

Democratic Services

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Date: 19 August 2015
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To: All Members of the Development Management Committee

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

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

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Management Committee: Wednesday, 26th August, 2015

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 26th August, 2015** at **2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 25th August in the Meeting Room, Lewis House, Bath.

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

The agenda is set out overleaf.

Yours sincerely

David Taylor
for Chief Executive



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

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

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

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

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

Appendices to reports are available for inspection as follows:-

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

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

- 4. Recording at Meetings:-**

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

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

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

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

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

7. Emergency Evacuation Procedure

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

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

**Development Management Committee - Wednesday, 26th August, 2015
at 2.00pm in the Brunswick Room - Guildhall, Bath**

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. ELECTION OF VICE CHAIRMAN (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting, declarations of interest are received from Members 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 before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

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

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

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

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

8. MINUTES: 29TH JULY 2015 (PAGES 9 - 46)

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

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 47 - 76)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 77 - 170)

11. QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2015 (PAGES 171 - 182)

12. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 183 - 188)

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/sites/default/files/delegated_report_pdf_0.pdf

Member and Officer Conduct/Roles Protocol*

Development Control Committee

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

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

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

2. Local Planning Code of Conduct

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

3. Site Visits

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

4. Voting & Chair's Casting Vote

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

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

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

5. **Protocol for Decision-Making**

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

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

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

6. **Officer Advice**

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

7. **Decisions Contrary to Policy and Officer Advice**

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

8. **Officer Contact/Advice**

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

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

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

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

Site Visit Procedure

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

DEVELOPMENT MANAGEMENT COMMITTEE**Minutes of the Meeting held**

Wednesday, 29th July, 2015, 2.00 pm

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

24 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the emergency evacuation procedure

25 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required

26 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Council Matthew Davies whose substitute was Councillor Donal Hassett

27 DECLARATIONS OF INTEREST

Councillor Les Kew declared an interest in the planning application at Maynard Terrace, Clutton (Item 1, Report 10) as he had relatives who owned land near to the site and he would therefore leave the meeting for its consideration. Councillor Rob Appleyard declared a disclosable pecuniary interest in the same application as he was a Non-Executive Director of Curo (the applicants) and he would also leave the meeting for its consideration. Councillor Eleanor Jackson declared an interest in the application at Shortwood Common Cottage, Hinton Blewett (Item 1, Report 9) as she was acquainted with an electrician who was her near neighbour who had worked on her property and was involved in the application site. She would therefore leave the meeting for its consideration.

(Note: Councillor Caroline Roberts stated that, despite living in the vicinity of No 153 Newbridge Hill (Item 4, Report 10), she did not have an interest to declare on the application and would speak and vote on the matter.)

28 **TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none

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

The Senior Democratic Services Officer informed the meeting that there were no speakers on matters other than on planning applications and that a number of people wished to make statements on planning applications who would be able to do so when reaching their respective items in Reports 9 and 10.

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

Councillor Paul Crossley had given notice to ask the Chairman whether she would be willing for the Committee to be webcasted. He gave reasons why he felt that this should be undertaken.

Members briefly discussed the matter and the majority of Members indicated that they supported the request. The Chairman undertook to raise the matter with the Cabinet.

31 **MINUTES: WEDNESDAY 1ST JULY 2015**

The Minutes of the previous meeting were approved and signed as a correct record, subject to the deletion of "There were no items notified by Members in advance of the meeting" in Minute No 11 Items from Councillors and Co-opted Members.

32 **SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

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

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

Item 1 Leacroft House, Bristol Road, West Harptree – Erection of new dwellings, access, landscaping and attenuation pond and refurbishment of Leacroft House, following demolition of Leacroft Bungalow and outbuildings associated with former builder's yard – The Case Officer reported on this application and her recommendation to (A) Authorise the Group Manager – Development Management, in consultation with the Head of Legal and Democratic Services, to enter into a S106 Agreement to provide (i) highway improvements; and (ii) affordable housing; and (B) upon completion of the Agreement, authorise the

Group Manager to grant permission subject to conditions. She reported on further representations received. The Update Report provided further information on the application and recommended revised wording to Condition 19.

The public speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor Tim Warren expressing concerns about the proposal. The Group Manager responded to a point raised regarding a tree preservation order and an error in a letter sent to residents.

Members asked questions about the application for clarification to which Officers responded. The Group Manager gave advice on the planning policies that applied to consideration of the application.

After considering the information provided, Councillor Eleanor Jackson moved the Officer recommendation which was seconded by Councillor Paul Crossley. Members briefly debated the motion after which it was put to the vote. Voting: 7 in favour and 1 against with 2 abstentions. Motion carried.

Item 2 Shortwood Common Cottage, Hook Lane, Hinton Blewett – Erection of two storey side and rear extension following demolition of existing kitchen and detached garages – The Planning Officer reported on this application and the recommendation to refuse permission.

The applicants' agent made a statement in support of the proposal which was followed by a statement by the Ward Councillor Tim Warren in favour of the application.

Councillor Les Kew considered that the proposal was in keeping with other properties in the area and the development was practically using the same footprint. There was no objection from highways, and ecology officers and it was supported by the Parish Council. He could see no reason for the application to be refused and therefore moved that the recommendation be overturned and that the application be delegated to Officers to grant permission subject to appropriate conditions. The motion was seconded by Councillor Donal Hassett.

Members debated the motion and expressed arguments for and against the development. Concerns were expressed regarding the design and the loss of openness. The Group Manager stated that the test was whether the extension respected and complemented the host building and that the Officer advice was that the proposals would dominate the host building. The motion was then put to the vote. Voting: 3 in favour and 6 against. Motion lost.

Councillor Rob Appleyard therefore moved approval of the Officer recommendation to refuse permission which was seconded by Councillor Caroline Roberts. The motion was put to the vote and was carried, 6 voting in favour and 2 against with 1 abstention.

(Note: Councillor Eleanor Jackson left the meeting prior to consideration of this application due to her interest declared earlier in the meeting).

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

The Committee considered

- A report by the Group Manager – Development Management on various applications for planning permission etc.
- An Update Report by the Group Manager on Item Nos. 1, 2, 4 and 7, a copy of which is attached as *Appendix 4* to these Minutes
- Oral statements by members of the public etc. on Item Nos 1-4 and 9, a copy of the Speakers List being attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 5* to these Minutes

Item 1 Parcel 0006 Maynard Terrace, Clutton – Modification of Planning Obligation 12/01882/OUT to reduce the affordable housing provision to 33% (Erection of 36 dwellings and associated works (Revised submission) – The Case Officer reported on this application and her amended recommendation in the Update Report to authorise the Head of Legal and Democratic Services to enter into a Deed of Variation to the original S106 Agreement to reduce the level of affordable housing to 33%. The Update Report referred to further representations received and the Officer's assessment.

The public speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor Karen Warrington against the proposal.

The Group Manager provided advice for Members regarding the issue of the 5 year housing land supply. The application still provided affordable housing that was 3% more than Council policy required. There were a number of options available to vary the S106 Agreement. Members asked questions about the application for clarification to which Officers responded.

Councillor Eleanor Jackson stated that she had attended the public local Inquiry to defend the Committee's decision to refuse permission for the development. She expressed concern about the lack of a viability assessment to support the claim that the current scheme was unviable. She considered that the European Grant for viability was still in question and that there was a need for housing for young people in Clutton. She therefore moved that the recommendation be overturned and that the variation be refused on the basis of an inadequate viability assessment, failure to explore funding and the loss of social housing. The motion was seconded by Councillor Caroline Roberts.

The Group Manager stated that the funding mechanisms were not known and were not a planning consideration. The current planning policies needed to be considered and only 30% affordable housing was required and therefore the view of Officers was that viability testing was not required in this case. He advised that a new application on this basis would be compliant with the Council's affordable housing policies. The Committee were advised that they could defer the application for a full viability assessment.

Members briefly debated the motion. Councillor Eleanor Jackson accepted the Group Manager's advice regarding the funding issue and removed that reason from her motion for refusing the variation.

The motion was then put to the vote and was carried, 6 voting in favour and 2 against.

(Note: Councillors Rob Appleyard and Les Kew had left the meeting prior to consideration of this application in view of their declaration of interests).

Item 2 Land rear of Yearten House, Water Street, East Harptree – Erection of 8 dwellings and access – The Case Officer reported on this application and her recommendation to (A) authorise the Head of Legal and Democratic Services to enter into a S106 Agreement to secure various provisos; and (B) subject to the completion of the Agreement, authorise the Group Manager to grant permission subject to conditions. The Update Report provided further information on the application and amended the recommendation/conditions. The Case Officer clarified that there was a correction to the report in that it stated that the proposed development would not count towards the 10-15 house allocation for the village outlined in the Core Strategy. Given that the applicant had demonstrated that a denser form of development was not appropriate for the site to achieve 10 dwellings, this site may still be included as part of the housing figure because it was in the Emerging Place Making Plan and there were good reasons why it could not be developed for 10 dwellings.

The public speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor Tim Warren expressing concerns about the development.

Members asked questions about the application for clarification to which Officers responded. The issue of the applicants' offer to reduce the number of houses to 5 was discussed but the Group manager advised that the proposal before the Committee needed to be considered and that there was not an application for 5 dwellings before the Committee. Councillor Rob Appleyard felt that the application was acceptable and that there would be less variety of design if the number of houses was reduced. He therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion. Some Members felt that the application should be deferred as there was insufficient detail to make a decision with the drawings being of too small a scale. Councillor Rob Appleyard, on reflection, withdrew his motion. Councillor Les Kew then moved that the application be deferred for a Site Visit which was seconded by Councillor Rob Appleyard. The motion was put to the vote and was carried without dissension.

Item 3 Fosseway Environmental Park, Fosseway, Englishcombe – Approval of Reserved matters in relation to Application 14/00839/EMINW for the proposed erection of residual waste facility including a materials recovery facility, anaerobic digestion plant, reception building, weighbridge, outdoor storage areas and other ancillary development – The Council's Planning Consultant reported on this application and his recommendation to Approve subject to conditions. He stated that an amendment was required to Condition 3 so that

landscaping was carried out in accordance with the drawings listed in the Condition as these were sufficiently detailed.

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

Councillor David Veale, Ward Member on the Committee, stated that there had been many problems with the site in the past but the current situation was now acceptable. Members asked questions about the application and the implications of this decision on any enforcement action which might be required at the site to which Officers responded. Councillor Eleanor Jackson considered this to be a positive step forward and therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

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

(Note: Following this decision at 4.35pm, there was an adjournment for 5 minutes for a comfort break).

Item 4 No 153 Newbridge Hill, Bath – Provision of 5 parking spaces at the rear of 153/155 Newbridge Hill – The Planning Officer reported on this application and the recommendation to refuse permission.

The applicant's agent made a statement in favour of the application.

Councillor Donal Hassett, Ward Member on the Committee, considered that the application was acceptable as it would tidy up the area and reduce the amount of parking on-street which was at a premium. He also felt that the proposed garden would enhance the area. On this basis, he moved that the recommendation be overturned and that Officers be authorised to grant permission subject to appropriate conditions. Councillor Caroline Roberts, also Ward Member on the Committee, supported this view and seconded the motion.

Members debated the motion. Some Members were sceptical about the reason for the application but it was generally supported. The number of spaces was acceptable to Members. The Group Manager informed Members of the reasons why Officers were recommending refusal.

The motion was put to the vote and was carried, 8 voting in favour and 2 against.

(Note: During the debate, Councillor Bryan Organ stated that he knew a member of the applicant's family but that he had no financial connection to him and they were not friends. As such, he considered that he did not have an interest to declare.)

Item 5 Wansdyke House, Claverton Down Road, Claverton Down, Bath – Outline application with all matters reserved for the erection of a new house in the rear garden of Wansdyke House (Resubmission) - The Case Officer reported on this application and her recommendation to grant permission subject to conditions. The wording of Condition 4 would need to be amended to include hours of working and that the reason for the Condition was in the interests of amenity. The Chairman reported on a comment received from the Ward Councillor Steve Jeffries who was satisfied that the issue of access was now covered.

Councillor Les Kew considered that this was a good presentation and an acceptable scheme and therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members asked questions for clarification to which the Officers responded. The Group Manager stated that the site was located within the built-up area of Bath and had received planning permission on a number of occasions; there was not therefore an objection in principle to the residential development of the land. It was a large site and the proposal would not be out of character. Members debated the motion.

After due consideration, the motion was put to the vote and was carried, 5 voting in favour and 4 against with 1 abstention.

Items 6&7 No 10 Grove Street, Bath – (1) Change of use from 4 student flats to 4 cohesive self-contained residential flats, openings in existing partition walls, additions of new doors and creation of en-suite shower rooms (Ref 15/01872/FUL); and (2) internal alterations for the creation of 2 cohesive self-contained residential flats and openings in existing partition walls, additions of new doors and creation of en-suite shower rooms – The Case Officer reported on this application and her recommendation to grant permission/consent subject to conditions. The Update Report provided further information on the application for listed building consent.

Councillor Les Kew considered that the scheme was satisfactory and therefore moved the Officer recommendations which were seconded by Councillor Paul Crossley. The motions were put to the vote separately and were both carried unanimously.

Item 8 No 11 Holloway, Bath – Extension of kitchen into existing balcony with provision of roof and glazing to cover balcony – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

Councillor Bryan Organ considered the scheme to be acceptable and therefore moved the Officer recommendation which was seconded by Councillor Les Kew.

After a short debate, the motion was put to the vote and was carried, 9 voting in favour and 1 against.

Item 9 Joseph House, Church Lane, Englishcombe – Erection of a wooden garden pagoda – The Case Officer reported on this application and her recommendation to refuse permission.

The representative of the Parish Council made a statement in favour of the application.

Councillor Les Kew considered that the development with the use of timber was not inappropriate - it was a facility for outdoor recreation and it would not harm the openness of the Green Belt. On this basis, he moved that the recommendation be overturned and that Officers be delegated to grant permission subject to appropriate conditions. The motion was seconded by Councillor David Veale.

Members debated the motion. Comments were made for and against the motion.

Some Members considered that the scheme should be supported whereas some Members considered that the appropriate planning policies had to be followed as there were no very special circumstances to justify the development within the Green Belt. The Group Manager explained the reasons for the recommendation to refuse permission and that he did not consider this to be a facility for outdoor recreation, rather that it was a domestic feature. The motion was put to the vote. Voting: 4 in favour and 6 against. Motion lost.

