

Democratic Services

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Date: 24 June 2015
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To: All Members of the Development Management Committee

Councillors:- Rob Appleyard, Jasper Becker, Paul Crossley, Matthew Davies, Sally Davis, Eleanor Jackson, Les Kew, Bryan Organ, Caroline Roberts and David Veale

Permanent Substitutes:- Councillors: Neil Butters, Ian Gilchrist, Liz Hardman, Donal Hassett, Liz Richardson, Dine Romero and Karen Warrington

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Management Committee: Wednesday, 1st July, 2015

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 1st July, 2015** at **2.00pm** in the **Council Chamber - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 30th June in the Meeting Room, Lewis House, Bath.

The rooms will be available for the meetings of political groups. Coffee etc. will be provided in the Group Rooms before the meeting.

The agenda is set out overleaf.

Yours sincerely



David Taylor
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact David Taylor who is available by telephoning Bath 01225 394414 or by calling at the Guildhall Bath (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting David Taylor as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting David Taylor as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

5. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

7. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Development Management Committee - Wednesday, 1st July, 2015
at 2.00pm in the Council Chamber - Guildhall, Bath**

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will ask the Committee Administrator to draw attention to the emergency evacuation procedure as set out under Note 7

2. ELECTION OF VICE CHAIRMAN (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting, declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number and site in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is a **disclosable pecuniary interest** or **other interest** (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Committee Administrator will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, ie 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

To deal with any petitions or questions from Councillors and where appropriate Co-opted Members

8. MINUTES: 10TH JUNE 2015 (PAGES 9 - 20)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 10th June 2015

9. PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 21 - 82)

10. TREE PRESERVATION ORDER - LAND BETWEEN MEADOW PARK AND BOX ROAD, BATHFORD (PAGES 83 - 102)

To consider a recommendation to confirm this Tree Preservation Order without modification

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 103 - 108)

To note the report

The Committee Administrator for this meeting is David Taylor who can be contacted on 01225 394414.

Delegated List Web Link: <http://www.bathnes.gov.uk/services/planning-and-buildingcontrol/view-and-comment-planning-applications/delegated-report>

Member and Officer Conduct/Roles Protocol*

Development Control Committee

(*NB This is a brief supplementary guidance note not intended to replace or otherwise in any way contradict the Constitution or the Code of Conduct for Members and Co-Opted Members adopted by the Council on 19th July 2012 to which full reference should be made as appropriate).

1. Declarations of Interest (Disclosable Pecuniary or Other Interest)

These are to take place when the agenda item relating to declarations of interest is reached. It is best for Officers' advice (which can only be informal) to be sought and given prior to or outside the Meeting. In all cases, the final decision is that of the individual Member.

2. Local Planning Code of Conduct

This document, as approved by Full Council and previously noted by the Committee, supplements the above. Should any Member wish to state/declare that further to the provisions of the Code (although not a personal or prejudicial interest) they will not vote on any particular issue(s), they should do so after (1) above.

3. Site Visits

Under the Council's own Local Code, such visits should only take place when the expected benefit is substantial eg where difficult to visualize from a plan or from written or oral submissions or the proposal is particularly contentious. The reasons for a site visit should be given and recorded. The *attached note* sets out the procedure.

4. Voting & Chair's Casting Vote

By law, the Chair has a second or "casting" vote. It is recognised and confirmed by Convention within the Authority that the Chair's casting vote will not normally be exercised. A positive decision on all agenda items is, however, highly desirable in the planning context, although exercise of the Chair's casting vote to achieve this remains at the Chair's discretion.

Chairs and Members of the Committee should be mindful of the fact that the Authority has a statutory duty to determine planning applications. A tied vote leaves a planning decision undecided. This leaves the Authority at risk of appeal against non-determination and/or leaving the matter in abeyance with no clearly recorded decision on a matter of public concern/interest.

The consequences of this could include (in an appeal against "non-determination" case) the need for a report to be brought back before the Committee for an indication of what decision the Committee would have come to if it had been empowered to determine the application.

5. Protocol for Decision-Making

When making decisions, the Committee must ensure that it has regard only to relevant considerations and disregards those that are not material. The Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure that they are satisfied that the information presented to them is consistent with and takes due regard of them.

6. Officer Advice

Officers will advise the meeting as a whole (either of their own initiative or when called upon to do so) where appropriate to clarify issues of fact, law or policy. It is accepted practice that all comments will be addressed through the Chair and any subsequent Member queries addressed likewise.

7. Decisions Contrary to Policy and Officer Advice

There is a power (not a duty) for Officers to refer any such decision to a subsequent meeting of the Committee. This renders a decision of no effect until it is reconsidered by the Committee at a subsequent meeting when it can make such decision as it sees fit.

8. Officer Contact/Advice

If Members have any conduct or legal queries prior to the meeting, then they can contact the following Legal Officers for guidance/assistance as appropriate (bearing in mind that informal officer advice is best sought or given prior to or outside the meeting) namely:-

1. Simon Barnes, Principal Solicitor and Deputy Monitoring Officer
Tel. No. 01225 39 5176
2. Simon Elias, Senior Legal Adviser
Tel. No. 01225 39 5178

General Member queries relating to the agenda (including public speaking arrangements for example) should continue to be addressed to David Taylor, Senior Democratic Services Officer Tel No. 01225 39 4414

**Planning and Environmental Law Manager, Development Manager,
Democratic Services Manager, Monitoring Officer to the Council
August 2013**

Site Visit Procedure

- (1) Any Member of the Development Control or local Member(s) may request at a meeting the deferral of any application (reported to Committee) for the purpose of holding a site visit.
- (2) The attendance at the site inspection is confined to Members of the Development Control Committee and the relevant affected local Member(s).
- (3) The purpose of the site visit is to view the proposal and enhance Members' knowledge of the site and its surroundings. Members will be professionally advised by Officers on site but no debate shall take place.
- (4) There are no formal votes or recommendations made.
- (5) There is no allowance for representation from the applicants or third parties on the site.
- (6) The application is reported back for decision at the next meeting of the Development Control Committee.
- (7) In relation to applications of a controversial nature, a site visit could take place before the application comes to Committee, if Officers feel this is necessary.

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 10th June, 2015, 2.00 pm

Councillor Rob Appleyard - Bath & North East Somerset Council
Councillor Jasper Martin Becker- Bath & North East Somerset Council
Councillor Neil Butters (In place of Councillor Paul Crossley) - Bath & North East Somerset Council
Councillor Matthew Davies - Bath & North East Somerset Council
Councillor Sally Davis - Bath & North East Somerset Council
Councillor Eleanor Jackson - Bath & North East Somerset Council
Councillor Les Kew - Bath & North East Somerset Council
Councillor Caroline Roberts - Bath & North East Somerset Council
Councillor Brian Simmons (In place of Councillor Bryan Organ) - Bath & North East Somerset Council
Councillor David Veale - Bath & North East Somerset Council

1 ELECTION OF CHAIRMAN

RESOLVED that Councillor Sally Davis be elected as Chairman of the Committee

2 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer drew attention to the emergency evacuation procedure as set out on the Agenda

3 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required

4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Paul Crossley and Bryan Organ whose respective substitutes were Councillors Neil Butters and Brian Simmons

5 DECLARATIONS OF INTEREST

There was none

6 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none

7 **ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Committee noted that there were a number of people wishing to make statements on planning applications and that they would be able to do so when reaching their respective items in Report 10

8 **ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There was none

9 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on Wednesday 29th April 2015 be confirmed as a correct record and signed by the Chairman

10 **PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- The report of the Group Manager – Development Management on two applications for planning permission
- An Update Report by the Group Manager on these applications, a copy of the Report being attached as *Appendix 1* to the Minutes
- Oral statements by members of the public etc. on these applications, the Speakers List being attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 3* to these Minutes

Item 1 Site of demolished canal cottages, Tow Path, Kennet and Avon Canal, Bathwick, Bath – Erection of two storey dwelling with single storey annexe on site of demolished canal cottage row and outbuildings – The Case Officer reported on this application and her recommendation to refuse permission. She summarised a recent e-mail from the Agent sent to Members regarding a response to the Officer's report. The Update Report provided further information submitted by the applicant's agent.

The public speakers made their statements against and in favour of the proposal.

Councillor Jasper Becker (Ward Member on the Committee) stated that he supported the principle of development of the site. This was an interesting design although other designs could be considered. Councillor Les Kew agreed with the Officer's recommendation and considered that the proposal would not preserve or enhance the Conservation Area – it was an innovative design but in the wrong location. He therefore moved that the application be refused as per the Officer recommendation. The motion was seconded by Councillor Rob Appleyard who

considered that the design was not pleasing and that the site was inappropriate.

Members debated the motion. The access to the site by disabled people and emergency vehicles was queried to which the Group Manager responded to the effect that provision was available for such access. After a brief discussion, the motion was put to the vote and was carried, 9 voting in favour and 1 against.

Item 2 Parcel 2900, Greenhouse Lane, Nempnett Thrubwell – Installation of a solar park with an output of approximately 4.76MW on land associated with Howgrove Farm – The Case Officer reported on the application and his recommendation to grant permission subject to conditions. He referred to some of the conditions that would need to be amended. The Update Report referred to further conditions to be added. An objection had been received from Winford Parish Council as it was close to their Parish boundary. He stated that there was a target of 110MW for renewable energy (Policy CP3 of the Core Strategy).

The public speakers made their statements against and in favour of the development.

Councillor Les Kew read out the comments of the Ward Councillor Vic Pritchard who was unable to attend the meeting and who considered that the application should be refused. Councillor Kew then made his own comments on the proposal. He considered that the proposed use of this green field site was wrong and would mean the loss of agricultural land – other sites and buildings could be used as alternatives. The target of 110MW in the Core Strategy was based on a period of 20 years which had only just begun. The access to the site was poor and there were numerous policy constraints against the proposal. He disagreed with the Officer's statement in the Report that the application did not need to be referred to the Secretary of State. There were numerous objections to the proposed use which did not suit this location on a green field site. He moved that the recommendation be overturned and that permission be refused based on a rewording of the Officer's conclusion set out in the report, namely, that the proposed development is inappropriate development in the Green Belt and, although the proposal provides a range of benefits such as contributing towards meeting renewable energy targets, restoring historic field boundaries, ecological enhancement, job creation and farm diversification, it does not clearly outweigh the harm to the openness of the Green Belt and the wider landscape character. It is therefore considered that very special circumstances do not exist which justify the proposed development in the Green Belt. The motion was seconded by Councillor Brian Simmons.

Members debated the motion and asked questions for clarification. Various issues were raised including renewable energy, loss of agricultural land, Green Belt, alternative locations and visual impact. The Officers responded to these issues. The Group Manager stated that very special circumstances were required in the Green Belt but the NPPF referred to environmental benefits that should be considered and the need to outweigh any harm. In addition to consideration of the size of the site and the area covered by solar panels, there was a need to support renewable energy with the Government giving target outputs to be achieved by local authorities. The land could still be used for grazing in and around solar panels. A 25 year temporary permission was being proposed after which the land would return to agricultural use.

Some Members expressed arguments in favour of the proposal in that the benefits of the proposal would outweigh the harm to the Green Belt. The location was not prominent and it was not easy to access the site or the area in which it was situated. Solar panels were preferable to wind turbines and other alternative sites were not suitable. One Member felt that the site was still visible from some locations and that arable land should be retained as much as possible. The Group Manager stated that over time there would inevitably be a change to the landscape in attempting to meet a target of 110MW and that the issue of visibility was not in itself a strong enough reason to refuse permission.

The motion to refuse was put to the vote and was carried, 6 voting in favour and 4 against.

11 ANNUAL REPORT 2014/15

The Group Manager – Development Management took Members through this report highlighting the progress since the last report and the planned improvements for the coming year.

Members asked questions about various aspects of the report to which the Group Manager responded. Councillor Neil Butters requested that the Development Management Team be congratulated on the high quality of work undertaken over the last year which was seconded by Councillor Rob Appleyard. Councillor Les Kew also congratulated the Divisional Director of Planning on the work undertaken in the first year since her appointment including the appointment of other officers in the Team and the good customer satisfaction that had been achieved. There was, however, still some room for improvement. Councillor Eleanor Jackson considered that the Officers be congratulated on the diligence exercised by officers on enforcement matters.

The Committee endorsed the sentiments expressed by Members and noted the report.

12 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES

Councillor Les Kew queried why so many applications on agricultural barns seemed to be refused. The Group Manager – Development Management responded referring to the National Planning Policy Guidance which he would forward to Councillor Kew.

The report was noted.

The meeting ended at 3.40pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

10th June 2015

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
1.	14/03990/FUL	Parcel 2900 Greenhouse Lane Nempnett Thrubwell Bristol

CONSULTEE COMMENTS

Updated comments from the Landscape Officer on revised scheme:

The Landscape Officer is now satisfied with the scheme and would have no objection subject to suggested landscaping conditions to specifically cover the detailed design and implementation of an appropriate planting scheme.

Updated comments from the Council's Senior Archaeological Officer:

The Council's Senior Archaeological Officer broadly agrees with the results and summary of the geophysical survey, but points that the ring ditches, pits and possible trackways (defined by close parallel ditches) could also indicate settlement evidence. They recommend that the following archaeological conditions are attached to any planning consent, to ensure (1) a field evaluation of the site, (2) a subsequent programme of archaeological work and/or mitigation, and (3) control over the groundworks. Subject to these conditions, they raise no objection to the proposals.

CONDITIONS

The following additional conditions shall be added to the recommendation:

12. No development shall commence 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 first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features,

and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of archaeological interest and the Council wish to evaluate the significance and extent of the archaeological remains. This is a pre-commencement condition to prevent the commencement of any works (including groundworks and site preparation) on the site which could potentially harm important archaeology.

13. *No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological recording and/or mitigation work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.*

Reason: The site is within an area of archaeological interest and the Council wish to protect and/or record any significant archaeological remains. This is a pre-commencement condition to prevent the commencement of any works (including groundworks and site preparation) on the site which could potentially harm important archaeology.

14. *No development shall take place within the site (including any site clearance or demolition works) until the applicant, or their agents or successors in title, has produced detailed drawings of all ground works, including foundations, roadways, drainage and cable runs (including those of statutory undertakers), which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.*

Reason: The site is within an area of archaeological interest and the Council to protect any significant archaeological remains during from avoidable disturbance. This is a pre-commencement condition to prevent the commencement of any works (including groundworks and site preparation) on the site which could potentially harm important archaeology.

Condition **12** of the committee report is re-numbered condition **15**

Item No.	Application No.	Address
2.	14/05823/FUL	Site Of Demolished Canal Cottages Tow Path Kennet And Avon Canal Bathwick Bath

Further information in support of the proposal was received from the agent, including:

- Density Analysis; (14 May 2015)
- Density, Height and Massing Plan; (14 May 2015)
- Contextual Response; (03 June 2015) and
- Committee Report Response (3 June 2015).

Also 7 emails were received from the agent drawing attention to:

- characteristics and history of the site;
- the schemes approved in the vicinity (i.e. Summerfield School Lime Grove Site (Planning Ref: 12/00980/FUL); Greenways, Darlington Place, Bathwick, Bath, BA2 6BY (Planning Ref: 96/00450/FUL) and Widcombe Social Club site (Planning ref: 12/03234/FUL)). These are argued to be precedents that form a material consideration in favour of the proposal.

All the above documents are available for viewing on public website.

The issues raised by the agent have been carefully looked at, however the development at Widcombe Lock and other sites, are not considered to set a precedent for the proposal in question.

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**SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE MEETING
OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON WEDNESDAY 10TH
JUNE 2015**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

PLANS LIST - REPORT 10		
Site of demolished cottages, Kennet and Avon Canal, Widcombe, Bath (Item 1, Pages 17-24)	Harriet Stone <u>AND</u> Edward Lewis Jonathan Logsdan (Applicant's Agent)	Against – To share 3 minutes For
Parcel 2900 Greenhouse Lane, Nempnett Thrubwell (Item 2, Pages 25-40)	John Adams Simon Newall, Green Switch Solutions (Applicants' Agents)	Against For

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BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

10th June 2015

DECISIONS

Item No:	01	
Application No:	14/05823/FUL	
Site Location:	Site Of Demolished Canal Cottages, Tow Path Kennet And Avon Canal, Bathwick, Bath	
Ward: Widcombe	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of two-storey dwelling with single-storey annexe on site of demolished canal cottage row and outbuildings.	
Constraints:	Agric Land Class 3b,4,5, Allotments, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,	
Applicant:	Ms Marian Sange	
Expiry Date:	6th March 2015	
Case Officer:	Sasha Berezina	

DECISION REFUSE

1 The proposal by reason of its location and bulk fails to preserve the setting of the listed buildings and would harmfully affect the character and appearance of this part of Bath Conservation Area and the wider Bath World Heritage Site, contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, The Core Strategy Policy B4, and the saved policies BH.2, BH.6, BH.15, D.2 and D.4 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007.

PLANS LIST:

This decision relates to drawings numbered 86-E001A, E002A, P100, P101, P102, P103, P104, P105, P106, P108, P203 and P204, received by the Council on 20th December 2014 and drawing numbered 86-E000B, received by the Council on 2nd April 2015.

Item No:	02
Application No:	14/03990/FUL
Site Location:	Parcel 2900, Greenhouse Lane, Nempnett Thrubwell, Bristol
Ward: Chew Valley South	Parish: Nempnett Thrubwell LB Grade: N/A
Application Type:	Full Application
Proposal:	Installation of a solar park with an output of approximately 4.76MW on land associated with Howgrove Farm.
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Public Right of Way, SSSI - Impact Risk Zones, Water Source Areas,
Applicant:	Green Switch Developments Ltd
Expiry Date:	10th April 2015
Case Officer:	Chris Griggs-Trevarthen

DECISION REFUSE

1 The proposed development is inappropriate development in the Green Belt and would result in a significant loss of openness. The benefits of the scheme would not clearly outweigh the harm to the Green Belt and its rural character. It is therefore considered that very special circumstances do not exist to justify the proposed development in the Green Belt. The proposal is therefore contrary to policy CP8 of the Bath and North East Somerset Core Strategy, policy GB.2 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

2 The proposed development, due to its siting, scale and urbanising effect, would have a significant adverse impact upon the rural character and appearance of the site and its surroundings. The proposal is therefore contrary to policy NE.1 of the Bath and North East Somerset Local Plan 2007, policy CP6 of the Bath and North East Somerset adopted Core Strategy 2014 and the National Planning Policy Framework.

PLANS LIST:

GSS100A_001 CCTV details
GSS100A_002 Inverter housing plans and elevations
GSS100A_003 Fence detail
GSS 100A_004 Gate detail
Landscaping Plan Revision A
Proposed PV Layout Revision I
Trench Detail
Solar Panel Details
Switch Room Substation Plans and Elevations

Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	1st July 2015
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

BACKGROUND PAPERS

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

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.

- [2] Department work sheets relating to each application/proposal as above.

- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)

 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal

- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

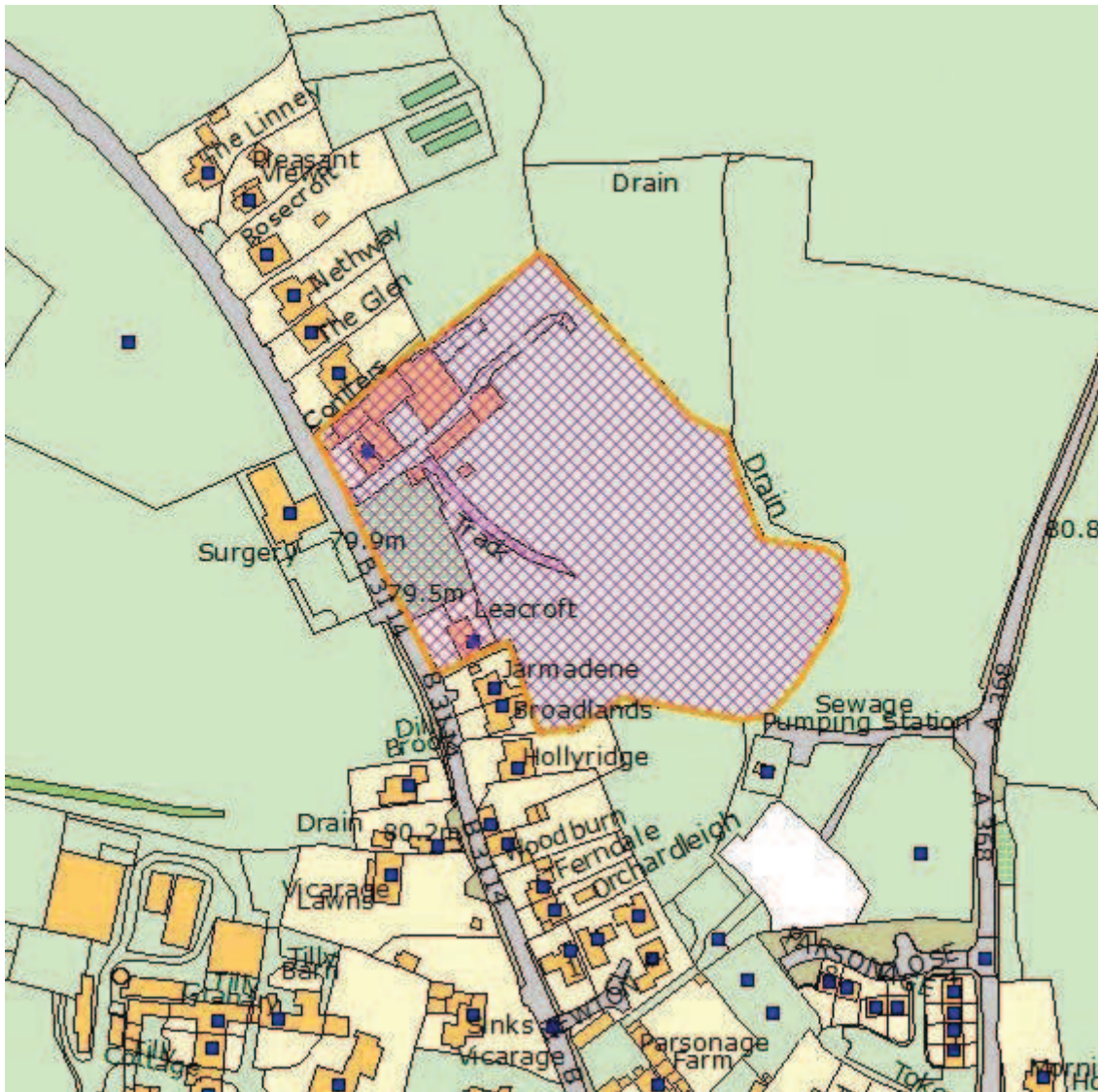
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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01	14/05899/OUT 3 July 2015	Mr & Mrs Payne Leacroft House, Bristol Road, West Harptree, Bristol, BS40 6HF Erection of new dwellings, access, landscaping and attenuation pond and refurbishment of Leacroft House, following demolition of Leacroft Bungalow and outbuildings associated with former builders yard.	Mendip	Rachel Tadman	Delegate to PERMIT
02	15/01299/LBA 15 May 2015	Midsomer Norton Town Council Town Hall, The Island, Midsomer Norton, Radstock, Bath And North East Somerset Internal and external alterations for the refurbishment and extension of existing town hall to re-instate ground floor market hall and improve access throughout.	Midsomer Norton Redfield	Laura Batham	REFUSE
03	15/01298/FUL 15 May 2015	Midsomer Norton Town Council Town Hall, The Island, Midsomer Norton, Radstock, Bath And North East Somerset Refurbishment and extension of existing town hall to re-instate ground floor market hall and improve access throughout.	Midsomer Norton Redfield	Laura Batham	REFUSE
04	15/01558/FUL 15 June 2015	Mr Neill Menneer Land Adj Old Methodist Church, High Street, Twerton, Bath, Construction of 4no one bedroom flats with associated landscaping (Revised proposal)	Twerton	Sasha Berezina	REFUSE
05	15/01712/FUL 10 June 2015	Mr Peter Pearson Greenacre, Warminster Road, Freshford, Bath, Bath And North East Somerset Erection of 1no. detached dwelling with new vehicular access off Midford Lane and associated works	Bathavon South	Victoria Griffin	REFUSE
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**REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON
APPLICATIONS FOR DEVELOPMENT**

Item No: 01
Application No: 14/05899/OUT
Site Location: Leacroft House Bristol Road West Harptree Bristol BS40 6HF



Ward: Mendip **Parish:** West Harptree **LB Grade:** N/A
Ward Members: Councillor T Warren
Application Type: Outline Application
Proposal: Erection of new dwellings, access, landscaping and attenuation pond and refurbishment of Leacroft House, following demolition of Leacroft Bungalow and outbuildings associated with former builders yard.
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, Public Right of Way, SSSI - Impact Risk Zones, Water Source Areas,
Applicant: Mr & Mrs Payne

Expiry Date:	3rd July 2015
Case Officer:	Rachel Tadman

REPORT

Reason for Reporting Application to Committee:

Cllr Tim Warren has requested that, if Officers are minded to approve, it be referred to the Development control committee for determination.

The reasons for this request include the following:

- Part of the proposed development will be outside of the housing development boundary and the number of proposed dwellings are greater than the amount required in the placemaking plan.
- The Parish council held several meetings concerning placemaking, which concluded with a referendum, where all residents were entitled to vote.
- The outcome of this favoured smaller sites which the residents thought more in keeping and less detrimental than one large one.

The Chair of Development Control Committee to this request due to the controversial nature of the proposal.

Description of development:

The application relates to the dwelling and garden of Leacroft House along with its surrounding land and outbuildings and also including an adjacent dwelling, Leacroft Bungalow. The site has a mixed use with the Leacroft House towards the front of the site and a former builder's yard and showroom to the side and rear.

The builder's yard and showroom are no longer in operational use but still contain considerable amounts of building materials, equipment and tools. Some of the former builder's yard buildings are in a poor state of repair and many areas of this part of the site are overgrown.

Leacroft Bungalow is a detached single storey building within its own garden and access off Bristol Road. It is vacant at present.

The site is within the Mendip AONB and is partly contained within West Harptree's Housing Development Boundary.

The proposal is for the erection of new dwellings, landscaping, the construction of an attenuation pond, refurbishment of Leacroft House and the demolition of Leacroft Bungalow and outbuildings associated with former Builders Yard. The application is in outline with all matters reserved apart from access.

The existing Leacroft House would retain its existing highway access with a new highway access being proposed to the south of the existing.

An indicative layout has been submitted to show the provision of 17 new dwellings, a net increase of 16 dwellings. The site would also include an area of open space to the East.

Relevant History:

No recent planning history for this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Planning Policy: No objections

West Harptree meets the criteria of Policy RA1 in the adopted B&NES Core Strategy. However, the B&NES Rural Facilities Audit (2014) (a Core Strategy evidence base document) states that West Harptree lies within the Mendips Hill Area of Outstanding Natural Beauty (AONB) which could inhibit opportunities for residential development. Therefore the Core Strategy relies on a smaller number of dwellings (e.g. 10-15) coming forward in the Plan period in this settlement. I note that this planning application is for 17 dwellings would contribute towards the 10-15 figure and therefore no policy objection would be raised.

Principle of Development Part of the proposed development is within the Housing Development Boundary and the remainder of the site is outside of the housing development boundary. The Core Strategy states that large sites (over 10 dwellings) should be identified within the HDB and where there are no sites within the HDB then suitable sites adjacent to the HDB will be supported and the HDB will be amended accordingly to accommodate the 10-15 dwellings., therefore no policy objection would be raised subject to urban design, landscape and providing satisfactory highways access.

Illumination - It should be noted that there are no existing street lights. Where illumination is proposed, it should be designed to avoid intruding into areas where darkness is valued as a characteristic feature of the village.

Highways Development Officer: Pre-application advice earlier last year confirmed that the site was in a generally sustainable location; however there were specific local access issues which need to be addressed to ensure any development can be considered truly accessible. This includes discontinuous footways and lack of crossing points.

I would agree that a development of the scale proposed would not result in an adverse highway impact in terms of the capacity of the local highway network. It is also the case that an appropriate access from Bristol Road can be created, with appropriate visibility splays.

Improvement works to the local walking network have been identified and a scheme has been submitted to address the issues.

Additional comments dated 6th May 21015:

I am in receipt of the revised footway proposals to be undertaken by the developer, to improve pedestrian facilities between the development site and the village. They reflect the discussions held with the applicants agent, and I am therefore of the view that

provision for walking would be improved to the extent that accessibility of the development was demonstrated.

Subject to these measures being included in a S106 agreement, there would be no highway objection.

Education Services: No objections

Total for Early Years provision £0 (Sufficient provision in the area)

Primary age pupil places - 1.586 places at a cost of £20,605.97

Secondary age pupil places - 3.051 places at a cost of £0 (sufficient provision in the area projected)

Post 16 places - 1.039 places at a cost of £0 (sufficient provision in the area projected)

Total for school places £20,605.97

Youth Services provision places - 2.4 places at a cost of £3,201.60

Total for Youth provision £3,201.60

Therefore a total contribution sought of £23,807.57

Affordable Housing: No objection subject to a S106 legal agreement.

The application proposes an affordable housing contribution of 30% (5 dwellings). This is in keeping with Planning Policy CP9.

The planning Support Statement proposes an affordable housing mix, however taking into account local housing need data held on the Councils Housing Register (24th Jan 2014) the following mix is considered appropriate.

2 x 1 bed 2 person house type flats

2 x 2 bed 4 person houses (one of which to be designed and delivered to full Wheelchair User Standards.

1 x 3 bed 5 person house

Design standards - This is an outline application thus no affordable housing design & affordability detail is available for appraisal.

The affordable housing design, layout, construction & affordability requirements will be inserted within the associated Section 106 legal document.

Site Layout Issues - the orientation of the dwellings is largely North / South. This does not promote solar gain and the reduction of utility cost to the householder.

The illustrative master plan appears to include un-adopted roads and much green space. Every effort must be made to reduce the impacts of service charges against affordability to the occupiers of the affordable housing.

Ecology: No objections subject to conditions.

Landscape: No objection subject to conditions.

Arboriculture: No objections.

Contaminated Land: No objection subject to conditions.

Flood Risk and Drainage: No objection subject to conditions.

Archaeology: No objections subject to conditions

West Harptree Parish Council: Object in principle.

1. Site is outside the existing Housing Development Boundary.
2. The existing housing along Bristol Road has no development behind it, and runs along the road predominantly one dwelling deep - any non-frontage housing development would be inappropriate and unsightly.
3. The site is in an Area of Outstanding Natural Beauty (AONB), and this proposal would be contrary to policy.
4. Site is subject to historic flooding.
5. No capacity in the school or space to extend.
6. Harmful to highway safety.
7. Existing Pedestrian and cycle access is unsafe and the proposals should include improvements to address this.
8. The site is fronted by a large number of mature trees, which should all be protected.
9. Site is potentially contaminated.
10. The accuracy and evidence within the submitted information is generally challenged as being insufficient or inaccurate.
11. West Harptree is a village that is considered to be covered by Policy RA2 of the Core Strategy and not Policy RA1 as referred to in the submission.
12. The Parish Council has made representations to the Placemaking Plan to seek that new housing should be spread over several smaller sites and not all on one site.

Furthermore the Parish Council have raised the following concerns from residents who have made representations direct to the Parish Council:

1. Road traffic safety issues
2. Lack of school places
3. Proposal in direct conflict with WHPC's Placemaking Plan submitted proposals
4. Historic flooding issues on the site
5. Disproportionate increase in the number of houses along the Bristol Road
6. The application states that West Harptree is an RA1 village, however it is actually an RA2 village in all Bath and North East Somerset Council (B&NES) documentation
7. The negative impact on the landscape in a rural setting
8. The size of the proposed development, looking like a housing estate in a rural setting

Local Representations: A total of 15 letters of representation have been received. 11 of which object, 3 give general comments and 1 letter supported the development. The concerns raised are:

1. This site was rejected by the Parish Council as part of the Placemaking Plan representations
2. Site is outside the Housing Development Boundary
3. Too many houses for the size of the existing village
4. Detrimental impact on the character of the village
5. Harmful impact on the Area of Outstanding Natural Beauty
6. Detrimental impact on residential amenity through overlooking
7. Increased risk of flooding
8. Impact on highway safety
9. Increased light pollution from street lighting and houses
10. Lack of school places
11. Existing joinery sheds should be retained as they add to the character of the village
12. Increased noise from traffic
13. No assurance that the open space will be retained as such
14. No reference to existing cess pit on the site

POLICIES/LEGISLATION

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

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

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

- DW1 - District Wide Spatial Strategy
- RA1 and RA2 - Development in villages outside the Green Belt
- SD1 - Presumption in favour of sustainable development
- CP2 - Sustainable Construction
- CP5 - Flood Risk Management
- CP6 - Environmental Quality
- CP7 - Green Infrastructure
- CP9 - Affordable Housing
- CP10 - Housing Mix
- CP13 - Infrastructure Provision

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

- Policy SC.1: Settlement classification
- Policy D.2: General design and public realm considerations

- Policy D.4: Townscape considerations
- Policy T.24: General development control and access policy
- Policy T.26: On-site parking provision
- Policy NE.1: Landscape character
- Policy NE.2: Area of Outstanding Natural Beauty
- Policy NE.4: Flood Risk
- Policy SR.3: Provision of recreational facilities to meet the needs of new development

National Planning Policy Framework

Planning Obligations SPD

OFFICER ASSESSMENT

Principle of the development:

West Harptree, due to the level of facilities within the village, is considered to meet the criteria of Policy RA1 of the Core Strategy meaning that housing developments of around 50 dwellings could meet the criteria of the policy.

Notwithstanding this, the B&NES Rural Facilities Audit (2014), a Core Strategy evidence base document, states that, as West Harptree lies within the Mendips Hill Area of Outstanding Natural Beauty (AONB) which could inhibit opportunities for residential development, a smaller number of dwellings (e.g. 10-15) is envisaged to come forward in the Plan period in this settlement. However, the Rural Facilities Audit (2014), comprising an evidence base document to the Core Strategy, and not an adopted Supplementary Planning Document, has limited weight.

The Core Strategy also states that the allocation of such sites should be considered through the Placemaking Process with the Housing Development Boundary being amended at that stage to incorporate these sites or other new sites.

The Placemaking Plan Options Document, whilst also confirming the requirement for the village to accommodate around 10-15 dwellings, identifies a total of three potentially appropriate sites, all of which are located outside the existing Housing Development Boundary.

The development site is included as Site SR2 and a number of development principles are indicated which the proposed development, albeit in outline form, is considered to meet.

However, the Placemaking Plan Options Document is early in its consideration and is not yet an adopted document, therefore also has limited weight.

It should be noted that the references to 50 dwellings and 10-15 dwellings are not considered to represent a 'cap' to the number of dwellings acceptable which is indicated by the preceding word 'around'. In this case the proposed development of 17 dwellings is considered to fit within the reference of 'around 10-15 dwellings', and in any case is significantly below the higher figure of 'around 50 dwellings' that could be acceptable under Policy RA1 of the Core Strategy.

In this case a significant part of the intended developable area of the land, as shown on drawing No 28867/03) is already within the Housing Development Boundary (HDB) with the remaining area outside, but adjacent. As the level of development, at 17 dwellings, is acceptable under Policy RA1, and as there are no other sites within the HDB that would accommodate a development of this size, in the absence of any other identified harm, there is no in principle objection to the residential development of this site.

Design of the development:

The detailed design and layout of the proposed development are reserved matters and not under consideration at this time. The indicative information provided some detail and it is considered that there are no over-riding concerns to be raised with the design approach at this stage.

It has however been raised that there are no existing street lights within the village and therefore, at reserved matters stage, it should be demonstrated that lighting etc. should be sensitively designed.

The illustrative masterplan states that the site will accommodate 17 dwellings, at an average density of approx. 24 dwellings per hectare which provides for an acceptable density in the context of the area. The site would also include an area of open space.

It is considered that the proposed level of development could be achieved on site although the full detailed design would be subject to further approval through reserved matters.

Impact on residential amenity:

Whilst concerns have been raised by residents adjoining the site in relation to the impact of the development on residential amenity, the detailed design and layout of the proposed development are reserved matters and not under consideration at this time.

Notwithstanding this the indicative information shown does not indicate that the development would have an unacceptable impact on the residential amenity of neighbouring occupiers.

Nevertheless a more detailed consideration of any impact on residential amenity can only be made on the basis of a full plans submission and there would be opportunities to influence the detailed design at that stage to overcome any amenity concerns arising.

Impact on Ecology:

The application was submitted with some preliminary bat surveys however, following concerns from the Ecologist, further bat surveys were required for those buildings at the site for which an internal inspection had not been possible. The necessary surveys have now been carried out and no further roosts were found.

Building B4 (as shown on figure 2 of the bat report) contains a roost for Soprano pipistrelle bats, and an EPS licence will be required. However compensatory roost provision is proposed in the form of a soffit box bat box, to be incorporated into a new building at the same location.

The Local Planning Authority must consider the "three tests" of the Habitats Regulations and be satisfied that they will be met. Information to show that the development meets the 'three tests' has been submitted by the applicant and is considered below:

1. There is "no satisfactory alternative"

The information submitted argues that the site represents the ideal opportunity to redevelop existing buildings in a countryside setting whilst providing opportunities to enhance the biodiversity of the area.

It is also stated that the 'do nothing' approach to the barn is certainly an alternative, but it will result in the loss of the roost for bats in the long term since the building is in a state of disrepair and will continue to deteriorate, eventually becoming unsuitable for bats.

On consideration of the development as a whole and in light of the justification submitted, the development is considered to meet the first test.

2. The proposal would "not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The information submitted argues that, whilst a full EPS mitigation scheme has not been drawn up at this stage, the submitted bat report clearly outlines how a mitigation strategy can be implemented on the site. It has been demonstrated how the existing roosts on site will be retained.

It is stated that the 'do nothing' scenario will in the long-term result in a net loss of habitat for bats through the continued neglect of the barn. The submission concludes that the recommendations made within the bat report will serve to ensure the continued provision of roosting habitat for bats on the site.

Again, on consideration of the development as a whole and in light of the justification submitted, the development is considered to meet the second test.

3. The proposal is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment"

The information submitted states that currently the barn is in a state of disrepair, and if works are not undertaken to redevelop it, then it is likely that this will continue, leading to the eventual loss of roosting sites for bats on the site. It is argued that, by redeveloping the site sympathetically, and incorporating bat access and roosts into new buildings as part of the new development, the site will continue to support a population of bats into the future.

The information submitted within the habitat and bat survey reports to address the third test has been considered by the Ecologist who is of the view that, the proposed mitigation demonstrates that the "third test" re. maintenance of the favourable conservation status of the affected species would be met and there is no reason to disagree with this view.

Impact on Landscape and Trees:

The layout of the proposed development are reserved matters and not under consideration at this time. Nevertheless, in order to demonstrate that the proposed residential development would not have a detrimental impact on existing trees the application has been accompanied by an arboricultural report. This confirms that all 'B' category trees are to be retained with the exception of a London Plane which is set back into the site and not readily visible from outside of the site. The Arboricultural Officer is satisfied that this is acceptable and raises no objections to the proposals.

However the illustrative masterplan does show that veteran Willow (T61) has been incorporated into the front garden of plot 17. In view of the sensitive management requirements for this tree and potential ecological value it is considered necessary for the layout to be altered at reserved matters stage to ensure that the tree is retained within an area of open space.

In terms of landscape impact, the application has been accompanied by a Landscape and Visual Impact Assessment which has concluded that the impact of the proposed development would be localised and limited with no adverse effect on the intrinsic characteristics of the wider landscape of the AONB and the Upper Chew and Yeo Valleys LCA. It also concluded that there were no significant adverse visual effects and any noticeable effects would be limited to the immediate area.

The Landscape Officer has considered the submitted information and agrees with the findings of the above report, raising no objection in principle to the proposed development.

There are a number of opportunities to enhance the existing green infrastructure linkages to the east of the site including existing features such as the stream running through the site (subject to safety considerations). These should therefore form part of any future reserved matters application within a detailed landscape scheme, with the open space being designed in such a way as to include a proper use, natural play for example.

Flooding and Drainage:

The site is within Flood Zone 1 which is the lowest level of flooding and therefore the provision of housing is acceptable and does not require the submission of a sequential test or exception test.

