preliminary Arboricultural Method Statement which are based on a recent topographical survey. Furthermore a site section as requested to include the fields to the north and properties to the south - drawing PL-AL(99)108 has been submitted.

With reference to the request for photomontages these have already been prepared from viewpoints along Kelston Road and further afield from the A4 approach road. The photomontages formed part of the Landscape and Visual Assessment prepared by Davies Landscape Architects, the Design and Access Statement and the Pre Planning

Submission Design Summary April 2011 Rev E prepared by Boyes Rees Architects, all submitted as part of this application.

Further comments dated 13/09/11:

Further to my earlier comments I have viewed the revised drawings and remain unconvinced that the trees have been taken into account.

A revised Arboricultural Impact Assessment and a Preliminary Arboricultural Method Statement would have highlighted a number of issues such as that the Sycamore (801670) shown for retention already has a canopy spread to the west of 5m, however, the proposed building is shown on drawing 456PL-AL (90) 101B 6m which suggests that the future growth of this tree and subsequent pruning requirements have not been taken into consideration. The proposed retaining wall is within the root protection area of this tree which already has a compromised rooting area to the south east due to the presence of the path and wall.

The use of the database numbering, not presenting these in numerical order and the style of overlaying the numbers onto the proposed site plan (some numbers are not legible) has created difficulties in cross referencing.

The revised Proposed Site Plan includes existing levels and several spot levels which suggest that any level changes are within the confines of the retaining wall and surrounding path around the building. This is useful information which has addressed my earlier concern.

The revised layout has an increased impact on the existing trees with fewer retained with the loss of 6 B category trees and an important group which collectively warrant a B category.

Those retained immediately around the sports hall (trees 801570 - Sycamore, 801650 - Ash, 801610 - Ash and 801670 - Beech) are unlikely to be able to reach their full potential following development.

The Tree Protection Plan needs to include the proposed planting area beside Kelston Road to ensure that the soil structure is maintained and to prevent contamination.

On a positive note, it does at least provide more scope for new planting along the frontage for the future compared with the previous proposal.

Overall, I can not support this proposal, however, if consent is given please include the following conditions:

- No development shall take place until a detailed arboricultural method statement with tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall identify measures to protect the trees to be retained and the new planting areas beside Kelston Road and include tree protection measures during site preparation (including clearance and level changes, during construction and landscaping operations. The statement should also include the control of potentially harmful operations

such as the position of service runs, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained.

- No development activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

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

- No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority. A signed certificate of compliance shall be provided to the local planning authority on completion.

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

SPORT ENGLAND: Satisfied that the proposal for the sports hall and MUGA is of sufficient benefit to outweigh the harm caused by the loss of playing fields. No objection subject to condition 1 which states that:

Prior to development opening for use A Community Use Scheme for the new sports hall and multi use games area (MUGA) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a pricing policy, hours of community use, access by non school-users/non-members, management responsibilities and include a mechanism for review. The scheme shall be implemented upon commencement of development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Sport England and LDF policy.

SPORTS AND LEISURE TEAM: This facility is important for the school to deliver effectively against the PE and Sport requirements of the national curriculum and to provide high quality out of school hours activity opportunities to pupils, so the educational need of this facility is recognised. There is also potential for the local community benefit from the sports hall and MUGA as there are no similar facilities close to this location in the City. The sports hall in particular could become an important community asset for delivering against the Council's Get Active Strategy and for helping the local community to be more active more often contributing to improved health and wellbeing. I would recommend the following condition:

Prior to the development opening for use a Community Use Scheme for the new 4 courts sports hall and multi use games area (MUGA) shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of community use, access by non-school users/non members, management

responsibilities and include a mechanism for review. The Scheme shall be implemented upon commencement of use of the development.

URBAN DESIGN: (summarised) COMMENTS dated 07/09/11 raising the following points:

- the visual impact of the proposal on key views along Kelston Road is underplayed.
- the revised proposal has taken a more integrated approach, retaining an arrival /parking area and enabling a single and deeper frontage landscape buffer to screen and minimise the visual impact of the proposed hall as a strategy to mitigate the identified harm.
- The applicant was encouraged to recess the hall as far back into the site as possible, it is therefore disappointing that the applicant has chosen to compromise the visual impact mitigation measures in favour of retaining the pond for school operational reasons.
- it is noted that the base plinth material has been amended as requested to buff coloured blockwork
- It would be helpful to confirm what measures have been integrated to optimise the identified viable opportunities. Failure to do so on a publicly funded scheme would fail to set an example and meet corporate sustainability objectives.
- The proposal has improved in terms of siting and materials. However, by choosing to retain the existing pond, it has failed to deliver the optimum solution to reduce its visual impact. It has also not committed to viable renewable energy solutions, failing to deliver exemplar environmental performance on a publicly funded scheme. It is therefore considered to demonstrate a response to context but falls short of optimising opportunities.
- Conditions should be placed to require the approval of all facing materials and quality of the external landscape including tree specimens.

ENVIRONMENT AGENCY: We have no comments on the above planning application. The proposal is outside those topics requiring consultation with the Environment Agency, as set out in Articles 16 and 17, and Schedule 5 of the DMPO.

ENVIRONMENT PROTECTION: NO OBJECTION (summarised), the Acoustic Statement says "The cumulative noise level of all plant associated with the proposed sports hall is designed not to exceed 52LAeq (1 hour) decibels. Noise from the plant should not contain any impulsive or tonal sounds". That being the case and bearing in mind the likely hours of use, I have no objections to these proposals.

WESSEX WATER: Comments advise foul water and water supply connection agreement is sought by the developer prior to commencement of the development.

HERITAGE: NO OBJECTIONS comments received 15/08/11 (summarised):

- My main concern relates to the absence of context drawings showing the proposed sports pitch and how it will be enclosed especially as it is this that is closest to the Penn House, which makes it difficult to reach a firm conclusion on the impact of the proposed development on the setting of nearby heritage assets, and indeed other properties nearby.
- As with many such educational listed buildings they often form part of modern education facilities, as this does, it remains the case that the historic setting of the

building has been compromised by previous development within the school grounds. The proposed building would fill up the open space between the road/entrance and the school and accurate context drawings would also help in understanding if the proposed larger building would tend to dominate the approached to the school and surrounding properties. That said the site is a school and there a number of large educational buildings, which set the character and appearance of the site and in this respect an additional building will not, in my view be detrimental. It should also be noted that the drawings of the proposed dwelling are at a small scale, and are missing the type of detailed construction drawings normally required for a heritage site.

- Finally I would state that the Council should be seeking to control the usage of the MUGA sports pitch so that it does not cause disturbance to those properties close by.

