

Democratic Services

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Date: 3 June 2015
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To: All Members of the Development Management Committee

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

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

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Management Committee: Wednesday, 10th June, 2015

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 10th June, 2015** at **2.00pm** in the **Council Chamber - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 9th June in the Brunswick Room, Guildhall, 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, 10th June, 2015
at 2.00pm in the Council Chamber - Guildhall, Bath**

A G E N D A

1. ELECTION OF CHAIRMAN

2. EMERGENCY EVACUATION PROCEDURE

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

3. ELECTION OF VICE CHAIRMAN (IF DESIRED)

4. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

5. DECLARATIONS OF INTEREST

At this point in the meeting, declarations of interest are received from Members on 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 or a member of his staff before the meeting to expedite dealing with the item during the meeting.

6. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

7. 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 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.

8. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

To deal with any petitions or questions from Councillors and where appropriate co-opted members.

9. MINUTES OF PREVIOUS MEETING (PAGES 9 - 14)

To approve as a correct record the Minutes of the previous meeting held on 29th April 2015

10. PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 15 - 40)

11. ANNUAL REPORT 2014/15 (PAGES 41 - 50)

To note the report

12. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 51 - 60)

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.

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 29th April, 2015

Present:- Councillor Gerry Curran in the Chair

Councillors Patrick Anketell-Jones, Rob Appleyard, Neil Butters, Sally Davis (In place of Vic Pritchard), Les Kew, Dave Laming, Malcolm Lees, Bryan Organ, Manda Rigby, Caroline Roberts (In place of Ian Gilchrist), Martin Veal and David Veale

Also in attendance: Councillors David Dixon, Will Sandry, Jeremy Sparks and Ben Stevens

139 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

140 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

141 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Ian Gilchrist and Vic Pritchard whose respective substitutes were Councillors Caroline Roberts and Sally Davis

142 DECLARATIONS OF INTEREST

There was none

143 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

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

The Senior Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on the planning application in Report 9 and the Enforcement Item in Report 10 and they would be able to do so when reaching those items on the Agenda

145 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none. However, the Chair referred to a matter raised by Councillor Ian Gilchrist at a previous meeting relating to the discharge of conditions at Beechen Cliff School and his undertaking to look into the matter. He stated that he had spoken to the Chairman of the Widcombe Residents Association and Planning Officers about the matter. The Chair informed the meeting that he considered that the School had followed proper procedures and that the conditions had been discharged correctly. He advised that interested parties needed to write to the Planning Department if they required any further information.

146 MINUTES: 8TH APRIL 2015

The Minutes of the meeting held on Wednesday 8th April 2015 were approved and signed by the Chair subject to the words "...of the roofscape" being inserted after "design ..." in the 5th paragraph of Minute 136 relating to No 43 Upper Oldfield Park, Bath.

147 PLANS LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- A report by the Group Manager – Development Management on an application for variation of a planning permission at Filer's Coaches, Wick Lane, Stanton Wick
- Oral statements by members of the public etc., the Speakers List being attached as *Appendix 1* to these Minutes

RESOLVED that, in accordance with their delegated powers, the application be determined as set out in the Decision List attached as *Appendix 2* to these Minutes

Filer's Coaches, Wick Lane, Stanton Wick – Variation of Condition 4 of application WC6174/E to increase number of coaches kept on site from 12 to 20 (Continued use of land as a coach depot on land at Pensford Colliery, Pensford) – The Case Officer reported on this application and his recommendation that permission be refused. He referred to the recent planning history of the site and advised that the references in the report to Policy GB1 of the Local Plan should instead read Policy CP8 of the Core Strategy.

The public speakers made their statements against and in favour of the proposal which was followed by a statement by the Ward Councillor, Jeremy Sparks, supporting the application.

Councillor Dave Laming drew attention to the type of coach using the depot and whether the situation would be different if it was a double decker. The Case Officer responded that it could be any type of coach and that there was potential for that now or in the future. The fallback position was for 12 coaches.

Councillor Les Kew referred to the previous industrial use of the site and the local area and gave reasons why he supported the proposal. He referred to the NPPF and stated that, in his view, the expanded operation should be located on this site in the Green Belt. The business served the local community and provided local employment. If it were situated elsewhere, then resources would be wasted travelling from other locations. He did not accept that there were suitable alternative sites and pointed out that employees would have to travel to any new site which would increase traffic on the roads. This was an increase of an already permitted use; the access road was not narrow, there was no highway objection. In summary, he felt that this was appropriate development in the Green Belt which did not harm the openness of the Green Belt and he was also satisfied that the development would not encroach into the countryside. He therefore moved that the recommendation be overturned and that Officers be delegated to grant permission subject to appropriate conditions. These would include coaches being kept in designated areas and disused coaches not being retained on site. The motion was seconded by Councillor Dave Laming.

Members debated the motion. Councillor Malcolm Lees queried whether a boundary fence should be erected around the red line of the site to prevent encroachment onto the adjoining land. The Case Officer responded that this could be done and because it was not easy to see where the boundary was and there was a danger of coaches accidentally parking on the adjoining land. The mover and seconder agreed that this condition be included. There was further discussion about the proposal and the issue was raised as to whether access to the adjoining land would be prevented by the erection of a fence. It was stated that an appropriate gate could be included in the boundary fence. The Team Manager – Development Management clarified the reasons for granting permission, namely, that this was considered to be that this was part of the local transport infrastructure which based on the information submitted had demonstrated a requirement for a Green Belt location, the openness of the Green Belt would be maintained, there would be no detrimental effect on residential amenity and there was an existing permission for parking of coaches on the site. There would be conditions by the Highways Officer to be included as set out in the report in addition to a condition ensuring that no disused vehicles were stored at the site.

The motion was put to the vote and was carried unanimously.

148 ENFORCEMENT REPORT - 43 UPPER OLDFIELD PARK, BATH

Referring to the Committee's decision at its previous meeting to refuse retrospective planning permission for the erection of 14 residential apartments with parking and shared grounds at the above property, the Committee considered a report by the Group Manager – Development Management which set out the issues to be considered on this matter and concluding that an Enforcement Notice be served accordingly.

The Senior Planning Officer reported on the matter with a power point presentation.

The public speakers made their statements in favour of and against the proposed enforcement action. The Ward Councillor for Widcombe, Councillor Ben Stevens, and the Ward Councillors for Oldfield, Councillors Will Sandry and David Dixon, made statements in support of enforcement action.

The Senior Planning Officer referred to a number of errors in the report relating to dates, namely, last line of page 50 of the Agenda should read 12th September 2014 (not 2012), 2nd line of page 52 should read 8th April 2015 (not 2014), and 3rd paragraph of page 52 should read 20th April 2015 (not 17th). She stated that an appeal had been lodged against the refusal of planning permission and that, despite the Developer's written indication that the building could be modified, no amended plans had been received. She further reported on the number of representations received for and against enforcement action and that Historic England supported enforcement action. In response to an enquiry by the Chair, she set out the options available to the Committee to resolve the matter.

After some questions by Members for clarification, Councillor Martin Veal expressed disappointment that there was a substantial disparity between the building and the approved plans resulting in an unauthorised building in a sensitive site. However, he felt that total demolition was not the answer and therefore moved that the report be deferred pending the decision of the Planning Inspectorate on the appeal. The motion was not seconded.

Councillor Dave Laming referred to correspondence from the Developer regarding building control and the use of a steel frame and sought clarification to which the Chair responded. The Senior Planning Officer advised that the Building Control issues were separate to the planning issues and she had not been involved in discussions regarding the steel frame. Councillor Dave Laming then moved the Officer recommendation set out in the report, namely, to delegate authority to the Officers to issue an Enforcement Notice requiring the demolition of the building and the restoration of the site within 6 months. The motion was seconded by Councillor Rob Appleyard.

Members debated the motion. Some Members considered that total demolition was unnecessary and that enforcement action could be deferred pending the outcome of the appeal against refusal of permission. Other Members considered that enforcement was the logical conclusion as the building was unauthorised. A clear message needed to be sent to the Developer that such works would incur serious consequences. The integrity of the planning system and of this Committee was at stake. A blatant disregard had been shown for the planning process and this Committee were in a position to show its integrity by taking enforcement action.

After a full discussion, the Chair summed up the debate and put the motion to the vote which was carried, 9 voting in favour and 4 against.

(Note: After this decision at 3.35pm, the Committee adjourned for 10 minutes for a comfort break)

149 MEMBERS' PLANNING CODE OF CONDUCT

The Committee considered the report of the Group Manager – Development Management which updated the Members Planning Code of Conduct having taken into account recent Government advice.

The Principal Solicitor reported on the matter stating that the final version - which would take into account the comments of this Committee and the Standards Committee - would be submitted to full Council for approval.

Members discussed the revised Code of Conduct particularly with regard to the section on gifts and hospitality. The definition of “minimum” was queried. It was considered that caution on such matters should be exercised at all times and that, if in any doubt, Members could declare any gifts or hospitality.

It was then moved by Councillor Les Kew and seconded by Councillor Dave Laming and:

RESOLVED to endorse the revised Code of Conduct and recommend it to full Council for approval.