A drainage scheme has been submitted which includes the provision of an attenuation pond at the rear of the site. The Flood and Drainage Team have considered the details and are of the view that the proposals are acceptable.

Whilst some concerns have been raised by residents and the Parish Council that this site has history of flooding it is considered that the proposed drainage scheme would mitigate for this and Officers are therefore satisfied that the concerns in relation to drainage and flooding can be overcome to a satisfactory degree.

Sustainability and Highway Safety:

The proposal includes the introduction of an additional vehicular access off Bristol Road, giving access to the majority of the proposed residential units, is not considered to be of concern to the Highways Development and would not result in an adverse highway impact in terms of the capacity of the local highway network.

In terms of sustainability, the location of the site in a central location within West Harptree, and given the level of facilities that exist, is considered to be sustainable. However the Highways Development Officer has identified a number of specific local problems with accessibility which need to be addressed before the development can be acceptable.

In light of this a number of footway improvements are proposed, including the provision of a continuous footway between the site and the village centre, which represent an improvement to existing pedestrian facilities to the extent that accessibility of the development has now been demonstrated.

Subject to these measures being included in a S106 agreement, the proposed development is not considered to have a harmful impact on highway safety.

Education Provision:

The development, being of a residential nature will put added pressure on the local school and potential lack of school places, and inability for the school to expand, has been raised as a concern by both the Parish Council and local residents.

However, Education Services have confirmed that Pupil projections for East Harptree Primary School indicate that whilst, by 2018 all places in Primary School year groups Year 5 and Year 6 will be full with no surplus capacity available, there is projected to be sufficient available capacity in the other five primary year groups to accommodate the pupils generated by the development.

In light of this there have been no objections raised by Education Services subject to a contribution. However, since the comments were made, CIL has been adopted and therefore a separate contribution by a legal agreement is no longer necessary.

Affordable Housing:

In accordance with Policy CP9 of the Core Strategy the submitted information proposes an affordable housing contribution of 30% (5 dwellings) which is considered acceptable.

However the proposed affordable housing mix is considered unacceptable and should be amended take into account local housing need data held on the Councils Housing Register (24th Jan 2014).

With regard to design, as the application is in outline there is no detailed design or layout of the affordable dwellings available, however the design, layout, construction & affordability requirements will be inserted within the associated Section 106 legal document.

Whilst this development is in outline, the Housing Officer has raised concerns that the orientation of the dwellings is largely North / South which does not promote solar gain and

the reduction of utility cost to the householder. Furthermore the indicative layout appears to include un-adopted roads and much green space and every effort must be made to reduce the impacts of service charges against affordability to the occupiers of the affordable housing. These are issues that need to be addressed at reserved matters stage.

Conclusion:

The village of West Harptree, due to its facilities, is considered to fall under Policy RA1 of the Core Strategy meaning that, potentially, a total of 50 dwellings would be acceptable within the Housing Development Boundary.

However, whilst the B&NES Rural Facilities Audit (2014) and Placemaking Plan Options Document indicate that the village should only accommodate around 10-15 dwellings, due to the location within the AONB, these documents carry limited weight.

Nevertheless the proposed development of 17 dwellings is considered to fit within the reference of 'around 10-15 dwellings, and in any case is significantly below the higher figure of 'around 50 dwellings' that could be acceptable under Policy RA1 of the Core Strategy.

Whilst the Placemaking Plan has limited weight at this time the application site is identified as one of the total of three potentially appropriate sites, all of which are located outside the existing Housing Development Boundary. The proposed development is also considered to meet the development principles stated within the Placemaking Plan.

Furthermore, as a significant part of the intended developable area of the land, is within the Housing Development Boundary (HDB) with the remaining area outside, but adjacent, in the absence of any other identified harm, there is no in principle objection to the residential development of this site.

The site is within the AONB but, following the conclusions of the submitted LVIA, and the comments of the Landscape Officer, it is considered that the proposal would not result in any adverse impact on the landscape or this part of the AONB.

The development would result in the loss of one tree but would retain all others that are worthy of retention.

As the development is in outline, with all matters reserved, no detailed layout or design of the dwellings has been provided. Despite this it is considered that the development, at the level proposed, can be accommodated on the site without having a detrimental impact on the residential amenity of neighbouring occupiers.

With regard to Ecology, an existing building on the site has been found to contain a bat roost. However following submission of further reports the scheme is considered to be acceptable and would not have a harmful impact on any protected species, subject to adequate mitigation. The proposal has been assessed against the '3 tests' of the Habitat Regulations and is considered to have met the tests.

The proposals would result in the provision of an additional access off Bristol Road which, subject to the provision of an acceptable visibility splay is considered to be acceptable. The village itself is considered to be generally sustainable although there are issues with regard to footway provision. In light of this the proposal also include footway improvements to provide a continuous pavement between the site and the centre of West Harptree village, which need to form part of a S106 Agreement.

Whilst the proposal has been subject to a number of concerns from both the Parish Council and local residents, which have been considered in full, it is nevertheless considered that, overall, as the site is considered to comply with Policy RA1, and in the absence of any identified harm, the principle of residential development is acceptable.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 Authorise the Development Group Manager, in consultation with the Head of Legal and Democratic Services, to enter into a section 106 agreement to provide the following:

1. Highways

Improvements to the footway between the development and the centre of West Harptree.

2. Affordable Housing

30% affordable housing provision in accordance with Policy CP9 and the Planning Obligations SPD

B Upon completion of the agreement, authorise the Development Group Manager to permit the application subject to the following conditions:

1 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

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

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3 Approval of the details of the (a) layout, (b) scale, (c) appearance and (e) landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the General Development Procedure Order 2015.

4 The application for reserved matters approval shall include no more than 18 dwellings (including existing) and shall show that the development in Area B, as defined on drawing no 28867/03, shall be restricted to supporting infrastructure including (but not limited to) landscaping, drainage features and footpaths.

Reason: To define the developable areas of the site.

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

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

6 No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority.

The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the Local Planning Authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, soil remediation (subject to contamination investigation results), burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

The development shall thereafter take place strictly in accordance with the approved Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed Arboriculturalist to the Local Planning Authority on completion.

Reason: Further information is required to ensure that the trees to be retained are adequately protected before development commences and to ensure that they are not damaged during the construction period.

7 No development, other than the demolition of existing structures, shall commence 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 first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and

shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: As the site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains before they are potentially destroyed by the construction process.

8 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: As the site is within an area of potential archaeological interest and the Council will wish to record and protect any archaeological remains before they are potentially destroyed by the construction process.

9 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

10 No development shall commence until construction details and cross sections of the proposed open channel, swales and pond structure to ensure that there is enough capacity to convey/attenuate the surface water discharge, along with calculations showing the volumes of the proposed futures including swales, pond and culvert, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the surface water drainage for the site shall be constructed in accordance with the approved details and the surface water drainage strategy included in the Flood Risk Assessment (FRA) undertaken by Pba-Peter Brett in December 2014 rev A, Project ref:28867/4001 and completed prior to occupation of the approved dwellings. Surface water runoff from Bristol Road and runoff from the upstream catchment shall be intercepted via the proposed open channel.

Reason: Further details with regard to drainage of the site is required to ensure that an acceptable drainage system is provided and, as it would be located below ground, the details are required prior to the commencement of the construction process. In the interests of flood risk management and highway safety.

11 Contaminated Land Condition 1. Site Characterisation

No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in

writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. Further details are required prior to commencement of development as any contamination of the site would need to be understood, addressed and remediated prior to construction commencing.

12 Contaminated Land Condition 2. Submission of Remediation Scheme

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

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

13 Contaminated Land Condition 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning

Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Reason: This information is necessary prior to commencement of development to ensure that the approved remediation scheme is in place before construction commence in order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

14 Contaminated Land Condition 4. Reporting of Unexpected Contamination

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

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

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

15 Contaminated Land Condition 5. Long Term Monitoring and Maintenance

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

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

16 No development shall commence until details of the access, parking and turning areas, including surfacing details, where they relate to individual plot parking or shared parking areas, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details before each dwelling is occupied and shall not thereafter be used other than for the access, parking or turning of vehicles in connection with the development hereby permitted.

Reason: The information is required prior to commencement of development to ensure that the detailed design of the access, parking and turning areas are considered to be acceptable and to ensure that the development can thereafter be constructed in accordance with the details. In the interests of amenity and highway safety.

17 The proposed estate roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

18 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan (28867/1008/001) have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

19 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management. A programme of condition surveys of the local highway network shall be included, and all damage resulting from development made good.

Reason: The details of how the construction period will be managed needs to be considered before commencement of development to ensure the safe operation and ongoing condition of the highway.

20 No development shall commence until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

(i) Method statement for wildlife protection during site and vegetation clearance including details of all necessary measures to avoid disturbance or harm to reptiles, nesting birds, hedgehog, badger and other wildlife as applicable

(ii) Details of soft landscape design to include native species planting; habitat creation and long term conservation management; and provision of "bat-friendly" planting such as night scented native species; throughout the development, and all such details to be fully incorporated to the scheme and shown on all relevant planting and soft landscape plans and drawings

(iii) Detailed proposals for all other necessary wildlife protection and enhancement measures as applicable, in accordance with the approved ecological reports

All works within the scheme shall thereafter be carried out in accordance with the approved details and completed prior to the occupation of any part of the development.

Reason: Further information is required to ensure that any harm to the bats (which are a protected species) and their roosts is avoided during and after the construction period.

21 No development shall commence, including demolition, until full details of a mitigation and compensation scheme for bats has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the recommendations described in section 4 of the approved Bat Survey Report by IES Consulted dated May 2015, and shall include:

- 1 specifications for replacement roost provision, to be incorporated into the scheme and shown on relevant plan/s and scale drawing/s;
2. proposed timing of all works affecting known bat roost/s
3. Findings of any further surveys undertaken, as recommended in section 4.2.3 of the approved bat report, should this be deemed necessary, together with detailed proposals for any necessary further mitigation or compensation

The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: Further information is required to ensure that any harm to the bats (which are a protected species) and their roosts are adequately mitigated for both during and after the construction period.

22 No external lighting shall be installed, other than that approved at reserved matters, without full details of the proposed lighting design being submitted to and approved in writing by the Local Planning Authority. The details shall include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall thereafter be installed strictly in accordance with the approved details.

Reason: To avoid harm to bats and other wildlife.

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

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

PLANS LIST:

1 PLANS LIST:

This decision relates to drawing no's 28867/01, 28867/02, 28867/03, 28867/1008/001, 28867/1008/009, 140623-WH-TCP-LI.

2 DECISION MAKING STATEMENT

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

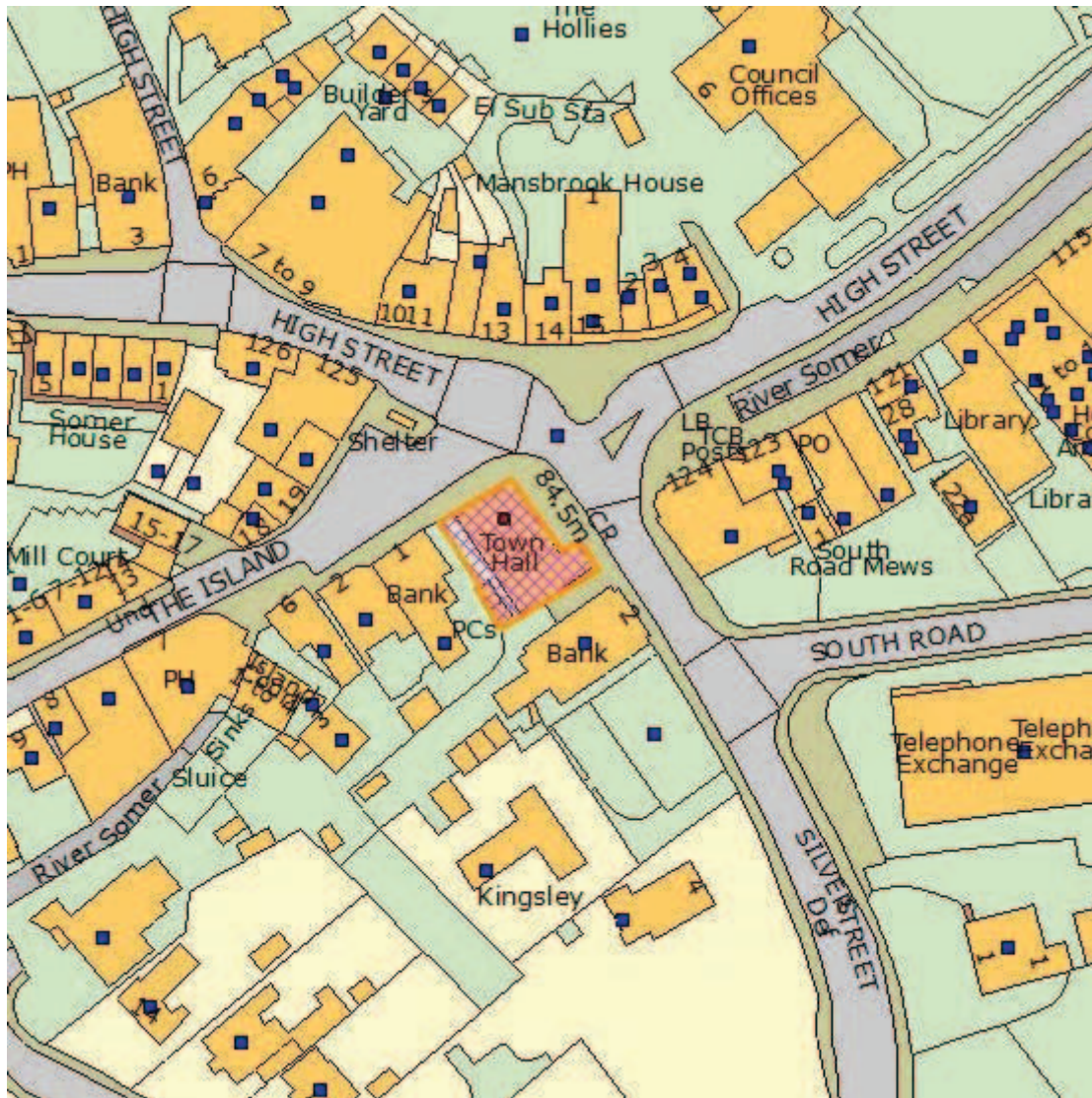
reasons given, and expanded upon in a related case officer's report, a positive view of the revised * submitted proposals was taken and consent was granted.

3 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, Lewis House, Manvers Street, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

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

Item No: 02
Application No: 15/01299/LBA
Site Location: Town Hall The Island Midsomer Norton Radstock Bath And North East Somerset



Ward: Midsomer Norton Redfield **Parish:** Midsomer Norton **LB Grade:** II

Ward Members: Councillor C Watt Councillor Paul Myers

Application Type: Listed Building Consent (Alts/exts)

Proposal: Internal and external alterations for the refurbishment and extension of existing town hall to re-instate ground floor market hall and improve access throughout.

Constraints: Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Coal - Standing Advice Area, Conservation Area, Forest of Avon, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones,

Applicant: Midsomer Norton Town Council

Expiry Date: 15th May 2015

Case Officer: Laura Batham

REPORT

Reason for Referring Application To Committee:

Cllr Watt has requested that the application be determined by committee due to the strategic position of the town hall and its pivotal position with the social, community and civic life of the town calls for the widest possible consideration. The Chair of the Committee has agreed to this request.

Site Description:

Midsomer Town Hall is a prominent building located at the southern end of High Street which contains a number of retail properties. The application site sits at the junction of The Island, Silver Street and High Street and is a focal point within the town. To the south and west of the site are two banks which abut the site.

Midsomer Norton Town Hall is a grade II listed building built in 1860 by Thomas Harris Smith. The building is Italianate in design and since completion has undergone multiple alterations to the interior of the building owing to change in ownership and uses. The main access to the building is from The Island (north west elevation).

Proposal:

Internal and external alterations for the refurbishment and extension of existing town hall to re-instate ground floor market hall and improve access throughout. The internal works involve removal of more modern partitions to allow the large market hall to be re-introduced. In addition there are further alterations proposed to allow the connection of the existing building to the proposed extension. Further internal works include the removal of a 20th century staircase and an internal lobby within the Assembly Room. The extension is proposed to be a modern, flat roof design arranged over four floors. The north west elevation is proposed to be mostly glazed and the south east and south west elevations are proposed to be granite and grey lias with grey windows.

History:

13/03326/LBA - CON - 18 October 2013 - External alterations for the erection of two signs, two flag poles, a notice board and combining current double doors to a single DDA compliant single powered door

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Archaeologist:

The proposed extension to the Town Hall lies in the centre of the medieval settlement of Midsomer Norton and in very close proximity to the River Somer with its associated historic mills and leats. Whilst significant archaeological deposits may survive on the site, I am content that a standard archaeological watching brief condition would provide adequate provision for their recording. However, I am very concerned about the scale of the proposed extension and its potential impact on the Town Hall, which is a grade II listed building.

Midsomer Norton Parish Council: Support the application

Historic England: Support the application.

The structure was designed as a market hall originally, with other civic offices on the upper floors including an impressive Assembly Room. The adaptation of the ground floor and subdivision to form offices, thus removing the market hall from the building in the early 20th century was a sign of the economic decline of the commercial economy in the town at this time but was also a disastrous change to the interior of the building.

This scheme proposes to remove the early 20th century partitions within the hall space and the mezzanine ceiling that was also imposed, to allow an inserted second storey. A secondary staircase together with later toilets will also be removed. Although the partitions and ceiling represent a period in the building's history that was synonymous with an interesting period in the history of the town's changing commercial interests they are not of the same quality as the original structure and detract from the ability to use the hall for its original purpose.

The proposal also indicates additional extensions to the side and rear of the Town Hall. Whilst these will inevitably cover up parts of the original structure, we can see that there is justification for them given the need to create extra accommodation lost in the conversion of the market hall space. The design of these extensions have been developed to match in with the materials and horizontal divisions of the principle building and in my opinion work successfully.

Conservation Officer:

External Changes:

During pre-applications discussions clear guidance was provided as to the scale of the extension and a suggested appropriate palette of materials. Early in the discussions in-principle support was given for an extension in acknowledgement of the heritage benefits that would result from removal of internal modern partitions and in acknowledgement of the building's importance to the local community as a much used asset and the requirement for increasing available space. However, the advice that was provided was that only an extension appropriately subservient to the protected building would be acceptable and I suggested approximately 25% to 30%, full height but with a mono-pitch roof with a traditional lime render. The proposed extension is not regarded as subservient and is not regarded as being consistent with architectural best practice or the aims and objectives of the primary legislation, national policy and policy guidance.

Other than attempting to essentially fill the available space of the south west elevation I can see no objective justification for the size even though this question was posed during pre-application discussions. The extension is of a scale that is regarded as too dominant and imposing and therefore not subservient to what is regarded as a very high quality historic building that is one of the finest and most prominent in Midsomer Norton and is an outstanding example of Victorian civic architecture. The proposed extension will cause visual harm to the building in terms of scale, design and use of materials and therefore regrettably I am unable to offer support for this aspect of the proposals. Despite being located on a rear elevation because of the orientation of the building it will be highly visible from the highway and adjacent buildings.

Internal Changes:

Whilst I am supportive of the removal of the modern partitions, particularly those located on the ground floor, which will partially reinstate the volume of the market hall as originally

intended, I am concerned that the proposed internal demolition may result in substantial harm to historic fabric and architectural features of interest. Whilst I understand the desire to return to an early and possibly original form of the building some further consideration needs to be given as to any value that these later alterations may in themselves possess i.e. architectural interest and heritage value that may warrant retention.

Following a site visit the following comments received:

The majority of the internal demolitions appear to relate to the removal of modern partitions and this is regarded as a positive intervention and as is the removal of the mezzanine level that will partially restore the original volume of the market hall. However there is some concern that some interesting later additions are proposed for removal and in particular the ornate timber stairs. Whilst I acknowledge that the stairs are likely to originate from early 20th century alterations they possess some quality and interest in their own right and their removal is regarded as harmful. However, this is not regarded as substantial harm). The new openings proposed to link the principal building to the proposed extension will cause harm and a loss of historic fabric and in the case of the substantial hall on the top level of the building this will lead to a loss of balance to this important formal room.