REPRESENTATIONS: Two letters of objection and one letter of comment/objection from local residents raising the following issues (summarised):

- poor access
- insufficient parking spaces
- parking management problems currently would be exacerbated
- alternative less prominent positions available within the site
- concern with overflow parking on Penn Hill Road and surrounding areas
- impact of flow of water from spring above the hillside to pond
- suggest it is built adjacent to the MUGA pitch
- concern over co-ed status would generate more overspill parking
- unclear for need of co-ed status with the retention of Culverhay
- a feasibility study for parking demands should be carried out
- suggest underground parking
- concern over site security within the grounds
- assurances that PROW will be retained and no impact on listed walls
- out of hours parking arrangements should be clarified
- height appears out of proportion with buildings in the area

Any further comments that are received will be reported at Committee

POLICIES/LEGISLATION

The following policies are a material consideration:

D.2 - General Design and Public Realm Consideration

D.4 - Townscape Consideration

NE.4 - Trees and Woodland Conservation

GB.1 - Control of Development in the Green Belt

GB.2 - Visual Amenities of the Green Belt

GB.3 - Major Existing Development Sites

BH.1 - World Heritage Site

BH.2 - Listed Buildings and Their Settings

BH.9 - Parks and Gardens of Special Historic Interest

BH.12 - Important Archaeological Remains

SR.1A - Protection of Playing Fields and Recreational Open Space

SR.4 - New Sports and Recreational Facilities

T.24 - General Development Control and Access Policy
T.26 - On-site Parking and Servicing Provision

of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies
Adopted for October 2007

National Policy:

PPG.2 - Green Belts
PPS.5 - Planning For the Historic Environment
PPG.17 - Planning For Open Space, Sport and Recreation

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:

CP6 - Environmental quality
CP8 - Green Belt
DW1- District-wide spatial Strategy

OFFICER ASSESSMENT

GREEN BELT CONSIDERATIONS

GREEN BELT AND MAJOR EXISTING DEVELOPMENT SITE: The main issues in this case are considered to be:-

- Whether the proposal amounts to inappropriate development in the Green Belt,
- Whether there would be any impact on the openness of the Green Belt and the effect of the proposal on the character and appearance of the area
- Any benefits of the proposal and, if it amounts to inappropriate development in the Green Belt, whether these benefits would clearly outweigh any harm to the Green Belt and any other harm, so as to amount to very special circumstances.

From Planning Policy Guidance: 2 (Green Belts) and in a number of cases which have been determined, it is recommended that as a matter of logic, the decision-taker should follow a sequential approach to deciding whether planning permission can be granted. The approach may satisfy the judgement of the case as a whole in terms of its impact on the Green Belt. With this in mind a number of questions need to be considered;

WHETHER THE PROPOSAL IS INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT: Paragraph 3.4 of PPG:2 notes that the construction of new buildings inside a Green Belt is inappropriate unless it is for essential facilities for outdoor sport and outdoor recreation. In the preamble to policy GB.1 it states that the role of the countryside within the Green Belt in providing opportunities for outdoor sport and recreation is recognised. Furthermore where it is recognised that facilities are essential for these and other uses of land that preserve the openness of the Green Belt, development may be acceptable.

In addition paragraph 3.5 of PPG:2 on Green Belts states that essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing room or unobtrusive spectator accommodation.

The preamble to Local Plan policy GB.3 notes that PPG2 recognises that Green Belts contain some major existing developed sites (MEDS) which may be in continuing use. The preamble to policy GB.3 recognises Oldfield School as a recognised MEDS within the Local Plan where limited infilling for educational purposes will be permitted unless;

- (i) It has a greater impact on the purposes of including land in the Green Belt than the existing development; or
- (ii) It exceeds the height of the existing buildings; or
- (iii) It leads to a major increase in the developed proportion of the site.

For it to fulfil the requirements of the policy it would be necessary for the siting of the proposed sports hall and associated facilities to be contained within the existing pattern of development to reduce its impact on the Green Belt. It would also have to be limited infilling or redevelopment. The proposal is considered to be an extension of the school buildings and is neither limited infilling nor redevelopment of the site. Notwithstanding this point the proposal would by reason of its position and size fails to comply with part (i) of Local Plan policy GB.3. Accordingly, your Officers conclude that the proposed sports hall element of the proposal is considered to represent inappropriate development in the Green Belt, and can therefore only be permitted in the event that there are very special circumstances which outweigh the harm to the Green Belt.

The proposed multi-use games area (MUGA) however would be situated to the east of the sports hall building, connected by an internal footpath between the buildings. The facility is well screened within an existing playing field and is reasonably necessary to support the sports facilities at the school. The MUGA is therefore considered to form an essential facility for outdoor sport and recreation, and so is not in its own right inappropriate in this Green Belt location.

VISUAL AMENITY OF THE GREEN BELT/CHARACTER AND APPEARANCE OF THE AREA: "Harm" in this context relates to harm to the purposes of including land in the Green Belt. In this respect the proposal is considered to fail in the safeguarding of the countryside from encroachment. The location and siting of the sports hall would be forward of the main school buildings, forming a prominent building along the school's frontage facing onto Kelston Road. As such it projects approximately 10m beyond the forward most part of the principal elevation of the school on a piece of open space which currently provides some relief between the school buildings and the highway. This is coupled with the size of the sports hall which is needed to comply with standards set by Sport England for the type of facilities proposed, however is a substantial building. The proposed sports hall is considered to be harmful due to its size and position which would increase the developed area of the site and would adversely impact upon the openness and rural character in this part of the Green Belt.

The proposed MUGA includes a mesh perimeter fence that provides enclosure to the facility. Its position would be within the grounds of the Listed Building which is bordered by mature trees and planting, it currently affords a high degree of screening to this part of

the site from the public highway. Nevertheless the mesh fence is not a solid screen and would retain views into and across the site. It is considered that the MUGA would preserve the openness of the Green Belt and would maintain the visual amenity in this part of the Green Belt in accordance with GB.2. Furthermore it would be viewed against the backdrop of the school site.

Reasonably, the impact on the openness of the Green Belt, or on the character of the countryside, can be impacted upon by associated equipment such as floodlighting towers or pylons that would typically be a key factor in determining whether planning permission should be granted. The proposal under consideration does not include any external lighting, if the application was deemed acceptable a condition would be recommended to advise that any external lighting would require separate permission.

OTHER MATERIAL FACTORS IN SUPPORT OF THE APPLICATION: The proposed facility is to support the co-educational status of the school which has diversified its pupilage to include boys following local support from the community and a Council commitment to invest £1.85 million into the school. This would allow the intake of boys from the local area removing the need to bus pupils in from outside of Bath & North East Somerset supported locally by parents from Weston and Newbridge. This is supported by a Department of Education (DfE) survey of the existing school's facilities which identified that the school site is lacking a number of key facilities that would be needed to support the co-educational status and a school of this size. This included the need to provide a Sports Hall and multi-use games area. In addition Oldfield School is recognised as having a specialism in sports with a key focus on further attainment and achievement in a range of extra curricular activities. It does however currently have limited suitable enclosed sports facilities to offer a diverse range of sports. In addressing the shortfall in existing facilities on site and within the wider area it will assist the school in meeting the DfE requirements. These factors are significant material considerations in the assessment of the proposal.

In this regard the decision-maker must determine whether any individual factor taken by itself outweighs the harm or whether some or all of the factors, in combination, outweigh the harm.