It was therefore moved by Councillor Paul Crossley to approve the Officer recommendation to refuse permission which was seconded by Councillor Eleanor Jackson. The motion was put to the vote and was carried, 6 voting in favour and 4 against.

Item 10 Parcel 3100 Charlton Road, Keynsham – Comprehensive Masterplan and Design Principles for the proposed redevelopment of the site at Charlton Road, Keynsham, pursuant to Policy KE4 of the Bath and North East Somerset Core Strategy 2014 – This matter was covered in the following Report

34 KEYNSHAM MASTER PLAN - HOUSING SITE AT PARCEL 3100 CHARLTON ROAD, KEYNSHAM

The Committee considered (1) the report of the Divisional Director - Development on the Masterplan for development at Parcel 3100 Charlton Road, Keynsham, in accordance with Policy KE4 of the Bath and North East Somerset Core Strategy; and (2) the recommendation, as amended in the Update Report, to agree the submitted Masterplan. The report described the site, set out the Decision Making Framework and gave the Officer assessment which concluded that the Masterplan was considered to be acceptable and would form a sound basis upon which the detailed design and development of the site could move forward. The Update Report (attached as *Appendix 6*) provided Officers' comments on further representations received.

Members asked various questions about the proposal to which Officers responded. Members considered the proposed number of houses and school provision and landscaping. There was discussion about the Parkhouse Lane link between the 2 sites and possible road widening and the sites being included on a bus route. The Senior Planning Officer responded that road widening had not been settled yet but there was potential for a cycle/pedestrian route to Keynsham – further details would be produced at the detailed design stage.

After a full debate, it was unanimously **RESOLVED** to agree the submitted Masterplan.

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

The report was noted

The meeting ended at 5.55pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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UPDATE REPORT

ITEM NUMBER 001

Application No: 14/05899/OUT

Leacroft House, Bristol Road, West Harptree, Bristol, BS40 6HF

Summary of Consultation/Representations:

Local Representations: A further letter of objection has been received raising the following concerns:

1. The development will have a detrimental impact on a village of the size of West Harptree from a visual, character and functional prospective.
2. The access road is of insufficient size for the development proposed and will be harmful to highway safety.
3. Flooding and drainage issues on Bristol Road.
4. The proposal is not in accordance with the wishes of the Parish as put forward in the Placemaking Plan consultation process.

Officer Comments

The issues raised within the late objection to the development have, in the main, already been dealt with in the main report. However with specific regard to flooding and drainage issues on Bristol Road, the Highways Development Officer has raised no concerns and furthermore Officers are aware that the road has been subject to significant drainage works within the last couple of months to specifically resolve the flooding and drainage issues on Bristol Road.

Impact on Ecology:

The main report provides an assessment of the submitted justification that the development meets the 3 tests of the Habitat Regs. The third test deals with the consideration that the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

Whilst the justification submitted is considered to be acceptable Officers would also add that the development would also provide much needed dwellings within the rural area and, furthermore, would also provide a level of affordable dwellings that is a much needed resource and that this provision is also of overriding public interest.

Turning to conditions, to ensure that the residential amenity of neighbouring occupiers is safeguarded during the construction process Condition 19 should be amended to read:

19 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include, hours of working, details of deliveries (including storage arrangements and timings), contractor parking and traffic management. A programme of condition surveys of the local highway network shall be included, and all damage resulting from development made good. Reason: The details of how the construction period will be managed needs to be considered before commencement of development to ensure the safe operation and ongoing condition of the highway and in the interests of residential amenity.

Recommendation:

As per the main report with the amendment to Condition as detailed above.

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

**MEMBERS OF THE PUBLIC WHO MADE A STATEMENT AT THE MEETING OF
THE DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY 29TH JULY 2015**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISIT LIST – REPORT 9		
Leacroft House, Bristol Road, West Harptree (Item 1, Pages 29-48)	Richard Ireland, Chairman, West Harptree Parish Council	Against
	Maggie Brain	Against
	Claire Mitcham (Applicants' Agent)	For
Shortwood Common Cottage, Hook Lane, Hinton Blewett (Item 2, Pages 49-53)	Gordon Currie, Acorn Architectural (Applicants' Agents)	For
MAIN PLANS LIST – REPORT 10		
Parcel 0006 Maynard Terrace, Clutton (Item 1, Pages 58-63)	Councillor Rosemary Naish, Chair, Clutton Parish Council	Against
	Steve Holmes <u>AND</u> Clive English	Against – To share 3 minutes
	Gerraint Oakley, Managing Director, Curo (Applicants)	For
Land rear of Yearten House, Water Street, East Harptree (Item 2, Pages 64-82)	Andrew Jones, East Harptree Parish Council	Against
	Mrs Chris Billinghamurst	Against
	John Sneddon (Applicants' Agent)	For
Fosseway Environment Park, Fosseway, Englishcombe, Bath (Item 3, Pages 83-92)	Caroline Kay, Chief Executive, Bath Preservation Trust	Against
	Matthew Kendrick, Grass Roots Planning (Applicants' Agents)	For
153 Newbridge Hill, Bath (Item 4, Pages 93-99)	Bernardo Mori (Applicant's Agent)	For
Joseph House, Church Lane, Englishcombe, Bath (Item 9, Pages 124-127)	Councillor Robert Law, Englishcombe Parish Council	For

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BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

29th July 2015

DECISIONS

Item No:	001	
Application No:	14/05899/OUT	
Site Location:	Leacroft House, Bristol Road, West Harptree, Bristol	
Ward: Mendip	Parish: West Harptree	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Erection of new dwellings, access, landscaping and attenuation pond and refurbishment of Leacroft House, following demolition of Leacroft Bungalow and outbuildings associated with former builders yard.	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, Public Right of Way, SSSI - Impact Risk Zones, Water Source Areas,	
Applicant:	Mr & Mrs Payne	
Expiry Date:	31st July 2015	
Case Officer:	Rachel Tadman	

DECISION

Delegate to Permit - Pending Legal Agreement

Item No:	002	
Application No:	15/01336/FUL	
Site Location:	Shortwood Common Cottage, Hook Lane, Hinton Blewett, Radstock	
Ward: Mendip	Parish: Hinton Blewett	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of two storey side and rear extension following demolition of existing kitchen area and detached garages	
Constraints:	Airport Safeguarding Zones, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Coal - Standing Advice Area, SSSI - Impact Risk Zones,	
Applicant:	Mr & Mrs J Hill	
Expiry Date:	7th August 2015	
Case Officer:	Martin Almond	

DECISION REFUSE

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

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

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

PLANS LIST:

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the reasons outlined above and the applicant was advised that the application was to be recommended for refusal.

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

Date

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	15/02435/MDOBL	Parcel 0006 Maynard Terrace Clutton

Consultation/Representations

Planning Policy: Support the proposal and offer the following comments;

- Applicant has provided details of abnormal site conditions
- This coupled with the low net developable area result in the current scheme being unviable
- In the interests of deliverability, it is considered that the scheme is within the 30% area, the amendment is supported.

Representations: 1 further letter received, raising the following points

- Has the viability assessment been independently tested?
- Is the range of alternatives accessible to the DCC
- Costs are not abnormal for an unsuitable site
- Viability has always be regarded as suspect
- 53% affordable housing became a material consideration in assessing benefit v harm
- Inspector should have ruled on what the minimum percentage affordable should have been
- Recent appeal at Boxbury Hill states that 35%was not enough to outweigh harm to a non-designated heritage asset
- Effectively an application for 7 houses outside the housing development boundary

Officer Assessment

To clarify the nature of this application for Members, the applicants have requested that the Council agree to vary the s106 by reducing the level of affordable housing. Therefore, Members are not being asked to determine a planning application but are instead being asked to agree to vary a contractual obligation. In view that Members are not determining a planning application, the presumption in [s 38\(6\)](#) of the Planning and Compulsory

Purchase Act 2004 (that the decision should be in accordance with the development plan unless material considerations indicate otherwise) does not apply. That is not to say that the development plan is irrelevant but simply that the statutory presumption does not apply. Instead Members need to ask themselves whether the s106 still serves a useful planning purpose.

The additional Planning Policy comments and objection are not considered to raise any further issues and are addressed in the Officer report in the main agenda.

Recommendation

Authorise the Head of Legal and Democratic Services to enter into a deed of variation to the original s106 agreement to reduce the level of affordable housing to 33%.

Item No.	Application No.	Address
2	14/05836/FUL	Land rear of Yearten House Water Street East Harptree

Summary of Consultation/Representations:

One letter of support was received and not referred to in the committee report drafted.

Local Representations:

Three further letter of comment have been received raising the following concerns/matters :

- Confirmation in respect of badger activities proving that the site is clearly active at this moment in time.
- Concerns in respect of the number of units supported by officers.
- Possibility of a Strip of land being purchased so that its retention as a wildlife corridor can be safeguarded.
- Provision of pavement outside Yearten House linking into the site.
- Views through the site
- Green Corridor and density

Officer Comments

Ecology

The comments received in respect of badger activities do not impact on the Council's Ecologists' comments who is satisfied that the suggested conditions will ensure adequate protection/mitigation works to accommodate badgers on the site.

Density

The figure of 8-10 dwellings on this site came from the proposed site allocation and background evidence included in the Placemaking Plan – policy SR6 and supporting site assessment evidence base. In terms of density this is still considered to be a low density scheme in design terms at its current development level.

The density of this development is 18.1 units per hectare.

Purchase of land

It is preferable for all corridors to form part of the landscape scheme in order that their detailing and retention can be ensured as part of a comprehensive scheme. However, any private land sales cannot be controlled by the Local Planning Authority.

Pavement Provision

The section of pavement which is missing and is adopted highway verge was never completed in the 1960s when the bungalow development was built. This section of pavement is considered necessary and it is proposed that its construction be tied in with the 106 agreement for the provision of the pedestrian footway.

Therefore, the recommendation must read:-

Delegate to permit

- A) *Authorise the Head of Legal and Democratic Services to enter into a Section 106 agreement to secure the following:-*
 - i) *The provision and maintenance of the public footpath and the provision of a pavement at the front of Yearthen House.*

Views

There are views from some adjacent properties across the site to the lake. Whilst it is appreciated that these views are important to the residents the development of this site cannot be prohibited in order to preserve these private views.

Density and green corridor.

Concerns have been raised in relation to an appeal on the land at the rear of Home Farm. This appeal was lodged following refusal of planning permission in 1995. At the time density of the development and retention of green space were considered important in relation to the site.

The 'in principle acceptance' of development on this site and the density of such development have now moved on from the position in 1995 due to changes in government and local legislation and advice.

Clarification in respect of nearby appeal decisions

Appeal on site nearby Middle Street 12/02266/FUL- 9 dwellings on 0.49 hectares-density below 30 per hectares min. as required in 2012. (DENSITY 18.3 dwellings per hectare).

Site at the rear of Home Farm 1995 WC 003468/B

Approval of three houses followed dismissal of an appeal for 5 houses. The appeal was dismissed for 5 houses as primarily they were considered to be out of character with the surrounding context. In terms of their footprint and height (8m). The density refused was 3 dwellings per hectare. The approved scheme was for 1.8 dwellings per hectare.

Officer comments- this decision was made 20 years ago. A balance has to be made between the realistic acceptable density of development in line with current housing needs as identified in the Core strategy and the emerging Neighbourhood Plan.

Amendments to conditions 3, 9, 10 and 11.

Amendment to plans:

The submitted plans incorrectly indicate that the property on plot 6 is a four bedroomed house this is incorrect. Plot 6 is a three bedroomed house of TYPE A style.

The type of houses proposed are as follows: 1 number two bedroomed house (plot 2), 6 number three bedroomed houses plots 1, 3, 4, 5, 6, and 7 and 1 four bedroomed house (plot 8).

Therefore it is not necessary in line with Council Policy for this unit to have 3 car parking spaces.

Therefore, condition number 3 is amended to read:

3-The areas allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON -To ensure that adequate parking provision is provided and retained within the development.

9- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed on the dwellings shown on plots 1, 3, 4, 5, 6 and 7 at any time unless a further planning permission has been granted.

Reason: Given the proximity of the new dwellings to the existing dwellings the creation of additional windows, roof lights and/or openings could impact on the amenities of adjoining occupiers from overlooking and loss of privacy.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwellings shown on plots 4, 5, 6, 7 and 8 hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Due to the AONB location of this site and the relationship of the approved dwellings to adjacent existing dwellings any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding property and the visual amenity of the area.

11 The proposed first floor windows in the west elevation of the proposed dwellings on plot 1 and the proposed first floor windows in the east elevation of the proposed dwellings on plot 3 shall be glazed with obscure glass prior to the first occupation of this dwelling and permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

The following ADDITIONAL CONDITIONS are necessary.

15-Prior to the commencement of development, a detailed drainage strategy must be submitted to and approved by the Local Planning Authority. The drainage strategy should include the following items:

- Agreement of points of connection and 'in principal' adoption of proposed surface water sewer with the Water Company (Wessex Water). This should be provided in writing.
- Runoff volume estimates for the 1in100 year 6 hour event for both greenfield and post development conditions. The difference in these volumes to be held in long term storage and released at a rate that is the greater of QBAR or 2l/s/ha.
- Simulations demonstrating that there will be no flooding of any part of site for the critical 1in30 rainfall event. These simulations should be submitted as an electronic Micro Drainage file (.mdx file).
- Simulations demonstrating that there will be no flooding of any building or utility plant for the 1in100+climate change rainfall event. These simulations can be submitted as an electronic Micro Drainage file (.mdx file).
- an indication of exceedance routes for any flood flows above the critical event
- a detailed design drawing of the drainage network including flow control and attenuation structures
- a drawing showing the proposed outfall structure
- details of the long-term ownership of the drainage system together with any long-term maintenance requirements.

This strategy must indicate who will be responsible for the on-going maintenance of the permeable paving for the main access road. A maintenance regime for the permeable paving and any other important flow control (Hydrobrake chamber) or attenuation structures should be provided.

Reason: The information does not provide adequate details in relation to the above matters and therefore these will require full consideration prior to the development commencing to ensure there will not be any drainage problems within the locality as a result of this proposal.