Urban Design:

These urban design comments will address the external elements of the proposals. Matters relating to the changes to the interior will be covered separately.

Mass and Form

The mass of the extension is designed to be recessed behind the existing front and rear façade and the stepped side elevation will be likely to reduce the visual impact on the neighbouring property. The proposed parapet height, at its upper limit, but is below the front and rear eaves of the existing hall,

There is no objection to the contemporary flat roof approach to the proposed, as this accentuates the primacy of the existing hall and there are a range of contemporary buildings styles within the conservation area.

Materials

The choice of materials draws upon the recorded local context and reference the existing town hall. In detail. The marriage of the new walls with the existing should be handled sensitively. The rear elevation may benefit from a deliberate recessed vertical junction strip. To the front existing pipes and blocked doors on the exposed flank of the existing hall need to be addressed.

I recommend that samples of the proposed materials including window frames and glazing are submitted for approval.

External Realm

Externally (ref proposed site plan), I am concerned about the annotated bin store, which appears to indicate an exposed area in front of the extension entrance. If this is the case, it should be moved to a rear location and the method of storage identified. There do not appear to be any public realm improvements proposed or additional measures to encourage cycling to the hall by employees of visitors. Whilst these are external to the core proposal, they should be considered as integral to presenting the refurbished and expanded community facility.

Victorian Society:

We broadly welcome the investment in the fabric and continued use of the Town Hall. However, we do have concerns about the detailing of the scheme and suggest granting consent with conditions.

Midsomer Norton Town Hall was erected in 1860 to the designs of Foster & Wood of Bristol. It is a well preserved civic building in the Italianate manner that occupies a visually prominent site in the centre of the Midsomer Norton Conservation Area and provides the historic town of Midsomer Norton with a significant architectural landmark. The principles of recreating the market hall, revealing more of the Town Hall's history and improving the building's functionality are appropriate and ones that we accept.

Nevertheless, sufficient information by which to properly judge the impact of the scheme on the interior and the quality of work it would introduce is essential. It is proposed to remove the mezzanine floor of 1906, later mezzanine floor additions and the internal wall partitions.

Before approving these demolitions, Bath and North Somerset Council should require clear information from the applicant confirming that such demolitions would not be harmful and would not result in the loss of significant historic fabric. Therefore, the extent of the historic fabric that remains within the building should be documented and conserved where possible particularly as section 3.2 of the Conservation Management Plan notes that a considerable amount of original fabric dating from 1906 survives. Additional images of this fabric should be supplied by the applicant in order to assess whether such removal is acceptable.

As regards constructing the proposed extension, again the principle is broadly acceptable. The massing of the extension is fine. However, we have specific concerns as to the detailing of the design which could be addressed in conditions. The flat roof is extremely incongruous juxtaposed against that of the Town Hall. Instead, the roof should be pitched like that of the Town Hall covered in matching materials in order not to detract from the original building. Similarly, the proposed fenestration would be harmful as it does not respond to the original and distinctive round arched windows. The design for the roof and fenestration should be revised.

We are satisfied that the scheme proposed for the Town Hall is a suitable one and that it can be achieved sympathetically. We recommend that consent be granted subject to the conditions above.

Third Parties/Neighbours:

Three letters of comment and 40 letters of support have been received. A summary of the main points raised is provided below. Copies of full comments can be found on the Council's website.

- Heritage is wonderful but it needs to earn its keep and be relevant to each new generation.
- The reinstatement of the Market Hall and the full sized extension offering expanded facilities will ensure Midsomer Norton Town Hall continues to be an iconic building for generations to come.
- This is an excellent opportunity to improve a much valued, popular, facility at the heart of the Town.
- The extension at the rear needs to be large enough to allow this without impinging on the original design of the building; the plan as submitted manages to do this very well.

- This planning design will greatly aid the general public's use of this building, making it much more accessible for all the community regardless of mobility needs.
 - Scale is required to be viable/create a new hall space on the ground floor.
 - Internal floors are currently visible from outside.
- The interior layout is inefficient & unviable.
- It is essential to have a reasonably sized market hall in what is the centre of the town that acts as the heart of the Somer Valley.
 - It will mean that our current outdoor farmers' market can be indoors, as often the event is rained off
 - The extension will bring many benefits including ease of access to the building.
 - The extension at the rear of the building doesn't try to pretend to be original and so preserves the original structure.

POLICIES/LEGISLATION

The primary consideration is the duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant listed building consent for any works...to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' Also, the duty placed on the Council under Section 66 of the same Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

There is also a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

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

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

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

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

- CP6 - Environmental quality

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

- BH.2 - Listed buildings and their settings
- BH.6 - Development within or affecting conservation areas

OFFICER ASSESSMENT

The application seeks consent for a four storey side extension to Midsomer Norton Town Hall. The building is a Grade II listed building located within the centre of Midsomer Norton and within the designation of the Conservation Area. The works proposed involve the internal alterations to allow the re-use of the market hall and removal of modern partitions. The ground and first floor hold a number of offices and meeting rooms which will need to be relocated. As such, the town council have identified the need for an extension to the building to provide these rooms. In addition, the current metal fire escape would need to be re-located to accommodate the extension. The application advises that the resulting scale is required based upon these alterations. However, no calculations have been provided identifying the amount of space required in square metres and how this relates to the extension.

Design, Scale and Massing

The proposed design was the subject of pre-application advice. The conservation officer at the time advised that any proposal should be subservient to the protected building. The proposed extension is considered to be a dominant and bulky addition to the building. The proposals are for an extension that will occupy the majority of the south west elevation utilising a flat roof and lias masonry. Whilst the stepped design of the extension aims to reduce the impact of the proposal, the proposed extension is not regarded as subservient and the extension would dominate this elevation. The applicants highlight that the proposal would be on the rear elevation and thereby limit the impact. However, the extension would still be highly visible from the Island to the north and key views of the building when viewed from the north would be compromised by the proposal. It is not considered that the justification for the large scale extension which dominates this elevation of the listed building has been demonstrated.

The extension is proposed to be finished with granite and bands of grey lias. The front (north west) elevation is proposed to be full height curtain glazing to allow delineation of the extensions from the original building and to allow views of the original wall. The use of materials is aimed to be in keeping with the building. However, the use of lias banding, particularly on the south east elevation is not considered to be sensitive to the banding on the original building and is set either above or below causing an odd alignment with the original building. The size and proportions of the proposed windows are at odds with that seen in the original building. The windows on the side and rear elevation are proposed to be dark grey powder coated, steel and have a long and narrow design with little reference to the original building. The flat roof proposed is substantial and is an incongruous addition adjacent to the listed building.

Internal works:

The removal of modern partitions, particularly on the ground floor is supported. These partitions have resulted in the significant subdivision of a large space and the partial reinstatement of the volume of the market hall as originally intended is a positive part of the scheme. The majority of the internal demolitions appear to relate to the removal of modern partitions and this is regarded as a positive intervention and as is the removal of the mezzanine level that will partially restore the original volume of the market hall.

However there is concern with the proposed internal demolition which as raised by the Conservation Officer and the Victorian Society some further consideration needs to be given as to any value that these later alterations may in themselves possess i.e. architectural interest and heritage value that may warrant retention. There are some interesting later additions proposed for removal and in particular the ornate timber stairs. It is acknowledged that the stairs are likely to originate from early 20th century alterations; however, they possess some quality and interest in their own right. It is proposed to alter existing openings in the south west elevation to allow for connection through to the proposed extension. In addition, there are various alterations to existing openings including the increase in size and blocking up of windows to facilitate connection of the existing building to the proposed extension. It is considered that this opening up and alteration to existing windows will cause harm and a loss of historic fabric and in the case of the Assembly room at second floor level would lead to a loss of balance to this important formal room.

Impact upon the setting of the listed building and conservation area:

Historic England have broadly supported the proposals. The advice provided is that whilst the proposal will inevitably cover up parts of the original structure, there is justification for them given the need to create extra accommodation lost in the conversion of the market hall space. The Victorian Society, whilst offering in principle support application, has raised concerns that the flat roof is extremely incongruous juxtaposed against that of the Town Hall. They advise that instead, the roof should be pitched like that of the Town Hall covered in matching materials in order not to detract from the original building. Similarly, the proposed fenestration would be harmful as it does not respond to the original and distinctive round arched windows.

Given the scale of the proposal, it is considered that the extension significantly impacts upon the setting of the listed building. Paragraph 132 of the NPPF advises: 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's significance. The more important the asset, the greater the weight should be'. In addition, the document states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building should be exceptional.

Policy BH.2 of the Local Plan also advises that development affecting a listed building or its setting will only be permitted where it would preserve the buildings special interest and respect the character of the building in terms of scale, style, design and materials.

In this case, it is considered that the proposed extension owing to its scale, massing and use of materials would have a significant and unacceptable less than substantial detrimental impact upon the setting of this listed building. It is not considered that the information provided in support of the application has demonstrated a clear and convincing justification for the scale of the proposal and level of harm.

The proposed extension, whilst not visible from the main parade of shops to the east, would be particularly prominent when viewed from the north within The Island and the corner with High Street. The proposed extension would be prominent within the conservation area and owing to the scale, design and dominance of the proposal, would have a detrimental impact upon the character of the conservation area.

Balance:

There has been a high level of local response to the application giving support to the scheme. In particular there is support to allow for the building to be altered to create larger spaces for community uses. As such there will be public benefits as a result of this scheme and the future public use of this prominent building is supported. However, this should be balanced against the harm to this designated heritage asset in the conservation area. Further consideration should be given to the scale of the extension and the need for the volume of additional space required. With regards to the internal works proposed, whilst overall support has been received from Historic England, concern has been raised from the Victorian Society and the Conservation Officer with regards to the loss of alterations dated from 1906 and the alterations to the openings on the south eastern wall. Paragraph 134 of the NPPF advises that where the development will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The level of harm is considered to be less than substantial and whilst the benefits of the scheme are acknowledged, it is not considered that the justification for the scale of this extension and extent of works have been demonstrated or that the public benefits of the scheme are outweighed by the harm to the special character of the listed building.

Conclusion:

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the internal alterations including demolition of historical elements would fail to preserve the listed building. The principle of an extension for this building is not objected to and expansion for community needs is supported providing the design of the extension is considered acceptable. In this case the scale, design and materials of the proposed extension would not preserve the building or its setting. The extension proposed is of a scale that is regarded as too dominant and imposing. Midsomer Norton Town Hall is a high quality historic building that is prominent in Midsomer Norton and is an outstanding example of Victorian civic architecture. It is considered that the application has failed to provide sufficient justification that the resulting level of harm due to the scale, massing and design of the proposal is outweighed by the public benefits of the scheme. The application is considered unacceptable and is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed extension by reason of its scale, massing, design and materials and the proposed internal alterations through loss of historic fabric and form would have a significant and detrimental impact upon the special character of the grade II listed Midsomer Norton Town Hall and is therefore considered contrary to saved policies BH.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies adopted October 2007 and Paragraph 132 of the National Planning Policy Framework.

PLANS LIST:

1 This decision relates to the following drawings received on 19th March 2015:

PH3_014_001_001

PH3_014_001_102

PH3_014_001_103

PH3_014_001_104

PH3_014_001_105

PH3_014_001_106

PH3_014_001_107

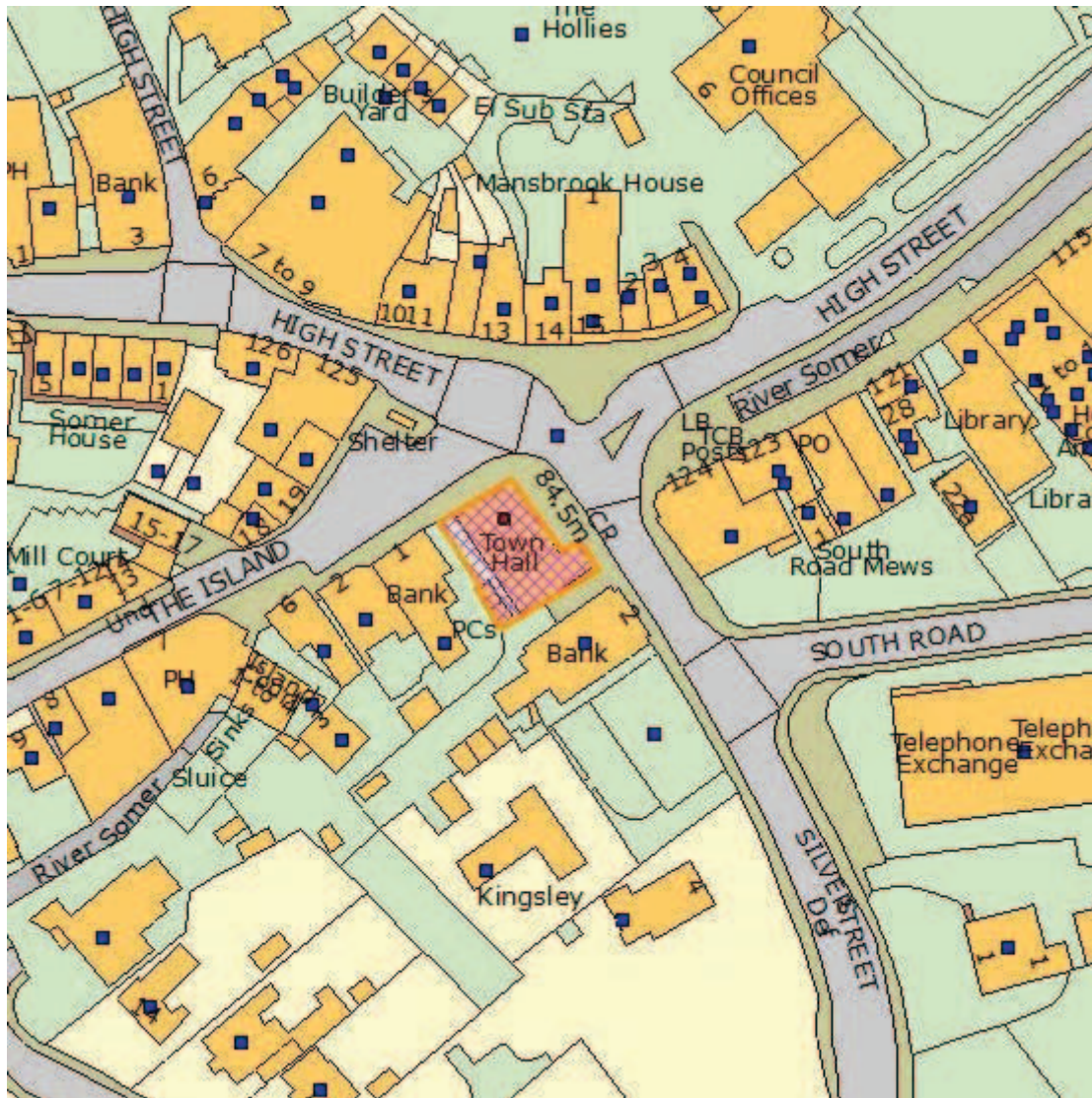
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Item No: 03
Application No: 15/01298/FUL
Site Location: Town Hall The Island Midsomer Norton Radstock Bath And North East Somerset



Ward: Midsomer Norton Redfield **Parish:** Midsomer Norton **LB Grade:** II
Ward Members: Councillor C Watt Councillor Paul Myers
Application Type: Full Application
Proposal: Refurbishment and extension of existing town hall to re-instate ground floor market hall and improve access throughout.
Constraints: Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Coal - Standing Advice Area, Conservation Area, Forest of Avon, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones,
Applicant: Midsomer Norton Town Council
Expiry Date: 15th May 2015
Case Officer: Laura Batham

REPORT

Reason for Referring Application To Committee:

Cllr Watt has requested that the application be determined by committee due to the strategic position of the town hall and its pivotal position with the social, community and civic life of the town calls for the widest possible consideration. The Chair of the Committee has agreed to this request.

Site Description:

Midsomer Town Hall is a prominent building located at the southern end of High Street which contains a number of retail properties. The application site sits at the junction of The Island, Silver Street and High Street and is a focal point within the town. To the south and west of the site are two banks which abut the site.

Midsomer Norton Town Hall is a grade II listed building built in 1860 by Thomas Harris Smith. The building is Italianate in design and since completion has undergone multiple alterations to the interior of the building owing to change in ownership and uses. The main access to the building is from The Island (north west elevation).

Proposal:

The application seeks consent for the refurbishment and extension of the existing town hall to re-instate the ground floor market hall and improve access throughout. The extension is proposed to be a modern, flat roof design arranged over four floors. The north west elevation is proposed to be mostly glazed and the south east and south west elevations are proposed to be granite and grey lias with grey windows.

History:

13/03326/LBA - Consent - 18 October 2013 - External alterations for the erection of two signs, two flag poles, a notice board and combining current double doors to a single DDA compliant single powered door

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Drainage and Flood Risk:

- Whilst surface water should be disposed of in accordance with the drainage hierarchy it is accepted that at this location it is not viable to infiltrate due to a lack of space as a result of the existing building taking up the majority of a small plot.
- Disposal of surface water to either the culverted watercourse or a dedicated surface water sewer would be acceptable in principle. Flow rates and points of discharge to be agreed with the relevant organisation (The Environment Agency / Wessex Water respectively).

Archaeologist:

The proposed extension to the Town Hall lies in the centre of the medieval settlement of Midsomer Norton and in very close proximity to the River Somer with its associated historic mills and leats. Whilst significant archaeological deposits may survive on the site, I am content that a standard archaeological watching brief condition would provide adequate provision for their recording. However, I am very concerned about the scale of the proposed extension and its potential impact on the Town Hall, which is a grade II listed building.

Midsomer Norton Parish Council: Support the application

Conservation Officer:

External Changes:

During pre-applications discussions clear guidance was provided as to the scale of the extension and a suggested appropriate palette of materials. Early in the discussions in-principle support was given for an extension in acknowledgement of the heritage benefits that would result from removal of internal modern partitions and in acknowledgement of the building's importance to the local community as a much used asset and the requirement for increasing available space. However, the advice that was provided was that only an extension appropriately subservient to the protected building would be acceptable and I suggested approximately 25% to 30%, full height but with a mono-pitch roof with a traditional lime render. The proposed extension is not regarded as subservient and is not regarded as being consistent with architectural best practice or the aims and objectives of the primary legislation, national policy and policy guidance.

Other than attempting to essentially fill the available space of the south west elevation I can see no objective justification for the size even though this question was posed during pre-application discussions. The extension is of a scale that is regarded as too dominant and imposing and therefore not subservient to what is regarded as a very high quality historic building that is one of the finest and most prominent in Midsomer Norton and is an outstanding example of Victorian civic architecture. The proposed extension will cause visual harm to the building in terms of scale, design and use of materials and therefore regretfully I am unable to offer support for this aspect of the proposals.

Internal Changes:

Whilst I am supportive of the removal of the modern partitions, particularly those located on the ground floor, which will partially reinstate the volume of the market hall as originally intended, I am concerned that the proposed internal demolition may result in substantial harm to historic fabric and architectural features of interest. Whilst I understand the desire to return to an early and possibly original form of the building some further consideration needs to be given as to any value that these later alterations may in themselves possess i.e. architectural interest and heritage value that may warrant retention.

Following a site visit further comments provided: The majority of the internal demolitions appear to relate to the removal of modern partitions and this is regarded as a positive intervention as is the removal of the mezzanine level that will partially restore the original volume of the market hall. However there is some concern that some interesting later additions are proposed for removal and in particular the ornate timber stairs. Whilst I acknowledge that the stairs are likely to originate from early 20th century alterations they possess some quality and interest in their own right. The new openings proposed to link the principal building to the proposed extension will cause harm and a loss of historic fabric and in the case of the substantial hall on the top level of the building this will lead to a loss of balance to this important formal room.

Despite being located on a rear elevation because of the orientation of the building it will be highly visible from the highway and adjacent buildings.

Urban Design:

Mass and Form

The mass of the extension is designed to be recessed behind the existing front and rear façade and the stepped side elevation will be likely to reduce the visual impact on the neighbouring property. The proposed parapet height, at its upper limit, but is below the front and rear eaves of the existing hall,

There is no objection to the contemporary flat roof approach to the proposed, as this accentuates the primacy of the existing hall and there are a range of contemporary buildings styles within the conservation area.