IMPACT ON THE WIDER SETTING: A detailed landscape and visual assessment has been submitted to justify the choice of position within the site which is also used in order to support the very special circumstances case. The school grounds are severely constrained by its topography, which rises steeply to the rear towards Penn Hill and Lansdown Ridge. An option here was considered but would rise well above existing school buildings that would have a significant visual impact. The proposed position within the site forms part of a gently sloping plateau within the grounds of the school's frontage. The site is visible to the south and would be in an intrusive position within the street scene with open views from the Kelston Road and in lower parts of the city from the A4 and other public footpaths. To the east the site is constrained by the setting of the listed asset, Penn Hill House a grade II listed building which is of special architectural and historic interest. With all these factors in mind and that it forms part of a compact site which has a reduced number of options available for development opportunities such as these, it is considered that within the wider setting of the World Heritage site the proposal whilst it would be prominent it would reflect the character of the existing modern school setting. To that end,

having considered the opportunities available to site the sports hall it is accepted by your officers' to be the most appropriate siting within the wider setting.

DESIGN: The design and dimensions of the sports hall has been largely determined by the standards set by Sport England in their guidance document "Sports Halls: Design & Layouts". Its massing is derived from the functional requirements needed for the operation of the sports hall. This is supported by the need to provide adequate sports facility for the ongoing needs of the school. The applicant has made attempts to reduce the dominance of the buildings facades with horizontal breaks served by the use of different cladding materials and curved edges. In this sense the functional design of the sports hall reflects the character of a modern school building and would be viewed within this wider context. In terms of materials the external blockwork has been amended, following comments from our Urban Designer and relevant conditions are recommended.

HISTORIC ENVIRONMENT: The site is one of two halves with the area to the east, accessed from Penn Hill Road serving the listed asset. The siting of the building has been severely constrained by the need to limit its impact on the protected building, Penn Hill House. As noted by the Heritage officer with many such educational listed buildings they often form part of modern education facilities, as this does, it remains the case that the historic setting of the building has been compromised by previous development within the school grounds. In this respect the number of large educational buildings from Kelston Road set the character and appearance of the site and in this respect an additional building in this position will not be harmful to the historic environment. Furthermore the MUGA would be positioned approximately 90m from the listed asset on an existing recreational area. By nature of its proximity to the listed asset and the design of the fencing it is not considered to be harmful to the setting of the listed building.

TREES AND LANDSCAPE: A number of concerns have been raised in respect of the impact of the proposed building and MUGA on existing trees within the site. Trees have been inspected within the site and detailed information collected on species, height, spread, diameter, crown clearance, maturity (age class), physiological condition, structural condition, work recommendations, estimated remaining contribution (life expectancy), category grading and root protection area. This forms part of a portfolio of documents including the Landscape and Visual Assessment, Tree Constraints Plan, Arboricultural Method Statement and Amended Arboricultural statement that has been submitted as part of the application. Revised drawings have been submitted which seek to mitigate the impact on trees during construction and any proposed and replacement planting as a result of the removal of trees. Whilst no trees on site are protected by virtue of a preservation order there are a number of trees of particular quality within the site. The existing landscaped areas have been further enhanced by the removal of parking to the front of the building following your officers' advice. On balance, whilst the landscape comments are noted measures have been taken to ensure appropriate landscaping is retained and replanting is sympathetic to the setting. This is not considered to warrant a refusal of the scheme subject to a number of appropriate conditions. It would therefore be necessary to protect trees to be retained with appropriate conditions.

ECOLOGY: The applicant has submitted a revised ecological walkover assessment. Nevertheless concerns have been raised in respect of the enhancement of landscaping measures in line with the Environment Team's comments. Suitable conditions are

recommended to ensure that fencing is erected during construction to protect wildlife within the existing pond and badger setts on site in other parts of the site.

OFFICER ASSESSMENT OF HIGHWAY ISSUES: The highways recommendations have been made on the basis that there is no intention to increase the capacity of the school, but would provide improved sporting facilities for the school to satisfy their status as a specialist in sports. Consideration has been given to the existing parking arrangements at the site which has generated a number of objections from local neighbours. Whilst no changes are proposed in the level of parking within the site it is necessary to ensure that the building's use is restricted as outlined by the Agent, to be for school purposes only. On the basis that there is no increase in capacity proposed for the school, as a result of the proposals, and no changes are proposed to the access and parking, the impact on the highway would remain unchanged and a highways reason for refusal is not considered to be justified in this respect. Conditions are however recommended in respect of an Operational Statement for the access and parking and to ensure that the facility is not operated independently of the School as a sports centre during school hours and is only available for community use outside of School times. The sports hall and associated multi-use games area should therefore be for the use of the school and local community uses, with all bookings being managed by the school, in accordance with the applicant's submitted statement. Furthermore an updated Travel Plan is required that surveys travel by both staff and pupils, with initiatives to encourage a shift in modes of travel.

RESIDENTIAL AMENITY: The nearest residential property's are situated opposite on the Kelston Road with further residential buildings along Penn Hill Road to the east. Comments received from neighbours have referred to the security of the site during out of school hours and how this would be promoted. Whilst Planning Policy Statement 1 states that crime prevention is capable of being a material consideration in determining planning applications and in relevant cases the Council will seek the views of the Police Architectural Liaison Officer (who specifically advises on design issues). The on-site security of the site is a school related matter and to ensure the attractiveness of the facilities it would be within their interest to ensure this is maintained. However, the proposed hiring of the facility outside of school hours could lead to increased levels of noise and activity within the site and a full detailed operational statement should be requested by condition for community uses outside of school hours.

ARCHAEOLOGY: A desk based archaeological assessment has been submitted which concluded that an earthwork enclosure exists to the north of the school, but otherwise there is no specific archaeological evidence for this site nor its immediate environs. Notwithstanding this point archaeological remains are present across the city and it is pertinent to reflect this in any recommendation. A watching brief condition during construction works could therefore be attached to any permission.

ENVIRONMENT PROTECTION: An acoustic statement has been submitted with the application that states the cumulative noise level of all plant associated with the proposed sports hall is designed not to exceed 52LAeq(1 hour) decibels and that any noise generated from the plant should not contain any impulsive or tonal sounds. The nearest residential property is approximately 35m away (measured off plan). The proposed acoustic level has raised no objection from our Environment Protection department however the applicant would be required to comply with this level of sound attenuation, if minded to offer support to the proposal this could be applied as a condition.

SPORT ENGLAND: No objection is raised to the loss of playing fields for the MUGA pitch and support is offered for the sports hall facility provided it is made available to the wider community which is reflected also in the Council's Sports & Leisure department's comment. Further information has been sought and this is a key aspiration of the school outside of school operating times only. This issue is considered in the officer assessment of highway matters which raises other material considerations. In this respect the use of the sports facility can be controlled appropriately with relevant conditions as recommended.

OFFICER ASSESSMENT OF THE VERY SPECIAL CIRCUMSTANCES CASE: Paragraph 3.2 of PPG:2 emphasises that where a proposal is considered to be inappropriate development within the Green Belt it is the responsibility of the applicant to show why permission should be granted through the demonstration of very special circumstances. It states that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this regard the circumstances must not merely be unusual, but must be highly unlikely to be repeated elsewhere and when viewed objectively, must be reasonably capable of being described as "very special".