150 OFFICER DELEGATIONS

The Committee considered the report of the Group Manager – Development Management inviting the Committee to approve the amended Scheme of Officer Delegations which were required in order to (a) reflect the Council’s powers and duties under the Community Infrastructure Levy (CIL) Regulations 2010; and (b) update the Scheme in respect of planning obligations under S106 of the Town and Country Planning Act 1990.

The Principal Solicitor stated that the CIL amendment required further work and was therefore withdrawn.

The Committee approved the amendment to the Scheme as regards entering into planning obligations including the modification, discharge, variation and release of planning obligations (S106 Agreements).

151 QUARTERLY PERFORMANCE REPORT - JANUARY TO MARCH 2015

The Team Manager – Development Management referred to the large number of applications dealt with by the Department recently due to developers pre-empting the imposition of the CIL Levy which took effect from 6th April. The Chair referred to the Award presented (at 10 Downing Street) to Planning Officers for their performance in dealing with major planning applications. On behalf of the Committee, he thanked the Officers for their hard work and efforts.

The report was noted.

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

The Team Manager – Development Management stated that the Department had been shortlisted for an RTPi Award in 2 categories.

It was noted that all 7 recent appeals had been dismissed by the Planning Inspectorate.

The report was noted.

The meeting ended at 4.00 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	10th June 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	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

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

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

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

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

The following notes are for information only:-

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

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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	14/05823/FUL 6 March 2015	Ms Marian Sange 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.	Widcombe	Sasha Berezina	REFUSE
02	14/03990/FUL 10 April 2015	Green Switch Developments Ltd Parcel 2900, Greenhouse Lane, Nempnett Thrubwell, Bristol, Installation of a solar park with an output of approximately 4.76MW on land associated with Howgrove Farm.	Chew Valley South	Chris Griggs- Trevarthen	PERMIT

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

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
Ward Members: Councillor I A Gilchrist Councillor Jasper Martin Becker
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

REPORT

Reason for Referring Application To Committee

This application has been brought to Committee at the request of the Group Manager, Development management.

The application site relates to a plot of land, adjacent to the Abbey View allotments and the Kennet and Avon Canal in the area of Widcombe, close to the city centre of Bath, within the Bath Conservation Area and the World Heritage Site. The area along the canal is a Site of Nature Conservation Interest. The Kennet and Avon cycle route and public towpath run along the northern bank of the canal.

The site is located in the south-west corner of the allotments, which are set on the lower slopes of the hillside rising to the south of the Kennet and Avon Canal. This open area is framed by a number of listed buildings and structures, the nearest being Kennet and Avon Canal Wash House lock and bridge situated between the Canal and the application site.

The plot is accessed over the footbridge, which also affords access to Abbey View Allotments. There is no vehicular access to the site.

This is a full application for the erection of a three-bed dwelling and with a separate annexe. The buildings would cover the majority of the site and follow the triangular shape of the plot.

The dwelling is of modern design combining flat-roofed and very shallow pitch elements. The accommodation would be arranged over two stepped floors, with majority of fenestration facing onto the canal. The external finishes would feature reclaimed ashlar stone and buff coloured render under sedum roofs with pressed black metal roof edging.

RELEVANT HISTORY

None

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: No objections, subject to conditions

Drainage: No objection, subject to condition

Environmental Health: No comments

Arboriculture: No objection, subject to conditions

Ecology: No objection, subject to conditions

Archaeology: No objection, subject to condition

Parks and Green Spaces: Raise concerns that the allotment access is retained, any planting does not shade the allotments and any access required to construct the property must be agreed.

Canal and River Trust: Concern over access to the site but recommended conditions to address this.

Georgian Group: Object to the proposal, raising the following points;

- Low urban density of the surrounding area
- The previous buildings were not in situ when the conservation area and World Heritage Site were designated
- Proposal would detrimentally impact the setting of adjacent listed buildings
- Unrelated to the historic setting
- Fail to preserve or enhance the conservation area
- Design and siting would be harmful to the setting of the lock

Representations: 9 letters of objection received (from 6 interested parties), raising the following points;

- Contrasts with the built form
- Fails to preserve or enhance the character of the conservation area
- Proposed design is taller and more dominant than previous cottages
- Large windows are obtrusive to the private part of the canal
- Concerns over access
- Pressure for further hard standing will be harmful to the setting of the bridge
- Concern over public land becoming private
- Pressure for the trees to be felled
- No guarantee the development will be car free
- How will the services be achieved_
- Issues regarding land ownership (Officer note: The applicant is satisfied that they have signed the correct ownership certificates)
- Will set a precedent
- Concern over impact on wildlife
- Buildings are out of scale
- Misleading information in the submission
- Concern over disruption from the building works on the towpath
- Object to the principle of development
- Previous development on the site should not be an argument for future development
- Fails to recognise the importance of the open space
- Development will change the grain of the area
- Size is excessively large
- Is the site previously developed land_
- Concern over light spill
- Suggest the application be considered by the Development Control Committee
- Incongruous design

- Fails to relate to local context
- Adverse impact on bats
- Concern over loss of trees

2 letters of comment received, raising the following points;

- Concern over access to the site
- Concern over the impact of the building works
- Canal and River Trust should be consulted regarding restrictions on the use of the towpath
- No objection in principle
- Inadequate information submitted regarding accessing the property

2 letters of support received, raising the following points;

- Imaginative contemporary design on a brownfield site
- Pedestrian access alleviates highways concerns
- Beneficial impact on the area
- Plot needs developing
- Contemporary design is better than mock historic
- Design is well considered

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

DW1 - District wide spatial strategy

B1 - Bath spatial strategy

B2 - Central Area strategic policy

B4 - The World Heritage Site and its Setting

CP2 - Sustainable construction

CP6 - Environmental quality

CP10 - Housing mix

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

D.2 - General design and public realm considerations

D.4 - Townscape considerations

SC.1 - Settlement classification

BH.2 - Listed Buildings and their Setting

BH.6 - Conservation Areas

BH.15 - Visually important open spaces

T.24 - General development control and access policy

T.26 - On-site parking and servicing provision

NE.4 - Trees and Woodlands

NE.10 - Nationally important species and habitats

National Planning Policy Framework (2012) and Practice Guidance (2014)

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. The NPPF defines previously developed land as "land which is or was occupied by a permanent structure, including the curtilage of the land." However, it specifically excludes "land that was previously developed but where the remains of the permanent structure has blended into the landscape in the process of time." Given the passage of time since the demolition of buildings, the land is not considered to be previously developed. However this does not preclude the development of this site, if it complies with local and national policy.

IMPACT ON THE WORLD HERITAGE SITE, THE CONSERVATION AREA AND ADJACENT LISTED BUILDINGS

The site is located in a highly prominent and sensitive location within the Bath Conservation Area and on the canal towpath, in one of the areas that make a special contribution to the outstanding universal values of the City as a whole. The significance of The Kennet and Avon Canal is complex due to its many facets - built, natural, social and cultural - and its cumulative nature. Within the Conservation Area the canal towpath is inextricably linked to both the natural and man-made qualities of its environment. Despite the existence of a busy transport link and the substantial high-density urban area nearby, the canal has managed to retain a quiet and unspoiled semi-rural character. This part of the Conservation area appears markedly more rural and less densely developed when compared to its wider City surrounds. The intimate character of the canal corridor is enhanced by the dramatic backdrop of the Bath topography, and a visitor experiences a sequence of views walking along the canal as it meets the River Avon. These include the presence or absence of buildings and structures, boundary vegetation, canal boats and ancillary equipment.

As well as its local contribution to the Conservation Area, this part of the City also reflects how the wider Bath's urban and landscape spaces are interlinked and flow organically,

and that visually (and at times physically) draw in the green surrounding countryside to create a distinctive garden city feel.

The section of the canal, which comprises the application site, is characterised by a continuous line of small scale buildings and boundary walls to the north and an open hill slope with allotments to the south edged by a line of bank hedges/vegetation and occasional trees. The mature poplar in the west corner forms a prominent green feature, especially when approaching from the east or up the access lane from Pulteney Road. The listed Wash House lock and bridge currently enjoy an uninterrupted backdrop of vegetation.

It is noted that the site used to contain cottages, which are understood had been demolished in the 1950s. However, the land is now undeveloped and visually unmistakably belongs to the wider allotment land, which in turn forms an important part of the conservation area.

The proposed two-storey split level dwelling would face the canal and introduce a sense of enclosure in this part of the locality. The newly created residential curtilage would stretch by approx. 40m along the bank. The façade (up to 6.5m in height) would be set back from the boundary by 4.8m. It will feature some landscaping to the front and will be split into two modules with a 5m gap in-between. Yet, it is considered that the physical presence of these building forms to the towpath would be continuous and appear as wide as the site itself.

The view up the access lane past the built-up frontage of Caroline Buildings would change. Instead of the rolling hillside backdrop, the passer-by would see an alleyway being visually terminated by what would seem another tier of buildings.

The proposed house would be inserted into a corner of the largely undeveloped land beyond the existing grain of development, on an isolated piece of land surrounded by open allotment land and the wooded boundary of Cambridge Lodge. Whilst there are no significant concerns with regards to the modern design, the proposed development would appear overly-assertive and discordant with the character of its immediate surroundings, being cramped into its isolated plot without any discernible relation to its surroundings. As a result, the setting of the listed bridge and lock would be detracted from and their visual significance diminished. It is also considered that an over-tight fit coupled with the bulk of the building would be particularly in contrast with the open land surrounding it, failing to preserve or enhance the sense of openness and undeveloped character of the south bank, which is so important for the character and appearance of the Conservation Area in this location. In the wider sense, this would also detrimentally affect the flow of the green and built-up spaces in the heart of the World Heritage Site.