Materials

The choice of materials draws upon the recorded local context and reference the existing town hall. In detail. The marriage of the new walls with the existing should be handled sensitively. The rear elevation may benefit from a deliberate recessed vertical junction strip. To the front existing pipes and blocked doors on the exposed flank of the existing hall need to be addressed.

I recommend that samples of the proposed materials including window frames and glazing are submitted for approval.

External Realm

Externally (ref proposed site plan), I am concerned about the annotated bin store, which appears to indicate an exposed area in front of the extension entrance. If this is the case, it should be moved to a rear location and the method of storage identified. There do not appear to be any public realm improvements proposed or additional measures to encourage cycling to the hall by employees of visitors. Whilst these are external to the core proposal, they should be considered as integral to presenting the refurbished and expanded community facility.

Third Parties/Neighbours:

Three letters of comment and 40 letters of support have been received. A summary of the main points raised is provided below. Copies of full comments can be found on the Council's website.

- Heritage is wonderful but it needs to earn its keep and be relevant to each new generation.
- The reinstatement of the Market Hall and the full sized extension offering expanded facilities will ensure Midsomer Norton Town Hall continues to be an iconic building for generations to come.
- This is an excellent opportunity to improve a much valued, popular, facility at the heart of the Town.
- The extension at the rear needs to be large enough to allow this without impinging on the original design of the building; the plan as submitted manages to do this very well.
- This planning design will greatly aid the general public's use of this building, making it much more accessible for all the community regardless of mobility needs.
- Scale is required to be viable/create a new hall space on the ground floor.
- Internal floors are currently visible from outside.

The interior layout is inefficient & unviable.

- It is essential to have a reasonably sized market hall in what is the centre of the town that acts as the heart of the Somer Valley.
- It will mean that our current outdoor farmers' market can be indoors, as often the event is rained off

- The extension will bring many benefits including ease of access to the building.
- The extension at the rear of the building doesn't try to pretend to be original and so preserves the original structure.

POLICIES/LEGISLATION

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

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

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

CP6 - Environmental Quality

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

D.2 General design and public realm considerations

D4 - Townscape considerations

BH.2 Listed Buildings and their settings

BH.6 - Development within or affection conservation areas.

CF.2 Provision of new or replacement community uses

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

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

OFFICER ASSESSMENT

The application seeks consent for a three storey side extension to Midsomer Norton Town Hall. The building is a Grade II listed building located within the centre of Midsomer Norton and within the designation of the Conservation Area. The application is accompanied by a listed building application which will also assess the detail of the internal works proposed.

The works proposed involve the internal alterations to allow the re-use of the market hall and removal of modern partitions. The ground and first floor hold a number of offices and

meeting rooms which will need to be relocated. As such, the town council have identified the need for an extension to the building to provide these rooms. In addition, the current metal fire escape would need to be re-located to accommodate the extension. The application advises that the resulting scale is required based upon these alterations. However, no calculations have been provided identifying the amount of space required in square metres and how this relates to the extension.

Amenity:

The application site is located in the retail centre of Midsomer Norton. To the south and west of the site are two banks and to the north and east are further retail properties. The extension would be located immediately adjacent to the two banks and therefore it is not considered that the proposal would have a detrimental impact upon the amenity of any neighbouring dwellings.

Drainage:

Initial concerns were raised regarding the intention to discharge water to the watercourse. However, the site is very constrained with little surrounding space. As such, the proposals to discharge to the watercourse is considered acceptable providing further details are submitted by condition.

Archaeology:

The proposed extension to the Town Hall has been identified as being located in the centre of the medieval settlement of Midsomer Norton and in very close proximity to the River Somer with its associated historic mills and leats. As such a standard archaeological watching brief condition would be required to provide adequate provision for the recording of any finds.

Design, Scale and Massing

The proposed design was the subject of pre-application advice. The conservation officer at the time advised that any proposal should be subservient to the protected building. The proposed extension is considered to be a dominant and bulky addition to the building. The proposals are for an extension that will occupy the majority of the south west elevation utilising a flat roof and lias masonry. Whilst the stepped design of the extension aims to reduce the impact of the proposal, the proposed extension is not regarded as subservient and the extension would dominate this elevation. The applicants highlight that the proposal would be on the rear elevation and thereby limit the impact. However, the extension would still be highly visible from the Island to the north and key views of the building when viewed at the front would be compromised by the proposal. It is not considered that the justification for the large scale extension which dominates this elevation of the listed building has been demonstrated.

The extension is proposed to be finished with granite and bands of grey lias. The front (north west) elevation is proposed to be full height curtain glazing to allow delineation of the extensions from the original building and to allow views of the original wall. The use of materials is aimed to be in keeping with the building. However, the use of lias banding, particularly on the south east elevation is not considered to be sensitive to the banding on the original building and is set either above or below causing an odd alignment with the original building. The size and proportions of the proposed windows are at odds with that seen in the original building. The windows on the side and rear elevation are proposed to be dark grey powder coated, steel and have a long and narrow design with little reference

to the original building. The flat roof proposed is substantial and is an incongruous addition adjacent to the listed building.

Impact upon the setting of the listed building and conservation area:

Historic England have commented on the accompanying listed building application and supported the proposals. The advice provided is that whilst the proposal will inevitably cover up parts of the original structure, there is justification for them given the need to create extra accommodation lost in the conversion of the market hall space. The Victorian Society, whilst offering in principle support within the accompanying listed building application, has raised concerns that the flat roof is extremely incongruous juxtaposed against that of the Town Hall. Instead, the roof should be pitched like that of the Town Hall covered in matching materials in order not to detract from the original building. Similarly, the proposed fenestration would be harmful as it does not respond to the original and distinctive round arched windows.

Given the scale of the proposal, it is considered that the extension significantly impacts upon the setting of the listed building. Paragraph 132 of the NPPF advises: 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's significance. The more important the asset, the greater the weight should be'. In addition, the document states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building should be exceptional.

Policy BH.2 of the Local Plan also advises that development affecting a listed building or its setting will only be permitted where it would preserve the buildings special interest and respect the character of the building in terms of scale, style, design and materials.

In this case, it is considered that the proposed extension owing to its scale, massing and use of materials would have a significant and unacceptable but less than substantial detrimental impact upon the setting of this listed building. It is not considered that the information provided in support of the application has demonstrated a clear and convincing justification for the scale of the proposal and level of harm.

The proposed extension, whilst not visible from the main parade of shops to the east, would be particularly prominent when viewed from the north within The Island and the corner with High Street. The proposed extension would be prominent within the conservation area and owing to the scale, design and dominance of the proposal, would have a detrimental impact upon the character of the conservation area.

Balance:

There has been a high level of local response to the application giving support to the scheme. In particular there is support to allow for the building to be altered to create larger spaces for community uses. As such there will be public benefits as a result of this scheme and the future public use of this prominent building is supported. However, this should be balanced against the harm to this designated heritage asset in the conservation area. The level of harm is considered less than substantial as defined within the NPPF. Paragraph 134 of the NPPF advises that where the development will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Whilst the benefits of the scheme are acknowledged, it is not considered that the justification for the scale of this extension has been demonstrated to the extent that the level of harm has been justified. The principle of an extension is not objected to and this support was provided at pre-application stage to enable the additional space required and allow better use of the building. However, the current extension is not considered acceptable and further consideration should be given to the scale of the extension and the need for the volume of additional space required.

Other matters:

Specific bin storage has not been identified on plans but indicated in a general area. Concerns have been raised regarding the impact of not allocating a specific area. This issue could be resolved through details submitted by condition.

Conclusion:

The proposal is not considered to have a detrimental impact upon the amenity of any neighbouring dwelling and the surface water drainage method is considered acceptable. There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposal would fail to preserve the character of this listed building. The extension proposed is of a scale that is regarded as too dominant and imposing. Midsomer Norton Town Hall is a high quality historic building that is prominent in Midsomer Norton and is an outstanding example of Victorian civic architecture. It is considered that the application has failed to provide sufficient justification that the level of harm due to the scale, massing and design of the proposal is outweighed by the public benefits of the scheme. The application is considered unacceptable and is therefore recommend for refusal.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the impact of extension would fail to enhance or preserve the character of the surrounding area. The building forms a significant focal point within the town and its setting and impact within the conservation area would be substantially affected.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed extension by reason of its scale, massing, design and materials and the proposed internal alterations through loss of historic fabric and form would have a significant and detrimental impact upon the special character of the grade II listed Midsomer Norton Town Hall and is therefore considered contrary to saved policies BH.2, D.2 and D.4 of the Bath and North East Somerset Local Plan, including minerals and waste policies adopted October 2007 and Paragraph 132 of the National Planning Policy Framework.

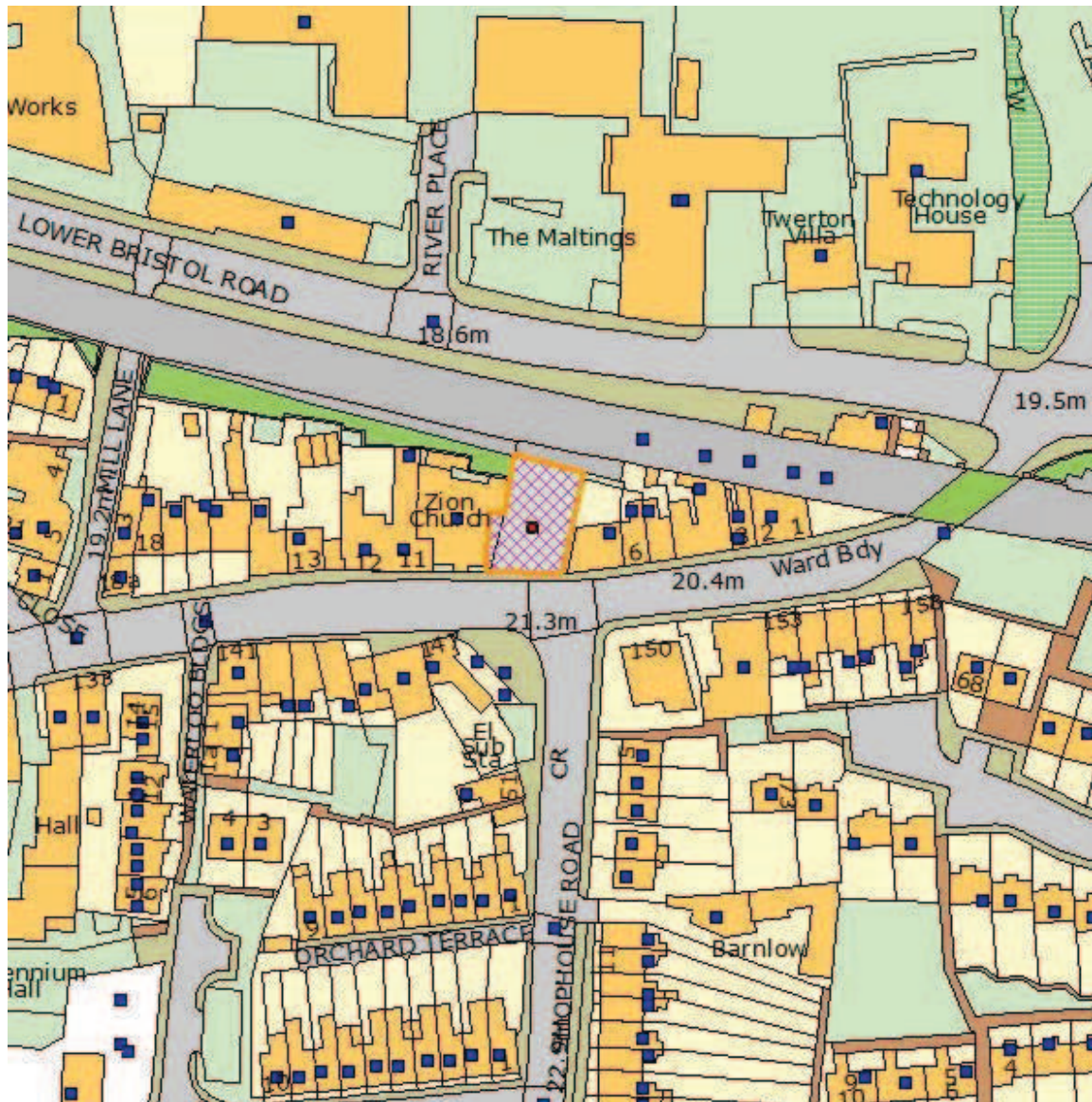
2 The proposed extension by reason of its scale, massing, design and materials would fail to preserve or enhance the character and appearance of the Conservation Area and is therefore considered contrary to saved policies BH.6, D.2 and D.4 of the Bath and North East Somerset Local Plan, including minerals and waste policies adopted October 2007.

PLANS LIST:

0 This decision relates to the following drawings received on 19th March 2015:

PH3_014_001_001
PH3_014_001_102
PH3_014_001_103
PH3_014_001_104
PH3_014_001_105
PH3_014_001_106
PH3_014_001_107
PH3_014_001_108
PH3_014_001_109
PH3_014_001_110
PH3_014_001_111

Item No: 04
Application No: 15/01558/FUL
Site Location: Land Adj Old Methodist Church High Street Twerton Bath



Ward: Twerton **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Tim Ball Councillor Joe Rayment
Application Type: Full Application
Proposal: Construction of 4no one bedroom flats with associated landscaping (Revised proposal)
Constraints: Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mr Neill Menneer
Expiry Date: 15th June 2015
Case Officer: Sasha Berezina

REPORT

Cllr Tim Ball requested for the application to be referred to development Management Committee if the officers are minded to refuse. The application was then referred to the Chair with recommendation to refuse. The Chair decided that the application will need to be presented to the Committee because: "The application has been requested for committee by the Ward Councillor and although a number of issues have been addressed as the application has progressed, I feel it should go to committee for determination as it remains controversial".

DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY:

The proposal seeks full planning approval for construction of a residential block containing 4 one-bedroom flats, cycle store and bins enclosure, alterations to access, parking and landscaping.

The site occupies a prominent location on a T-junction within Twerton conservation area and is adjacent to a Grade II listed former Methodist Chapel that dates back to 1853. To the east the site is adjacent to terraced dwelling with a number of ground and first floor windows in its flank wall facing out onto the current car park. To the north, a high stone wall backs directly onto Bath-Bristol railway line.

The on-street parking facilities are limited, and currently the site provides 5/6 off-street parking spaces that are understood to be used by customers visiting the studio in the Chapel.

The Chapel has now been converted and is being used as a photo studio.

RELEVANT PLANNING HISTORY

DC - 06/00184/FUL - PERMIT - 2 May 2006 - Change of use from church to office development including erection of single storey office extension on adj land.

DC - 06/00188/LBA - CON - 26 April 2006 - External and internal works in association with change of use from church to office and erection of single storey office extension on adjacent land

DC - 07/01649/LBA - CON - 1 August 2007 - Internal and external alterations including removal of pews, relocation of pulpit and panelling, removal of boundary walls, cleaning stonework, erection of new boundary walls and railings and single storey extension

DC - 07/02191/FUL - PERMIT - 3 September 2007 - Change of use from church (Use Class D1) to office development (Use Class B1) including erection of a single storey extension and low wall and railings on adjacent land

(NB: It appears that only part of the approved scheme had been implemented insofar as proposed changes to accommodate the change of use.)

DC - 15/00319/FUL - WD - 2 April 2015 - Erection of 4 no. one bedroom flats, 1 no. live - work unit and alterations to parking and landscaping on land adjoining former church.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways - no objections, subject to conditions for construction management plan, resident's welcome pack, retention of proposed parking on site and provision of cycle parking.

Arboriculture - no objections. The application is accompanied by a comprehensive Arboricultural Report and there are no objections to the proposed tree removals. Suggested conditions regarding adherence to the Arboricultural method Statement.

Environmental Protection - no objections. Suggested noise and dust control informative.

Network Rail - no objections in principle, but any planning approval must take into account Network Rail ability to gain access 24/7 to examine and repair/carry out maintenance to the retaining wall.

Cllr Tim Ball - I am aware that there are as many local residents supporting this development as there may be against it. I believe any reasons to refuse this application are marginal and could be argued either way. I believe that this development is the sort of infill that we need in Twerton. So I would ask if you are going to refuse this application the. It should be referred to the development control committee for decision of members

Third Party Letters - 3 letters of objections received from 6 residents. The key concerns expressed are:

- Harmful impacts of the proposed building on the residential amenity of the residents of No7 High Street (loss of light, narrowed dark passage to one of the entrances, overbearing effects)
- Loss of existing parking to the business and introducing additional demand for it. Higher pressure on on-street parking in the area and compromised highways safety. Original planning approval for conversion of the Chapel was given with adequate parking as a major factor. The results of the parking assessment are inaccurate.

POLICIES/LEGISLATION

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

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

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

B1: Bath Spatial Strategy

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

SD.1 - Presumption in favour of Sustainable Development
CP.2 - Sustainable construction
CP.7 - Green Infrastructure
CP.10 - Housing Mix

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

BH.2 Listed Buildings and their Setting
BH.6 Conservation Area
ES.5 Foul and Surface Water drainage
ES.12 Noise and vibration
D.2 General Design and public realm considerations
D.4 Townscape considerations
NE.4 Trees and Woodlands
T.24 General development control and access policy
T.26 On-site parking and servicing provision
IMP1 Planning Obligations

National Planning Policy Framework (NPPF) and National Planning Practice Guidance

The DCLG have now withdrawn the PPS Planning for the Historic Environment Practice Guide (2010) following the publication of Good Practice Guides on 25 March 2015

Planning (Listed Buildings & Conservation Areas) Act 1990

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT

The site is located within the urban area of Bath and as such, residential development is acceptable in principle, subject to other material considerations.

CONSERVATION AREA AND SETTING OF LISTED BUILDING

The site forms part of historic Twerton High Street mixed in its character in terms of styles of properties and use of materials, but generally with distinctive traditional village vernacular, that has not been greatly influenced by the rest of Bath. The immediate context of the site is highly enclosed with two-storey buildings abutting the back of the pavements. The existing car park, whilst continuing the building line by virtue of its stone wall and trees on the boundary, provides a pleasant verdant relief to otherwise highly built-

up street scene. The space also provides setting to the Chapel, allowing it to stand out amongst the surrounding cottages.

The applicant has provided historic maps and photographs indicating that the site used to contain a building, which at one stage was owned by the Chapel. The existing gap was the result of bomb damage during the Second World War. At present, the site is used as a car park for the photographer's studio located within the converted Chapel.

The proposal seeks to retain some open space between the Chapel and the new development, creating a courtyard arrangement between the two buildings. The front elevation to Twerton High Street is appropriately proportioned and detailed, taking reference from the nearby historic buildings, such as Nelson House in the High Street. It appears subservient to the Chapel due to the retained gap and its narrow frontage. The trees retained on site and landscaping would ensure that some of the verdant character of the site is preserved. The building would aid in articulation of the historic High Street and provide a visual stop at the junction with Shophouse Road.

As such it is considered that the proposal would preserve the setting of the listed Chapel and would enhance the character and appearance of Bath Conservation Area.

TREES

The land is at present largely surfaced with gravel and principally devoted to car parking. It does nevertheless contain several trees and has some trees on the eastern boundary with the neighbour. The trees are protected by virtue of Conservation Area, but none is covered by a Tree Preservation Order. The proposal will result in some on-site trees to be lost, however the design seeks to protect the adjacent trees and retain the Golden Ash Tree on the front boundary of the site, to the left of the entrance. The scheme also includes some limited planting in containers, which given the restricted space would be an acceptable solution. Planting new additional trees on site would be unfeasible due to potential for future conflicts, as the trees grow larger and obstruct windows, entrances etc. which could make it difficult to retain the trees at this location in the long term. Tree Officer is in agreement with the Arboricultural report submitted and expressed no objections.

HIGHWAYS

The site is sustainably located within close distance to local facilities and public transport, however it is also set in a location which is busy in traffic terms (close to a junction, bus-stop, local businesses, existing on-street parking etc.). A number of objections referred specifically to the loss of parking spaces to the photo studio and increase in demand for more parking. The scheme seeks to provide two spaces for the flats and retain two spaces for the use of the Chapel. Space for manoeuvring within the site is limited, therefore a small turntable is incorporated into the design.