A very special circumstances case has been presented by the applicant that includes a set of circumstances that has led to the need for the sports hall, the benefits of providing the sports hall and the lack of an acceptable alternative location within the defined MEDS or elsewhere.

The circumstances of the school as an established and important educational facility within the city and its ongoing commitment to developing the school's offer as a co-educational facility, together with the absence of an acceptable alternative, represents a set of very special circumstances that are considered to overcome the harm by reason of inappropriateness to the green belt. Furthermore, the proposal has taken into consideration landscaping and a revised parking arrangement that would utilise an existing parking area within the school site. The proposed revised siting of the sports hall would be viewed against the backdrop of the existing modern school buildings in this location, and the impact of the building upon the open countryside is therefore reduced.

Overall, it is considered that the combination of the factors set out above amount to significant benefits that would be realised were the scheme to go ahead. The harm that has been identified is harm by reason of inappropriateness, which is by definition harmful to the Green Belt and its impact on the openness by reason of its size and position. Against this harm needs to be set the benefits that the proposal will bring about, as set out above, and the fact that without this permission the school would fail to achieve the requirements set out by the Department for Education. It is considered that these benefits clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, such as to amount to very special circumstances. The proposal therefore accords with Policy GB.1 of the Local Plan and PPG 2.

OTHER MATTERS:

ENERGY EFFICIENCY: The revised design and access statement states that a thermal model has been constructed and the building form analyzed. The conclusion from their analysis is that Photovoltaics with a high efficiency condensing boiler is the most appropriate solution. This has raised comment from the Urban Designer as the proposal has not pursued a strong commitment to viable renewable energy solutions to deliver exemplar environmental performance on a publicly funded scheme. Whilst this is unfortunate this in itself it is not considered to be grounds for refusal.

REFERRAL TO THE SECRETARY OF STATE: The application has been advertised as a departure from the Development Plan. In respect of this application, it is not considered to fall into the criteria for referral as set out in Town and Country Planning (Consultation) England) Directions 2009.

CONCLUSION

Your officers have carefully assessed the submitted information and consider that the applicant has demonstrated that very special circumstances exist to outweigh the harm identified in terms of Green Belt policy. The revised siting of the building has reduced the dominance of parking to the front of the building in order to mitigate the impact upon the Kelston Road, and this, with the enhancement of landscaping areas, is considered to outweigh the harm to openness and the rural character of the Green Belt. Furthermore the pursuance of the co-educational status has led to the need to enhance the school's existing facilities. It has been demonstrated that the proposal would not cause a significant increase in risk to highway users (with appropriate conditions) and there is no detrimental impact upon the residential amenities of neighbouring occupiers.

It is accepted that the school needs the facilities as sought and, whilst the sports hall and associated facilities would form a large building within a prominent part of the site, taking account of all the other constraints (not least of which are the school's own operational requirements) and the Green Belt and other Policy restrictions, it is considered that on balance that the building as proposed is acceptable (again subject to the imposition of appropriate conditions).

When taken together your Officers are satisfied that the merits of the case clearly outweigh the harm identified, which means that planning permission can be supported. It would therefore accord with advice provided in PPG2 and Local Plan policies BH.1, GB.1, GB.2, D.2 and D.4.

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 Prior to the application of render to external walls as shown on the submitted drawings details of the colour and texture to be used shall be submitted to and approved in writing by the Local Planning Authority.

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

3 Prior to the occupation of the development, an Operational Statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the management of the access and parking areas by both the School and any community groups and hours of opening. The development shall thereafter be operated in accordance with the approved Operational Statement.

Reason: To ensure the safe operation of the highway.

4 Prior to the occupation of the development a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interests of sustainable development.

5 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works within the previously undeveloped areas of the site, with provision for excavation of any significant deposits or features encountered.

Reason: The site is within an area of potential archaeological interest and the Council will wish to examine and record items of interest discovered.

6 The development hereby approved shall not be used by anyone other than Oldfield School unless a Community Use Scheme showing details of the community use for the new sports hall and multi use games area (MUGA) has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a pricing policy, hours of community use, access by non school-users/non-members, management responsibilities and include a mechanism for review. The development shall thereafter be operated in accordance with the approved Community Use Scheme (or any replacement authorised in writing by the local planning authority).

Reason: In the interest of highway safety and to manage the community use of the sports facility

7 No development shall commence until details of the protective fencing of the pond and badger sett exclusion area have been submitted to and approved in writing by the Local Planning Authority. Protective fencing shall be retained on site during the course of construction works.

Reason: To protect the ecology of the site.

8 There shall be no external lighting erected in connection with the approved building or the multi-use games area unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining residents.

9 No site works or clearance shall be commenced until protective fences which conform to British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions indicated on the approved plans. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

10 Prior to the commencement of works on site protective fencing around the pond as shown in the Ecological Method Statement shall be installed on site and shall be retained thereafter during the course of construction works.

Reason: To protect the natural ecology of the site.

11 The internal noise levels within the school hall shall be implemented in accordance with the acoustic statement that has been submitted with the application. The cumulative noise level of all plant associated with the proposed sports hall shall not exceed 52LAeq(1 hour) decibels and that any noise generated from the plant should not contain any impulsive or tonal sounds unless details have first been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

12 Prior to the erection of external walls a detailed specification of the external walling and roofing materials to be used shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and site.

13 No development shall take place until a detailed arboricultural method statement with tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall identify measures to protect the trees to be retained and the new planting areas beside Kelston Road and include tree protection measures during site preparation (including clearance and level changes, during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained.

14 No development shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

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

15 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority. A signed certificate of compliance shall be provided to the local planning authority on completion.

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

16 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:

Plans:

Existing site plan PL AL (90) 001 - Existing site sections 002 date received 14/06/11
Site Plan 4656SL01 REV A date received 23/06/11
PL-AL/99/111 Proposed MUGA elevations date received 04/08/11
PL AL (90) 003A Existing Kelston Road Elevation date received 05/08/11
4656 PL-AL (90) 108 Extended site section BB date received 08/08/11
PL-AL(90) 004A Tree Constraints plan date received 24/08/11
PL-AL(90) 101 B Proposed site plan date received 24/08/11
PL-AL(90) 102 A Tree protection plan date received 24/08/11
PL-AL(99) 101A Proposed ground floor plan date received 24/08/11
PL-AL(99) 102A Proposed roof plan date received 24/08/11
PL-AL(99) 103A Proposed section date received 24/08/11
PL-AL(99) 104A Proposed north and east elevations date received 24/08/11
PL-AL(99) 105A Proposed south and west elevations date received 24/08/11
PL-AL(99) 107A Proposed site sections date received 24/08/11
PL-AL(99) 108A Extended site sections date received 24/08/11

Documents

Archaeological desk study date received 14/06/11, Revised design & access statement date received 24/08/11, Landscape and Visual Assessment dated 24/08/11, Very Special Circumstance Case dated 24/08/11, Tree survey and AIA Method Statement date received 24/08/11, Construction Management Plan Rev A date received 24/08/11, Tree

Constraints Plan date received 24/08/11, Ecological Walkover Assessment Issue 2, August 2011, Email correspondence dated 03/08/11, Travel Plan date received 14/06/11, Heritage statement date received 14/06/11, Planning Statement date received 24/08/11, Sustainable Construction checklist, Ecological Method Statement date received 16/06/11, Amended tree assessment date received 23/06/11, Traffic Operation statement date received 04/08/11, Tree report date received 04/08/11

The decision to grant approval has taken account of the Development Plan, approved Supplementary Planning Guidance and national planning guidance.