16- Prior to the commencement of development, details of a Scheme to mitigate and compensate for impacts on badgers and on the badger sett at the site, and to prevent harm to badgers during works, shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- i. findings of the most recent update survey and assessment, carried out during the active season
- ii. provision of all necessary mitigation measures, to include, as applicable, mapped habitat areas, orchard planting and badger runs; provision of an artificial sett, if applicable; all measures to be in accordance with the recommendations of the approved ecological reports and findings of further survey.

iii. All measures to be incorporated into the scheme and shown on all relevant plans and drawings including the layout plan and landscape design
iv. Full method statement and proposed timing of works for sett closure as applicable and copy of licence application as applicable;
v. full details of all necessary measures, exclusion zones and protective fencing as applicable to prevent harm to badgers during site clearance and construction
vi. proposed long term management objectives, prescriptions and provision for all retained / new mitigation features
The development shall be carried out in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

17-No new lighting shall be installed without full details to demonstrate that these corridors shall not be lit, and full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include:
i. a plan showing mapped proposed dark corridors, and mapped details to demonstrate predicted light levels of 0 lux within the dark corridors and 1 lux adjacent to the dark corridors
ii. lamp specifications, positions, numbers and heights;
iii. details of all measures that shall be used to limit use of lights when not required and to prevent light spill onto dark corridors, vegetation and adjacent land

Reason: to avoid harm to bats and other wildlife

18-No development shall take place until full details of a Wildlife Protection, Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:
(i) Final reptile mitigation strategy
(ii) Full details of protection of retained habitats to include specifications and scale plans showing fenced exclusion zones
(iii) Full details of all other wildlife mitigation and enhancement measures, with specifications, numbers and positions to be shown on plans and drawings as applicable for example on details of soft landscape design
All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: to avoid harm to wildlife and to mitigation for impacts on wildlife

19-No development shall be commenced 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, to include mapped areas of, orchard planting, and habitat creation with exclusively native species planting, incorporating necessary mitigation for reptiles and badger, and details of long term conservation management prescriptions; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting and wildlife mitigation to the development.

Additional Informative:

Bath and North East Somerset Council will not adopt any drainage features.

Other Matters

CIL payment requirement.

The officers report states:

Due to the scale of the proposed development, is the scheme is for less than 10 houses and the scale of the development i.e. less than 1000 square metres therefore, no CIL payment is required.

However, this is in error the suggested threshold was for developments of ten-units or less (and which have a maximum combined gross floor space of no more than 1,000 square metres). However this 1,000 square metres threshold relates to tariff style contributions which were previously required to be paid and were the subject of 106 agreements.

Since the introduction of CIL in April 2015 a development of this nature would be CIL liable.

Clarification of levels across the site.

The submitted plans indicate levels across the site as existing and the ffl of the proposed dwellings. Sections through the site indicate that in principle the units will be sit 'down' in the site.

The land rises by approximately two metres from North East to South West. The highest part of the site is the South Western corner. The ffl of the units are shown on the layout plan.

Plot 8 – the land here is shown to be 122.50 m AOD (above sea level) with the slab level of the property being set down at 121.4m. Therefore the plans indicate that the slab level of the property will be one metre lower than the ground level. Sections through the site indicate how the new units relate to the adjacent properties and the existing site levels. The ridgeline height of the unit on plot Plot 8 is 1.75m higher than Malabar House.

Item No.	Application No.	Address
4	15/01226/FUL	153 Newbridge Hill Newbridge Bath

Following the submission of the report the following update is made

A further reason for refusal is added to the report stating that;

The applicant has not provided any significant justification to identify that there is a need to provide additional off-street car parking in this location and there are no details relating to how the parking spaces are currently used. The proposed development is therefore contrary to policy T.20 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

Item No.	Application No.	Address
7	15/01873/LBA	10 Grove Street Bathwick Bath BA2 6PJ

The policy section of the report is updated to remove reference to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act as follows:

The primary consideration is the duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant listed building consent for any works...to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' There is also a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

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

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

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

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

CP6 - Environmental quality

B4 - The World Heritage Site (where applicable)

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

BH.2 - Listed buildings and their settings

BH.6 - Development within or affecting conservation areas

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BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

29th July 2015

DECISIONS

Item No:	01	
Application No:	15/02435/MDOBL	
Site Location:	Parcel 0006, Maynard Terrace, Clutton, Bristol	
Ward: Clutton	Parish: Clutton	LB Grade: N/A
Application Type:	Modify/Discharge a Planning Obligation	
Proposal:	Modification of Planning Obligation 12/01882/OUT to reduce the affordable housing provision to 33% (Erection of 36no. dwellings and associated works (revised resubmission))	
Constraints:	Coal - Standing Advice Area, Coal - Referral Area, Coal Vein, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Housing Development Boundary, Public Right of Way,	
Applicant:	Curo	
Expiry Date:	23rd July 2015	
Case Officer:	Suzanne D'Arcy	

DECISION REFUSE

1 It has not been adequately demonstrated that the scheme would be unviable

2 The Council is seeking to provide the level of affordable housing previously approved

Item No:	02	
Application No:	14/05836/FUL	
Site Location:	Land Rear Of Yearten House, Water Street, East Harptree, Bristol	
Ward: Mendip	Parish: East Harptree	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 8 dwellings and access.	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, SSSI - Impact Risk Zones, Water Source Areas,	
Applicant:	John Sainesbury & Co.	
Expiry Date:	17th February 2015	
Case Officer:	Christine Moorfield	

DECISION

Deferred for site visit

Item No:	03	
Application No:	15/00741/MRES	
Site Location:	Fosseway Environment Park, Fosseway, Englishcombe, Bath	
Ward: Bathavon West	Parish: Combe Hay	LB Grade: N/A
Application Type:	Minerals and Waste Reserved Matters App	
Proposal:	Approval of Reserved Matters in relation to application 14/00839/EMINW for the proposed erection of residual waste facility including a materials recovery facility, anaerobic digestion plant, reception building, weighbridge, outdoor storage areas and other ancillary development.	
Constraints:	Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, MOD Safeguarded Areas, Regionally Important Geological Site RIG, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, Tree Preservation Order,	
Applicant:	Waste Recycling At Bath Ltd	
Expiry Date:	8th June 2015	
Case Officer:	Chris Herbert	

DECISION

Go with recommendation to Approve – subject to conditions

Item No:	04	
Application No:	15/01226/FUL	
Site Location:	153 Newbridge Hill, Newbridge, Bath, BA1 3PX	
Ward: Newbridge	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Provision of additional 5 parking spaces at the rear of 153/155 Newbridge Hill	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Ms Amy Fry	
Expiry Date:	7th August 2015	
Case Officer:	Martin Almond	

DECISION

Delegate to PERMIT

Item No:	05	
Application No:	15/01425/OUT	
Site Location:	Wansdyke House, Claverton Down Road, Claverton Down, Bath	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Outline application with all matters reserved for the erection of a new house in the rear garden of Wansdyke House. (Resubmission)	
Constraints:	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Mrs Sharon Jackson	
Expiry Date:	21st May 2015	
Case Officer:	Alice Barnes	

DECISION APPROVE

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

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

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

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

3 In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Contamination may be indicated by soils that have unusual characteristics such as: unusual colour, odour, texture or containing unexpected foreign material.

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

4 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 hours of working, deliveries (including storage arrangements and timings), contractor parking, traffic management. A programme of condition surveys of the local highway network shall be included, and all damage resulting from development made good.

Reason: To ensure the safe operation and ongoing condition of the highway and in the interest of residential amenity.

5 Prior to any occupation of the dwelling a hard and soft landscape scheme shall be 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; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

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

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

7 Plans showing access, parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the dwelling. All areas 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 dwelling is occupied and shall not be used other than for access and parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

8 The garaging hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

9 No demolition or development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, alteration and creation of above and below ground services including soakaway locations and movement of people and machinery.

Reason: The method statement is required prior to development as any works undertaken could impact on trees and the method statement is required to ensure that trees to be retained are not adversely affected by the development proposals

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

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

11 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:

Existing location plan 01A
Proposed location plan 01B
Existing site plan 02
Proposed site plan 08A

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

Advice Note

The applicant is advised that the proposals should accord with the Building Regulation requirement for refuse collection and emergency vehicle access. It is recommended that Parts B and H of the current Building Regulations documents are reviewed.

Item No:	06
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Application No:	15/01872/FUL
Site Location:	10 Grove Street, Bathwick, Bath, BA2 6PJ
Ward: Abbey	Parish: N/A LB Grade: II
Application Type:	Full Application
Proposal:	Change of use from 4no student flats to 4no cohesive self-contained residential flats, openings in existing partition walls, additions of new doors and creation of en-suite shower rooms.
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Mr Tony Merkin
Expiry Date:	30th July 2015
Case Officer:	Laura Batham

DECISION PERMIT

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

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

PLANS LIST:

This decision relates to drawings 5619-2015-1 and 5619-2015-11 received on 27th April 2015 and proposed first floor plan, proposed second floor plan and proposed front elevation received on 6th July 2015.

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/revised proposals was taken and consent was granted.

Item No:	07
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Application No:	15/01873/LBA
Site Location:	10 Grove Street, Bathwick, Bath, BA2 6PJ
Ward: Abbey	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Internal alterations for the creation of 2no cohesive self-contained residential flats and openings in existing partition walls, additions of new doors and creation of en-suite shower rooms.
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Mr Tony Merkin
Expiry Date:	30th July 2015
Case Officer:	Laura Batham

DECISION CONSENT

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

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

PLANS LIST:

This decision relates to drawings 5619-2015-1 and 5619-2015-11 received on 27th April 2015 and proposed first floor plan, proposed second floor plan and proposed front elevation received on 6th July 2015.

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/revised proposals was taken and consent was granted.

Item No:	08
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Application No:	15/01996/FUL
Site Location:	11 Holloway, Widcombe, Bath, BA2 4PS
Ward: Widcombe	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Extension of kitchen into existing balcony with provision of roof and glazing to cover balcony.
Constraints:	Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, British Waterways Major and EIA, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Mrs R Simcox
Expiry Date:	4th August 2015
Case Officer:	Nicola Little

DECISION PERMIT

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 Notwithstanding the submitted details and prior to the commencement of development, samples of all external materials to be used in the construction of the extensions hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

PLANS LIST:

The development shall be carried out strictly in accordance with the details shown on

EXISTING BALCONY SECTION - DRAWING 5643-2015/06 - received 01 May 2015

EXISTING ELEVATION - DRAWING 5643-2015-02 - received 01 May 2015

EXISTING FIRST FLOOR PLAN - DRAWING 5643-2015-02 - received 01 May 2015

PROPOSED ELEVATION - DRAWING 5643-2005-05 A - received 10 July 2015

PROPOSED FIRST FLOOR PLAN - DRAWING 5643-2015-04 - received 01 May 2015

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. The Council publicises the pre-application service it offers however the applicant did not seek to enter into correspondence with the Local Planning Authority prior to submitting this application. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal.

Item No:	09	
Application No:	15/01757/FUL	
Site Location:	Joseph House, Church Lane, Englishcombe, Bath	
Ward: Bathavon West	Parish: Englishcombe	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a wooden garden pagoda.	
Constraints:	Agric Land Class 1,2,3a, Conservation Area, Forest of Avon, Greenbelt, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,	
Applicant:	Dr William Fulton	
Expiry Date:	17th June 2015	
Case Officer:	Sasha Berezina	

DECISION REFUSE

1 The proposal constitutes inappropriate development within Green Belt, which is harmful by definition. Furthermore, due to its size, bulk and location it would be harmful to the openness of the Green Belt. No very special circumstances have been demonstrated to clearly outweigh the harm, and as such the application is contrary to the National Planning Policy Framework, The Core Strategy Policy B8, and the saved policies GB.2 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007.

PLANS LIST:

22 Apr 2015 OS Extract SITE LOCATION PLAN
22 Apr 2015 Drawing BLOCK PLAN
19 Apr 2015 Drawing 001 POSTS PLAN
19 Apr 2015 Drawing 002 PR'S PLAN
19 Apr 2015 Drawing 003 JACK PLAN
19 Apr 2015 Drawing 004 SPIRE PLAN
19 Apr 2015 Drawing 005 ROOF PLAN
19 Apr 2015 Drawing 007 WALLS B&D

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	10	
Application No:	15/00006/CONSLT	
Site Location:	Parcel 3100, Charlton Road, Keynsham,	
Ward: Keynsham South	Parish: Keynsham Town Council	LB Grade: N/A
Application Type:	Consultation	
Proposal:	Comprehensive Masterplan and Design Principles for the proposed redevelopment of the site at Charlton Road, Keynsham pursuant to Policy KE4 of the Bath & North East Somerset Core Strategy 2014.	
Constraints:	,	
Applicant:	Bloor Homes And Persimmon Homes	
Expiry Date:	12th June 2015	
Case Officer:	Rachel Tadman	

DECISION

Agreed by committee

UPDATE REPORT

ITEM NUMBER 10

REPORT ON THE MASTERPLAN IN ACCORDANCE WITH POLICY KE4 OF THE CORE STRATEGY

Parcel 3100 Charlton Road, Keynsham, Bristol

Planning ref: 15/00006/CONSLT

CONSULTATIONS AND REPRESENTATIONS:

Compton Dando Parish Council:

The council is very concerned about the road junctions and the possible 'rat run' through Redlynch Lane, which is bad enough already. The council also requests that the current statement that the 3 storey buildings are not to be put on the edge of the development but kept to a more central location, are adhered to.

OFFICER COMMENTS:

Whilst the comments from Compton Parish Council regarding highway safety are noted, such concerns will be dealt with at the detailed planning application stage. Furthermore with regard to building heights, the submitted Masterplan confirms that, in line with Policy KE4 of the Core Strategy, the proposed dwellings will be limited to 2/2.5 storeys, at this point 3 storey buildings are not proposed.

RECOMMENDATION:

The published Committee report asks that Members of the Development Management Committee note the submitted Masterplan.

As Policy KE4 of the Core Strategy requires the Council to 'agree' the Masterplan it is proposed that the recommendation is amended to read:

That Members of the Development Management Committee agree the submitted Masterplan.