TREES

Concern has been also raised about the loss of the trees on the site and the impact of this on the conservation area. The existing Poplar is a young tree and has the potential for further growth. Given its location relative to the towpath and the allotments, it is likely that it will require regular work in order for it to be safely maintained and this work can result in a truncated appearance to the tree, which would be detrimental to the visual amenity of the area. The existing yew tree is a small tree and has a poor shape, therefore is of little

visual amenity value. The Council's Arboricultural Officer has stated that neither of these trees fulfil the criteria for a Tree Preservation Order. In view of this, it is not considered the loss of the trees could be resisted in principle.

IMPACT ON RESIDENTIAL AMENITY

There are no nearby residential neighbours who will be significantly impacted as a result of the proposal. Concern has been raised regarding the impact on what has been called a relatively private part of the canal. However the towpath is a public space and the increased overlooking from the proposed dwelling will provide increased natural surveillance, which is a benefit to the wider public realm.

It is considered that there is sufficient amenity space for future occupiers and the design of the building will result in them having satisfactory living conditions. A condition could be imposed to ensure that the annexe shown on the plans remains as ancillary to the main dwelling.

IMPACT ON WILDLIFE

The Council's Ecologist is satisfied that any external lighting can be mitigated to result in a negligible impact on bats and other nocturnal wildlife. An ecology survey has been submitted and conditions can be imposed to ensure that the development is carried out in accordance with the recommendations in the report to safeguard wildlife on the site.

HIGHWAY ISSUES

The site is located on the edge of the city centre and is considered to be in a sustainable location. The adjacent streets have parking restrictions on them, which will prevent future owners from parking in nearby streets if there is no capacity from them to obtain a permit.

Following the initial concerns expressed by the Highways Officer, additional information was received and considered by Highways. It was confirmed that access for pedestrian/cycle access to Pulteney Road is shown to be available. This enables kerbside waste/recycling collection to be possible. The cycle store location is noted and it is acceptable to have a shared-facility for the main house and the annexe.

Access arrangements during the construction of the development are accepted as possible (to some degree) via the canal. Conditions can be imposed to require its submission requiring details of the methods of transporting materials to and from site, contractor parking etc. to ensure that the works do not inconvenience other users of the towpath, highway and nearby residents. As such, it is not considered that there will be any significant adverse impacts on highway safety as a result of this proposal.

OTHER MATTERS

The submitted plans do not show the loss of access for the allotments and any issues regarding the detail of this is a civil matter, which falls outside of the planning system. The condition requiring a landscape condition can be imposed to ensure that any planting adjacent to the boundary is appropriate and will not provide shading.

CONCLUSION

Given the above considerations, it is concluded that the proposal would result in material harm to the character and appearance of the surrounding conservation area, the outstanding universal values of the World Heritage Site and would have a detrimental impact on the setting of listed structures. Having come to the conclusions above, it follows that the proposal would therefore be in conflict with Core Strategy Policy B4, saved Policies BH.2, BH.6, D.2 and D.4 of the Bath and North East Somerset Local Plan and the requirement for good design as one of the core tenets of sustainable development described within the NPPF.

In line with paragraphs 134 and 135 of the NPPF, in the planning balance of issues weight is afforded to the public benefit of the scheme, such as providing a residential unit in a sustainable location. However, Section 66 of the Listed Buildings and Conservation Act requires that special regard is given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Also, Section 72 of the Listed Buildings and Conservation Areas Act requires that special attention is given to the preservation or enhancement of the character of the surrounding conservation area.

It is not considered that the proposal would satisfy either of these statutory requirements, inserting a visually-divorced feature and detracting from the overall character and appearance within the surrounding conservation area. With this in mind the proposal of this application is regarded as unacceptable and is therefore recommended for refusal.

RECOMMENDATION

REFUSE

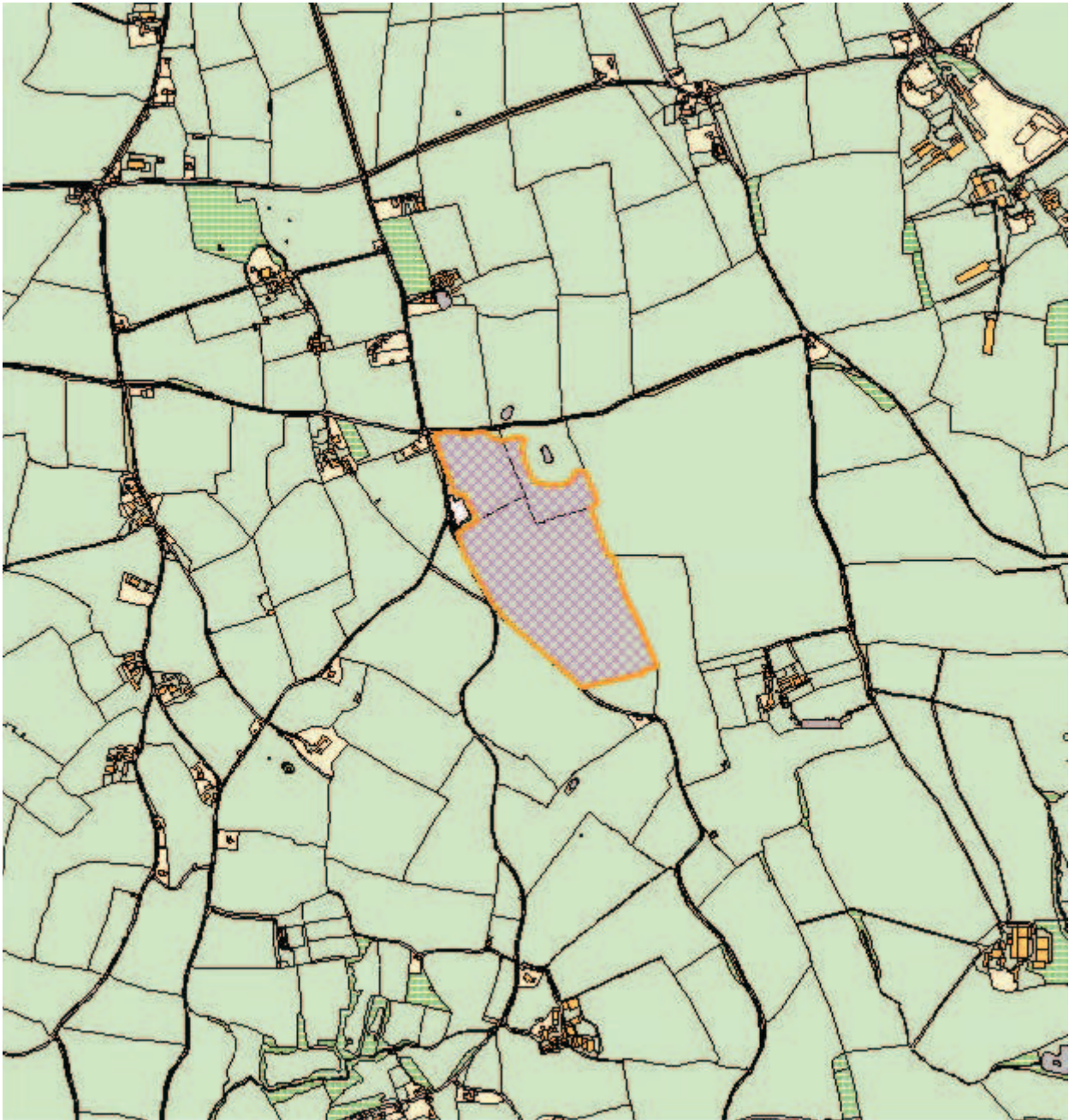
REASON(S) FOR REFUSAL

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:

1 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
Ward Members: Councillor Vic Pritchard
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

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Vic Pritchard has requested that the application be determined by committee due to the application providing to be particularly contentious with many residents. The application has been referred to the Chairman who has agreed that the application should be considered by the Committee.

SITE CONTEXT/DESCRIPTION

The site comprises agricultural land for pasture which is at present given over for grazing sheep. It consists of 3 fields with a total area of approximately 13.5ha. The site is set on a plateau within an undulating landscape. The area surrounding the site is rural in nature, mainly consisting of a mix of arable and pasture farmland dispersed with small settlements.

The site lies within the Bristol and Bath Green Belt and is situated approximately 1.7km north of the Mendip Hills Area of Outstanding Natural Beauty (AONB), 1.3km south of Common Local Nature Reserve and 1.7km from the nearest SSSI of Plaster's Green Meadows. There is a Grade II listed building, Regilbury Court, approximately 300m to the east of the site. The northern part of the site is bisected by a Public Right of Way (CL14/7) which runs from the north-west corner to the south-east corner of the site.

The proposal as originally submitted was for the installation of a 7MW solar park comprises solar pv panel arrays arranged across the entirety of the 13.5ha site. Following negotiations, the scheme has been amended to reduce the extent of the area covered by solar panel arrays. The proposal is now for the installation of an approximately 4.76MW solar park including associated fencing, cctv and utilities covering an area of approximately 9.5ha. The proposals also include a comprehensive scheme of planting and ecological management.