The proposed development is in accordance with Policies GB1, GB2, BH1, T24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

There exist very special circumstances to support this application which outweigh the harm that would be caused to the green belt by reason of inappropriateness. The development would not harm the setting of the Grade II listed building and would preserve the character of the World Heritage site subject to the above conditions permission may be granted.

Informatives: Possible public right of way CQ24 shown on the plan by an orange dashed line runs through the development site. The full width of the path should not be affected during or after construction. No gates or barriers may be erected across the path.

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to the Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of the Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

The applicant is advised to contact Wessex Water with regard to the proposal to agree points of connection and ensure existing apparatus is adequately protected.

ADVICE NOTE:

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

Item No: 02
Application No: 11/03051/FUL
Site Location: T/a Filers Coaches, Wick Lane, Stanton Drew, Bristol



Ward: Clutton	Parish: Stanton Drew	LB Grade: N/A
Ward Members:	Councillor Jeremy Sparks	
Application Type:	Full Application	
Proposal:	Extend area of coach/bus stationing for an additional 10 vehicles (resubmission).	
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt,	
Applicant:	Filers Coaches	
Expiry Date:	7th September 2011	
Case Officer:	Mike Muston	

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application is reported to Committee because of the history of Committee's decisions on a previous application relating to the same proposal.

DESCRIPTION OF SITE AND APPLICATION

The application site is located in the countryside to the south of Pensford village on land forming part of the designated Green Belt. The site forms part of an area which was formerly used for coal mining and a number of buildings from this period remain close to the application site. To the north of the site are two former colliery buildings now converted into dwellings. 'The Winding House' and 'The Bath House'.

The application site fronts onto the east side of Wick Lane and measures 68m frontage by 70m depth. It is relatively flat but is in an elevated position. It forms part of the larger area presently used by Filers coaches (part of which is unauthorised) and is surfaced with hard core and includes a large workshop building and a number of smaller buildings used by the coach business. The site has a vehicle access onto Wick Lane, the remainder of the frontage being marked by a metal fence and a hedgerow, the side boundaries of the site also being marked with fences and hedgerows.

Filers Coaches presently have planning permission dating from 1984 for the use of an area measuring 40m by 68m adjacent to Wick Lane for the parking of coaches and buses, with a maximum of 12 such vehicles permitted to be parked at the site. An additional area to the east of the approved site has also been taken into use for the parking of buses without planning permission, and this has been the subject of enforcement action by this authority. This action was suspended following the initial granting of the November 2009 permission.

The present application is for permission to extend the area permitted to be used for coach parking. The proposal seeks to use the present permitted area plus an additional area measuring 68m by 30m on the east side. This would give a total area of 0.48ha for this use compared to 0.27ha as presently permitted. The number of coaches which would

be permitted to be parked at the site is also intended to be increased to 22, from 12 permitted at present.

As part of the scheme the east boundary of the permitted site would be marked by a new barrier and screen planting would be established against this barrier outside the site, to be of native tree species. The hedgerow on the Wick Lane frontage would also be strengthened by additional planting.

RELEVANT PLANNING HISTORY:

Planning permission for the use of the site for the parking of coaches was first granted in 1979. This was a temporary permission and limited the number of coaches at the site to 12. Another temporary permission was granted in 1981, and then in 1984 planning permission ref WC6174/E was granted for the continued use of the land for parking of coaches. This gave a permanent rather than temporary permission and is the permission on which the present use of the site relies.

During 1990 it came to the Council's attention that land additional to that included in WC6174/E was being used for the parking of coaches. On 6th December 1991 two Enforcement Notices were served requiring cessation of the use of the land outside the permitted area for parking vehicles. Appeals were lodged against these Notices, but were dismissed in February 1993. The notices were then complied with to the satisfaction of the then Wansdyke Council.

In July 2007 an application was submitted for a Certificate of Lawful Existing Use for both the permitted and the unauthorised land for coach parking for 24 coaches and also the parking of two lorries at the site (07/02130/CLEU). The result of this was a split decision, with the parking of two lorries at the site accepted as lawful, but the parking of coaches over the whole site not being considered demonstrated to an acceptable level.

In June 2008 an Enforcement Report was taken to the Development Control Committee, relating to the siting of more than the permitted 12 coaches on the land approved for coach parking, and the use of additional land to the west for the parking of vehicles. It was resolved that Enforcement Action be taken and two Enforcement Notices were served on 23rd February 2009, one requiring the cessation of parking of more than 12 vehicles on the approved site, and the cessation of parking altogether on the remaining land to the east. The time for compliance of both these notices has expired and Enforcement action is currently being held in abeyance pending the re-determination of this application.

In November 2009, an application (09/02418/FUL) was considered by Committee for a similar proposal to that before you now. It was recommended for refusal but permitted by Members. The reasons given for granting permission were:-

"The Council considers that the proposed use of this previously developed site, with appropriate planning conditions would support valuable local transport services and also provide local employment. It is considered that the location of the application is very well placed to serve the surrounding rural communities which amounted to a sustainable approach to transport and represents very special circumstances to outweigh any harm to the openness of the Green Belt or Green Belt Policy. Furthermore it is considered that the proposal will maintain the amenity of any nearby residents, the character and appearance of the area and highway safety."

This permission was legally challenged by an objector. At the 20 January 2010 meeting of the DC Committee, Members were advised on the merits of this challenge in Exempt Session and the Committee "RESOLVED to consent to the quashing of the decision to grant the planning permissions issued under Ref No 09/02418/FUL". The permission was duly quashed by the High Court on 14 June 2010. The application was reported back to the Committee for its reconsideration and determination in September 2010, when it was refused for the following reasons:-

"1 The proposed expansion of the area to be used for coach parking would amount to inappropriate development in the Green Belt. It would harm the openness of the Green Belt and encroach into the countryside. All of this would be contrary to Policy GB.1 of the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007.

2 The proposed expansion of the area used for coach parking and the increase in the number of vehicles parked at the site would detract from the openness and rural character of this area within the designated Green Belt, contrary to Policy GB2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

3 The proposal would be likely to increase vehicle movements, including those of large vehicles, on the local road system, which is unsuitable to accept additional traffic by reason of its inadequate width, alignment and junctions. The proposal would therefore be likely to result in congestion and inconvenience to other road users, contrary to Policy T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

4 The proposal is in a location remote from services and public transport facilities to enable staff to access the site, and would be likely to increase the vehicle journeys to and from the site both by coaches and other vehicles. This is contrary to Government Guidance in Planning Policy Guidance Note 13 and the objectives in respect of reducing the adverse impact of travel on the environment, set out in Policy T1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

5 The benefits of the proposal put forward by the applicant would not clearly outweigh the harm by reason of inappropriateness, and other identified harm, contrary to Policy GB.1 of the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007."