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Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	26th August 2015
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION – Site Visit Agenda
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

BACKGROUND PAPERS

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

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

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

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

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

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

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	14/05836/FUL 17 February 2015	John Sainesbury & Co. Land Rear Of Yearten House, Water Street, East Harptree, Bristol, Erection of 8 dwellings and access.	Mendip	Christine Moorfield	Delegate to PERMIT

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

Item No: 001
Application No: 14/05836/FUL
Site Location: Land Rear Of Yearthen House Water Street East Harptree Bristol



Ward: Mendip **Parish:** East Harptree **LB Grade:** N/A
Ward Members: Councillor T Warren
Application Type: Full Application
Proposal: Erection of 8 dwellings and access.
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, SSSI - Impact Risk Zones, Water Source Areas,
Applicant: John Sainsbury & Co.
Expiry Date: 17th February 2015
Case Officer: Christine Moorfield

REPORT

This application was considered by the Planning Committee on the 29th July 2015. The committee resolution was to defer making a decision pending a site visit which took place on the 17th August 2015.

Councillor Tim Warren has requested that this application be presented to the planning committee due to the level of local interest.

The Chair of the planning Committee has decided that this application should be presented to the planning committee due to the valid concerns and number of objections received including objections from the Parish Council as well as 25 letters (prior to renotification following the receipt of amended plans) from residents and a petition signed by 23 residents.

SITE DESCRIPTION AND PROPOSAL

The site is accessed via a road spur from Water Lane which serves 4 number dwellings including Yearten House. The boundaries to the site are mainly hedge with a stone retaining wall adjacent to Middle Lane. The land is rough grazing land. The site is known to be occupied by badgers.

The site is located within the housing development boundary for East Harptree and within the Mendip Hills Area of Outstanding Natural Beauty. Within the adopted Core Strategy East Harptree is identified as an RA2 settlement. Policy RA2 of the Adopted Core Strategy states that within the Development Boundary proposals for some limited residential development will be acceptable where: they are of a scale, character and appearance appropriate to the village.

The proposal as originally submitted was for 8 dwellings. The scheme proposed one 2 bed, two 3 bed and five 4 bed dwellings, the scheme also included access and parking. A pedestrian route with a ramp was proposed providing access to Middle Street along with an area of public open space.

During the consideration process the scheme has been amended and the size of the proposed 8 units has been reduced. The scheme now comprises one 2 bed, five 3 bed and two 4 bedroomed dwellings.

The scheme still includes access and parking spaces, an area of open space and a pedestrian route through the site with steps down to Middle lane. The scale of the works in relation to the footpath has been reduced as the ramp has been omitted.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS HIGHWAYS

The highway engineer commented on the original submission that given the history of the site the access is considered acceptable. However, the internal layout was not considered adequate as the turning head appeared too small for a refuse vehicle to turn and a swept path diagram was requested.

The Highway Engineer also stated that no paving across the carriageway should be provided. The proposed access should be a shared surface with a new footpath being provided from the site onto Middle Street which provides pedestrian access between the site and the shops and facilities in the village.

The application originally proposed 1 x 2 bedroom house, and 2 x 3 bedroom houses which will require 2 parking spaces and 5 x 4 bedroom houses which will require 3 parking spaces. The level and layout of the parking as shown on the Site Layout was acceptable.

No objection was made to the application in principle subject to a revised layout plan showing a swept path diagram for the turning head that could accommodate a 10.225m refuse vehicle.

Subsequently the applicant provided a swept path diagrams for the turning head for the development which has been tested and is acceptable and therefore no highway objection is raised to the proposal subject to a S106 securing the S38 works and provision of the footpath link to Middle Street.

Conditions in respect of retention and provision of access and parking spaces need to be attached to any permission granted.

ARCHAEOLOGY

The Councils archaeologist raised no objection subject to conditions in respect of the following being attached to any permission:

- (1) a field evaluation of the site,
- (2) a subsequent programme of archaeological work or mitigation, and
- (3) publication of the results. The scope of conditions 2 and 3 will depend on results of the field evaluation (condition 1):

PARKS OFFICER

No objection subject to a condition in relation to the open space maintenance.

EDUCATION

Bath and North East Somerset Council People and Communities Early Years, Primary School, Secondary School, Post 16 and Youth Services Developer Contributions required are as follows:

The contribution for Early Years provision would be £0 as there is sufficient provision in the area.

The total for school places would be £10,991.58

The Total for Youth provision would be £1,600.80

Therefore, a total contribution at the time of comment sought by the council would be £12,592.38

TREES

The Councils Arboriculturalist commented that no significant trees exist within the main body of the site, however trees are evident around the boundaries on and off site. Those along the southern boundary in particular should be considered since these will shade and overhang the rear gardens. The application should be able to demonstrate how these have been considered in the design layout. The application should include a tree survey following the recommendations in BS 5837:2012 as a minimum requirement.

The indicative layout shown places ecologically important hedgerows within the rear gardens of proposed properties, which may risk incremental loss over time. It is suggested that the garden boundaries are set back from the hedgerows with a maintenance strip created adjoining the hedgerows. Boundary landscape would then become part of the management of communal areas.

PARISH COUNCIL

Numerous objections to the scheme have been made, in particular concerns have been raised in relation to the size and scale of the proposed dwellings and the detrimental effect on the visual amenity of the area and the existing surrounding dwellings.

The scheme is seen to impact on the residential amenity of adjacent residential properties in terms of overshadowing.

This is a poorly designed scheme the style and design of the proposed dwellings are of an urban nature and not in keeping with the surrounding dwellings or locality. The height and size of the proposed dwellings will be a prominent feature when viewed from the elevated south side of the village and Smitham Hill.

Access parking and highway safety must be fully considered.

Following the submission of amended plans the Parish Council submitted the following comments:

Parking still inadequate.

Restricted access for service vehicles.

Inappropriate design in terms of size and height

Detrimental impact on neighbours

Green corridor should be retained

Impact on ecology particularly given the removal of the badger sett

The steps exit onto an inadequate pavement on a busy road.

The management of the communal space should be safeguarded with a section 106 agreement.

Restriction on the use of permitted development should be put in place.

Concerns in respect of neighbour notification and information on the website.

Councillors voted to object to the amended proposals.

FLOOD RISK MANAGEMENT AND DRAINAGE

The site is located in flood zone 1 and is less than 1 hectare in size.

The applicant is generally advised to review the Environment Agency's Local Flood Risk.

Drainage from new development must not increase flood risk either on-site or elsewhere.

Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives.

The application as submitted did not include any details about how the development will manage surface water and a drainage strategy was required.

Subsequent further drainage information has been submitted and this has addressed most of the drainage engineers concerns. The councils drainage engineer has commented that the technical note is acceptable and so no objection is raised subject to conditions.

As requested Wessex Water has been informed of the technical note submitted as some of the surface water system will be adopted by them.

PLANNING POLICY

In the adopted B&NES Core Strategy (2011-2029), East Harptree has been identified as a RA2 settlement as it has not got three key facilities and only has a limited daily public transport service. RA2 settlements will receive approximately 10-15 dwellings over the Plan period of 2011-2029.

The proposed development is within the Housing Development Boundary; therefore no policy objection would be raised subject to urban design, landscape and providing satisfactory highways access. Further, the site has been identified in the Placemaking Plan evidence base work by the Parish Council as the preferable option for a potential housing site for approximately 10 dwellings.

The previous report presented to committee on the 29th July stated that because 'the site is for 8 dwellings then this development will not contribute towards the 10-15 dwellings required through Policy RA1 of the Core Strategy'.

This matter is referred to later in this report as amended officer views in respect of this matter were reported verbally at the committee meeting.

AFFORDABLE HOUSING

When the application was presented to committee on the 29th July it stated that through Policy CP9 of the Adopted Core Strategy the Council seek 15% affordable housing if the combined gross floorspace is over 1,000m². It should be noted that this application has a combined floor space below the 1,000m² threshold.

However, following a High Court decision the Government has rescinded the relevant paragraphs in the NPPG in relation to the need to not provide affordable housing on small sites. In the light of this the provision of affordable housing in relation to this scheme for 8 houses has had to be reviewed as any schemes of 5-9 dwellings are now liable for affordable housing provision/contributions under the terms of core strategy policy CP.9. This issue is addressed later in this report.

URBAN DESIGN

The principle of development on this site has been supported in urban design terms. The site is considered to fit well into the existing grain of the village.

It is noted that this is a proposed site for development supported by the Parish Council and is proposed to be a site allocation within the Placemaking Plan options document. The original plans submitted were considered to be acceptable in terms of number of dwellings but the large footprints created an urban feel to the site which conflicted with other considerations in respect of this site.

The urban design officer objected to the scheme as initially submitted due to the overdevelopment of the footpath ramp, the development layout and in particular the view through the site and the relationship between the houses and the proposed open space. In addition the impact on the amenity of adjacent residents was seen to be detrimentally effected due to the relationship of new units to existing and in particular the siting of plots 4 and 8 were seen to cause harm..

The plans were amended in order to address the issues raised by the Urban Design Officer. A series of amended plans were submitted for discussion., a final set of plans being submitted in 2nd June 2015.

The main issues that the amended plans addressed were, the removal of the large ramp access, reorientating plot 8 in order to provide surveillance of the footpath and to enable the footpath to provide a green wedge or vista through to middle street. The moving of plot 8 away from Malabar House boundary and the moving of plot 4 away from the boundary with Yearten House.

The Urban Design officer considers the amended layout and design of the proposed units to be acceptable and no objection is raised.

PUBLIC OPEN SPACE

The Parks and Green Spaces Team made comments but these comments were made in advance of the introduction of CIL and prior to the reduction of the number of bedrooms provided on the site.

It was stated that the quantum of development results in an occupancy of 23 persons creating demand for formal green space and allotments of 345m² and 69m² respectively.

The Council's data shows that there is a surplus in respect of formal green space provision within the East Harptree Parish of 0.80ha and a deficit of allotments in East Harptree of 0.21ha. At the time the comments were made a S106 contribution would have been required however this has now been replaced by CIL.

The submission proposes 286m² of formal green space to the west of the site, in accordance with the Council's 'Planning Obligations' SPD 2015 the developer would be required to maintain the on-site provision to the satisfaction of the Council for at least 12 months.

Thereafter, the developer must demonstrate that the provision will be permanently maintained and managed by a management company, or offer the provision to the Parish Council and make a capital contribution to cover maintenance for a 20 year period.

ECOLOGY

In relation to the original scheme submitted the councils ecologist noted that a comprehensive ecological and protected species surveys have been submitted. An updated ecological report has also been submitted. The site contains an active badger sett (considered to be a subsidiary sett), a low population of slow-worms (associated with habitat on the western edge of the site). Bat surveys at the site show use by a high number of species including use by the light-sensitive species of both greater and lesser horseshoe bats.

As originally submitted the layout showed an artificial badger sett within the "communal open space" in a western portion of the site, this was welcomed, The provision of a "badger run" (north south) accross the site couples with the location of the boundary fences shown on the layout plans allowing existing vegetation to be retained which can be be strengthened or enhanced is also welcomed.

The councils ecologist considered amendments to the site layout, location of open space and new badger sett, would maximise the chance of successful badger mitigation and wider ecological benefits to the site which would also bring benefits for future residents. The ecological mitigation scheme would also benefit from reduced number of dwellings to enable sufficient space for habitat provision, planting and boundary vegetation.

The badger mitigation strategy and location of any new badger sett must be determined by ecological advice. This would be expected to include appropriately dark planting belts, exclusion zones to provide connectivity to mitigate impacts both on badgers and bats. Such mitigation needs to be shown on plans. These areas should not form part of residential gardens where residents would have the option of removing or changing this provision.

No dedicated habitat belts are currently provided on the eastern north south boundary which is currently used by badgers to access the site, nor the north eastern boundary. These sections must be revised. The removal of Plot 4 could provide sufficient space for this.

The applicant's ecologist has recommended the creation of an orchard area. This could be attractive to badgers and for residents, and would increase the potential success of badger mitigation. These considerations are important not only to avoid harm to badgers but also to reduce risk of damage from new badger activity after construction, and avoid future conflict between badgers and residents.

Following the submission of amended layout plans and further discussions the council's ecologist has confirmed that whilst further information in respect of the status of the sett would have been helpful conditions can be used to secure final details and implementation of ecological mitigation for badger, reptiles and bats including habitat provision and planting, future management responsibilities and resourcing, and provision of details of all proposed external lighting (including street lighting and any proposed for individual plots) sufficient to demonstrate zero or 0-1 lux light spill onto habitats and boundary vegetation will be necessary.

NEIGHBOUR RESPONSES

One letter of support has been received.

A petition signed by 23 residents has been received as well as 25 individual letters of objection. Following amendments to the layout of the scheme interested parties were re consulted and the total number of individual letters received in relation to this proposed development is 32.

The main issues raised are:

Density of the development higher density supported by officers

Highways parking and access . General road safety in the locality due to increased traffic and limited footpath network.

Footpath link is unnecessary.

Ecology in particular badgers and present badger activity

Design and site layout the buildings are too tall and too urban in appearance. The design of the buildings are not appropriate in this rural location.

Trees loss of vegetation on the site.

Loss of residential amenity in particular loss of privacy, light and creation of a sense of enclosure.

Drainage

History of the site- old planning application indicated 5 units on this site/ adjacent site only permitted three dwellings.

Archaeology

Placemaking plan not adopted still in draft.

Lack of neighbour consultation.

Inaccuracy of comments/ information.

Further comments received following reconsultation in general reflected the issues listed above. However in addition the following matters have been raised:

Lack of garages will create onstreet parking

Wessex Water must agree to the scheme

Bristol Water Comments needed.

Although some improvements some plots still too tall..

Plot 6 only 2 car parking spaces?

Development should incorporate green initiatives.

Possibility of a Strip of land being purchased so that its retention as a wildlife corridor can be safeguarded.

Provision of pavement outside Yearten House linking into the site.

Views through the site

Retention of a Green Corridor.

POLICIES/LEGISLATION

The following policies are material considerations:

Saved Local Plan Policies:

- SC.1 Settlement classification
- D.2 - General design and public realm considerations
- D.4 - Townscape Considerations
- BH.12 Important archaeological remains
- T.1 overarching access policy
- T.3 Promotion of walking and use of public transport
- T.6 Cycling Strategy: cycle parking
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision
- NE.1 Landscape character
- NE.2 Areas of Outstanding Natural Beauty
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.12 Natural features: retention, new provision and management
- IMP.1 Planning obligations

Bath and North East Somerset Core Strategy

The Bath and north East Somerset Core Strategy has now been adopted and can be afforded full weight in determining planning applications. The following policies should be considered:

- DW1 District Wide Spatial Strategy
 - RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
 - CP2 - Sustainable Construction
 - CP6 Environmental Quality
 - CP7 Green Infrastructure
 - CP9 - Affordable Housing
 - CP10 - Housing Mix
 - CP13 - Infrastructure Provision
-
- Planning Obligations Supplementary Planning Document - Adopted July 2009
 - Mendip Hills AONB Management Plan 2009 -2014
-
- National Planning Policy Framework 2012
 - National Planning Practice Guidance 2014

OFFICER ASSESSMENT

MAIN ISSUES TO BE CONSIDERED

Principle of residential development and density of development.