The proposal has been subject to negotiations with the Highways department and a number of units on site reduced as a result. The parking snapshot survey indicates there is a degree (albeit limited) of on-street parking capacity. It is acknowledged that there are parking pressures in the area, and this is the case with many residential areas of Bath. However the property is located in a sustainable location, within walking distance of the City Centre, close to all the local amenities and a number of public transport links. The inclusion of secure and sheltered cycle parking is welcomed and the limited parking

available should encourage future residents to use more sustainable modes of transport. It is therefore considered that it would be difficult to argue that this application would exacerbate problems in the area so as to result in an adverse impact on highway safety.

NOISE

The site is bounded by the train line to the north and the road to the south. As such, there is a risk of the new flats being exposed to high levels of external noise. The applicant has commissioned a professional noise impact assessment, which proposed a number of design measures to mitigate the impacts and to meet the required internal noise level (avoid windows to the train line, wall insulation, laminated double glazing etc.). These measures have been incorporated into the proposal and are considered sufficient to address the issue of noise. The Environmental Health Officer expressed no objections to the proposal.

RESIDENTIAL AMENITY

The building would be set in line with the inside edge of the fence posts on the eastern boundary of the site and in very close proximity to the adjacent end of terrace building No7 High Street. No7 is split into four small flats and has windows on the south, west and north elevation.

Being 8m in height and stretching over 15m along the boundary with this neighbour, the new block would appear dominant and overbearing to the residents of this building, as well as further buildings in the terrace.

The boundary line is set on a slight angle in relation to the rear elevation of No7, and as such the outlook from the westernmost bedrooms on ground and first floor will be completely squared onto a blank wall. The bathroom/kitchen windows on the west gable elevation would be blocked by a wall sited just a meter away.

The limited outdoor amenity space for the terrace will be boxed-in by the railway retaining wall to the north, the two storey projection to the east and the new development to the west. Given its north orientation, the garden is likely to be permanently overshadowed by the surrounding buildings.

As such it is considered that the proposal would cause significant and unacceptable harm to the existing residents.

CONCLUSION

The scheme has been subject to lengthy negotiations and amendments have been introduced to alleviate many of the original concerns. The scheme would provide additional small scale accommodation and would be acceptable in visual and highways safety terms.

However, it has not been possible to address the fundamental issue of the harmful impacts of the proposal on the residential amenity of the neighbours. As such the proposal is contrary to Local Plan policy D.2 and is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development due to its siting and bulk would result in significant and unacceptable harm being caused to the living conditions of the occupiers of the neighbouring dwellings. The proposed scheme is therefore considered to conflict with the requirements of Policy D.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

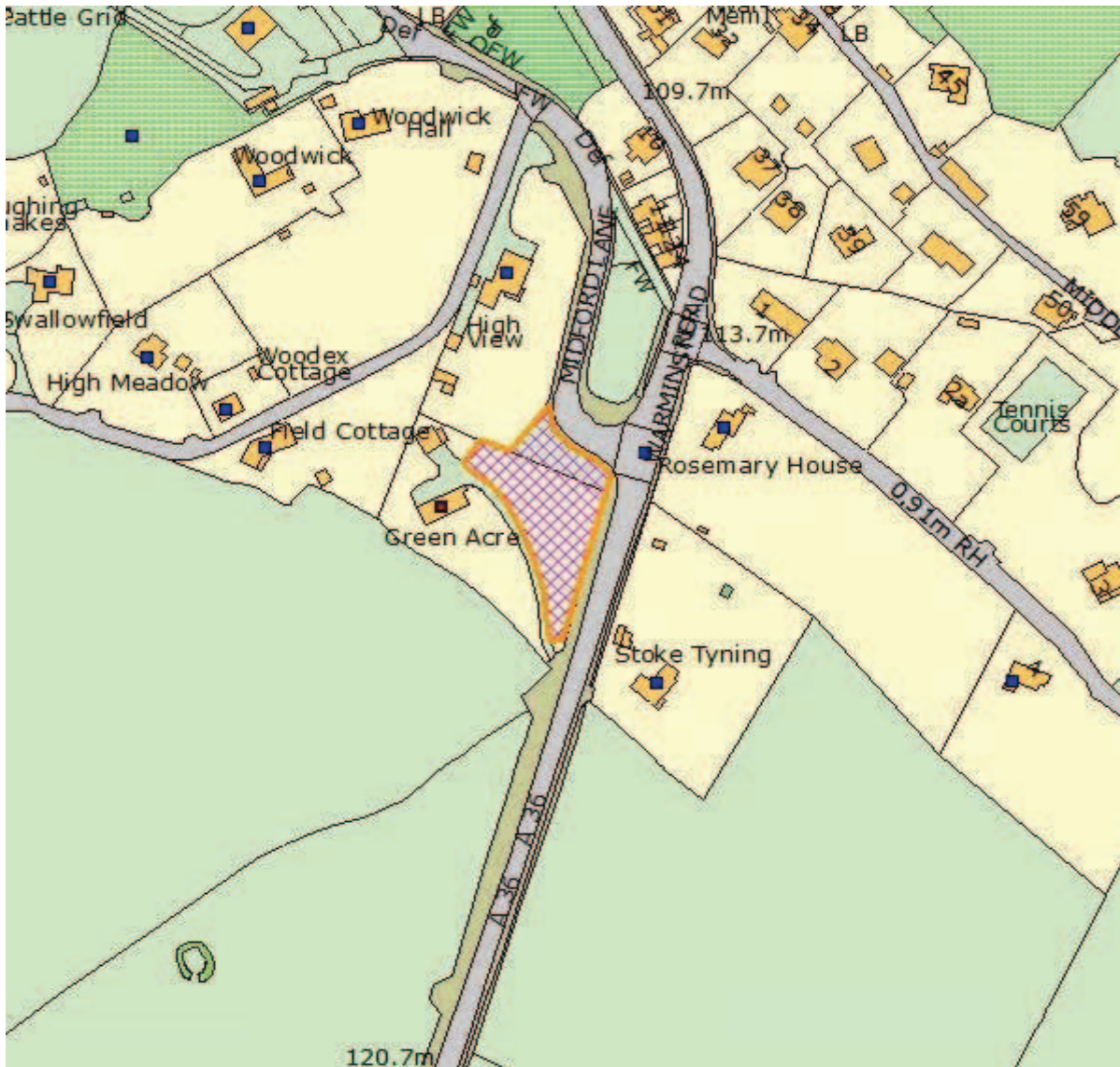
PLANS LIST:

1	OS Extract	07 Apr 2015	01A	LOCATION AND BLOCK PLAN AS EXISTING
	Photo	07 Apr 2015	02	PHOTOGRAPHS
	Drawing	07 Apr 2015	11D	SITE PLAN AS EXISTING
	Drawing	07 Apr 2015	12C	SITE SECTIONS AS EXISTING
	Drawing	07 Apr 2015	13E	SITE AND GROUND FLOOR PLAN AS PROPOSED
	Drawing	07 Apr 2015	14E	SITE AND FIRST FLOOR PLAN AS PROPOSED
	Drawing	07 Apr 2015	15E	SITE AND ROOF PLAN AS PROPOSED
	Drawing	07 Apr 2015	16F	SITE SECTIONS AS PROPOSED
	Drawing	07 Apr 2015	17E	WEST AND SOUTH ELEVATIONS AS PROPOSED
	Drawing	07 Apr 2015	18F	EAST AND NORTH ELEVATIONS AS PROPOSED
	Drawing	07 Apr 2015	19B	GROUND FLOOR PLAN AS PROPOSED
	Drawing	07 Apr 2015	20B	FIRST FLOOR PLAN AS PROPOSED
	Drawing	07 Apr 2015	21B	ROOF PLAN AS PROPOSED
	Drawing	07 Apr 2015	22B	SECTIONS AS PROPOSED
	Drawing	07 Apr 2015	23B	WEST AND SOUTH ELEVATIONS AS PROPOSED
	Drawing	07 Apr 2015	24B	EAST AND NORTH ELEVATIONS AS PROPOSED
	Drawing	07 Apr 2015	25C	LANDSCAPE PLAN AS PROPOSED

2 Decision Taking statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority and the applicant have worked together seeking to overcome reasons for refusal, however it has not been possible to address the fundamental issues outlined above.

Item No: 05
Application No: 15/01712/FUL
Site Location: Greenacre Warminster Road Freshford Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** Freshford **LB Grade:** N/A
Ward Members: Councillor Neil Butters
Application Type: Full Application
Proposal: Erection of 1no. detached dwelling with new vehicular access off Midford Lane and associated works
Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Mineral Consultation, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Mr Peter Pearson
Expiry Date: 10th June 2015
Case Officer: Victoria Griffin

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: The application is being referred to committee following discussion with the Chairman of the Committee.

PROPOSAL: The application seeks permission for the erection of 1 no. detached dwelling and associated works.

SITE LOCATION: Greenacre, Warminster Road, Freshford

DESCRIPTION OF SITE AND APPLICATION: The site sits on the edge of the Northern settlement area for Limpley Stoke. The new dwelling would be accessed from an existing vehicular access off Warminster Road serving the existing dwelling, Green Acre. The site is bordered by an existing high sided stone boundary wall which provides some screening to the site from the road which is set at a lower level. The piece of land itself is an area of orchard linked to the main dwellinghouse, Greenacre.

The dwelling itself is a contemporary single storey building with 3 no. bedrooms (including a guest bedroom), a large open plan living / kitchen space and an attached garage/workshop. It has the appearance of 4 no. interconnected blocks with pitched roof lines and large gables which has been designed to follow the sloping land in this part of the orchard area.

Materials proposed include Ashlar stone to the southern elevation, Rubble stone to the northern elevation, aluminium / timber composite windows and rooflights and dark grey clay plain roof tiles.

The site falls within the Green Belt and is within an Area of Outstanding Natural Beauty.

PLANNING HISTORY:

DC - 09/00397/FUL - Refused, Appeal Dismissed - 6 April 2009 - Erection of a dwelling and garage

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Freshford Parish Council: support in principle an infill dwelling of this type in Freshford, in a Conservation Area, in the Green Belt and in an AONB. With the caveat that if the Neighbourhood Plan was not passed at referendum, this decision would not set a precedent.

The Parish Council's main concern will be to ensure that the design and the materials used will be compatible and in keeping with the area, and that any effect in its vicinity will be minimal, having regard to its location in the Green Belt.

The length of Midford Lane from the A36 to just beyond the proposed entrance to this new house has a 60mph speed limit; thereafter the limit drops to 30 mph. Entrance and exit to this new house would be on the 60 mph stretch of the road with significant sharp bends. In considering this development, safety at the entrance to the driveway of the house must be taken into account, together with the local speed limit.

Ward Member Councillor Butters made the request for referral to Committee as he supports the proposal.

Highways: Object (summarised) - There are very limited services available locally and it is noted that the nearest primary schools and shops are located some distance from the application site. It is clear that the development would be car dependent and that the potential to use alternative sustainable modes would be severely limited. It is noted that there is a bus stop located nearby, however, the bus route only provides six services in each direction per weekday and Saturday (there is no evening or Sunday service).

The highway authority's primary concern is the sustainability of the site and the section of the appeal inspector's decision, in relation to appeal number APP/F0114/A/09/2107204, relating to the site accessibility is provided below. "Irrespective of the site's location outside any defined settlement boundary, I consider that its accessibility to services is poor. Freshford with its school, station and other services is a mile to the east and would require crossing the busy A36 trunk road. The appellant pointed me to two small shops in the vicinity, but all other facilities seemed practically to rely on access by private car. In this respect, I conclude that the development offers little advantage in terms of sustainability".

The application does not provide any information to suggest that the connection with local services has improved, and given the isolated and unsustainable location of the proposals, the response of the highway authority is one of OBJECTION for the following reason:

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 Policy T.1 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007, Policy 1 of the Bath and North East Somerset, Bristol, North Somerset, and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport.

Should the planning authority be minded to approve the application, the highway authority would welcome the opportunity to advise conditions in relation to the access and parking arrangements. Given the site proximity to the A36 trunk road, it is also recommended that Highways England (formerly the Highways Agency) is consulted.

Arboriculture: No objection subject to conditions

Highways Drainage: No objection subject to informative

Representations: 4 letters of support (summarised):

- proposals are sensitive to location
- support local family to live in area
- unlikely to be visible in area

Highway Agency: No adverse impact therefore no objections.

Ecology: The site, which is located in a rural area surrounded by wildlife-rich landscape, comprises a well-vegetated garden containing hedgerows and trees, and strong potential

for use by a range of wildlife, including protected species such as reptiles, bats, badger (for which there are records in close proximity to the site), and nesting birds. Much of the existing vegetation would be affected by or removed to enable this proposal.

An ecological and protected species survey and assessment is required prior to any consent. The application must include details of any necessary ecological mitigation and compensation, with proposals shown on plans and drawings as applicable.

In the absence of this information I regret I must object to the proposal due to insufficient information regarding likely impacts on ecology and protected species, and the risk of harm to protected species.

POLICIES/LEGISLATION

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into force on the 27th March 2012 the following chapters are relevant to this decision:

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 9: Protecting Green Belt land

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

Core Strategy

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

Joint Waste Core Strategy

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

CP6: Environmental quality

CP8: Green Belt

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

D.2 + D.4 - Design and Impact

NE.2 - AONB

GB.2 - Visual amenities of the Green Belt

T.1 - Overarching access policy

Freshford & Limpley Stoke Neighbourhood Plan 2014 - 2039. The Neighbourhood Plan for Freshford & Limpley Stoke has successfully been through examination, and is due to go to community referendum in June/July 2015. In line with para 216 of the NPPF, significant weight can be given to the Neighbourhood Plan at this advanced stage.

OFFICER ASSESSMENT

GREEN BELT CONSIDERATIONS

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.

A sequential approach has been taken in 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:

The proposal for a new dwelling on this site has been the subject of a recent refusal and subsequent appeal that was dismissed by the Planning Inspector who considered that the proposal represented inappropriate development within the Green Belt which failed to preserve the open and rural character of the site. This was preceding the updated policy position of the NPPF (2012) and emerging neighbourhood plan for Limpley Stoke & Freshford (2014).

The proposal is situated within the Northern settlement area for the Neighbourhood Plan area. Paragraph 216 of the NPPF advises that the construction of new buildings is not inappropriate development if it would form limited infilling in villages. The Neighbourhood Plan for Freshford & Limpley Stoke is at a late stage and the NPPF advises that an emerging neighbourhood plan may be a material consideration. The Neighbourhood Plan generally identifies the site as falling within this definition.

VISUAL AMENITY OF THE GREEN BELT/CHARACTER AND APPEARANCE OF THE AREA:

The new dwelling would be of a scale and design which would form a large incongruous dwelling within the grounds of the existing property and would cover a significant area of land. This is exacerbated by the proposed design which seeks to achieve a large amount of residential accommodation and attached workshop/garage. In this respect the proposal by virtue of its size, scale, massing and design, in its position within the garden of the host building would be visually prominent from the main road and surrounding area. The proposal is considered to detract from the rural character of the AONB and openness of this part of the Green belt.

IMPACT ON THE WIDER SETTING: The dwelling would be visually prominent from the main road and surrounding area. The open, rural character of the site as a piece of garden that is presently used as an orchard would be seriously eroded. It is considered that the proposal would have an adverse impact upon the natural landscape qualities in

this part of the Area of Outstanding Natural Beauty which would detract from the open rural character of the site.

DESIGN: The design includes a series of 4 no. single storey pitched roof elements with large gables that has a contemporary urban appearance and which reflects none of the existing features of the existing building or immediate area. It is considered to form a large dwelling within a rural setting that despite the use of high quality materials is considered to be of a scale and design that fails to preserve the rural character of the site.

TREES AND LANDSCAPE: The site occupies an orchard closely linked with the existing dwelling. Whilst some planting is proposed the rural character of the site would be seriously undermined. Nevertheless the Arboricultural officer has raised no objection as a number of trees are to be retained within the site and it is considered with suitable conditions that existing trees can be protected. Nevertheless this is not considered to overcome the issues raised.

ECOLOGY: The Ecology officer has raised an objection due to a lack of information. The site is located in a rural area surrounded by wildlife-rich landscape, that comprises of a well-vegetated garden containing hedgerows and trees, and strong potential for use by a range of wildlife, including protected species such as reptiles, bats, badger (for which there are records in close proximity to the site), and nesting birds. It is considered that much of the existing vegetation would be affected by or removed to enable this proposal.

The agent has confirmed that an assessment is in-hand and would be submitted as soon as possible. This will be reported to Members in an update report at Committee.

OFFICER ASSESSMENT OF HIGHWAY ISSUES: The primary concern here relates to the sustainability of the site as accessibility to services is poor. In the previous appeal decision the Inspector drew upon this issue and noted the concerns with the lack of access to services. The highways officer is of the view that this application does not provide any information to suggest that the connection with local services has improved, and given the isolated and unsustainable location of the proposals, the proposal raises an objection. Nevertheless the Inspector who examined the Neighbourhood Plan accepted that the village was in a sustainable location and despite the lack of amenities in close proximity to this site it is not considered justified as an additional reason for refusal.

RESIDENTIAL AMENITY: There are no immediate neighbours affected by the proposals to justify an additional reason for refusal.

ENERGY EFFICIENCY: The proposed building design has adopted energy efficiency through a building integrated approach, utilising high insulation levels and large glazing on main elevations which are orientated south. This is in order to maximise the thermal performance of the building and is considered to be acceptable.

OTHER MATTERS: The proposal does not raise any other considerations which would represent very special circumstances to outweigh the issues raised.

CONCLUSION: When taken together your Officers are of the opinion that the proposal does not outweigh the harm identified. It would therefore fail to accord with advice

provided in section 9 of the NPPF, policy CP8 of the Core Strategy and saved policies GB.2, D.2 and D.4 of the Bath & North East Somerset Local Plan (2007).

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, by virtue of its size, scale, massing and design, in its position within the garden of the host building would be visually prominent, detracting from the rural character of this part of the Cotswold Area of Outstanding Natural Beauty and the openness of this part of the Green Belt, contrary to saved Policies D2, D4, GB.2 and NE.2 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted October 2007 and policy CP8 of the Core Strategy (Adopted July 2014).