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

STANTON DREW PARISH COUNCIL: Support the application. Do not believe that the visual impact of the site is detrimental to the Green Belt. Agree with the points made by the applicants relating to public transport facilities. Consider that the coach companies provide an important service to the community in terms of school transport, public transport and employment provision. State that the case for scarcity of alternative sites is well made and the site has not been pristine open countryside in living memory.

HIGHWAYS: Notes that the proposal is essentially the same as that refused before. However, notes the following:-

Notwithstanding the fact that the local highway network is not to the standard that might be expected to serve a facility which, by definition, attracts a significant proportion of larger vehicles - narrow carriageways, lack of forward visibility, no street-lighting etc, there is no evidence to-date that a highway safety issue has resulted. There have been no casualty accidents in the area, or any record of highway safety concerns raised with the Area Traffic Engineer. This must be considered in the context that a coach business has been in operation here for approx. 25 years. Verge and hedge clearance have significantly improved the situation, however the areas in question are not shown to be in the control of the applicant and ongoing upkeep cannot be guaranteed.

The issue of the sustainability of the proposed development, in the context of the PPG13 guidance, is not straightforward. Any employment usage in such a location could not be considered to be accessible, in terms of the potential to travel by an alternative to the private car, and this is clearly contrary to the guidance of PPG13. However, the use of the site allows bus services to be delivered from a location which is close to its 'catchment'. These services include local public services and school buses. The facility therefore provides important sustainable travel alternatives for the community, even though the development (considered in isolation) may not be considered sustainable.

There is a fine balance therefore to be considered, and this has been reflected in previous highway recommendations which in the balance have fallen in favour of refusal. In addition, this authority's Public Transport Team Leader has reported that since the last application, the Competition Commission has published results of an investigation into the local bus market. It found that a shortage of suitable depot sites, particularly in rural areas, was a barrier to entry in the market, and that access to depot facilities was a major factor in limiting the ability of some small operators to expand their operations. The evidence within the application would suggest that Filers Coaches have experienced these difficulties.

For consistency therefore, as there has been no change in policy of guidance since the previous application, reiterates previous highways recommendation, that of refusal for the following reasons:

1. The traffic generated from this proposal would use a road which, by virtue of its function in the highway network and its inadequate width, alignment and junctions, is considered unsuitable to accommodate the increase in traffic from this development, contrary to policy T.24 of the Bath and North East Somerset Local Plan.
2. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.

HIGHWAYS DRAINAGE: No objections raised.

THIRD PARTY REPRESENTATIONS: One letter of representation received on behalf of the adjoining landowner, objecting to the application on the following grounds:

- Points out the history of the site and refers to previous objections, objecting on grounds of inappropriate development in the Green Belt, that nothing put forward

by the applicants amounts to “very special circumstances”, that screening does not mitigate this harm, and the impact of the development on the future occupiers of an adjoining house.

- The only reason the extra coaches have been parked on the site since 1990 is that the Council has failed to prosecute for failure to comply with an enforcement notice, despite an Ombudsman finding against the Council in 2008.
- The Council entered into a contract with Somerbus to provide bus services after the enforcement notice was served and which therefore involved breaching an enforcement notice – using this as a reason to grant permission now would prompt another judicial review.
- Encloses photographs showing that parking the coaches at right angles to the road will not preserve the openness of the Green Belt, as claimed by the applicants.
- Has attached details of two alternative coach depot sites that are available now – one in Chilcompton and one in Winford, and between them they could provide accommodation for the surplus coaches from this site.
- The Council has suitable premises at Peasedown St John and using the high cost of these to justify inappropriate development in the Green Belt would allow the Council to benefit from lower rent – if this was used as a reason to grant permission now it would prompt another judicial review.

POLICIES/LEGISLATION

Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007:-

GB.1, GB.2, ET.5, D.2, D.4, T.1, T.24

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 policy should be considered:

CP8 - Green Belt

CP13 - Infrastructure Provision

The following pieces of Government Guidance are material considerations:-

PPS1 Delivering Sustainable Development

PPG2 Green Belt

PPS4 Planning for Sustainable Economic Growth

PPS7 Sustainable Development in Rural Areas

PPG13 Transport

The Government's draft National Planning Policy Framework is also a material consideration, although one that can only be afforded limited weight at this stage. Relevant paragraphs to this application are 144 and 145 in relation to the Green Belt.

OFFICER ASSESSMENT

The main issues in this case are considered to be:-

- Whether the proposal amounts to inappropriate development in the Green Belt,
- Whether there would be any impact on the openness of the Green Belt and the effect of the proposal on the character and appearance of the area

- The effect of the proposal on the highway network
- Whether the proposal would be sustainable development
- The effect of the proposal on the living conditions of nearby residential properties
- Any benefits of the proposal and, if it amounts to inappropriate development in the Green Belt, whether these benefits would clearly outweigh any harm to the Green Belt and any other harm, so as to amount to very special circumstances.

WHETHER INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT: The application site lies within the designated Green Belt, to which Policy GB1 of the Local Plan applies. This policy advises that within the Green Belt permission will not be given for development, other than for certain types of development not related to this proposal, except in very special circumstances. The proposed change of use is therefore not permitted by Policy GB1, and the proposal would thus represent 'inappropriate development' in the Green Belt as defined by Local Plan policy.

Paragraph 3.12 of PPG2 deals with material changes of use in the Green Belt. It says that these are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. It is considered that the proposal to use additional land for coach parking would impact on the openness of the Green Belt and would involve encroachment of the countryside (one of the purposes of including land in the Green Belt). It is considered that the proposal is inappropriate development as defined by PPG2.

VISUAL AMENITY OF THE GREEN BELT/CHARACTER AND APPEARANCE OF THE AREA: In terms of impact on the Green Belt and rural character, the proposal has to be considered in relation to the already permitted use of land at this site for vehicle parking. The application site is in an elevated location at the top of a hill, and is visible from surrounding land including land to the west and north-west. Although the site is screened to some extent by the hedges and trees surrounding the site, it is considered that large and relatively high vehicles such as coaches would be visible on the site and detract from the openness of the landscape and the rural character of the area.

The increase in numbers of vehicles which would result from the proposal, and in particular the expanded area over which this proposal would enable them to be spread, would increase the impact of the use above that which is generated by the permitted siting of twelve vehicles on the permitted site. It is considered that the proposal would detract from the openness of this part of the Green Belt, and the rural character of the area, contrary to Policy GB2 of the Local Plan.

HIGHWAY ASPECTS: The application site is in a relatively remote rural location which is accessed by Wick Lane, a narrow and winding rural highway which has poor visibility and steep gradients in some places. Coaches are large vehicles and the local road system is inadequate to accommodate vehicles of this kind. The proposal however would increase the permitted capacity of this site and thus the number of vehicle movements to and from the site along Wick Lane. This would be likely to detract from the free flow of traffic in Wick Lane, resulting in congestion and a potential road safety hazard. This would be contrary to Policy T24 of the Local Plan, which requires that all developments provide a high standard of highway safety and avoids the introduction of traffic of excessive volume, size or weight onto an unsuitable road system.