Access and parking

Ecology and Landscape

Design layout and impact on residential amenity

Drainage

Archaeology

Other matters

CIL, Education, Affordable housing, trees, 106 agreement.

Principle of residential development and density of development.

In the adopted B&NES Core Strategy (2011-2029), East Harptree has been identified as a RA2 settlement as it has not got three key facilities and only has a limited daily public transport service. RA2 settlements will receive approximately 10-15 dwellings over the Plan period of 2011-2029.

The proposed development is within the Housing Development Boundary; therefore no policy objection would be raised subject to the matters of urban design, landscape and provision of satisfactory highways access.

The site has been identified in the Placemaking Plan evidence base work by the Parish Council as a potential housing site for between 8 and 10 dwellings.

East Harptree meets the adopted Core Strategy's criteria for an RA2 settlement, which allows for residential development of around 10-15 dwellings, in addition to small scale windfall sites within the Housing Development Boundary (HDB). As this site is below 0.5ha (0.44ha) and for less than 10 dwellings (8 dwellings proposed), and within the current HDB, it counts as a small site under the GPDO definition and was originally considered to be a windfall site.

The previous report presented to committee on the 29th July stated that because 'the site is for 8 dwellings then this development will not contribute towards the 10-15 dwellings required through Policy RA2 of the Core Strategy'.

However, at the committee meeting members were informed that following further discussions officers considered that the site has constraints which have impacted on the possible density of the development. The main constraint being the presence of badgers and the need to incorporate protected undeveloped areas for them within the layout. Therefore, a scheme for a greater number of houses would be unlikely to be acceptable on this site due , in particular, to this constraint. Given these specific circumstances the 8 units would contribute towards the 10-15 dwellings required through Policy RA2 of the Core Strategy.

The figure of 8-10 dwellings on this site came from the proposed site allocation and background evidence included in the Placemaking Plan policy SR6 and supporting site assessment evidence base. In terms of density this is still considered to be a low density scheme in design terms at its current development level. The density of this development is 18.1 units per hectare.

Access and parking

The highway engineer commented that the access arrangements are considered acceptable.

Amended plans were submitted which indicate a swept path diagram for the turning head that will accommodate a 10.225m refuse vehicle. This has been tested and is acceptable.

Initial comments from the highway engineer stated that no paving across the carriageway should be provided and a proposed access with a shared surface is acceptable with a new footpath being provided from the site onto Middle Street which will provide pedestrian access between the site and the shops and facilities in the village. The footpath to Middle Street has been provided and simplified in its design which is seen as a benefit as it will improve permeability within the locality. The simplified design is in keeping with the general character and appearance of the locality. Whilst precise details of the entrance into the site have not been provided the entrance is relatively small and requires a section of the existing stone wall to be removed. It is considered acceptable for the details to be the subject of a condition.

The access road into the site is shown as a shared surface area and this is acceptable and complies with the Highway Engineers requirements. The highway engineer does not consider that the development will impact on the highway network to any great extent within the vicinity of the site and the proposal is not considered to result in highway safety being compromised.

Several residents commented that the Highway Engineer had mistakenly referred to footpaths but it is recognised that there are limited footpaths within the vicinity of the site. The scale of this development is not considered to harm the interests of highway and pedestrian safety in the area.

The application provides one 2 bedroom house, five 3 bedroom houses which will require 2 parking spaces and two 4 bedroom houses which will require 3 parking spaces. Plot 6 has not been indicated as having 3 car parking spaces but the agent has confirmed that this will be done and there is adequate space within the plot for this to be provided. The level and layout of the parking as shown on the Site Layout is acceptable and conditions to ensure provision and retention are considered necessary relevant and reasonable. The reduction in the number of bedrooms proposed results in a reduction in the traffic generated as a result of this proposal.

The section of pavement which is missing outside Yearten House and is adopted highway verge was never completed in the 1960s when the bungalow development was built. This section of pavement is considered necessary and it is proposed that its construction be tied in with the 106 agreement for the provision of the pedestrian footway.

The proposal is seen to comply with policies T.1, T.3, T.6, T.24 and T.26 in terms of the provision of a footpath parking facilities and the access to the site. Also the location of the site is accessible to the limited facilities that exist within East Harptree. In accordance with Core Strategy Policy CP13 the proposal is seen to comply with the requirements to provide the necessary infrastructure in relation to the proposal.

In conclusion the highway engineer raised no objection and considers the scheme to be acceptable subject to a S106 securing the S38 works and provision of the footpath link to Middle Street.

Ecology and landscape

A comprehensive ecological and protected species surveys was submitted with the application. An updated ecological report was submitted in February which sought to deal with the issues raised by the councils Ecologist.

The site contains an active badger sett, a low population of slow-worms. Bat surveys at the site show use by a high number of species including use by the light-sensitive species of both greater and lesser horseshoe bats.

The original proposed layout indicated an artificial badger sett within the "communal open space" in a western portion of the site. The provision of open space and an artificial sett was very welcome, although the proposed badger sett was not considered to be in the best location to maximise the chance of success, and might not be required. The further revision therefore removed the proposed sett from this location, based on ecological advice. The provision of the north-south "badger run" and the boundary fences shown on the layout plans along the north-west and southern boundaries, beyond which existing vegetation will be retained and can be strengthened or enhanced, are also considered to be acceptable.

Amendments to the scheme were considered beneficial to provide acceptable ecological mitigation which will also bring benefits for future residents. The reduction in built footprint enables sufficient space for habitat provision, planting and boundary vegetation to be provided.

Dedicated vegetated exclusion zones which need to be kept dark require plans indicating how these areas will be protected from light spill from proposed street or domestic lighting. These areas should not form part of residential gardens where residents would have the option of removing or changing this provision.

Further comments received in respect of present badger activities do not impact on the Councils Ecologists comments who is satisfied that conditions will ensure adequate protection/mitigation works to accommodate badgers on the site.

Subject to conditions the councils Ecologist is satisfied that this scheme will not have an unacceptable detrimental impact on the interests of ecology or badgers. Finalised details of badger mitigation can be secured by condition, and will need to be informed by the findings of update survey, with consideration to the potential need for provision of an artificial sett in a suitable location, if necessary. The ecologist is confident that the current proposal can accommodate this if required. The landscaping and open space management plan will need to include the necessary habitat and ecological corridor provision and their future maintenance and protection in perpetuity.

The proposal is therefore seen in principle to comply with the saved policy NE11 of the local plan and Core Strategy Policy CP6 which highlight the need and requirement to preserve and where possible enhance wildlife and ecological interests as part of a development scheme.

Design and layout

The principle of development on this site is supported in urban design terms. The site fits well into the existing grain of the village and is a proposed site for development supported by the Parish Council in principle and is proposed to be a site allocation within the Placemaking Plan options document. The original plans submitted were considered to be acceptable in terms of number of dwellings but there were concerns in relation to the site layout and the overall scale of the individual units.

In respect of connections and access the site is well located within the village and is within walking distance of the local facilities. This site offers a good opportunity to provide greater permeability within the village connecting Middle Street and Water Street and therefore, a well-designed, safe and overlooked pedestrian access onto Middle Street is seen to benefit the locality. A public right of way that accesses Middle Street adjacent to Malabar House is supported as it is recognised that Middle Street is narrow with no pavements in parts.

The access should be suitably designed in order to ensure it reflects the character of this locality and minimizes loss of existing wall and vegetation on the site and whilst full details have not been submitted it is considered that these details can be the subject of a condition.

The potential capacity of this site has been considered to be 8-10 dwellings; therefore the proposal complies with this density of development in principle.

At this density the development reflects the rural character of the surrounding cottages along Middle Street and Orchard End .It is these traditional properties that have influenced the design of the development rather than the modern 1950s bungalows adjacent to the site.

The original scheme submitted was considered to be highways dominated and designed around the turning head. The new dwellings should address the street, with habitable rooms positioned to provide overlooking to the street. The turning head within the scheme is required to accommodate refuse vehicles in order to satisfy the requirements of the highway engineer. The shared surface however limits the visual impact of the road/turning head.

A transition to a different surface treatment from the existing tarmacked access road softens the appearance of the new development and helps to maintain a rural character. In order to identify the entrance to this development a planter has been indicated adjacent to the entrance to plot number 1.

The amended plans received reduced the footprint and size of the buildings which has reduced the 'urban' appearance of the scheme as particularly raised as a concern by interested parties. This reduction in built mass has improved the general appearance of the scheme by allowing more visual space between properties thus enabling more flexibility in terms of ensuring protection of features within the site.

Plots 7 and 8 have been reoriented so that the footpath is overlooked providing casual surveillance.

A view to the green space and trees adjoining plot 8 and beyond following the path has been achieved as a terminating view which maintains a green wedge into the scheme and visually opens up the pedestrian route to the village centre.

Sections have been provided through the site to indicate the relationship and in particular the heights of the proposed dwellings in relation to the adjacent existing properties.

In compliance with policies D4 a safe and well overlooked pedestrian route linking through to Middle Street which reflects the rural character of the village has been proposed. Windows are proposed at first floor level in the north east and North West elevations of the property on plot number 8 and these provide the necessary casual surveillance.

The ramped access to Middle Street which was considered to be over-engineered has been removed from the proposal. Whilst there is a presumption in favour of providing ramped public access ways where possible the lack of footpaths along Middle Lane would render this link less attractive to pushchairs or wheel chair users etc. and therefore the ramp was felt to detract and harm the visual amenity of the locality was not considered justifiable.

The proposed communal green space due to the realignment of the footpath and reoriented plot 8 now forms part of a coherent landscape design. Furthermore, it is overlooked and is now considered to relate well to the proposed development form. Initially it was considered that the open space should be located more centrally within the scheme with a clear role and function. The amended layout is considered acceptable although it is considered that the open space could have played a more significant role in this scheme. However, this matter would not justify refusal of this scheme.

With regard to the maintenance of this area the councils open space officer has confirmed that the provision must be permanently maintained and managed by a management company, or offered to the Parish Council and a capital contribution made to cover maintenance for a 20 year period. This matter needs to be the subject of a 106 agreement. The agent has agreed to the provision of a management company.

Landscaping within the site has been indicated within the site layout plan. Clear maintenance protected run areas have been indicated along the south and North West boundaries in order that these areas are protected in perpetuity for both maintenance and ecological reasons. These areas will be incorporated into the open space management of the site.

In relation to the impact on the amenity of the adjacent residents have particularly raised the issues of overlooking and loss of light.

The original scheme indicated plot number 4 in close proximity to the boundary with Yearten House. Given the height difference and the close proximity of the two dwellings it was considered plot 4 would cause harm to the amenity at present enjoyed by the residents. The plan has been amended and number

4 now sit over 14 m from Yearten house being 8m from the boundary. No first floor windows are proposed on the east elevation of number 4 and only a ground floor toilet window is proposed. Therefore, there is not considered to be an issue with overlooking between these properties. The finished floor level of number 4 is shown to be 119.75m. The section through the site indicates that plot 4 will sit at a height of 8m high which is 1.75m above the maximum height of the adjacent house, Yearten House.

Plot number 3 sits a minimum of 12m from the site boundary with Windrush. There are two windows in the gable end facing Windrush the first floor window serves the bathroom and should be conditioned to be glazed with obscure glass and retained as such. There is a small side window serving the dining area. The relationship between these residential units it considered acceptable and it is not considered that the new dwelling will harm the residential amenity at present enjoyed by this existing dwelling.

Plots 4 to 8 sit at a minimum distance of 6m from the inside edge of the mature hedge and are not considered to result in a loss of amenity to the adjacent dwelling and in particular Orchard End. The finished floor levels indicate that the new buildings will have an eaves height of 126m Orchard View is shown to have an eaves height of 128m and therefore the new dwellings is not considered to have an overbearing impact on this property.

The reorientation of plot 8 has moved the built form away from Malabar House the distance between the buildings being a minimum of 16m. It is not considered therefore that the development would harm the setting of this traditional property through overlooking and or by having an overbearing impact.

The submitted plans indicate levels across the site as existing and the ffl of the proposed dwellings. Sections through the site indicate that in principle the units will be sit 'down' in the site.

The land rises by approximately two metres from North East to South West. The highest part of the site is the South Western corner. The ffl of the units are shown on the layout plan.

Plot 8 the land here is shown to be 122.50 m AOD (above sea level) with the slab level of the property being set down at 121.4m. Therefore the plans indicate that the slab level of the property will be one metre lower than the ground level. Sections through the site indicate how the new units relate to the adjacent properties and the existing site levels. The ridgeline height of the unit on plot 8 is 1.75m higher than Malabar House.

The applicant has specified the houses will be built in natural stone which is strongly supported in principle as a requirement for this site. However, the natural stone specified by the applicant (Dolomitic Breccia), is not evidenced to match the local Mendip character/existing natural stone which predominates within the village and its sourcing/origin is not specified. A condition is required to specify and approve the final natural stone to be used in construction to make sure that it in keeping with the local

vernacular - in terms of colour pallet and stone size etc. Retaining walls are specified in natural stone, but the material is not specified, again this should be subject to condition.

Other details - oak finished joinery on the doors and windows, red tile roofs (Sandtoft Modula double Roman tile in Chiltern Red), alumasc heritage cast aluminium with black finish (as shown on the elevation plans), timber clad bin stores are propose to the side/rear of the properties, are supported. The proposal to provide no street lighting is also supported as it retains the rural character of the village and will contribute towards maintaining dark skies."

The scheme is therefore seen to comply with saved policies D2 and D4 in terms of the details, mass, bulk and siting of the units on this site. The proposal is seen to respect the local character and appearance of the area and not to harm the amenity of adjacent residents to an extent that refusal would be warranted. In accordance with the requirements of the NPPF para 57 the scheme has recognised the need to plan positively for the achievement of high quality and inclusive design for the development, including individual buildings and public and private spaces.