PLANS LIST:

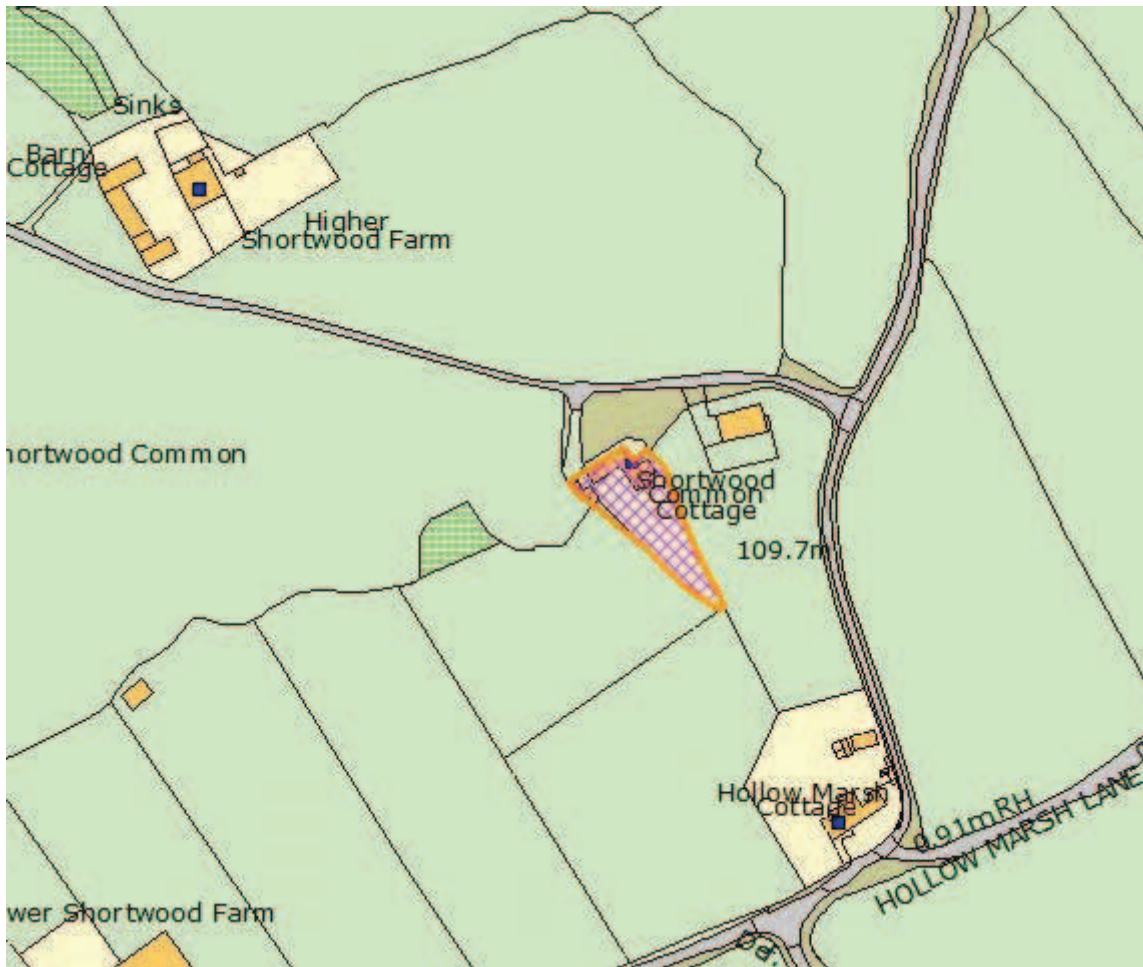
1 This decision relates to the following plans/documents:

1353.P.100 revision B
1353.P.001 revision B
1353.P.002 revision B
1353.P.101 revision B
1353.P.110 revision B
1353.P.111 revision B
1353.P.200 revision B
1353.P.300 revision B
1353.P.201 revision B
1353.P.202 revision B
1353.P.203 revision B
1353.P.301 revision B
1353.P.302 revision B
1353.P.303 revision B

DECISION TAKING STATEMENT:

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

Item No: 06
Application No: 15/01336/FUL
Site Location: Shortwood Common Cottage Hook Lane Hinton Blewett Radstock BA3 4PT



Ward: Mendip **Parish:** Hinton Blewett **LB Grade:** N/A
Ward Members: Councillor T Warren
Application Type: Full Application
Proposal: Erection of two storey side and rear extension following demolition of existing kitchen area and detached garages
Constraints: Airport Safeguarding Zones, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Coal - Standing Advice Area, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs J Hill
Expiry Date: 8th July 2015
Case Officer: Martin Almond

REPORT

This application has been referred to the Development Control Committee due to the support by Hinton Blewett Parish Council and a request from Cllr Warren for the application to be determined at Development Control Committee which is contrary to the

Officer recommendation. These comments are summarised within the Representation Section of this report.

Planning permission is sought for the erection of a two storey side and rear extensions following demolition of the existing single storey side extension and two detached single garages.

Shortwood Common Cottage is positioned at the southern end of Shortwood Common which is an open expanse of land rising gradually to the north. The Common is a Site Of Nature Conservation Interest and the property is located within the Mendip Hills Area of Outstanding Natural Beauty.

Relevant planning history:

No relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Hinton Blewett Parish Council: The dwelling is in a poor condition and requires substantial renovation. The proposed extension which will incorporate much of the footprint of the old garage and include a second storey will considerably enlarge the building. However the design of the extension appears to reflect the character of the host dwelling and its primary elevation will have little detrimental impact on the landscape of Shortwood Common

Cllr Tim Warren: The application is supported by the Hinton Blewett Parish council. The residence is at present in a very bad state of repair; parts of it indeed close to falling down, and it will improve the aesthetics of the area hugely if the refurbishment is carried out

Highways: No highway objection subject to condition relating to the parking area.

Ecology: No objection to the proposal subject to conditions relating to phasing of the work, external lighting and soft landscaping.

One letter of support received summarised as follows:

- The proposal will improve the appearance of the current property.

POLICIES/LEGISLATION

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

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

The following Core Strategy policies should be considered:

CP6 - Environmental Quality

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

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

D.2 General design and public realm considerations
D.4 Townscape considerations
NE.1 Landscape Character
NE.2 Areas of Outstanding Natural Beauty
NE.9 Locally important wildlife sites
NE.10 Nationally important species and habitats
T.24 General development control and access policy

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

OFFICER ASSESSMENT

Planning permission is sought for the erection of two storey rear and side extensions at Shortwood Common Cottage. The proposal also involves the demolition of two single detached garages that are positioned to the side of the property.

CHARACTER AND APPEARANCE

The existing property is a detached part two storey, part single storey property with two single detached garages positioned to the side of the existing property. The property has a two storey rear/side extension of a significant size constructed in the 1970's. From the front of the property the house retains the character of a modestly sized property with traditional detailing and design. Whilst the rear/side extension is large, it is largely obscured from view by the original property apart from the north-east elevation where this extension is visible from the road.

The planning application proposes to demolish the existing garages and the single storey side extension. These will be replaced by a two storey side extension and the erection of two, two storey rear extensions.

At present the width of the existing front elevation is 15.2m and the width of the proposed front elevation will be 21m. At an increase of 6m it is considered that the erection of the two storey side extension will result in a disproportionate addition to the existing dwelling which does not respect or complement the host building.

The proposed two storey side extension replaces the existing single storey side extension and is not set-down for the ridge line of the original property or setback from the front elevation. It is considered that this element of the proposal will dominate the existing dwelling, is not a subservient addition and as this aspect of the proposal is highly visible from public vantage points will have a detrimental impact upon the character and appearance of the existing building.

Whilst not visible from public vantage points, the erection of the two storey rear extensions will result in extensions that increase the bulk of the property and will result in the loss of character to the existing dwelling.

AREA OF OUTSTANDING NATURAL BEAUTY

Saved policy NE.2 of the 2007 local plan states that development which adversely affects the natural beauty of the landscape of the designated AONB will not be permitted. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty and therefore proposals within such designated areas must meet the aims of the local plan and national guidance.

In terms of this application, the site is highly visible from both within and outside of the AONB. Due to the size and position of the proposed extensions and the increase in the built form of the dwelling it is considered that the proposal will result in an adverse impact on the natural beauty of the landscape.

ECOLOGY

The proposal site is in a rural wildlife-rich area and is adjacent to Shortwood Common. Land directly to the north and west of the property is designated as a Site of Nature Conservation Interest (SNCI). The proposed extensions take place within the existing confines of the developed site and it is considered that there will be no detrimental impact upon the SNCI. Initial bat survey building inspection has found long eared bat droppings in the roof voids of the cottage. The scheme proposes to provide mitigation measures within the building and subject to conditions relating to the phasing and completion of the surveys, a limit to external lighting and a soft landscaping scheme there are no objections on ecology grounds.

HIGHWAYS

The property is accessed off Hook Lane by a gravel driveway. The proposed plans identify that there is sufficient off-street parking to accommodate the increase in property size and in addition there is sufficient space to allow vehicles to turn on site. There are therefore no objections on Highway grounds subject to condition.

OTHER ISSUES

The application will not result in a loss of amenity in terms of overlooking or loss of daylight or sunlight due to there being no adjoining or adjacent properties.

CONCLUSION

Whilst the existing cottage is in a state of disrepair and requires renovation and work to bring the standard of accommodation to a modern level it is considered that the current proposal offers an unsympathetic, disproportionate response. Despite being historically extended to the rear the proposed extensions to the cottage will result in a significant loss

of character to the original building and for this and the reasons set out above, the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed two storey side extension will result in a incongruous and prominent addition to the existing dwelling which is not subservient to the existing building and does not complement or respect the host building, the proposal would therefore have a significant and unacceptable impact on the character and appearance of the dwelling itself and the character and appearance of the surrounding area and as such the proposal is contrary to Saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals & waste policies) adopted 2007.

2 The proposed two storey rear extensions will result in incongruous additions to the existing dwelling which will increase the bulk of the property and will result in the loss of character to the existing dwelling and as such the proposal is contrary to Saved Policy D.4 of the Bath and North East Somerset Local Plan (including minerals & waste policies) adopted 2007.

3 The proposed extensions by reason of their size, position and prominence will have an adverse impact upon the natural beauty of the landscape of this part of the designated AONB and as such is contrary to Saved Policy NE.2 of the Bath and North East Somerset Local Plan (including minerals & waste policies) adopted 2007 and Paragraph 115 of the National Planning Policy Framework 2012.

PLANS LIST:

1 This decision relates to drawings 1732-02 P1, 1732-03 P1, 1732-04 P1, 1732-06 P1 dated as received 20th March 2015 and drawings 1732 - 01 P2, 1732 - 05 P2, 1732 - 07 P2 and 1732 - 08 P2 dated as received 1st May 2015.

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Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	1 st July 2015
TITLE:	Tree Preservation Order: Bath and North East Somerset Council (Land Between Meadow Park and Box Road, Bathford No. 7) Tree Preservation Order 2015
WARD:	Bathavon North
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Tree Preservation Order map</p> <p>Letter of objection</p> <p>Officers letter in response to the objection</p> <p>Table with summary of comments in support of the TPO.</p> <p>Bath Chronicle article</p> <p>Officers letter dated 2nd December 2014</p>	

1 THE ISSUE

- 1.1 A Tree Preservation Order titled Bath and North East Somerset Council (Land Between Meadow Park and Box Road, Bathford No. 7) Tree Preservation Order 2015 (“the TPO”) was provisionally made on the 31st March 2015.
- 1.2 The TPO was made in order to protect woodland in a parcel of land shown on the accompanying map which is considered to make a contribution to the landscape and visual amenity of the locality.
- 1.3 An objection letter has been received from Mr P Waters, the owner of the woodland within the TPO.

2 RECOMMENDATION

- 2.1 The Development Management Committee is asked to confirm the Tree Preservation Order entitled Bath and North East Somerset Council (Land Between Meadow Park and Box Road, Bathford No. 7) Tree Preservation Order 2015 without modification.

3 FINANCIAL IMPLICATIONS

- 3.1 Financial: Under the law as it stands the owner of a woodland cannot claim compensation from the Council for making it the subject of a tree preservation order. However if a tree/s within the woodland is/are covered by a tree preservation order, and the Council refuses an application to fell the tree/s, the owner may be able to claim compensation if he or she suffers a loss or damage as a consequence of that refusal.
- 3.2 Staffing: None.
- 3.3 Equalities:
- 3.3.1 The European Convention sets out a number of rights. It is unlawful for a public authority to act in a way which is incompatible with a European Convention right unless the authority could not have acted differently.
- 3.3.2 The Human Rights Act 1998 contains a series of Articles taken from the European Convention. The Articles relevant to the making of a tree preservation order are; Article 6 – the right to be heard before a properly heard tribunal; Article 8 - the right of respect for family and private life and Article 1, Protocol 1 – the peaceful enjoyment of possessions
- 3.3.3 A public authority must not interfere with an individual's human rights unless that interference is proportionate with achieving a legitimate aim. Confirmation of the TPO is however, considered to be a proportionate interference in the wider public interest.
- 3.4 Economic: None.
- 3.5 Environment: The woodland which is the subject of this report makes an important contribution to the visual amenity and landscape in the local area.
- 3.6 Council Wide Impacts: The confirmation of the TPO will involve officers from Legal Services. Officers from Development Management will need to take account of the woodland when considering any application for development or alterations on the site which might affect it.

4 THE REPORT

4.1 Background

- 4.2 The woodland which is the subject of the TPO is a primarily mixed deciduous wood growing on south sloping land surrounded by Meadow Park and Box Road which is visible from Meadow Park, Box Road and the wider landscape to the south.
- 4.3 The Order was made because officers received communications from local residents who were concerned that indiscriminate tree felling had commenced in the woodland which was not at that time protected by a TPO or conservation area designation.
- 4.4 The felling activities on the site were of sufficient significance to result in the Forestry Commission investigating to determine whether a felling licence was required (decision pending at the time of this report) and for the activity to

generate local media interest. An article from the Bath Chronicle posted on 4th April 2015 is attached.

4.5 Councillor Ward requested that the remaining trees were protected as a result of the activities.

4.6 The woodland provides an important visual amenity and contributes to the landscape character of the locality so a TPO was considered appropriate.

4.7 Responses to the Tree Preservation Order

4.8 The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

4.9 Bathford Parish Council has written in support of the TPO and 31 local households have made representations in support of the TPO. A summary of these representations has been attached to this report. The number of representations received in support of the TPO and against the tree felling is unprecedented and demonstrates the amount of community interest in the site.

4.10 One letter of objection has been received from the owner of woodland within the TPO. As a result of this objection the decision on whether the TPO should be confirmed or not must be made by Councillors. Committee Members are advised to read the letter of objection, the summary of the consultation responses and officer's response; all of which are attached.

4.11 The main objections are summarised below.

- i) The owner considers that he was acting on recommendations from the Councils Senior Arboricultural Officer.
- ii) The TPO restricts the management of the land.
- iii) The owner does not think that it is justified that the Council could refuse future maintenance works.
- iv) The TPO has prevented outstanding works from being completed and the owner does not consider that the woodland is safe.

4.12 The objections to the Tree Preservation Order outlined in section 4.11 above have been considered by the Officer and the following comments are made in respect of each point:

- i) The Senior Arboricultural officer sent a letter to Mr Waters dated 2nd December 2014 as a result of concerns expressed by residents in Box Road regarding the trees behind their home (a copy of the letter is attached to this report). The residents had attempted to make contact with Mr Waters but had not received a response. The letter sought Mr Waters' assurance that he was aware of his duty of care under the Occupiers' Liability Acts of 1957 and 1984 and asked if the trees around the perimeter of the land had been inspected regularly to ensure that they posed no undue risk to neighbouring properties. E-mail responses from Mr Waters on 16th February 2015 stated that he had arranged for the thinning out of smaller trees leaving the ground cover so that the larger trees could be assessed. The

significant felling which was subsequently undertaken did not reflect this. An Arboricultural officer visited the site to collect information regarding the activities as result of communications received from residents regarding the tree felling. The findings made by the officer were that the contractor had not been given 'the go-ahead to carry on' as stated in the objection letter.

- ii) The TPO does not prevent reasonable management of the land. Proactive management of woodland is encouraged and supported. The development of a management plan for the site would be supported and could accompany an application for works phased over a number of years. Should any work require a felling licence then the Council would not be able to consider an application. A felling licence would need to be obtained from the Forestry Commission and the Council would be consulted due to the presence of the TPO.
- iii) Applications for works which are supported with sound arboricultural justification will be favourably received. The Council can ensure that Bathford Parish Council and adjacent households are notified of any proposals and have an opportunity to comment.
- iv) The removal of dead or dangerous trees is exempt from the requirement to make an application. The owner indicates that they have sought advice from an arboricultural advisor which is welcomed. The adviser can provide him with guidance on what works would be exempt and, in which case, what the process would be to deal with that particular situation.

4.13 Relevant History

4.14 None recorded.

5.0 LEGAL AND POLICY FRAMEWORK

Tree Preservation Order

5.1 A tree preservation order is an order made by a local planning authority in respect of trees and woodlands. The principal effect of a tree preservation order is to prohibit the:

Cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of trees without the council's consent.

5.2 The law on tree preservation orders is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which came into effect on 6th April 2012 .

5.3 A local planning authority may make a tree preservation order if it appears

“Expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”

5.4 The Council's Arboricultural Officers have a written method for assessing the 'Amenity' of trees and woodlands. This is in keeping with Government guidance, and takes account of the visual impact of trees and their contribution to the landscape, their general overall health and condition, their longevity and their possible or likely impact on services and property.

5.5 This assessment concluded, having taken account of, visual amenity, tree health considerations and impact considerations, that it would be expedient in the interest of amenity to make provision for the preservation of the tree. The TPO was made on 31st March 2015 and took effect immediately and continues in force for a period of six months.

Planning Policy

5.6 Bath and North East Somerset Local Plan including minerals & waste policies 2007

C2.22 'Trees are an important part of our natural life support system: they have a vital role to play in the sustainability of our urban and rural areas. They benefit:

- the local economy – creating potential for employment, encouraging inward investment, bringing in tourism and adding value to property;
- the local environment by reducing the effects of air pollution and storm water run off, reducing energy consumption through moderation of the local climate, and providing a wide range of wildlife habitats;
- the social fabric in terms of recreation and education'

C2.23 'Much of the tree cover in the urban areas is in a critical condition and there is little or no replacement planting for over-mature trees in decline. Infill development has often reduced the space available for planting large tree species. In addition, new tree planting takes many years to mature. The management and retention of significant trees is therefore pressing'

C2.25 'Bath & North East Somerset has a duty under the Town and Country Planning Act 1990 to ensure tree and woodland preservation wherever it is appropriate. The Council will continue to protect trees and woodlands through Tree Preservation Orders (TPOs) as appropriate. There is also a level of protection afforded to trees in Conservation Areas (CAs). However there are many trees of value outside these designations and careful consideration should be given to the removal of any tree'

6. CONCLUSION

6.1 The woodland contributes towards the local visual amenity and is valued by the local community as a result of this and the wildlife which it supports. This is demonstrated by the support from Bathford Parish Council and the unprecedented number of representations received in support of the TPO and against the tree felling from surrounding households.

6.2 Confirmation of the TPO would ensure the retention of the woodland and the woodland designation ensures protection for not only those trees currently present but also trees developing from regenerating stumps, natural regeneration and planting. However, an application supported by sound arboricultural reasons for pruning or felling as the need arose in the future can be made under the TPO if the works proposed do not require a felling licence. The Council will then be able to condition the quality of the workmanship and appropriate replacement planting if considered appropriate.

6.3 In keeping with the Council's commitment to conserve and enhance the environment, it is recommended that the Committee confirm the TPO without modification.

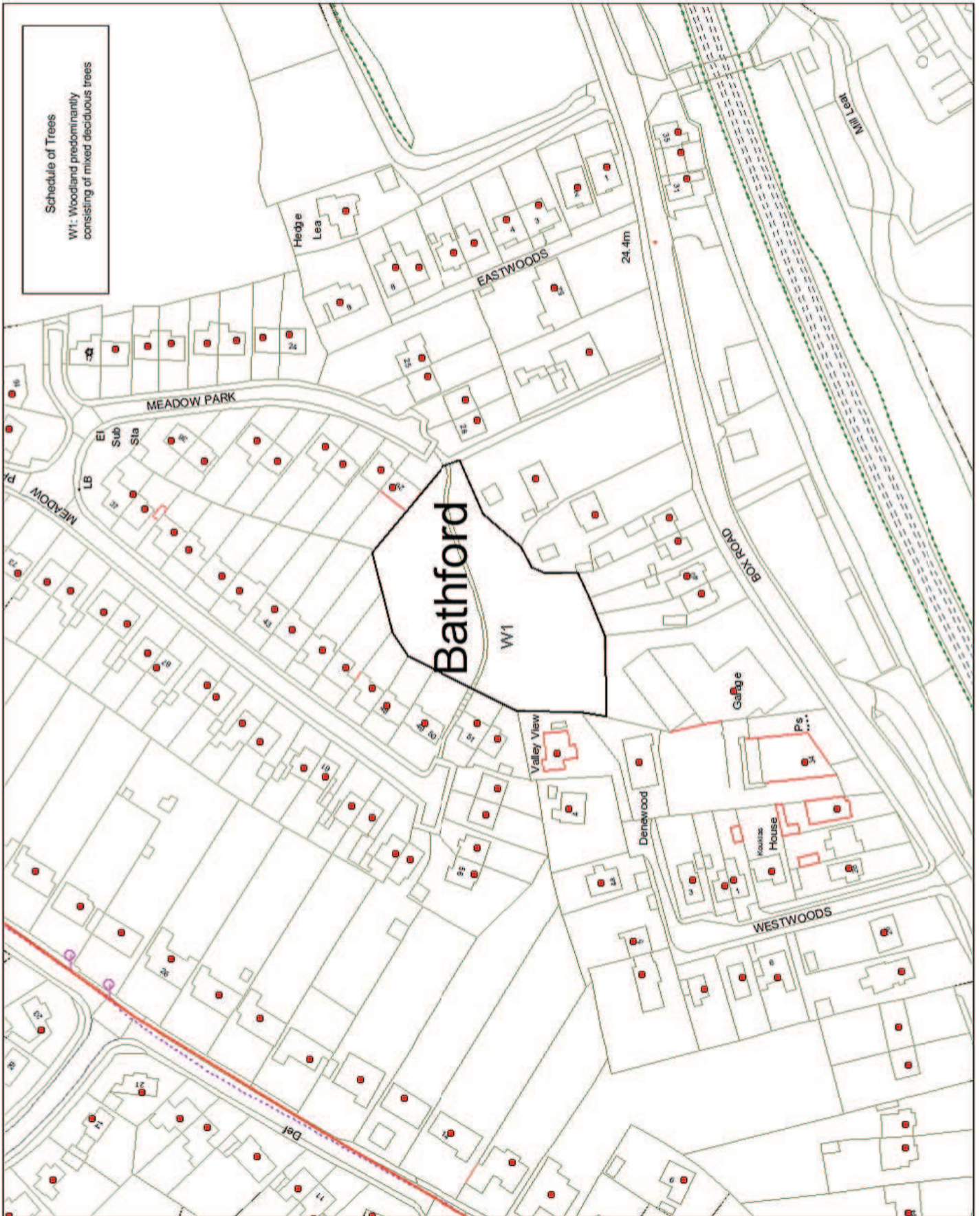
Contact person	Jane Brewer 01225 477505
Background papers	The provisional Tree Preservation Order documentation and correspondence can be viewed by contacting Jane Brewer on the above telephone number.