The comments from the Highways Officer to this application suggest that the use has caused no recorded highway problems. However, on balance a highways reason for refusal is still included.

SUSTAINABILITY: The application site is located in a rural location remote from any services or transport links, the nearest settlement being Pensford village to the north. A result of this is that staff attending the site are likely to travel to the site by car, as will any vehicles servicing the site. In addition this location means that coaches based at the site are likely to have to travel a significant distance to and from the site to collect their passengers, and to return to the site on completion of their journeys.

The proposal therefore does not represent a 'sustainable location' for this coach depot, and the proposed increase in the permitted level of numbers of vehicles using the site would be contrary to Government advice in PPG13, and to the Council's objectives in respect of reducing the impact of all forms of travel on the environment.

It is acknowledged that the site is in a good location to serve need for coaches from surrounding villages. However, this narrow benefit is not considered to outweigh the generally unsustainable location of the site in relation to the wider area.

LIVING CONDITIONS OF NEARBY OCCUPIERS: The nearest residential property to the application site is 'The Winding House' which is approximately 90m north of the site boundary. Due to the distance, the occupiers of this house would not be significantly affected by the proposed extension of use of the application site. Planning Permission has also been granted for the conversion of a former colliery building to a dwelling, also to the north of the application site (05/02227/FUL permitted in August 2005 refers). The house formed would be 47m from the application site, although a residential annexe would extend to 7m from the application site. However, the distance of the main house from the application site would be such that the likely increase in use of the site would not have a material effect on these occupiers. It is not considered that the proposal would result in any material harm to the living conditions of occupiers of nearby residential properties.

BENEFITS AND FACTORS IN FAVOUR: The Planning Statement that accompanied the application includes a section entitled "The Case for Granting Planning Permission". It goes further than any of the previous applications in setting these out and sets out the following:-

- The use of the site has been established with the benefit of planning permission since 1979 - 32 years.
- The area of coach/bus parking extends only to land which has previously been used as part of the Old Pensford Colliery and prior to the applicant's use of the site in 1979 had been used for the storage of manufactured concrete products. The land required for the application therefore involves previously developed land.
- Both Filers coaches and Glenvic coaches provide a school bus and local private hire coach business.

- In recent years, a number of other of coach operators have ceased trading, mainly through redevelopment of their sites. This has heightened the scarcity of coach depots in the district and the locational advantages of the application site.
- Somerbus use the site outside the terms of earlier permissions and operate as a public transport operator, and have done for the past 13 years. They are the only company to provide a bus service to the new hospital in Peasedown St John and have purchased a new bus to operate the 175 service between Midsomer Norton and Peasedown St John. They also provide the only alternative to First bus travelling between Bath and Midsomer Norton.
- The site provides an important community function in transporting 147,700 school children per academic year but also an important role in reducing the need to travel by car, as many of the trips would otherwise have been undertaken by car.
- Public transport operators are at their most sustainable when dead mileage is reduced to a minimum and in this case the site is efficiently located to serve the school and bus routes.
- A lack of alternative sites is cited. Somerbus have contacted 12 commercial property agents and 4 other coach depots in an attempt to find alternative premises, but without success. (Although note that the lack of availability of alternative sites is disputed by the objector, as noted above.) The implications of not granting permission would directly threaten the public bus and school bus services operated by both Somerbus and Glenvic.
- The coaches can be parked behind existing buildings, thereby increasing the openness of the area.
- There is an opportunity for further planting, included in the application, to further improve the appearance of the site.

CONCLUSIONS

The factors now set out by the applicant are fuller than those previously put forward. The information relating to the lack of alternative sites is also completely new. In addition, the publication of the draft National Planning Policy Framework is capable of being a material consideration.

Paragraph 144 suggests adding to the list of situations where new buildings in the Green Belt are not inappropriate with "limited infilling or complete redevelopment of previously developed sites (excluding temporary buildings) whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

Paragraph 145 proposes that other forms of development may not be inappropriate in Green Belt provided they preserve the openness of the purposes of including land in the Green Belt. These include "local transport infrastructure which can demonstrate a requirement for a Green Belt location."

The proposal is for local transport infrastructure on previously developed land. However, it is not for new buildings, so arguably para 144 does not apply. Even if it does, the parking of coaches does have a greater impact on the openness of the Green Belt than merely maintaining the hardstanding on the land. In respect of para 145, it is not considered that the applicants have demonstrated a need for a Green Belt location. Many of the coach and bus services involved serve the southern part of the district, which are neither Green Belt nor Area of Outstanding Natural Beauty. It could be argued that the coach parking should be located in that area, outside the Green Belt. A need for a Green Belt location is not considered to have been demonstrated.

When considering applications in the Green Belt, the test relates to the factual position on the land, rather than whether something can be seen or is screened from view. As a matter of fact, the site would be expanded into the Green Belt, albeit onto previously developed land, and would impact on the openness of the Green Belt as a result. Limited harm to highway safety and sustainability are also put forward by highways officers. In the circumstances, it is not considered that the various factors put forward in support of the application are other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness, as well as other harm to the rural character of the area, the highway network and sustainability. Very special circumstances do not therefore exist and permission should be refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed expansion of the area to be used for coach parking would represent 'inappropriate development' in the Green Belt, and without any very special circumstances applying, and the proposal is contrary to Policy GB1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