The site is located within the AONB where saved policy NE2 is relevant as is the Mendip Hills AONB Management Plan 2009 -2014. In line with the NPPF 2012 the scheme seeks to protect the interests of biodiversity of the area. It also is not seen to compromise the intrinsic beauty or character and appearance of the area which has rendered it worthy of AONB status.

The drainage engineer raised concerns in relation to the need for further drainage information. However, consideration of the further information submitted has satisfied the drainage engineer that the scheme is acceptable and subject to conditions no objection is raised to the proposal. However, the acceptance from Wessex Water as the local water authority has been identified as being necessary.

Archaeology

The council's archaeologist raised no objection subject to conditions in respect of the following being provided

- (1) a field evaluation of the site,
- (2) a subsequent programme of archaeological work or mitigation, and
- (3) publication of the results. The scope of conditions 2 and 3 will depend on results of the field evaluation (condition 1):

In the light of continued concerns being expressed by interested parties the councils archaeologist reconsidered his original comments but concluded that his recommended conditions would provide adequate mitigation for any archaeological impacts caused by the proposed development.

Other matters

Purchase of land

It is preferable for all corridors to form part of the landscape scheme in order that their detailing and retention can be ensured as part of a comprehensive scheme. However, any private land sales cannot be controlled by the Local Planning Authority.

Pavement Provision

The section of pavement which is missing and is adopted highway verge was never completed in the 1960s when the bungalow development was built. This section of pavement is considered necessary and it is proposed that its construction be tied in with the 106 agreement for the provision of the pedestrian footway.

Neighbour notification

Neighbours were concerned that the application had not been adequately advertised. The application was advertised in accordance with the council's protocol for public consultation. Following the receipt of amended plans which are considered to take on board residents' concerns neighbours and consultees were renotified and given the opportunity to amend/add to their original comments.

Views

There are views from some adjacent properties across the site to the lake. Whilst it is appreciated that these views are important to the residents the development of this site cannot be prohibited in order to preserve these private views.

Protection of a Green corridor.

Concerns have been raised in relation to an appeal on the land at the rear of Home Farm. This appeal was lodged following refusal of planning permission in 1995. At the time density of the development and retention of green space were considered important in relation to the site.

The 'in principle acceptance' of development on this site and the density of such development have now moved on from the position in 1995 due to changes in government and local legislation and advice.

Clarification in respect of nearby appeal decisions

Appeal on site nearby Middle Street 12/02266/FUL- 9 dwellings on 0.49 hectares-density below 30 per hectares min. as required in 2012. (DENSITY18.3 dwellings per hectare).

Site at the rear of Home Farm 1995 WC 003468/B

Approval of three houses followed dismissal of an appeal for 5 houses. The appeal was dismissed for 5 houses as primarily they were considered to be out of character with the surrounding context in terms of their footprint and height (8m). The density refused was 3 dwellings per hectare. The approved scheme was for 1.8 dwellings per hectare.

Officer comments- this decision was made 20 years ago. A balance has to be made between the realistic acceptable density of development in line with current housing needs as identified in the Core strategy and the emerging Neighbourhood Plan.

Affordable Housing

At the time this report was first presented to committee the proposed development with a gross floor area of less than 1,000m² was not a scale of development that would, under Policy CP9 of the Adopted Core Strategy be liable for a 15% affordable housing provision. However, following a High Court decision the Government has now rescinded paragraphs 12-23 of the NPPG. This guidance had stated that Councils should not seek affordable housing or tariff style contributions on schemes of below 10 houses or 1000m² (floor space). In the light of this the provision of affordable housing in relation to this scheme for 8 houses has had to be reviewed as any schemes of 5-9 dwellings are now liable for affordable housing provision/contributions under the terms of core strategy policy CP.9. This proposal for 8 houses within East Harptree is a small site and as such would require a 15% affordable housing provision. The precise means and level of provision in relation to this scheme is still a matter being discussed with the Councils Housing Officer and the agreed details will need to be reported when this application is next reported to committee.

CIL

The threshold previously referred to was for developments of ten-units or less (and which have a maximum combined gross floor space of no more than 1,000 square metres). However this 1,000 square metres threshold relates to tariff style contributions which were previously required to be paid and were the subject of 106 agreements. Since the introduction of CIL in April 2015 a development of this nature would be CIL liable.

106 Agreement

The agent has agreed in principle to entering into a 106 agreement in respect of the provision of the footpath and the maintenance and retention of the footpath and the landscaped areas including the buffer routes adjacent to the boundaries which are to be protected.

Also the change in affordable housing provision requirement has been recognised and accepted in principle by the applicant although the details of this are a matter for further discussion between officers and the applicant.

CONCLUSION

The proposed development is considered to be sympathetically designed the density is considered acceptable as is the principle of 8 houses on this site. The amendments made to the scheme are considered to address the concerns raised by residents and therefore, the scheme is considered an appropriate form of development for this location complying with both local and government policies and advice.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure the following :-

- i) The provision and maintenance of the public footpath and the provision of a pavement at the front of Yearten House.
- ii) Provision and maintenance of the public open space and ecological corridors
- iii) Provisin of a management company to ensure the maintenance and protection of the landscaped areas in perpetuity..
- iv) Provision of affordable housing

B) Subject to the completion of (A) authorise the Group Manager - Development Management to PERMIT the development with the following 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 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.

3 3-The areas allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON -To ensure that adequate parking provision is provided and retained within the development.

4 Prior to the commencement of development details to include elevations and sections through the means of pedestrian access to the site from Middle Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the access shall be constructed and retained in accordance with the approved plans.

Reason The applicants have chosen not to submit full details in respect of this access which is an integral part of the scheme and given its location within the village its appearance and construction will require full consideration in the interest of ensuring that the access is appropriate in terms of appearance and layout.

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

Reason To ensure that the development is served by adequate parking spaces for residents at all times.

6 No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains before work commences.

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

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains.

8 The development shall not be brought into use or occupied until the applicant, or their agents or

successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

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

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed on the dwellings shown on plots 1, 3, 4, 5, 6 and 7 at any time unless a further planning permission has been granted.

Reason: Given the proximity of the new dwellings to the existing dwellings the creation of additional windows, roof lights and/or openings could impact on the amenities of adjoining occupiers from overlooking and loss of privacy.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwellings shown on plots 4, 5, 6, 7 and 8 hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Due to the AONB location of this site and the relationship of the approved dwellings to adjacent existing dwellings any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding property and the visual amenity of the area.

11 The proposed first floor windows in the west elevation of the proposed dwellings on plot 1 and the proposed first floor windows in the east elevation of the proposed dwellings on plot 3 shall be glazed with obscure glass prior to the first occupation of this dwelling and permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

12 No part of the development shall be occupied or brought into use until a Scheme for the identification of landscaped and protected areas including the establishment of an exclusion zone around the sett(s) from which all building, engineering and other operations and personnel working on the site shall be excluded, shall be submitted to

and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

Reason: To protect badgers and badger activity from any construction works within the site.

13 No development shall be commenced 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; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

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

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

15 Prior to the commencement of development, a detailed drainage strategy must be submitted to and approved by the Local Planning Authority. The drainage strategy should include the following items:

Agreement of points of connection and 'in principal' adoption of proposed surface water sewer with the Water Company (Wessex Water). This should be provided in writing.

Runoff volume estimates for the 1in100 year 6 hour event for both greenfield and post development conditions. The difference in these volumes to be held in long term storage and released at a rate that is the greater of QBAR or 2l/s/ha.

Simulations demonstrating that there will be no flooding of any part of site for the critical 1in30 rainfall event. These simulations should be submitted as an electronic Micro Drainage file (.mdx file).

Simulations demonstrating that there will be no flooding of any building or utility plant for the 1in100+climate change rainfall event. These simulations can be submitted as an electronic Micro Drainage file (.mdx file).

an indication of exceedance routes for any flood flows above the critical event

a detailed design drawing of the drainage network including flow control and attenuation structures

a drawing showing the proposed outfall structure

details of the long-term ownership of the drainage system together with any long-term maintenance requirements.

This strategy must indicate who will be responsible for the on-going maintenance of the permeable paving for the main access road. A maintenance regime for the permeable paving and any other important flow control (Hydrobrake chamber) or attenuation structures should be provided.

Reason: The information does not provide adequate details in relation to the above matters and therefore these will require full consideration prior to the development commencing to ensure there will not be any drainage problems within the locality as a result of this proposal.

16 Prior to the commencement of development, details of a Scheme to mitigate and compensate for impacts on badgers and on the badger sett at the site, and to prevent harm to badgers during works, shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

i. findings of the most recent update survey and assessment, carried out during the active season

ii. provision of all necessary mitigation measures, to include, as applicable, mapped habitat areas, orchard planting and badger runs; provision of an artificial sett, if applicable; all measures to be in accordance with the recommendations of the approved ecological reports and findings of further survey.

iii. All measures to be incorporated into the scheme and shown on all relevant plans and drawings including the layout plan and landscape design iv. Full method statement and proposed timing of works for sett closure as applicable and copy of licence application as applicable;

v. full details of all necessary measures, exclusion zones and protective fencing as applicable to prevent harm to badgers during site clearance and construction

vi. proposed long term management objectives, prescriptions and provision for all retained / new mitigation features The development shall be carried out in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

17 No new lighting shall be installed without full details to demonstrate that these corridors shall not be lit, and full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include:

i. a plan showing mapped proposed dark corridors, and mapped details to demonstrate predicted light levels of 0 lux within the dark corridors and 1 lux adjacent to the dark corridors

ii. lamp specifications, positions, numbers and heights;

iii. details of all measures that shall be used to limit use of lights when not required and to prevent light spill onto dark corridors, vegetation and adjacent land

Reason: to avoid harm to bats and other wildlife

18 No development shall take place until full details of a Wildlife Protection, Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Final reptile mitigation strategy

(ii) Full details of protection of retained habitats to include specifications and scale plans showing fenced exclusion zones

(iii) Full details of all other wildlife mitigation and enhancement measures, with specifications, numbers and positions to be shown on plans and drawings as applicable for example on details of soft landscape design

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: to avoid harm to wildlife and to mitigation for impacts on wildlife

19 No development shall be commenced 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, to include mapped areas of, orchard planting, and habitat creation with exclusively native species planting, incorporating necessary mitigation for reptiles and badger, and details of long term conservation management prescriptions; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting and wildlife mitigation to the development.

20 Prior to the commencement of the development, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority which shall include a strategy for the means of removal of soil from the site and methods and timing of wheel washing and road cleaning as necessary during the duration of the construction period.

The development shall thereafter be carried out in accordance with the approved method statement/operational statement.

Reason: To ensure the safe operation of the highway and in the interests of limiting the disturbance and inconvenience caused to adjacent residents during the construction period.

21 The development hereby permitted shall be implemented in accordance with the plans and in particular the finished floor levels as indicated on the approved plans in relation to the existing ground levels shall be strictly adhered to.

Reason: To ensure that the dwellings are constructed in accordance with the plans and with slab levels that ensure that the development will not have a detrimental impact on the visual and residential amenity of the locality.

PLANS LIST:

1 CA/14048/P1	Existing Site Layout
CA/14048/P2A	Proposed House Type A Plans and Elevations
CA/14048/P3A	Proposed House Type B and C Plans and Elevations
CA/14048/P4A	Proposed Details
CA/14048/P5	Site Location Plan
CA/14048/P6C	Site Layout (and sections xx and yy)
CA/14048/P7	Proposed House Type D Plans and Elevations (note: this one, dated March 15, is incorrectly labelled P6 on the actual drawing, but the plan title is correct and should be referred to as P7)

14013/01 Topographical Survey

SP01A Swept Path Analysis for a large refuse vehicle

2 The applicant is advised of the need to submit plans, sections and specifications of the proposed structural works for the steps to Middle Street for the approval of the Highway Authority. The applicant should be aware that this process can take in the region of 6 weeks to conclude and will incur an additional fee.

3 The applicant is advised of the need to consult the Area Highways Manager on 01225 394337 before access works commence.

4 The applicant is advised that the proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture will be required for adoption under S38 Highways Act. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority in writing for approval before their construction begins. Advance Payment Code will apply as appropriate

5 The applicant is advised that Bath and North East Somerset Council will not adopt any drainage features.

6 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.

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Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	26th August 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.

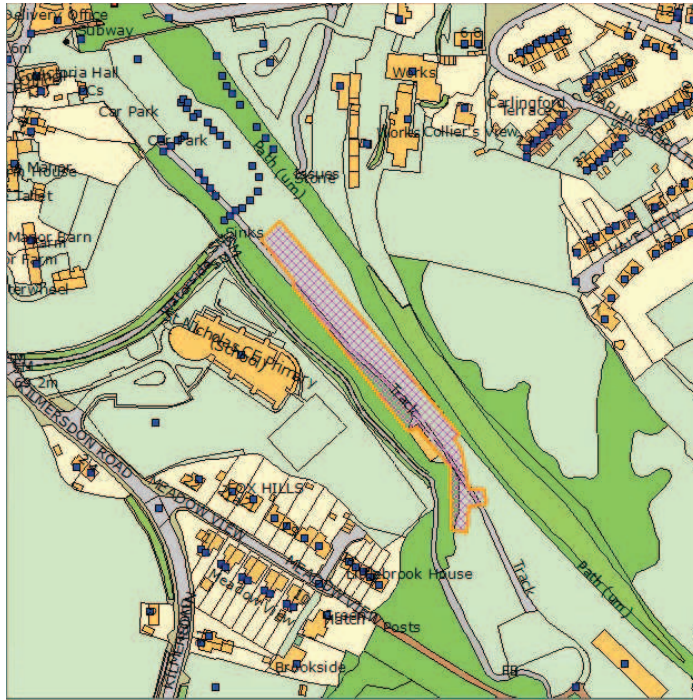
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	15/01871/RES 27 August 2015	Linden Limited Former Gwr Railway Line, Frome Road, Radstock, , Approval of reserved matters with regard to outline application 13/02436/EOUT for the construction of a road on Area 3 of the development site.	Radstock	Sarah James	PERMIT
02	14/04003/OUT 28 August 2015	Oval Homes Parcel 6781, Cobblers Way, Westfield, Radstock, BA3 3SA Outline planning application (all matters reserved aside from access) seeking permission for 81 no. residential dwellings and associated works on land at the former St Peter's Factory, Cobblers Way, Westfield, Radstock.	Westfield	Rachel Tadman	Delegate to PERMIT
03	15/02931/FUL 28 September 2015	Landmark Developments Limited 43 Upper Oldfield Park, Oldfield Park, Bath, , Erection of 14no residential apartments with parking and shared grounds (Revised Proposal)(Retrospective)	Widcombe	Rachel Tadman	Delegate to PERMIT
04	14/01379/FUL 19 May 2014	Mrs K O'Connor Rough Ground And Buildings, Queen Charlton Lane, Queen Charlton, Bristol, Bath And North East Somerset Change of use of land to private gypsy and traveller caravan site (Retrospective) (Resubmission of 13/02781/FUL)	Farmborough	Chris Griggs-Trevarthen	REFUSE
05	15/02042/LBA 13 July 2015	Mr L Metcalfe 582 Bath Road, Saltford, Bristol, Bath And North East Somerset, BS31 3JU External alterations to include a one and a half storey rear extension to house and alterations and extension to outbuilding.	Saltford	Sasha Berezina	REFUSE