Scale 1:1250
Date: April 2015
Plan No: 503/7
Grid Ref: ST 787672

Title:
**TOWN AND COUNTRY
PLANNING ACT 1990
BATH AND NORTH EAST
SOMERSET COUNCIL**
(Land Between Meadow Park
and Box Road, Bathford No.7)
**TREE PRESERVATION
ORDER 2015**



**Mark Reynolds, Group Manager
Development Management**



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14/5/15

Dear sir,

- 1) Please be aware that I, as the owner of the affected property, object to the imposition the proposed Tree Preservation Order restricting the management of the field behind Dunsford Landrovers former premises and the neighbouring houses.
- 2). In December 2014 I was alerted via letter by Jane Brewer of BANES to the poor condition of trees which had been allowed to grow wild for some years in what was part of a field left over when Beaser and Co built Meadow Park.
- 3). Accordingly, we took professional advice and decided to remove twenty trees on the North side of the footpath which runs East-West across the middle of the property.
- 4). I personally informed Ms Brewer of our intention to start work and the date we were starting. Ms Brewer subsequently visited the property and spoke to the tree surgeon who tells me that she gave him the go-ahead to carry on. Ms Brewer is the signatory of the proposed TPO which was subsequently issued.
- 5). Once we started clearing the area it became apparent that local people had been dumping their waste in amongst the trees and neighbours had been moving their boundary fences in attempts to purloin my property. They had also cut down a number of trees without my knowledge.
- 6). We also found two car tyres hung from tree boughs as swings which we judged to be dangerous and given the choice of closing the footpath to prevent access on safety grounds or removing the boughs we chose the latter so as not to inconvenience people who used the path as a short cut.
- 7) Although the proposed TPO is vaguely worded and does not refer to any specific trees and merely says that I should ask approval in writing before carrying out future maintenance, the authority would have it in their power to refuse their approval and I do not believe that would be justified. I will still be responsible for the safety of people using the footpath or, indeed, straying from the path to walk their dogs or to play on the property. As things stand at the moment, the tree surgeons have been stood down and I do not consider the place to be safe but my hands are tied and we are not allowed to complete the maintenance.
- 8) If we cannot finish the job we will have to close the footpath which will give rise to far more complaints from residents than the removal of trees ever did.
- 9) The following points should be taken into consideration:
 - i. The land in question at the time the surrounding houses were built was a field .
 - ii. It is not in a conservation area.
 - iii. It is private land.
 - iv. According to our advisor, Alister Rankine, none of the trees on the land are better than grade C.
- 10). We have no plans to cut down any deciduous trees North of the footpath but would like to thin the trees on the South side by removing thin growths in the 6" to 9" range and are advised of a dangerous tree on the Southern boundary which a neighbour has expressed concern about
- 11). I am happy to discuss the future management of the site with BANES and had hoped to have a discussion between our advisor and Ms Brewer before composing this letter but she felt unable to accede to that request due to the unexpected interference by the Forestry Commission brought about by one of the neighbours whose brother works for the Forestry Commission.

12). The work so far has cost me £8000 and has been left unfinished , untidy and possibly dangerous (one tree is half- felled) because of an interfering neighbour .

All I ask is that the works can be completed and the area rendered tidy and safe.

As to the proposed TPO, once the management of the site is agreed between myself and BANES there will be no need for a TPO any more than there has in the past. I ask that the TPO be cancelled once such an accommodation has been reached.

Yours Faithfully

14/5/15.

PETER WATERS

Thistle Barn
Ashley
Box
SN13 8AJ

Date: 4th June 2015
Our Ref: Jkb/503-7
Direct line: (01225) 477505
E Mail: Trees_andwoodlands@bathnes.gov.uk

Mr P Waters
Thistle Barn
Ashley
Box
SN13 8AJ

Dear Mr Waters,

**Town and Country Planning Act 1990
Bath and North East Somerset Council (Land Between Meadow Park and Box Road,
Bathford No.7) Tree Preservation Order 2015**

I acknowledge receipt of your letter of objection in relation to the above Tree Preservation Order.

I have noted in item 2 of your objection that you refer to my letter to you dated 2nd December 2014, copy attached. Please note that the letter was a result of concerns from residents in Box Road. The letter does not state that the trees were in poor condition but seeks your assurance that you were aware of your duty of care and that you arrange for the trees to be regularly inspected.

Your e-mail responses of 16th February 2015 stated that your contractors were thinning out trees and shrubs so that the larger trees could be assessed. The felling which was subsequently undertaken did not reflect the contents of your e-mail. In addition, I noted that the works did not relate to any trees near to Box Road.

Please note that it was not I who spoke to your contractor on site. It was a colleague, Denise Hart, who is an experienced Arboriculturalist. Denise is quite clear that she did not instruct Mr Sykes to continue but did advise him that she were investigating an enquiry from a member of public and was collecting information regarding activity on the site.

Attending to trees which are dead or dangerous is exempt from the requirement to make an application to the Council, however 5 days notice would be necessary. Your advisor, Alister Rankine, is able to guide you on this and how to apply for works which are not exempt.

I note that you have referred to trees being 'grade C' within your letter. This relates to the assessment of trees in relation to development proposals within BS 5837:2012 trees in relation to design, demolition and construction. Recommendations. Should you be considering development of the land I would strongly recommend that you submit a preapplication enquiry.

The Tree Preservation Order is a legal document and the contents of the document is dictated by the relevant legislation. However, more information regarding Tree Preservation Orders is available on the Councils' website at:

<http://www.bathnes.gov.uk/services/environment/trees-and-woodlands/tree-preservation-orders>

The use of the woodland designation, as opposed to groups or individuals, is considered appropriate in view of the wooded nature of the site. The designation not only protects those trees which are currently present but also regenerating stumps, natural regeneration and new planting.

The Council has received representations from 26 local households and Bathford Parish Council in support of the Tree Preservation Order.

I would be pleased to meet you with your arboriculturalist in due course to discuss future woodland management. However, I maintain that the Tree Preservation Order is appropriate and I propose to recommend that the Tree Preservation Order is confirmed.

You have objected to the Order so the decision on whether to confirm the Tree Preservation Order or not will be determined by the Development Control Committee and I will advise you of the date in due course.

Yours sincerely

Jane Brewer
Senior Arboricultural Officer

enc

**Bath and North East Somerset Council (Land Between Meadow Park and Box Road,
Bathford No.7) Tree Preservation Order 2015**

Summary of representations received in support of the Tree Preservation Order.

Address	Summary of Comments
Bathford Parish Council	Support making the TPO permanent. Woodland provides an important visual amenity and contributes to the landscape character of the area. The Council supports the preservation of natural wildlife habitat.
9 Meadow Park	Dismayed at tree felling. Request for TPO to be made permanent. Hope area can regain natural beauty and wildlife.
12 Meadow Park	Destruction of 34 trees not warranted. Area should be restocked. TPO should be made permanent.
13 Meadow Park	Horrorified at tree felling. Lovely patch of woodland, full of wildlife. A haven amongst the estate. Replanting should be undertaken.
15 Meadow Park	A pleasant place with a touch of wilderness where wildlife thrived. Request for the place to be saved and repaired.
17 Meadow Park	TPO should be made permanent and preserved as an amenity woodland. Woodland has been a delight in all seasons, home to flora and wildlife.
18 Meadow Park	Object to the felling. Replacement planting supported.
19 Meadow Park	TPO should be made permanent. Registered extreme displeasure at the felling of trees.
20 Meadow Park	Horrorified by felling. Valued the woodland amenity area as a break in the mass of housing, natural beauty and haven for wildlife and plants. Replanting supported.
25 Meadow Park	Enjoyed observing seasonal changes and birds. New trees should be planted.

27 Meadow Park	Object to the felling of the trees. Home to wildlife. Trees contributed towards a more rural environment. Request for TPO to be made permanent so that no more felling is undertaken without the Councils knowledge or consent.
28 Meadow Park	Disappointed at tree felling, request that woodland is reinstated and further tree felling is prevented.
30 Meadow Park	Horried at felling of 34 trees. Wildlife seen and heard now gone. Was a beautiful part of Meadow Park.
31 Meadow Park	Shocked at tree felling. Haven for wildlife and tranquility. Request that what is left is preserved and that replacement planting is undertaken.
33 Meadow Park – 2 separate representations	Upset at the recent destruction having enjoyed the woodland amenity area. A haven for wildlife. A TPO is supported.
34 Meadow Park	Amenity area has been enjoyed for wildlife and birdsong. Request for TPO to be made permanent and trees replaced.
37 Meadow Park	Saddened by tree felling. Trees are good for the environment and health of residents. Would like to see trees replanted.
38 Meadow Park	Support for the TPO to be made permanent. The woodland provides important visual amenity and contributes to the landscape and character of the area. Replacement planting should be undertaken.
41 Meadow Park	Support the TPO. Woodland provides space for wildlife, much loved part of neighbourhood and integral part of Meadow Park Horror at tree felling, trees should be replaced.
45 Meadow Park	Visual amenity and wildlife appreciated. Appalled at wide scale tree felling. Replanting should be undertaken.
46 Meadow Park – 2 separate representations	Support the TPO Upset by felling, lost an important natural habitat. Road noise is more noticeable. Replanting supported

47 Meadow Park - 3 separate representations	Grown attached to the woods. Wood used to be quiet, peaceful and serene with abundance of wildlife. Felling more than 30 trees has ruined a portion of it. Support TPO and would like TPO made permanent. An important amenity to local community. Pleasant aspect of the estate, interesting nature to watch. Beautiful trees, flowers and wildlife. Woodland should be restored.
48 Meadow Park	Support for the TPO to be made permanent. Devastated by recent tree felling. Area of natural beauty and an area of calm with abundant wildlife. Would encourage replanting.
49-50 Meadow Park – 3 separate representations	Request that the TPO is made permanent Wooded area is part of the essential character of the locality, visual amenity, nicer character. Considered that the wood adds positively to air quality and reduction of air and noise pollution. Replanting supported.
51 Meadow Park	Distressed at unnecessary felling. The trees are part of the identity of the neighbourhood offering pleasant views and special ambience. The woodland is a sanctuary for wildlife, there is no other green space with mature trees within the development. Support the TPO being made permanent.
53 Meadow Park	Trees are home to wildlife and source of pleasure. Support the TPO being made permanent. Request replanting.
54 Meadow Park – 2 separate representations	Woodland should be preserved. Helps support local wildlife. Cherished wood and enjoyed the beauty. Replanting should be carried out. Request for the TPO to be made permanent.
60 Meadow Park	Woodland provides a visual pleasure and sanctuary for wildlife.
62 Meadow Park	Request that no further damage is caused to the woodland . Support for the TPO to be made permanent. Replacement planting should be undertaken.

65 Meadow park	Nature reserve, attracting birds to the area. Request that trees are replanted and that the TPO is made permanent.
68 Meadow Park	Offers an oasis in the area. Enjoy watching seasonal changes in the trees and wildlife. Upset by tree felling. Support for TPO
46 Box Road	Value the bird life supported by the woodland. Support for permanent TPO.



Meadow Park residents stand where the trees were chopped down

Comments (0)

The Forestry Commission is investigating the felling of over 30 trees at a 100-year-old meadowland in Bathford.

Residents at Meadow Park shocked by the felling are waiting for a report to see if the trees have been chopped down illegally.

Workers began clearing the woodland on March 23, but stopped work on March 25 after residents contacted the Forestry Commission.

The Forestry Commission is responsible for protecting and expanding Britain's woods and forests, and is able to prosecute for illegal tree felling.



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A felling licence from the Forestry Commission is needed in order to fell five cubic metres of timber in one calendar quarter, for example January to March.

Until 2006, residents at Meadow Park paid West of England Estate Management Limited for ongoing maintenance of the woodland as part of their lease.

However, at the end of 2007 the land was sold. The Forestry Commission is now investigating who owns the land.

Hope Blamire lives at Meadow Park and said the woodland has been a community amenity area since the houses were built in 1964.

She said: "When I moved here five or six years ago, I was told I would have to pay this maintenance fee to pay for the upkeep of the footpath.

"It started three weeks ago when they started thinning out the trees claiming they were removing dangerous trees with ivy.

"It's horrible and everyone is up in arms about it. If they take away anything over five cubic metres they must have a felling licence."

Experts at the Forestry Commission are putting a report together and have been up to the site to number the tree stumps and measure the volume of the trees.

A Forestry Commission spokesman said: "We are investigating reports of a suspected unlicensed tree felling on land adjacent to Meadow Park, Bathford, including measuring the stumps and remaining felled trees.

"When we know who the landowner/manager and contractors are, they will be advised not to fell any more trees on the site, and a decision on enforcement action will be made by our National Office for England."

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- [Report this article](#)

From the Web

by Taboola

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Date: 2nd December 2014
Our Ref: Jkb/TS
Direct line: (01225) 477505
E Mail: Trees_andwoodlands@bathnes.gov.uk

Mr P Waters
Hayesbrow
Hayesfield Park
Bath
BA2 4QE

Dear Mr Waters,

Field Between Meadow Park and Box Road, Bathford BA1 7DY Tree Safety

The Council has received correspondence from a resident concerning the safety of trees growing on the land referred to above to the rear of 38 Box Road.

The resident has resorted to contacting the Council because they have written to you as the land owner but have received no response.

Under the Occupiers' Liability Acts of 1957 and 1984 the occupier of a site has a duty to take reasonable care to prevent or minimise the risk of personal injury or damage to property arising from any tree on their site.

Should you require more guidance, the National Tree Safety Group has published guidance for land owners, managers and advisers titled Common Sense Risk Management of Trees which is available at [http://www.forestry.gov.uk/PDF/FCMS025.pdf/\\$FILE/FCMS025.pdf](http://www.forestry.gov.uk/PDF/FCMS025.pdf/$FILE/FCMS025.pdf)

I would be grateful for your assurance that you are aware of your duty of care and will ensure that the trees around the perimeter of your land are inspected regularly to ensure that they pose no undue risk to neighbouring properties.

Yours sincerely

Jane Brewer
Senior Arboricultural Officer
Planning Services

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	
RESPONSIBLE OFFICER:	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 14/05070/FUL
Location: 26 South Avenue Oldfield Park Bath Bath And North East Somerset BA2 3PZ
Proposal: Erection of detached dwelling to the land rear of 26 and rearrangement of parking following demolition of existing garage.
Decision: REFUSE
Decision Date: 5 March 2015
Decision Level: Delegated
Appeal Lodged: 28 May 2015

App. Ref: 14/05821/LBA
Location: Claremont Villa Camden Road Beacon Hill Bath Bath And North East Somerset
Proposal: Internal and external alterations to include alterations to lower ground and ground floor and installation of flue and window to the rear elevation.
Decision: REFUSE
Decision Date: 9 March 2015
Decision Level: Delegated
Appeal Lodged: 4 June 2015

App. Ref: 14/04988/FUL
Location: Daffodil Junction Main Street Farrington Gurney Bristol Bath And North East Somerset
Proposal: Erection of two-storey rear extension and erection of single-storey front porch extension. (Resubmission)
Decision: REFUSE
Decision Date: 15 January 2015
Decision Level: Delegated
Appeal Lodged: 5 June 2015

App. Ref: 15/00139/AR
Location: Curo The Maltings River Place Twerton Bath
Proposal: Display of 1 no. externally illuminated disc shaped fascia sign
Decision: REFUSE
Decision Date: 12 March 2015
Decision Level: Delegated
Appeal Lodged: 15 June 2015

App. Ref: 15/00140/LBA
Location: The Maltings River Place Twerton Bath BA2 1EP
Proposal: External work to facilitate the installation of an externally illuminated disc shaped fascia sign
Decision: REFUSE
Decision Date: 12 March 2015
Decision Level: Delegated
Appeal Lodged: 15 June 2015

APPEALS DECIDED

App. Ref: 14/04538/FUL
Location: 52 Albert Avenue Peasedown St. John Bath Bath And North East Somerset BA2 8JD
Proposal: Erection of a 2 storey, 3 bedroom house at the end of existing terrace.
Decision: REFUSE
Decision Date: 2 December 2014
Decision Level: Delegated
Appeal Lodged: 5 February 2015

Appeal Decision: Dismissed on 01.06.2015

Click [here](#) to view the Appeal Decision

App. Ref: 14/05221/CLPU
Location: 36 Dafford Street Larkhall Bath BA1 6SW
Proposal: Installation of double glazed windows to replace existing timber sash windows. (Certificate of Lawfulness for a Proposed Development)
Decision: REFUSE
Decision Date: 7 January 2015
Decision Level: Delegated
Appeal Lodged: 9 March 2015

Appeal Decision: Allowed on 08.06.2015

Click [here](#) to view the Appeal Decision

App. Ref: 14/03061/OUT
Location: Janton Eckweek Lane Peasedown St. John Bath Bath And North East Somerset BA2 8PH
Proposal: Erection of detached bungalow.
Decision: REFUSE
Decision Date: 23 October 2014
Decision Level: Committee

Appeal Lodged: 09 April 2015

Appeal Decision: Allowed on 10.06.2015

Click [here](#) to view the Appeal Decision

FORTHCOMING HEARINGS & INQUIRIES

App. Ref: 13/03562/OUT
Location: Parcel 3300 Temple Inn Lane Temple Cloud Bristol
Proposal: Development of the site for residential purposes (approximately 70 dwellings), with associated public open space, landscaping and parking. Primary vehicular access from Temple Inn Lane to be determined, (internal access, layout, scale, appearance and landscaping reserved for subsequent approval).
Decision: REFUSE
Decision Date: 11 September 2014
Decision Level: Committee
Appeal Lodged: 25 November 2014

Inquiry to be held between 30th June & 3rd July at Fry Club, Keynsham.

App. Ref: 14/03356/OUT
Location: Former St Nicholas Vc Infant School Church Street Radstock
Proposal: Erection of 6 no. 2 bedroom dwellings with associated parking, cycle store, refuse store and children play space following demolition of previous school premises (Resubmission)
Decision: REFUSE
Decision Date: 17 September 2014
Decision Level: Delegated
Appeal Lodged: 27 April 2015

Hearing to be held on 14th July at Wansdyke Business Centre, Radstock Road, Midsomer Norton.

App. Ref: 14/03357/FUL
Location: Former St Nicholas Vc Infant School Church Street Radstock
Proposal: Demolition of previous school premises
Decision: REFUSE
Decision Date: 26 September 2014
Decision Level: DELEGATED
Appeal Lodged: 27 April 2015

Hearing to be held on 14th July at Wansdyke Business Centre, Radstock Road, Midsomer Norton.

App. Ref: 13/00658/FUL
Location: Mirage Inks Ltd Coombend Radstock
Proposal: Conversion of former colliery winding house and erection of new apartment block to provide 14no. 2-bedroom dwellings with ancillary parking and new site access from Coombend following demolition of redundant industrial buildings and structures
Decision: REFUSE
Decision Date: 29 July 2014
Decision Level: DELEGATED
Appeal Lodged: 14 April 2015

Hearing to be held on 28th July at Brunswick Room, Guildhall, Bath.

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