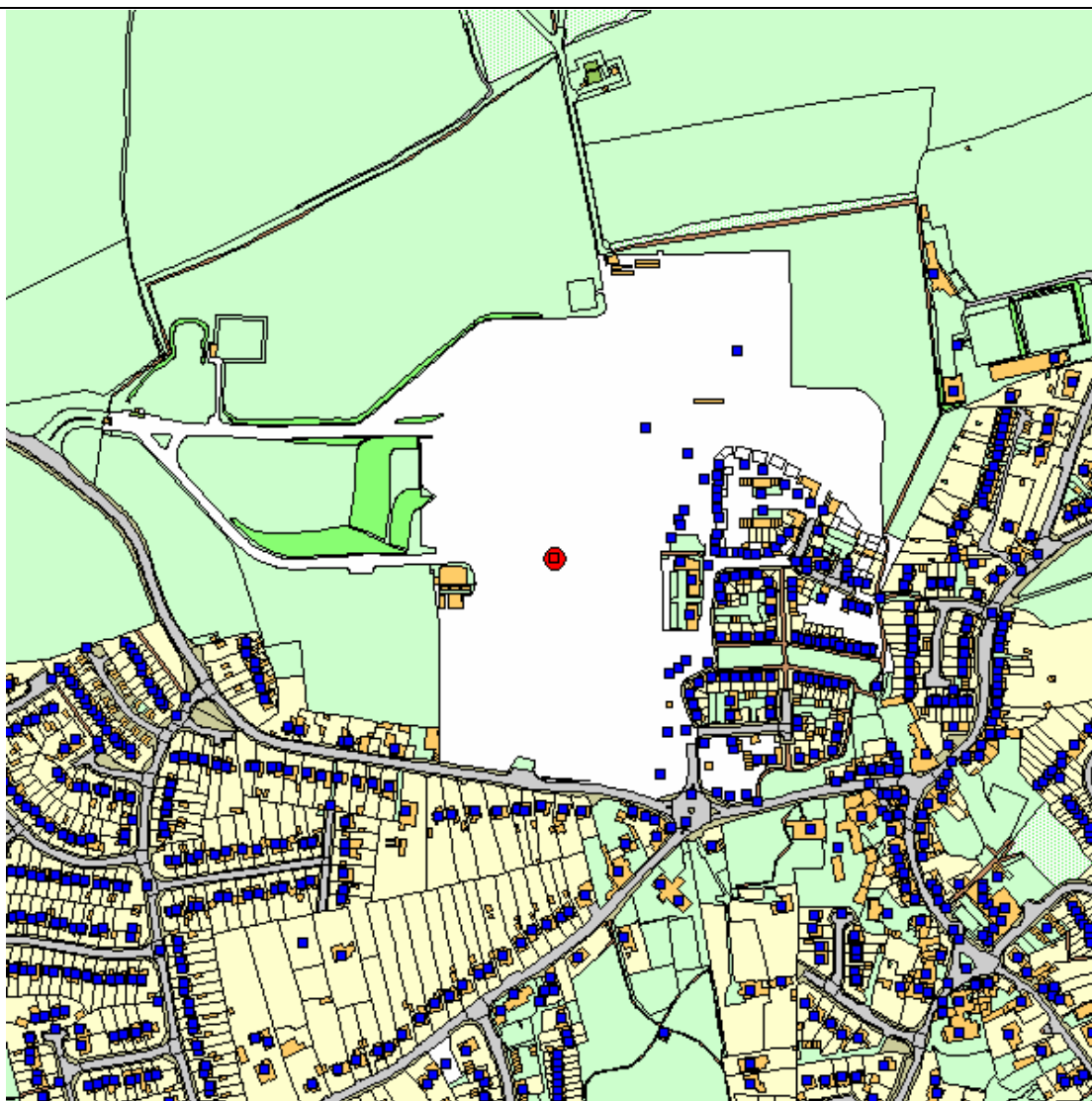
2 The proposed expansion of the area used for coach parking and the increase in the number of vehicles parked at the site would detract from the openness and rural character of this area within the designated Green Belt, contrary to Policy GB2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

3 The proposal would be likely to increase vehicle movements, including those of large vehicles, on the local road system which is unsuitable to accept additional traffic by reason of its inadequate width, alignment and junctions. The proposal would therefore be likely to result in congestion and inconvenience to other road users, contrary to Policy T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

4 The proposal is in a location remote from services and public transport facilities to enable staff to access the site, and would be likely to increase the vehicle journeys to and from the site both by coaches and other vehicles. This is contrary to Government Guidance in Planning Policy Guidance Note No 13 and the objectives in respect of reducing the adverse impact of travel on the environment, set out in Policy T1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

PLANS LIST: Drawings PL 2678/1, 2A and 3 and Planning Statement and related information, all received 13 July 2011.

Item No:	03
Application No:	07/02424/EOUT
Site Location:	Closed Polestar Purnell Factory Site, Access Road To Works, Paulton, Bath And North East Somerset



Ward: Paulton

Parish: Paulton

LB Grade: N/A

Ward Members: Councillor J A Bull Councillor Liz Hardman

Application Type: Outline Application with an EIA attached

Proposal: Mixed use redevelopment of former printworks comprising offices, industrial, residential, continuing care retirement community, pub/restaurant, community building, open space, associated infrastructure, landscaping and access roads

Constraints: Forest of Avon, General Development Site,

Applicant: Purnell Property Partnership

Expiry Date: 2nd November 2007

Case Officer: Mike Muston

REPORT

DETAILS OF PROPOSAL

This application relates to a variation to the Section 106 agreement entered into prior to the granting of permission 07/02424/OUT. The application relates to a request to vary the

agreement because the delivery of the permission, with the existing Section 106 agreement in place, is argued by the applicants not to be viable in the current economic climate. Full details setting out the case for the variation have been submitted.

RELEVANT HISTORY

07/02424/OUT – Mixed use redevelopment of former printworks comprising offices, industrial, residential, continuing care retirement community, pub/restaurant, community building, open space, associated infrastructure, landscaping and access roads – Permission in 2010.

Application 07/02424/OUT was considered by Committee in May 2008, when it was resolved to grant permission subject to conditions and the entering into of a Section 106 agreement. This agreement was duly concluded in 2010 and the permission issued. The S106 agreement included contributions towards highway improvements, a bus stop and shelter, highway safety, public rights of way and footpaths, traffic management, local bus services, a controlled crossing, improvements to Church Street, education, pre-school nursery provision, allotments, management and maintenance of a wildlife area, play areas, a youth centre, management and maintenance of a fitness trail, public art and an Old Mills feasibility study. It also included the provision of 35% of the housing as affordable housing.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

VIABILITY CONSULTANTS: An independent firm of viability consultants were instructed to advise the Council on the merits of the request for a variation and to assist in negotiations with the applicants. Their conclusion was that it would be reasonable to accept a reduction in affordable housing to 15% and the deletion of the pre-school nursery, with the remainder of the obligation remaining intact.

In the event, at a meeting with the applicants, their viability consultants and the Council's viability consultants, the applicants offered a reduction in affordable housing to 20% and the deletion of the pre-school nursery, with the remainder of the obligation remaining intact, apart from minor consequential amendments. The Council's viability consultants have advised that this is a good deal in the circumstances.

HOUSING: Accept the conclusions of the viability consultants and are continuing to negotiate with the applicants on the details of the provision of affordable housing throughout the site.

POLICIES/LEGISLATION

IMP.1, HG.1, HG.8, GDS.1 Bath & North East Somerset Local Plan including waste and minerals as adopted October 2007.

OFFICER ASSESSMENT

The development of the Pole Star site is seen as important in the regeneration of Paulton and in continuing to provide housing within the Council's area. It is considered that it is better to accept the offer made by the applicants and to secure the development of the

site in the near future, than to refuse this and see the site remain idle until such time as the market improves to support the full provisions of the Section 106 agreement.

An alternative children's centre (pre-school nursery) has now been constructed elsewhere in Paulton, so that it would not be reasonable to continue to seek the provision of this as part of the Section 106 agreement on this site. All the other agreed contributions would remain at their agreed levels. The only other alteration would be the reduction in the percentage of affordable housing and consequential amendments that flow from that.

As a result, the recommendation is to agree to the requested variation in the Section 106 agreement.

RECOMMENDATION

Agree to vary the Section 106 Agreement, so as to reduce the overall requirement for affordable housing to 20%, and any other necessary consequential amendments, and to remove the requirement for the pre-school nursery (children's centre) with the remainder of the Section 106 agreement remaining intact.