06	15/02041/FUL 13 July 2015	Mr L Metcalfe 582 Bath Road, Saltford, Bristol, Bath And North East Somerset, BS31 3JU Erection of one and a half storey extension and alterations and extension to an existing outbuilding.	Saltford	Sasha Berezina	REFUSE
07	15/02171/FUL 14 July 2015	Mr Keith Poulter 1 Back Lane, Keynsham, BS31 1ET, , Erection of a timber shed and willow hurdle privacy screening (retrospective).	Keynsham North	Sasha Berezina	REFUSE
08	15/02830/FUL 20 August 2015	Trevor Osborne Rectory Lodge, Old Bath Road, Combe Hay, Bath, Bath And North East Somerset Erection of two bedroom single storey side extension and single storey extension to bedroom 3 and hall. Single storey infill side extension to link reception to existing garage. (Revised proposal)	Bathavon West	Chris Griggs- Trevarthen	REFUSE
09	15/02017/FUL 24 July 2015	Mr M Parfitt 105 Midford Road, Odd Down, Bath, , Increase the height of the current roof in order to use the loft space for storage. Provision of no.3 velux roof lights.	Lyncombe	Corey Smith	PERMIT

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

Item No: 01
Application No: 15/01871/RES
Site Location: Former Gwr Railway Line Frome Road Radstock



Ward: Radstock **Parish:** Radstock **LB Grade:** N/A
Ward Members: Councillor Christopher J Dando Councillor Deirdre Horstmann

Application Type: PI Permission (Approval Reserved Matters)

Proposal: Approval of reserved matters with regard to outline application 13/02436/EOUT for the construction of a road on Area 3 of the development site.

Constraints: Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Coal - Standing Advice Area, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Housing Development Boundary, Prime Shop Front, Public Right of Way, Land of recreational value, SSSI - Impact Risk Zones, Sustainable Transport,

Applicant: Linden Limited
Expiry Date: 27th August 2015
Case Officer: Sarah James

REPORT
REASON FOR REPORTING APPLICATION

This application is being reported to committee as it is in connection with a significant and complex regeneration scheme that the group manager considers should be brought to the attention of the planning committee.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

This application should be read taking account of the outline consent already granted reference 13/02436/EOUT which sets out the background to this development and which is briefly described later in this report. It relates to the access road only leading from Area 2 into Area 3 of the outline approval granted for the regeneration of Radstock.

The application is accompanied by drawings and background documents comprising an ecological update compliance statement and a planning compliance statement.

SCOPE OF PLANNING APPLICATION:

The application seeks only approval of the access road as shown on the site plan. The road as applied for is compliant with the approved parameter plans considered at outline stage. Within the application site area there is some on street parking that would serve dwellings in connection with the reserved matters and on street parking associated with Brunel shed. The application also indicates the connection point for the proposed cycle route diversion (the sustrans route would continue along the access road and go through Area 2 to Radstock) , crossing points, proposed location for the pumping station and proposed remodelling to the embankment immediately adjoining the road area.

BACKGROUND TO THIS APPLICATION

This application seeks approval for a road leading from Area 2 of the outline approval (now partially constructed) ending just beyond the Brunel shed leading to what will become the developed part of area 3 where housing will be located in accordance with the outline approval and subject to reserved matters consideration. The intention of this application is to allow early construction of the road to enable the Brunel shed to be refurbished in advance and independent of addressing any matters relating to the wider development of Area 3.

The road would run north west to south east on relatively flat land following the former railway route into Radstock. To the north east the land comprises scrub and self sown trees with development beyond and to the south west lies St Nicholas Primary school, Meadow View residential cul-de-sac, mature trees and Kilmersdon Brook.

This site forms part of a wider development site that has a long and complex planning history. Outline planning permission was first granted on the site in 1995 and a number of subsequent applications for development of the land were made. Some of these were never determined and some of these were granted but not implemented.

In January 2014 Outline approval was granted for Demolition and redevelopment of former railway lands to provide mixed use development including up to 210 residential units of varying sizes, up to 695 sq m of retail business floor space (use classes A1-A5 and B1); up to 325 sq m of use class B1 floor space or for community uses (use class D1), conversion of the Brunel rail shed for use class B1 or D1; car parking and new bus stops; works to various existing roads within the town and establishment of new roads to service the development including new bridge structures; new public realm works, ground remediation, alterations to ground levels, works to trees and existing habitat areas;

upgrading of below ground utilities; establishment of a new Sustrans route and diversion of existing public right of way (planning reference 13/02436/EOUT).

The application site covered by the Outline permission extends south-eastwards from Radstock town centre, and has a total area of 8.87 hectares. The site stretches along the line of the former railway, from the double roundabout junction of the A362 and A367 for a distance of approximately 700 metres along the valley of the Kilmersdon Brook. The application site also includes a substantial area of public highway, including the double roundabout junction and sections of Wells Road, The Street, Fortescue Road, Frome Road and Victoria Square, in order to facilitate highway works and works to the public realm within Radstock town centre.

The Outline scheme divided the site into three character areas:

Area 1: North of Victoria Square and including much of the town centre

Area 2: Central part of site between Victoria Square and Snails Brook

Area 3: South-east of Snails Brook, including the Brunel Railway Shed, the former Marcroft wagon works and Fox Hills

In January 2014 an application was granted full planning permission for the Area 2 of the Outline scheme (planning reference 13/03786/EFUL). The purpose of that separate application made concurrently for part of the site covered by the outline permission was to enable early development of part of the site to draw on HCA funding (relating to affordable housing delivery).

The Outline scheme was subject to an Environmental Impact Assessment which covers the following topics:-

- 1) Ecology and Nature Conservation;
- 2) Transport;
- 3) Ground Conditions;
- 4) Hydrology and Drainage;
- 5) Noise;
- 6) Air Quality;
- 7) Conservation Area and Landscape Setting; and
- 8) Socio Economics
- 9) Mitigation Measures
- 10) Cumulative Assessment

This application was subject to a screening assessment and no further environmental assessment was sought following the adoption of the screening opinion.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT OFFICER: No objections subject to conditions

HIGHWAYS DRAINAGE OFFICER : Surface water must not drain onto the highway some further discussions are required to clarify the drainage of some plots.

NATURAL ENGLAND : Following further clarifications advise that the proposal should be determined in accordance with local and national guidance.

ECOLOGICAL OFFICER: No objections subject to a method statement for re-provision of the track habitat.

SCIENTIFIC OFFICER [CONTAMINATED LAND]: With respect to the Area 3 development, it is recommended that the contaminated land model conditions remain in place to ensure the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The conditions will be for further investigation, submission and approval of a detailed remedial strategy along with its implementation and verification.

ARCHAEOLOGICAL OFFICER: There are no objections however the applicant is reminded of obligations under the discharged conditions of the Outline scheme that require programmes of work to be carried out.

ARBORICULTURAL OFFICER : No objections following submission of additional contours information.

URBAN DESIGN : No Objection

ENVIRONMENT AGENCY: No Objections subject to previously suggested conditions still applying.

WESSEX WATER : Proposals for foul and surface water drainage are acceptable. Wessex water will adopt sewers subject to a formal agreement.

PUBLIC RIGHT OF WAY OFFICER : There are no legally recorded public rights of way affected by the area shown within the red boundary marking the extent of the Area 3 Site Boundary on Plan 14096 (05) 003B.

COAL AUTHORITY : The application site does not fall with the defined Development High Risk Area but is located instead within the defined Development Low Risk Area. If permission is granted standing advice should be provided on the decision as an informative.

LOCAL RESIDENTS

2 Residents have written to object to the scheme on the grounds of :-
The applicant doesn't own the land
Adverse harm to wildlife

1 resident has written concerned as to the timing of the provision of the Sustran route and the use of brick on the site.

POLICIES/LEGISLATION

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

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

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

- o DW1 District-wide spatial Strategy
- o SV3 Radstock Town Centre strategic policy
- o SD1 Presumption in favour of Sustainable Development
- o CP2: Sustainable construction
- o CP5 Flood Risk Management
- o CP6 Environmental Quality
- o CP7 Green Infrastructure
- o CP10 Housing Mix
- o CP13 Infrastructure Provision

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

- D2: General Design and Public Realm considerations
- D4: Townscape considerations
- CF2 Provision of community facilities
- CF3: Contributions from new development to community facilities
- SR2: Allocation of land for recreational use
- ES2 Sustainable design
- ES10: Air quality
- ES12: Noise
- ES15: Contaminated land
- NE3: Important hillsides
- NE4: Trees and woodland
- NE9: Locally important wildlife sites
- NE10: Nationally important species and habitats
- NE11: Locally important species and habitats
- NE12: Natural Features
- NE15: River Corridors
- BH6, BH7 and BH8: development within Conservation Areas
- BH12: Archaeology
- T3: Pedestrian safety
- T5, T6 and T7: Provision for cyclists
- T9: Sustainable transport routes
- T24: General development control and access policy
- T25: Transport assessments
- T26: On-site parking and servicing

GDS1 : Site allocation

With reference to Policy BH7, it is to be noted that the Radstock Conservation Area Assessment was produced in 1999, and was subject to public consultation before being approved by Members. The Conservation Area Assessment has not, however, been adopted as Supplementary Planning Guidance and therefore appropriate care needs to be given in assessing its material weight when reaching planning decisions.

The Councils' Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG) are also material considerations.

Other material Local and National Guidance

NATIONAL POLICY

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Ministerial Statement - Measures to reduce bureaucratic barriers to growth and infrastructure (Growth and Infrastructure Bill) April 2013

B&NES Council's Biodiversity Action Plan

LEGISLATION

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

Policy Background

The site is allocated as Site NR2 Radstock Railway Land under Policy GDS1 of the Local Plan. Following the Local Plan Inquiry, the Inspector made significant comments regarding this allocation, and as a result, Paragraph B7.30 of the Written Statement was revised to state as follows: the development of the Radstock railway land site for mixed use development is integral to the development of Radstock and will contribute at least 50 dwellings during the plan period but substantially more provided a robust mixed use scheme is achieved, ecological interests are taken into account, the character of the town is maintained or enhanced and the transport corridor is retained in accordance with Policy GDS1/ NR2.

The development requirements for Site NR2 under Policy GDS1 are stated to be a mixed use scheme including:

1. Residential development with retail and office uses within or adjacent to the Town Centre, with a community facility and a local nature reserve.
2. About 50 dwellings in the period to 2011 or more if the other site requirements are met.
3. Provision for safe movement of public transport vehicles within the site.
4. Safeguarding the former railway corridor as a sustainable transport corridor under Policy T9 incorporating the National Cycle Network where this is compatible with the safeguarding of the trackbed which is of significant nature conservation value.

5. Identification of areas of significant nature conservation interest to be retained, with a scheme for their management and the mitigation of any effects of development; together with a programme for compensation where the loss of areas of ecological importance cannot be avoided.
6. Relocation or retention of Victoria Square public toilets.
7. Retention [with relocation if necessary] within the site of engine shed and nearby turntable.

In addition to Policy GDS1, parts of the outline application site as a whole are subject to the following designations on the relevant Local Plan Proposals Map:

1. 2.3 hectares of land at Fox Hills, at the southern end of the site is allocated for informal recreation under Policy SR2.
2. The Kilmersdon Brook and Snails Brook corridors, the railway cutting along the eastern boundary and the slope of Fox Hills at the southern end of the site are designated as Sites of Nature Conservation Interest.
3. Part of the western edge of the site, adjacent to the Kilmersdon Brook and Snails Brook, are indicated as a floodplain.
4. The northern part of the site, to the north of Victoria Square, is within the Town Centre Shopping Area and frontages to Fortescue Road, Wells Road and The Street are indicated as Primary Shopping Frontage.
5. The former railway line is identified as a Sustainable Transport Route.

In addition, the entire site is located within the designated Radstock Conservation Area, where the LPA is required to have regard to the extent to which proposals for development preserve or enhance the character or appearance of the designated area.

The other site specific policy is Policy SR.2 which allocates Fox Hills for informal recreation. Policy SR.2 states: 'Land is allocated for formal and informal sport and recreational use on the following sites as defined on the Proposals Map: Slopes above Fox Hills, Radstock: 2.3 ha for informal recreation.'

Principle of Development and Land Use

This reserved matters scheme follows up an Outline approval granted for development of the entire GDS1 site. The approval granted divided the site into 3 Areas. Area 2 of the approval granted is already under construction and is partially occupied. Area 3 of the approval is under reserved matters consideration and this application sits within Area 3 but is a distinct application solely for the access road which would connect area 2 and 3. Parameter plans for the entire site were approved by the outline consent and these set out matters covering land use, access and movement, building heights and landscape and open space. The proposals submitted do comply with the parameters set.

Highways

The submission is in accordance with the outline application submitted and approved. There are no objections to this road being approved in isolation as it would provide access to the Brunel shed and would not prejudice delivery of the wider scheme.

The highway officer has requested additional cycle parking for the Brunel Shed however this application is only considering the area of the road and that request can be considered in conjunction with the wider Area 3 application.

Design, landscape, trees.

The site boundary for the road is tightly drawn and has no harmful design or landscape implications and will not prejudice delivery of the wider scheme to appropriately address these aspects.

Conservation area

The site is a brownfield site and the effect of regeneration on the Conservation area was considered fully at outline stage. This application would not be harmful to the conservation area.

Ecology

The embankments along the road are steep and as this area forms part of the replacement track bed habitat a method statement that is specific to this application has been sought by the ecologist. Such a condition was not in place at outline stage and consequently suggested to be applied here.