There is no relevant planning history.

The application has been screened in accordance with the EIA regulations 2011 and it has been determined that the proposal is not EIA development.

REFERRAL TO SECRETARY OF STATE

The Town and Country Planning (Consultation) (England) Direction 2009 requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development. This requirement covers Green Belt developments which, by reason of their scale or nature or location, would have a significant impact on the openness of the Green Belt. The effect on openness has been discussed in the Green Belt section of this report.

Whilst the overall size of the site amounts to some 13.5ha, not the entire site has been utilised and all the individual panels are of modest height with space between each row and with vegetation still able to grow beneath each panel. Additionally, the site is well

chosen and in a position well screened by the topography and vegetation. Whilst there is undeniably an impact on Green Belt openness, it is considered this impact is not significant and there is therefore no requirement for the application to be referred to the Secretary of State.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PUBLIC RIGHTS OF WAY

No objection. Informative suggested

FLOOD RISK AND DRAINAGE TEAM

No objection

HIGHWAYS OFFICER

No objection, subject to conditions

ARBORICULTURE

No objection, subject to conditions

ARCHAEOLOGY

A pre-determination geophysical survey of the site is required.

LANDSCAPE OFFICER (Received prior to amended plans)

Not acceptable in current format

- This site has some potential for the installation of some solar units;
- There is a potentially large Zone of Theoretical Visibility (ZTV), but it is clear on site that this is in reality primarily to the south of the site;
- The scheme extends too far to the south and is therefore visible from and impacts on the setting of Regilbury Court;
- Generally agree with the assessment that the impact on landscape character would be acceptable, but only if the scheme were accompanied with a sound scheme of planting. The current scheme is not acceptable in that respect;
- The planting of a hedge along each side of the PROW will not achieve the desired objective of making this route acceptable. The user will still be wholly aware of what lies to each side of the path;
- Setting to one side the concerns regarding the visual element of the assessment and the landscape scheme, I think it may be a suitable site, but the scheme is not acceptable in its current format.

CONSERVATION OFFICER (Received prior to amended plans)

There is a significant protected building to the east of the site (Regilbury Court) and in its current form and size the lower portion of the solar farm, on the slope of the field, would have an adverse impact on and cause substantial harm to its setting.

The agricultural landscape in this area is typical of the early mediaeval period and it is noted that the Council's HER (Historic Environment Record) states that it could even have prehistoric origins. The proposed solar farm, in its current form, would have a negative impact on its setting.

To assist in the mitigation of its visual impact and in order to restore the denuded historic field pattern due to the removal of hedges in modern times, as a heritage/conservation

gain the Conservation Officer would advise that these hedges should be reinstated as part of the proposals.

There is scope for this as a location for a solar farm but reduced in size and mitigated by the reinstatement of historic field patterns.

BRISTOL AIRPORT

No objection.

ENVIRONMENT AGENCY

No objection. Informatives suggested

AVON AND SOMERSET POLICE

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development.

- Site is attractive to criminals;
- Crime of valuable metals is still prevalent in rural areas;
- Access to site is poorly secured;
- Weld mesh fences to the preferred standard is recommended;
- CCTV must be sufficiently protected;
- Number of secure buildings will need to be securely constructed and adequate locks fitted;
- Individual solar panels should be marked to prevent re-sale.

MENDIP HILLS AONB

The Mendip Hills AONB express concern that the proposals do not consider the effect on views from the AONB. Particular concern is expressed about views from the top of Two Trees Lane, Blagdon. They consider that the proposals will have an adverse effect on views from the Mendip Hills AONB. They request a revised LVIA to consider these views.

BUCOMBE PARISH COUNCIL

The Parish Council wish to highlight a number of concerns:

- Concern about the visual impact of the development;
- At the end of their life the solar panels may be hazardous waste;
- Concerns about the scale of development within the green Belt;
- Site will be viewed from the AONB;
- Concern about traffic movements to the site during construction;
- Concerns about precedent and the cumulative impact upon the landscape.

NEMPNETT THRUBWELL PARISH COUNCIL

The Parish Council offered broad support for the proposal. However, they expressed concern that the development will have an industrial character and might set a precedent for further development which might spoil the AONB. The visual impact of the proposal was a problem for some of the Councillors.

THIRD PARTIES/NEIGHBOURS

22 Letters of objection have been received. A summary of the main points raised is provided below. Copies of the full comments can be found on the Council's website.

- Inappropriate development in the Green Belt;

- No real justification for the use of Green Belt land;
- Concern about the visual impact of the proposal and the impact upon landscape character;
- The proposals will be visible from the Mendip Hills AONB;
- Potential impacts of glare/glint upon aircraft using Bristol Airport;
- Concerns about the impacts of traffic within the narrow lanes;
- Detrimental impact upon highway safety;
- Development is in the wrong place;
- There are alternatives;
- Installation is out of keeping with rural character;
- Public footpath will be detrimentally affected;
- Brownfield sites should be preferred;
- Queries about the sites alternatives document;
- Lack of detail in the plans;
- Will create an industrial landscape;
- Scale of development is inappropriate;
- No details of de-commissioning provided;
- Screening is inadequate;
- Concerns about precedent;
- Agricultural land should not be used for solar parks;
- No benefit to the local community;
- Queries about consultation process;
- Development will be seen from a large area;
- Views from the PROW will be harmed;
- LPAs have a duty to protect the AONB;
- Parish Council have failed to take into account opposition to the scheme;
- Part of a historic landscape;
- Fencing is unacceptable;
- Mendip Society objects to the proposals;
- Unsuitable due to topography;
- Concern about proximity to airport;
- Concerns about site maintenance;

3 Letters of support have been received. The main points raised were:

- Proposals are a solution to future energy security needs;
- There is minimal visual intrusion;
- The proposals will maintain the openness of the Green Belt;
- Site is not easily overlooked from the surrounding flat land;
- Views from the Mendips are long distance;

POLICIES/LEGISLATION

At the meeting of the full Council on the 10th July 2014, the Bath and North East Somerset Core Strategy was adopted. Please note that from the 10th July 2014 the Development Plan for Bath and North East Somerset comprises:

- . Bath and North East Somerset Core Strategy (July 2014);
- . Saved policies from the Bath and North East Somerset Local Plan (2007);
- . West of England Joint Waste Core Strategy (2011).

CORE STRATEGY

CP3 Renewable Energy

- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP8 Green Belt

LOCAL PLAN

- ET.7 Use of agricultural land
- ET.8 Farm diversification
- GB.2 Visual amenities of the Green Belt
- NE.1 Landscape character
- NE.2 Areas of Outstanding Natural Beauty
- NE.4 Trees and Woodland
- NE.5 Forest of Avon
- NE.9 Locally Important Wildlife Sites
- NE.10 Nationally Protected Species
- NE.12 Natural features: retention, new provision and management
- T.1 Overarching access policy
- T.24 General development control and access policy
- BH.2 Listed buildings and their settings
- SR.9 Protection of recreational routes

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations. The following sections of the NPPF are of particular relevance:

- Section 3 Supporting a prosperous rural economy
- Section 7 Requiring good design
- Section 9 Protecting Green Belt land
- Section 10 Meeting the challenge of climate change, flooding and coastal change
- Section 11 Conserving and enhancing the natural environment
- Section 12 Conserving and enhancing the historic environment

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.'

OFFICER ASSESSMENT

The main issues to consider are:

- Policy background
- Green Belt
- Agricultural land
- Visual impact
- Heritage impact
- Residential amenity
- Highways Safety
- Ecology
- Archaeology
- Very special circumstances

POLICY BACKGROUND

The current drive to increase the use of renewable energy sources is rooted in the recognition that the burning of fossil fuels is a major contributor to the emission of greenhouse gases, the primary cause of global climate change, with electricity generation accounting for about 37% of all UK CO₂ emissions (Climate Change Committee, 2008).

The National Planning Policy Framework, and accompanying documents, the "National Policy Statement for Renewable Energy Infrastructure" and the "Overarching National Policy Statement for Energy Infrastructure", are strongly supportive of the need for renewable energy and stress the need to dramatically increase the amount of renewable generation capacity.

The National Planning Policy framework stresses that the planning system should do everything it can to support sustainable economic growth, operating to encourage rather than act as an impediment to economic growth (paragraph 19). In parallel with this is the key role given to planning in helping to secure radical reductions in greenhouse gas, minimizing vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure (Paragraph 93).

The draft Core Strategy is also strongly supportive of the principle of renewable energy. Core Strategy policy CP3 sets challenging local targets to increase the level of renewable energy generation in the district, including generating 110 MWe of renewable electricity in the district by 2026.

GREEN BELT

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

National and local policy establishes a presumption against inappropriate development in the green belt which, by definition, is harmful to the green belt. Development within the Green Belt is considered inappropriate unless it falls within one of the categories of exception set out in paragraphs 89 and 90 of the NPPF. The proposed solar park does not fall within any of these categories of exception and is therefore considered inappropriate development.

Paragraph 87 of the NPPF states that inappropriate development should only be approved if very special circumstances exist. Paragraph 88 goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The case for very special circumstances is considered later in this report.

In terms of harm to the openness of the Green Belt, whilst the overall size of the site amounts to some 13.5ha, some of the site has been left open and all the individual panels are of modest height with space between each row with vegetation still able to grow

beneath each panel. Additionally, the site is well chosen and in a position well screened by the topography and vegetation. Whilst there is undeniably an impact on Green Belt openness, it is not considered to be significant.

In terms of the harm to the permanence of the Green Belt, the proposal is for a temporary period of 25 years during which time the land would remain as part of the Green Belt and after the land could be reverted to full agricultural use and the solar panels removed. It is therefore considered that the impact upon the permanence of the Green Belt is limited.

The Bristol and Bath Green Belt serves 6 purposes:

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

In terms of its impact upon the purposes of the Green Belt, it is considered that the proposed solar farm will not harm any of these stated purposes.

Policy GB.2 of the Adopted Local Plan advises that Permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction. This is discussed further in the visual impact section below.

AGRICULTURAL LAND

As discussed above, recent guidance from government has stressed the need to develop solar farms on brownfield and degraded land over greenfield sites. Agricultural land is classified from Grade 1 to 4 with grades 1, 2, 3a being considered the best and most versatile agricultural land. The proposal is situated on land with a patchwork of land gradings ranging from grade 2 to 4.

Officers agree that solar farms should be developed on brownfield sites should be promoted over greenfield land, and the loss of agricultural land is a planning consideration, however BANES is an overwhelming rural authority with relatively little brownfield or industrial land, and the largest settlement in the District, Bath is a World Heritage Site. Therefore it seems unlikely that the ambitious targets the Authority has set itself can be achieved in this district without field based renewable energy applications (on greenfield agricultural land) such as this coming forward. In any event, the proposal does not involve the "irreversible loss" of agricultural land and is a temporary development. At the end of the temporary consent, the field could revert to full agricultural use and sheep will continue to be able to graze the land during its operation.

Taking these considerations into account, the urgent national need for renewable energy development and relative lack of current production in the district, the temporary loss of

the field from arable production arising from the development is considered to be acceptable.

VISUAL IMPACT

The site is situated on a plateau and there is existing hedgerow screening around the north, west and eastern boundaries of the site. New hedgerow planting is proposed along the southern side of the site and across the site creating a new structure of small fields. The applicant has prepared a Landscape and Visual Impact Assessment (LVIA) assessing the impact of the development.

The revised solar PV development is almost entirely within the Thrubwell Farm Plateau Landscape Character Area with the very southern boundary and proposed off-site planting falling within the Chew Valley Landscape Character Area.

The installation of solar panels, fencing and other equipment will have a direct impact upon the landscape character within the site. The LVIA indicates that there is a potentially large Zone of Theoretical Visibility (ZTV), but it is clear on site that this is, in reality, primarily to the south of the site, due to the boundary screening to the north, west and east.

The original proposal included solar panels which extended down the most visible and open slopes at the southern end of the site. The revised scheme removes these from the proposal and limits the extent of the solar park to the plateau within the central and northern area of the site. This revision has reduced the visibility of the scheme within the wider landscape utilising the topography and the existing screening to lessen its impacts.

Appropriate planting has also been proposed to help screen the development from the south and to reinstate the historic irregular field boundaries of the slopes within the Chew Valley Landscape Character Area. This is considered to provide some indirect landscape character benefits to the wider area.

The site is theoretically visible from the Mendip Hills AONB to the south, but is significant distance from this sensitive designation (1.7km). The original scheme was assessed as having barely perceptible effects on the Mendip Hills AONB and it is considered that the revised scheme, by omitting panels from the south-facing slopes and withdrawing back to the plateau, would further reduce visibility and hence the indirect effects upon the wider landscape.

The proposed development would have an obvious impact upon the users of the PROW which runs across the site who would be walking through the centre of the solar park. The original proposal included the planting of a hedge along each side of the PROW in an attempt to disguise the solar park from its users. However, it was considered that this approach would be unsuccessful as users would still be wholly aware of what lies to each side of the path. The revised scheme proposes a more honest approach which does not attempt to hide the fact that the site contains a solar park. The proposed hedges alongside the PROW have been removed and the scheme includes the provision of interpretation boards at either entrance to the site as a way of making the users of the PROW more interested and involved with the scheme.

HERITAGE IMPACT

The Grade II listed building, Regilbury Court, lies close to the site and it was considered that the original scheme would have had an adverse impact on and cause harm to its setting. The revised scheme removes the proposed panels on the slopes at the southern end of the site nearest the protected building and introduces additional planting and screening for the proposals.

The Council's Conservation Officer has also noted that the agricultural landscape in this area is typical of the early medieval period and that the Council's Historic Environment Record states that it could even have prehistoric origins. They advise that the landscape was made up of typically small, irregular fields, as an ancient field system and part of an important historic, agricultural landscape. Following negotiations, it is now proposed to reinstate the historic irregular field boundaries across the site in accordance with historic mapping provided by the Conservation Officer.

It is considered that by withdrawing the panels from the slope at the southern end of the site and providing appropriate screening, the proposal no longer harms the setting of the listed building. It is also considered that the proposed hedge planting provides a heritage and landscape benefit through the reinstatement of the historic field boundaries across the site.

RESIDENTIAL AMENITY

The nearest residential properties include a dwelling by the site entrance, a small cluster of properties approximately 150m to the north-west of the site and Regilbury Court, and its immediate neighbours, approximately 300m to the east of the site. The proposals do not present any immediately obvious impacts upon the amenities of nearby residential properties. A possible impact is disturbance caused by glint/glare from the solar panels during bright weather. However, a glint assessment has been submitted with the application which demonstrates that none of the nearby residential properties will be impacted by glint/glare.

It is therefore considered that the proposals will not have any negative impacts upon the residential amenities of nearby residents.

HIGHWAYS SAFETY

The site is located at the crossroads junction of Green Lane, a country lane and Thrubwell Lane which is a classified road with a 30mph speed limit. The Design and Access Statement suggests that access will be gained to the site through from the existing field gate on Thrubwell Lane which is located approximately 35m south of the crossroads junction with Green Lane, with access to the main highway network being gained over Green Lane and Row of Ashes Lane onto the A38 Red Hill. The Highways Officer has reviewed the access proposals and considers them to be acceptable.

No objections are raised in terms of highway safety, subject to conditions requiring the submission of further details about the vehicle access, storage area and turning area and a detailed Construction Management Plan be submitted.

ECOLOGY

The site comprises three fields, and supports, predominantly, species-poor semi-improved grassland; hedgerows including some species rich hedgerows, and a pond, which lies within the north west field, part of which is included within the development site boundary, but the pond itself falls outside of the red line.

The proposal provides a range of ecological measures including the gapping up of existing hedgerows, the planting of additional hedgerows, installation of bird and bat boxes and the establishment of new habitats. The proposal has been submitted with an ecological management plan which includes proposals for the on-going management of the site to ensure long term enhancement and management.

The Council's Ecologist has reviewed the proposals and advises that they are acceptable, subject to conditions securing the additional landscape planting and implementation of the ecological management plan.

ARCHAEOLOGY

The Council's archaeologist has recommended a pre-determination geophysical survey of the site is carried out to identify any below ground archaeological deposits or structures that may exist. Dependant on the results of the geophysical survey, this work may need to be followed up by field evaluation (trial trenching) to fully assess any archaeological impacts.

A geophysical survey of the site has been provided by the applicant and is currently under review by the Council's archaeologist. Further comments will be provided in the update report.

VERY SPECIAL CIRCUMSTANCES

As discussed above, the proposed solar park is considered inappropriate development in the Green Belt and can only be justified if very special circumstances exist. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In terms of harm, it is considered that inappropriate development is harmful by definition. There is some identified harm to the openness of the Green Belt. Given the nature of the proposal the identified harm is considered to be relatively limited. However, paragraph 88 of the NPPF states that substantial weight should be given to any harm to the Green Belt.

There is also some harm in terms of visual impact and landscape character, although limited to the immediate context of the site and the users of the PROW. The character and visual impact upon the wider landscape is limited and is considered to be adequately mitigated (over the medium to long term) by the inclusion of appropriate planting and screening. The weight afforded to this harm is therefore considered to be minor.

The loss of the use of this land for arable farming for a period of 25 years is also considered to be a harm arising from the development. However, this harm is diminished by the fact that the proposal would still allow the use of the land for grazing use and after the 25 year period has expired, the land could be returned to full agricultural use.

Paragraph 91 states that, for renewable energy projects, very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Policy CP3 of the Core Strategy sets a target of a minimum level of 110MW of renewable electricity capacity to be installed in the district by 2026. The current level of installed capacity in the district is 7.285MWe which represents 6.6% of the target figure. It is clear that there is a significant amount of new renewable electricity projects will be required within the district if the Council is to meet its target by 2026.

The current proposal provides 4.76MWe which would bring the total installed capacity up to 10.9% of the target figure. This is considered to be a significant increase in the context of the existing shortfall and represents a very positive aspect of the scheme. The contribution that the proposal makes towards meeting these targets is therefore given considerable weight.

It is considered that the reinstatement of the historic field boundaries across the site is also a key benefit of the scheme, in terms of heritage and landscape character, which is given significant weight.

Another benefit of the scheme is the ecological enhancement arising from the additional hedge planting and other measures (e.g. bird/bat boxes, habitat creation, on-going maintenance, etc.). These measures are secured through the ecological management plan and represent a significant environmental benefit of the scheme.

There are economic benefits associated with the scheme which would create a number of jobs through the construction and operation phases of the development. The proposal also represents farm diversification which is considered to help support the rural economy.

An assessment of alternative sites has also been submitted by the applicant. This looks at alternative sites with potential to accommodate a solar park and assesses them against various criteria including distance to a central grid connection point, size of the site, proximity to sensitive receptors, access arrangement and environmental impacts. It is considered that the criteria adopted by the applicant are reasonable and the assessment shows that the application site scores the highest on these criteria. This adds further weight in favour of the proposed development.

Overall, it is considered that the above benefits of the proposal clearly outweigh the harm to the Green Belt and the other harm identified. It is therefore considered that very special circumstances exist which justify the proposed development.

CONCLUSION

The proposed development is inappropriate development in the Green Belt. However, it is considered that proposal provides a range of benefits, such as contributing towards meeting renewable energy targets, restoring historic field boundaries, ecological enhance,

job creation and farm diversification. This is considered to clearly outweigh the relatively limited harm to the openness of the Green Belt and the wider landscape character which will be mitigated by appropriate screening. It is therefore considered that very special circumstances exist which justify the proposed development in the Green Belt.

The proposals therefore accord with the relevant stated policies of the Bath and North East Somerset Local Plan and the Bath and North East Somerset Core Strategy and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

2 This permission shall expire within 25 years from the date when electricity is first exported from the solar farm to the electricity grid (the 'First Export Date'). Written notification of the First Export Date shall be given to the local planning authority no later than 14 days after this event

Reason: A temporary consent is sought and to avoid the permanent loss of agricultural land, to protect the character of the countryside and below ground archaeology and to protect the Green Belt from unnecessary development.

3 Within 6 months of the point where the Solar Farm permanently ceases to produce electricity, or the expiration of this permission, whichever is the sooner, the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations, fencing, CCTV cameras and other associated equipment shall be removed from the land, and the land restored to agricultural use or to a condition to be agreed in writing by the local planning authority.

Prior to the decommissioning of the site a method statement shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the approach to be taken to remove the array support poles, cable runs and other below ground structures whilst minimising harm to below ground archaeology. The decommissioning of the site shall take place in accordance with the decommissioning method statement.

Reason: To avoid the permanent loss of agricultural land, to protect the character of the countryside and below ground archaeology and to protect the Green Belt from unnecessary development.

4 The solar park shall not become operational until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting

which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; details, specifications and positions of all ecological features and habitats such as bird boxes, badger gates and native planting; and a programme of implementation. The scheme shall be in accordance with the approved Ecological Management Plan dated November 2014 and approved revised Landscaping Plan Revision A dated 10th October 2014, or any amendments to these Plans as approved in writing by the Local Planning Authority.

Reason: To provide ecological habitats and enhancements and ensure the provision of an appropriate landscape setting to the development.

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 solar park becoming operational 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 The development hereby permitted shall be carried out only in accordance with the approved Ecological Management Plan dated November 2014 or any amendment to the Plan as approved in writing by the Local Planning Authority. A report containing any necessary further amendments details or prescriptions required for implementation of the approved Ecological Management Plan shall be submitted to and approved in writing by the Local planning Authority prior to solar park becoming operational.

Reason: To secure adequate ecological protection during the course of development and to secure long term ecological benefits.

7 Plans showing the proposed vehicle access, storage area and turning area to the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. This area shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to the satisfaction of the Local Planning Authority before the development commences and shall not be used other than for access, turning or the loading and unloading of vehicles in connection with the development hereby permitted.

Reason: In the interests of highways safety

8 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 and any need for cranes for construction.

Reason: In the interests of highways safety. This condition must be discharged prior to commencement because to do otherwise would be to risk works commencing in a manner which may be harmful to highway safety.

9 No development shall take place until an annotated tree and hedge protection plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include proposed tree protection measures during site preparation, construction and landscaping operations.

Reason: To ensure that no activity takes place which would adversely affect the trees and hedges to be retained. This condition has to be pre-commencement because otherwise work could begin which may harm important tree or hedges.

10 No site preparation shall commence until the protective measures as stated in the approved annotated tree protection plan are implemented.

Reason: To ensure that the trees and hedges are protected from potentially damaging activities. This condition has to be pre-commencement because otherwise work could begin which may harm important tree or hedges.

11 Prior to the first export of electricity to the National Grid an operational statement for the CCTV system shall be submitted to and approved in writing by the Local Planning Authority. This shall show the location and set out the purpose of each CCTV camera, set out how the CCTV system fits into the overall security strategy, define the quality of imagery produced and state how CCTV imagery is to be monitored. The approved system shall be installed in accordance with the agreed details prior to the first export of electricity to the national grid and thereafter maintained.

Reason: In the interests of minimising crime and anti-social behaviour.

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

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

PLANS LIST:

0 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

DECISION MAKING STATEMENT

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

INFORMATIVES

1. The Developer must apply for a temporary closure order for the duration of the construction works. Please contact the Traffic and Safety Team for details to request an application form or contact Council Connect on 01225 394041. The line and width of footpath CL14/7 must not be affected by the construction works. It is noted that the intention is to lay a hedge on either side of the footpath. The width of the footpath through the solar park must be at least 2.5m, not including the anticipated maximum width of the hedge on either side. The Public Rights of Way Team will not be responsible for the maintenance of the hedge. This must be undertaken by the developer or landowner as appropriate. Please contact the Public Rights of Way Team on 01225 477532 for more information.

2. The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

3. While there will be no significant changes to the existing surface water drainage arrangements, the concentration of solar panels on a site could lead to an increase of localised run-off, especially on steep slopes or where the underlying soils are not naturally free draining. To overcome this the development should consider sustainable drainage techniques (SuDS), such as small swales and infiltration trenches, to intercept any increase in surface water runoff across the site. Any access tracks required on site must be of a permeable material.

4. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover:

- the use machinery
- storage of oils/chemicals and materials
- the routing of heavy vehicles
- the location of work and storage areas
- the control and removal of spoil and wastes

We recommend the applicant refer to the Environment Agency's Pollution Prevention Guidelines, which can be found at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

<h2 style="margin: 0;">Development Annual Report 2014-2015</h2>	
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Date of this report: May 2015 Version: 1.0
 Date of last report: N/A Author: Lisa Bartlett

1. Summary

Overall RAG Status		Performance/Targets	Customer Service	Resources	Income	Risks
This Report	Last Report					
G		G	G	A	G	A

2. Significant Progress since last report

Member Involvement in pre application discussions

Officers now provide a briefing to the ward Councillors, the portfolio holder, and the spokes. Members can ask questions, discuss and comment on the proposals. These comments are then included within the Development Team response letter.

Applicants are able to present their scheme to all Councillors followed by a question and answers session. Care is taken to ensure that members are aware of the need to avoid pre determining applications and training has been given through our bespoke planning training programme which covers issues of probity and mainstream planning topics.

This process will help to reduce uncertainty in the decision making process.

Agent accreditation

We have introduced a system of accreditation for agents creating a fast track approach to planning registration. Regular applicants who have been able to demonstrate that they can consistently submit 'valid' planning applications (a minimum of 3 in a row) are offered the opportunity to become 'accredited agents' and the planning registration team register applications from these agents within 24 hours of submission in all cases. This scheme is a success with accurate applications validated more quickly. We currently have 24 accredited agents.

Transformation project

We undertook a process review of the way in which we process planning applications in order to improve performance and customer satisfaction levels. As part of the review we were able to cross train all planning support staff to undertake all aspects of the registration and general support services. We are proactive in contacting applicants to avoid invalidating applications where possible. The number of invalid applications, at the first instance, dropped by 18% in 2013 compared to 2012 this in conjunction with the agent accreditation scheme has saved the equivalent of one full time post within the team. Applications are now being registered on average 10 days more quickly than previously and a pre-existing backlog of unregistered applications has been eliminated.

The team commit to contacting any applicant whose application we are unable to support prior to making a decision to seek a resolution by negotiating on the application. This has allowed us to reduce the number of resubmission applications which we deal with by 10%. This is positive because resubmissions are non-fee generating and result in delays in developments being brought forward. Our approval rate on applications has likewise been improved over the last two years from 85% in 2012 to 89% in 2013.

We are utilising standardised legal agreement templates and have worked with our legal team to support the drafting of legal agreements in parallel with the consideration of planning applications to accelerate the process.

Flexible working

Through the 'Transformation Project' we have introduced more flexible ways of working and utilised technology to improve our service over the last 18 months. For example we reduced printing of paper in relation to application proposals (saving nearly £1,000 per month). Officers are piloting mobile devices to improve efficiency further.

Improved performance and Income

The Service has consistently exceeded all Government performance targets for this financial year despite operating within a challenging and unique environment. Planning application income has been increased considerably over the last two financial years with income being around £1,200,000 compared to £900,000 in 2011/12. The number of pre-application enquires made to the service has been growing year on year from 749 in 2011/12 to 827 in 2012/13 and 933 in 2013/14. Building Control and Land charges continue to meet their budgetary targets.

Planning Registration times are now 4-5 days.

No backlogs in the Technical Support Team (emails, consultations etc)

Land Charge Searches now around 10 days.

RAG Report has been developed to project manage major applications. This is monitored by the Divisional Director and Group Manager on a weekly basis to ensure that these projects are dealt with effectively and efficiently and is also used to brief the Strategic Director Place and Senior Members.

Planning Enforcement

A new team structure has been introduced to focus on planning enforcement performance and customer service. The workload figures for the last 12 months for the enforcement team are set out below.

Enforcement cases received: 942

Enforcement cases closed: 864

The team have received a high number of complaints in the last 12 months and they have dealt with and closed the majority of them without having to serve more formal notices, which is in line with Government Guidance.

Agent's Forum

This is designed to improve communications and partnership working with agents and it meets on a quarterly basis. Training and updates are provided via a shared agenda. There is a high attendance at these meetings and positive feedback from attendees that has fostered an excellent working relationship with agents who act as critical friends.

Planning Performance Agreements (PPAs)

We first used PPAs in 2012/13 when there were 7 PPAs completed. In the following year 2013/14 we have secured 31 PPAs. This has resulted in the equivalent of over one full time employee being resourced from the private sector because we charge for the Officer time spent dealing with the proposal from inception to discharge of conditions. The use of PPAs has allowed us to invest resources in junior members of our own staff who are shadowing highly experienced planners thereby up-skilling our own staff at the same time as offering a bespoke work programme to challenging timescales to facilitate development.

Policy Framework

The Core Strategy for Bath and North East Somerset Council was formally adopted by the Council on 10th July 2014. No legal challenge was received in comparison with many of LA's which demonstrates the robust approach adopted here.

The Core Strategy now forms part of the Development Plan for the District and will be used in the determination of all planning applications submitted to the Council alongside policies in the Joint Waste Core Strategy (2011) and those saved policies in the Local Plan (2007) not replaced by the Core Strategy

Work on the Placemaking Plan is underway and this will complement the strategic framework in the Core Strategy by setting out detailed development principles for identified development sites and other policies for managing development across Bath and North East Somerset.

The Community Infrastructure Levy (CIL) is a new tariff system that allows local authorities to raise funds from developers to contribute to the costs of providing some of the infrastructure needed for new development. Following extensive cross service working and a comprehensive programme of consultation and engagement the Council adopted CIL at its meeting on 11 February 2015.

CIL replaces Planning Obligations or Section 106 contributions for many forms of infrastructure, although Section 106 agreements will still be used for site-specific mitigation measures and for affordable housing provision.

We have produced a revised Planning Obligations Supplementary Planning Document (SPD). The SPD replaces the current Planning Obligations SPD approved in 2009 and Appendix C of the Bath Western Riverside SPD.

The Planning Policy Team have been working with Parish Council's and B&NES Council has been identified as a Neighbourhood Planning Champion nationally –indicating that we are leading the field.

Building Control

We surveyed approx. 290 customers including builders, developers, surveyors and architects. We received 74 replies which is a 25% response which is not too bad for an email survey.

The overall satisfaction is running at over 98% which is excellent.

B&NES Building Control had some winning schemes in the LABC West of England Building Excellence Awards 2014.

Best Domestic Extension - Copperlea, Mead Lane, Saltford – builder Gratton Ltd , architect whiteBOX

Best High Volume Housing Development – Holburne Place, Bathwick St, Bath – builder Ashford Homes, architect SPD & BBA architects

Best Partnership – Highly Commended – Agrarian and B&NES Building Control

Training Plans

The service has developed a training plan from which Team Managers split resources between individuals. Team Managers feed requests from individuals through their PDRs into the plan. In order to maximise training opportunities where common training needs are identified the Council undertakes internal training sessions either led by Officers within the Council or by experts brought in.

We have cross trained Planning Officers within the service as planning/conservation officers who sit within our Planning/Conservation team. This has increased the skill base of staff, increased our flexibility as a service to deal with different work pressures and motivated staff who have been able to build up a specialism in conservation along with their more general planning training.

Annual Planning Survey 2014 – Where next for the UK's planning system? (produced by the British Property Federation and GL Hearn)

We have recently been awarded in the Annual Planning Survey 2014 undertaken by GL Hearn and the BPF as one of the top five leading LPAs in the country for dealing with the largest volumes of major applications most quickly and 1 of only 2 outside of London.

This award represents a significant achievement for the service. The survey concentrates upon timeliness of decision making on major application proposals as an average end to end timescale rather than simply on the percentage of applications determined within 13 (or 16) weeks, the degree of certainty of outcome for the development industry and qualitative data about individual LPAs was also fed into the system.

The district has the highest concentration of listed buildings outside of Westminster, the only World Heritage Site in the country which covers an entire city, 37 conservation areas including Bath City as a whole, two AONBs and vast tracts of green belt land which makes this achievement all the more significant.

As a result of this award a representative of the service was invited to a discussion at No.10 Downing Street with the other top performers, GL Hearn the BPF and key No.10 policy officials to disseminate best practice on

accelerating the planning system and delivering the growth we require. The service is involved in producing guidance with the other participants to advise the Government and hopefully be rolled out nationwide following a further meeting at No.10.

Royal Town Planning Institute

The Royal Town Planning Institute has shortlisted the Planning Team in two award categories, Local Authority Planning Team of the Year and Excellence in Decision Making. Judging takes place in July 2015.

Compliments increasing and declining complaints

The service has been recording compliments received and a selection of recent ones are included in Appendix 1. The number of compliments has been increasing in recent months and within the service we have been focussing on customer service training for staff to ensure that this trend continues. Correspondingly the service has received a reduction in complaint levels by 28% in the last year.

Customer Excellence

The service has a strong commitment to professional development. Over the previous 5 years the service has funded 7 Planning Officers to undertake and complete their MA in Town and Country Planning at the University of the West of England. Five of these officers have gone on to achieve Corporate membership of the RTPI whilst the other two are licentiate members. The service has hosted an individual from the university on a placement to undertake a Conservation Area character appraisal. Likewise we have had students support our undertaking of Building for Life assessments. We are discussing making formal links with the Course Director of the Town and Country Planning MA course at the University of the West of England to host students within the Service. The Service, and the wider Council, will be seeking to be accredited for Customer Service Excellence (CSE) in the Autumn of 2015.

3. Planned Improvements for the coming year

Officer and Member Training

The main purposes of the Training Plan for officers are as follows:

- Establish a framework of key training priorities for the Service
- Identify training needs across the Service for the coming year
- Facilitate a structured and fair approach to training opportunities and the apportionment of the training budget

- Outline key training methods to be utilised
- Outline a monitoring framework of training undertaken against this Plan

New Member Planning Code of Conduct has been adopted. This will form part of a package of comprehensive training for Members of the Development Management Committee.

Joint Working

Within the Council :- A planning protocol to guide development coming forward in the district and in particular in the Enterprise Area has been agreed with planning and community regeneration working with other departments to provide prospective developers and entrepreneurs with a high level steer on whether their idea is likely to be supported by the Council.

With other LA's :- B&NES Building Control section already undertakes calculation checks on behalf of NS Council. NS has sought additional support at Management level which will provide an income for this Council. Early discussions are underway in relation to Archaeology and Conservation advice.

Innovation Group

Following the launch of the Customer Service Improvement Project in December a group of officers have volunteered to organise and run an Innovation Group.

The group exists to look at new and innovative ways of service delivery, to support improvements to the service for customers and staff across Development and to provide a network of support for new ways of service delivery. The group has agreed to undertake a review of the pre application process as its first task.

Business Plans/cases and Team review

As part of our preparation for CSE, the Service is preparing business plans to guide future performance and customer service improvements. In addition, team reviews are underway which will focus on improving performance within existing budgets or to drive income generation. For example, in Development Management a review of the Heritage Team is linked with analysis of how we can improve our pre application advice service.

Closer links between Building Control and Planning

We are working to facilitate closer working between the two groups. This will involve building control officers attending the Agents Forum as well as pre application discussions where planning and building control advice can be

given at the same time thereby extending the pre application offer to cover the whole design and build process. In addition planning will investigate the possibility of increased face to face meetings with building control so that advice can be given in person and in one go. This will save applicants having to prepare and submit documentation which will save time and money and will also reduce the administrative burden for the service. This should also result in increased building control applications for LABC Building Control applications on line making it easier to submit them

4. Risks to be escalated for decision, action, or information

Risk	Decision/Action Required <i>Enter "for information only" if no action/decision required</i>	Latest date for action/decision	Action on
Insufficient resource to improve pre application advice	Business plans and Innovation Group to address	Sept 2015	
Capacity and loss of key staff	Good PDR Process; Review of structure	On-going	
VfM not addressing the key issue impacting on efficiency and effectiveness	Agree and complete a Programme Brief to measure this against.	On-going	

Appendix 1

Many Thanks for such an efficient and prompt response. I am very impressed by the service your department has provided. I will ensure that I pass my experience on to other residents and also to my Local Councillor

I and others concerned with this issue cannot thank you enough for the professionalism and speed with which you have kindly handled this matter on our behalf.

Thanks for prompt reply. I'm impressed, appreciated and now better informed

Many thanks for your help, and for going "the extra mile" to help clarify what I need to do now re. the application.

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	10th June 2015
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	

AGENDA ITEM NUMBER

APPEALS LODGED

App. Ref: 14/03589/FUL
Location: Floyd Farm Bath Road Kelston Bath
Proposal: Replacement agricultural access and erection of agricultural / forestry storage building. (Resubmission).
Decision: REFUSE
Decision Date: 12 February 2015
Decision Level: Delegated
Appeal Lodged: 24 April 2015

App. Ref: 14/04616/LBA
Location: 10 Broad Street City Centre Bath BA1 5LJ
Proposal: External alterations for the installation of security gate.
Decision: REFUSE
Decision Date: 8 December 2014
Decision Level: Delegated
Appeal Lodged: 24 April 2015

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

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

App. Ref: 14/04085/FUL
Location: 1 Sladebrook Road Southdown Bath BA2 1LP
Proposal: Erection of 2no four bed bungalows following demolition of existing bungalow.
Decision: REFUSE
Decision Date: 18 February 2015
Decision Level: Delegated
Appeal Lodged: 27 April 2015

App. Ref: 14/05365/OUT
Location: Land Adjacent To 1 Church Road Norton Malreward Bristol
Proposal: Erection of two new dwellings. (Outline application with access reserved)
Decision: REFUSE
Decision Date: 6 February 2015
Decision Level: Delegated
Appeal Lodged: 28 April 2015

App. Ref: 14/05368/ADCOU
Location: Bonhill Barn Bonhill Lane Bishop Sutton Bristol
Proposal: Prior approval request for change of use from Agricultural Barn to Dwelling (C3)
Decision: REFUSE
Decision Date: 15 January 2015
Decision Level: Delegated
Appeal Lodged: 30 April 2015

App. Ref: 14/04625/FUL
Location: 28 Brummel Way Paulton Bristol BS39 7XG
Proposal: Erection of dwelling house and associated car parking, following demolition of existing garage.
Decision: REFUSE
Decision Date: 16 February 2015
Decision Level: Planning Committee
Appeal Lodged: 5 May 2015

App. Ref: 14/05366/ADCOU
Location: Parcel 4927 Bonhill Lane Bishop Sutton Bristol
Proposal: Prior approval request for change of use from Agricultural Barn to Dwelling (C3)
Decision: REFUSE
Decision Date: 19 January 2015
Decision Level: Delegated
Appeal Lodged: 6 May 2015

App. Ref: 14/05615/ADCOU
Location: Belluton Barn Belluton Farm Stanton Road Pensford Bristol
Proposal: Prior approval request for change of use from Agricultural Barn to Dwelling (C3)
Decision: REFUSE
Decision Date: 29 January 2015
Decision Level: Delegated
Appeal Lodged: 6 May 2015

App. Ref: 14/05270/FUL
Location: Beaufort Londis 3 - 4 Balustrade London Road Walcot Bath
Proposal: Installation of new shop front for ATM machine.
Decision: REFUSE
Decision Date: 20 February 2015
Decision Level: Delegated
Appeal Lodged: 12 May 2015

App. Ref: 14/04477/OUT
Location: Paysons Croft Church Lane Bishop Sutton Bristol
Proposal: Outline application for the erection of 2 no. 2 storey dwellings.
Decision: REFUSE
Decision Date: 5 December 2014
Decision Level: Delegated
Appeal Lodged: 15 May 2015

App. Ref: 14/03801/FUL
Location: Fieldview 28 The Street Marksbury Bath
Proposal: Provision of new vehicular access with hardstanding to/from the A39 to replace existing pedestrian access.
Decision: REFUSE
Decision Date: 11 December 2014
Decision Level: Delegated
Appeal Lodged: 18 May 2015

APPEALS DECIDED

App. Ref: 14/02017/FUL
Location: 5 - 13 Somerset Place Lansdown Bath BA1 5HA
Proposal: Provision of balconies to rear elevation at 6, 11, and 13 and alterations to rear fenestration. (Resubmission)
Decision: REFUSE
Decision Date: 14 July 2014
Decision Level: Chair Referral
Appeal Lodged: 5 August 2014

Appeal Decision: Dismissed 20.04.2015

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

App. Ref: 14/02018/LBA
Location: 5 - 13 Somerset Place Lansdown Bath BA1 5HA
Proposal: External work for the provision of balconies to rear elevation at 6, 11, and 13 and alterations to rear fenestration.
Decision: REFUSE
Decision Date: 14 July 2014
Decision Level: Chair Referral
Appeal Lodged: 5 August 2014

Appeal Decision: Dismissed 20.04.2015

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

App. Ref: 14/03396/FUL
Location: 17 Lansdown Park Lansdown Bath BA1 5TG
Proposal: Erection of two storey rear extension. (Retrospective).
Decision: REFUSE
Decision Date: 4 February 2015
Decision Level: Delegated
Appeal Lodged: 26 February 2015

Appeal Decision: Allowed on 22.04.2015

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

App. Ref: 14/02184/LBA
Location: Barle House 17 High Street Chew Magna Bristol
Proposal: Construction of widening of door opening between existing kitchen and dining room
Decision: REFUSE
Decision Date: 15 July 2014
Decision Level: Delegated
Appeal Lodged: 23 January 2015

Appeal Decision: Dismissed on 28.04.2015

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

App. Ref: 14/04826/FUL
Location: 13 Hillcrest Pensford Bristol BS39 4AT
Proposal: Erection of 2no bed dwelling to be built to the side of 13 Hillcrest (Resubmission)
Decision: REFUSE
Decision Date: 11 December 2014
Decision Level: Delegated
Appeal Lodged: 23 January 2015

Appeal Decision: Dismissed on 28.04.2015

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

App. Ref: 14/05554/TPO
Location: 3 Fersfield Lyncombe Bath BA2 5AR
Proposal: 6x Ash - fell
Decision: Split decision - check file/certificate
Decision Date: 19 January 2015
Decision Level: Non-Planning applications
Appeal Lodged: 27 January 2015

Appeal Decision: Dismissed on 08.05.2015

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

App. Ref: 14/04441/FUL
Location: Land At Rear Of 70 And 70A Frederick Avenue Peasedown St.
John Bath
Proposal: Erection of 1no two bed detached dwelling.
Decision: REFUSE
Decision Date: 25 November 2014
Decision Level: Delegated
Appeal Lodged: 2 February 2015

Appeal Decision: Allowed on 11.05.2015

Click [here](#) for the Appeal Decision

App. Ref: 14/04771/FUL
Location: Birchwood Lodge Wells Road Pensford Bristol BS39 4NE
Proposal: Erection of detached double garage. (Resubmission)
Decision: REFUSE
Decision Date: 15 January 2015
Decision Level: Delegated
Appeal Lodged: 27 March 2015

Appeal Decision: Dismissed on 12.05.2015

Click [here](#) for the Appeal Decision

App. Ref: 13/01733/FUL
Location: Rockery Tea Gardens Vacant Premises North Road Combe Down
Bath BA2 5DN
Proposal: Erection of a detached single storey dwelling (revised proposal).
Decision: REFUSE
Decision Date: 10 September 2014
Decision Level: Planning Committee
Appeal Lodged: 15 December 2014

Appeal Decision: Allowed on 15.05.2015

Click [here](#) for the Appeal Decision

App. Ref: 14/01817/FUL
Location: End Farm St Catherine Lane St. Catherine Bath
Proposal: Provision of field gate onto St Catherine Lane adjacent to junction with Beek's Lane, allowing access to three agricultural fields east of Beek's Lane, formerly accessed via Beek's Lane (Retrospective) (Resubmission)
Decision: REFUSE
Decision Date: 11 July 2014
Decision Level: Planning Committee
Appeal Lodged: 10 February 2015

Appeal Decision: Dismissed on 18.05.2015

Click [here](#) for the Appeal Decision

App. Ref: 13/03547/OUT
Location: Parcel 5922 Farrington Road Paulton Bristol
Proposal: Erection of up to 47 dwellings with associated infrastructure.
Decision: REFUSE
Decision Date: 22 January 2014
Decision Level: Delegated
Appeal Lodged: 11 March 2014

Appeal Decision: Dismissed on 20.05.2015

Click [here](#) for the Appeal Decision

App. Ref: 13/04880/OUT
Location: Parcel 6211 Boxbury Hill Paulton Bristol
Proposal: Outline planning application for a residential development of up to 124 dwellings and associated infrastructure.
Decision: REFUSE
Decision Date: 18 February 2014
Decision Level: Delegated
Appeal Lodged: 15 April 2014

Appeal Decision: Dismissed on 20.05.2015

Click [here](#) for the Appeal Decision

App. Ref: 14/00038/OUT
Location: Parcel 4277 Langfords Lane High Littleton Bristol
Proposal: Outline planning application for a residential development of up to 71 dwellings and associated infrastructure.
Decision: REFUSE
Decision Date: 10 April 2014
Decision Level: Delegated
Appeal Lodged: 27 October 2014

Appeal Decision: Withdrawn on 21.05.2015

App. Ref: 14/04815/LBA
Location: 5 Brookleaze Buildings Larkhall Bath BA1 6RA
Proposal: External alterations to provide replacement entrance door and windows.
Decision: REFUSE
Decision Date: 16 December 2014
Decision Level: Delegated
Appeal Lodged: 4 February 2015

Appeal Decision: Split decision

Click [here](#) for the Appeal decision

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