Other matters

The application will be subject to the conditions and legal agreement attached to the outline approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 No works shall commence until a full Ecological and Track Bed Habitat Re-Creation Method Statement, providing proposed details and methods for recovery of track bed materials, and re-laying and establishment of track bed habitat, and details of responsibilities for works and ecological supervision, and all other necessary ecological protection and compensation measures and procedures, has been submitted to and approved in writing by the Local Planning Authority. All works shall thereafter proceed in full accordance with the approved Ecological and Track Bed Habitat Re-Creation Method Statement.

Reason: to ensure appropriate methods of working and method for replacement of trackbed habitat in accordance with previously approved plans and documents, as part of the overall ecological mitigation and compensation strategy

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

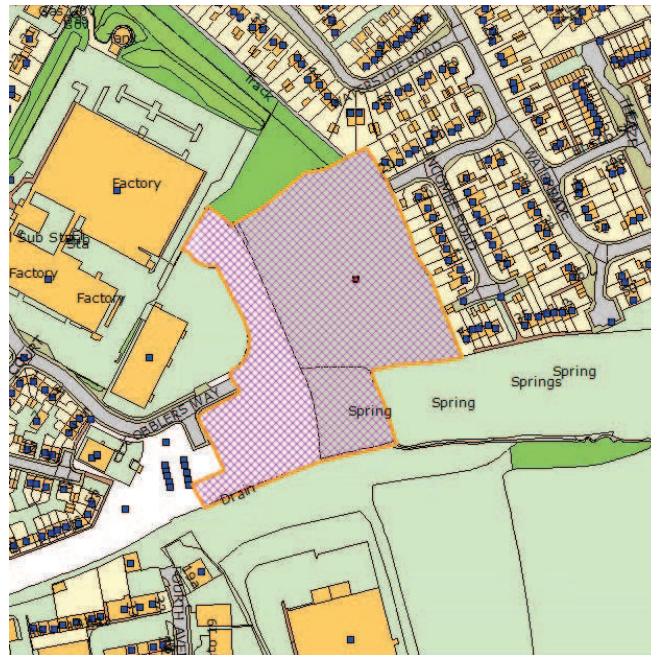
Reason: To define the terms and extent of the permission.

PLANS LIST:

1 4467 400 A, 401 A, 402, 403, B15121 750 A1, 1100 Rev A3, 150 Rev A3, 500 Rev A1, 700 Rev A3, 710 Rev A3, 110 Rev A4, 14096 (05) 1003 Rev A.

2 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/revised proposals was taken and consent was granted.

Item No: 02
Application No: 14/04003/OUT
Site Location: Parcel 6781 Cobblers Way Westfield Radstock BA3 3SA



Ward: Westfield **Parish:** Westfield **LB Grade:** N/A
Ward Members: Councillor Eleanor Jackson Councillor Robin Moss
Application Type: Outline Application
Proposal: Outline planning application (all matters reserved aside from access) seeking permission for 81 no. residential dwellings and associated works on land at the former St Peter's Factory, Cobblers Way, Westfield, Radstock.
Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, General Development Site, Site Of Special Scientific Interest (SI),
Applicant: Oval Homes
Expiry Date: 28th August 2015
Case Officer: Rachel Tadman

REPORT

Reason for Reporting Application to Committee: Westfield Parish Council have objected to the proposals for the following reasons:

Local residents are strongly against large housing developments until facilities, infrastructure and employment support such housing. For this reason the Parish Council supports this mandate from local people and strongly objects to this planning application.

The Chair of Development Control Committee has agreed to this request due to the objections from the Parish Council and local residents.

Description of development:

The application relates to an area of land off Cobblers Way in Westfield, Radstock. The site is 2.45 hectares in size and in the main laid to grass with an area of soil and waste materials located adjacent to the south of the site.

To the north the site is bound by an area of woodland and residential dwellings which also wrap around the site on its eastern boundary. To the north west the site is bound by the commercial/industrial units of Continuforms/JS Bloor and Jewson's Builders Merchants.

The site is relatively level to the north with the land dropping away to the south into the waterside valley where the boundary is bordered by a watercourse. The site is accessed by an existing estate road off the A367 Wells Road. The site is crossed by public footpath CL24/107 in a north south direction.

The site has been subject to some significant changes in levels in recent years which appear to have been carried out without the benefit of planning permission.

The proposed development is for outline planning permission for the erection of 81 no. residential dwellings and associated works on land at the former St Peter's Factory, Cobblers Way, Westfield, Radstock. All matters are reserved aside from access.

The proposed development would be accessed from Cobblers Way where there is already an existing access. It is also proposed that a cycle and pedestrian path will be provided from the site onto Lincombe Road, following the removal of a small part of an existing hedge.

The original scheme proposed the erection of 91 dwellings but this was reduced to 81 as a result of concerns about the landscape impact of the higher number of dwellings.

Relevant History:

DC - 97/02458/OUT - WDN - 15 December 1997 - B1, B2, B8 and housing development, as amended by letter received 28th October 1997 and revised plans received 24th November 1997.

DC - 97/02805/FUL - PER - 16 June 1998 - Construction of B1, B2 and B8 units with associated infrastructure, parking and landscaping.

DC - 98/02357/OUT - REF - 30 October 1998 - B1, B2 and B8 employment development, housing, and associated infrastructure and landscape works, as amended by revised plans received 26th June 1998 and 17th August 1998.

DC - 12/00321/FUL - RF - 23 May 2012 - Erection of 58no C3 dwellings, 65 bed C2 care home to serve the elderly and 57 C2 extra care units also for the elderly

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Planning Policy: Support the principle of development.

This site was formerly allocated within the B&NES Local Plan 2007 under Policy GDS 1 NR4 (mixed use development for residential and business uses (B1, B2 and B8) and 100 houses by 2011. The site is currently unallocated and is located outside the housing development boundary.

However the site does form part of the Council's five year supply of housing as documented in the SHLAA, which assumes a site capacity of 78 dwellings. It is also assumed within the SHLAA that the site will be brought forward as a development site, to include housing, to contribute to the objectives of Policy SV1. Furthermore the site will be consulted upon as part of the Placemaking Plan (Part 2 of the Local Plan) as a potential new site allocation.

Whilst the development could be argued to be premature, the site is in the SHLAA as suitable for development, it was included as a site allocation in previous Local Plans and its sustainable location should all be taken into account as material considerations.

Furthermore the issue of prematurity needs to be balanced against the sustainability credentials of the site and the fact that the site forms part of the Core Strategy long term identified supply of housing.

On balance, Planning Policy can support the principle of development of this site.

Highways Development Officer: There is no highway objection to the proposed development subject to the securing of the Public Right of Way works through a section 106 agreement, and conditions being attached to any consent granted.

Ecology: No objections subject to conditions.

1. Bats - A plan has been submitted showing dark corridors across the site with a commitment to lux levels of 0 lux within these zones.

2. Reptiles - the submitted reptile survey a "good" population, and a comprehensive Reptile Mitigation Plan will be required by condition prior to approval of final layout and details of landscape design for reserved matters. Notwithstanding the email correspondence which suggests there shall be on-site provision of habitat, enabling retention of a population of reptiles within the site, which I support, but also suggests that animals will relocate themselves to the wider countryside of their own accord, which might not be appropriate (depending on the total number of animals that will be trapped and removed), I consider an appropriate mitigation scheme can be devised and secured by condition.

All the above measures, and long term habitat management and safeguarding, must be secured by condition.

Arboriculture: No objections subject to conditions.

Economic Development: Not acceptable in its current form.

The Placemaking Plan Options document proposes a range of development and development management policy options for this site including 'around 30 dwellings (including affordable housing in accordance with Adopted Core Strategy Policy CP9) and employment floor space.'

The employment uses adjacent to the site have operations that could potentially impact negatively on the residential development, possibly promoting resident objections to noise and hours of operation. This could potentially impact on the business by restricting operations and or operating hours in the most extreme circumstances cause either employment site to close.

The scale of residential development precludes any employment uses on the site, and a mixed use scheme is preferred to support the proposal in the emerging Place Making Plan.

With the current pattern of employment loss in the Somer Valley, it is essential to deliver as much employment as possible and the lack of employment space in the proposal will not aid in the employment growth target of 900 net new jobs.

Notwithstanding the above, were planning permission granted, contributions and work experience/apprenticeship opportunities should form part of a S106 agreement.

Landscape: No objection subject to conditions.

Environmental Health: No objection subject to conditions.

Affordable Housing: Not acceptable in its current form.

The application proposes an overall affordable housing contribution of 30% and the proposed affordable housing mix is appropriate. This is in keeping with Policy CP9.

However the dwellings making up the social rented and shared ownership tenures are not agreed at this stage.

Furthermore there are the concerns with regard to the indicative layout submitted.

Public Rights of Way: Public footpath CL24/107 runs through the application site as shown by a solid purple line on the attached plan. If, at reserved matters stage, the existing alignment of the public footpath is not being accommodated within the development, and the public footpath will need to be diverted, then the applicant should contact the Public Rights of Way Team at the earliest opportunity to make a PPO application.

The proposals must make adequate provisions for the public footpath which runs through the site otherwise the Authority will be unable to divert the public footpath and any planning permission will not be able to be implemented.

Education: No objections.

Additional local provision will need to be created to accommodate the primary school and secondary school age children that will be children generated by this development. It would be possible to expand a local school or schools subject to Council funds being made available to do so. Additional Youth Service provision will also need to be made for the young people generated by this development.

Archaeology: No objections subject to conditions.

Flood Risk and Drainage Team: No objection subject to conditions 1 and 4 as requested by the Environment Agency.

Environment Agency: No objections subject to conditions.

Parks and Green Spaces: No objections subject to obligations within a S106 agreement.

Westfield Parish Council: Object to large housing developments until facilities, infrastructure and employment support such housing.

Local Representations: A total of 14 letters of representation have been received of which 5 make general comments and 9 object. The following concerns were expressed:

1. 91 dwellings would represent overdevelopment
2. A mixed used development should be proposed including residential care home and/or business uses.
3. Housing should be limited to only 2 bed dwellings
4. Lack of information regarding site levels, impact on dwellings in Lincombe Road, details of boundaries and landscaping.
5. Poor quality residential amenity of future residents due to existing noise from adjacent businesses already experienced by local residents and concerns that complaints may be made that would impact on those businesses.
6. Loss of open space and footpath
7. Impact on wildlife
8. Site is a historic tip with further tipping having happened recently which has changed the appearance and levels of the site and is therefore unsuitable for housing
9. Impact on highway safety due to additional cars
10. Proposed pedestrian/cycle route through to Lincombe Road would have a harmful impact on residents in Lincombe Road.

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:

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

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

- o DW1 District-wide spatial Strategy
- o SV1 Somer Valley Spatial Strategy
- o SD1 Presumption in favour of Sustainable Development
- o CP2: Sustainable construction
- o CP5 Flood Risk Management
- o CP6 Environmental Quality
- o CP7 Green Infrastructure
- o CP9 Affordable Housing
- o CP10 Housing Mix
- o CP13 Infrastructure Provision

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

- o IMP.1 Planning obligations
- o SC.1 Settlement classification
- o D2 General Design and public realm considerations
- o D4 Townscape considerations
- o ES.2 Energy conservation
- o ES.4 Water supply
- o ES.5 Foul and surface water drainage
- o ES12 Noise and vibration
- o ES.15 Contaminated Land
- o NE.1 Landscape Character
- o NE.4 Trees and woodland conservation
- o NE.11 Local important species and habitats
- o NE12 Natural Features
- o BH.12 Archaeology
- o HG.4 Residential development in the urban areas and R.1 and R.2 settlements
- o HG7 Minimum residential density
- o HG10 New dwellings outside settlements.
- o T.3 Promotion of Walking routes
- o T5 Promotion of cycle routes
- o T6 Secure cycle parking
- o T24 General development control and access policy
- o T26 On-site parking and servicing provision

National Planning Policy Framework

Planning Obligations SPD

OFFICER ASSESSMENT

Principle of the Use:

This site was formally allocated within the B&NES Local Plan 2007 under Policy GDS 1 NR4 for mixed use development for residential and business uses (B1, B2 and B8) and 100 houses by 2011.

Prior to this, previous Plans had also earmarked the site for development (for example allocated for 'industrial development' in the 1980's; proposed for deletion in the Wansdyke Local Plan for non-delivery; eventually re-allocated in the adopted Wansdyke Local Plan for employment development together with an appropriate amount of housing to assist with delivery).

Whilst the majority of the site within the GDS1 NR4 allocation has already gained permission as a housing led mixed used development, and has now largely been completed, the application site was never granted planning permission nor developed.

However, Policy GDS.1 NR4 was not 'saved' by the Secretary of State, and has therefore been deleted as a site allocation and now falls outside of the Housing Development Boundary.

Policy HG.4 of the Local Plan, which remains 'saved' for the purposes of Midsomer Norton and Radstock, states that housing is acceptable provided, in this case, it is within the defined Housing Development Boundary and it is appropriate to the scheme of the settlement in terms of the availability of facilities and employment opportunities and accessibility to Public Transport.

Furthermore, under the Core Strategy, which sets out the overall spatial strategy for the Somer Valley, the site falls to be considered under Policy SV1 where 2,470 new homes are to be enabled by amending the Housing Development Boundary as necessary through the Placemaking Plan process.

As the Placemaking Plan is at an early stage it has limited weight at this time and therefore the location of the site outside of the defined Housing Development Boundary means the proposal is contrary to Policy SV1 of the Core Strategy and Policy HG.4 of the Local Plan. The proposal has therefore been advertised as a departure to the adopted Local Plan.

Nevertheless, despite its location outside of the Housing Development Boundary, the site is identified within the Placemaking Plan (Part 2 of the Local Plan) as a potential new site allocation seeking the provision of either 30 dwellings with employment floorspace or 40 dwellings and no employment floorspace.

Furthermore the site also forms part of the Council's five year supply of housing as documented in the SHLAA, which assumes a site capacity of 78 dwellings. The Council assumes within the SHLAA that the site will be brought forward as a development site, to include housing, to contribute to the objectives set out above.

The Placemaking Plan and SHLAA visions for this site in relation to housing numbers do not correlate, however the proposal of 81 dwellings is within the range of the SHLAA site capacity.

The proposed development has not sought to provide employment floorspace and has therefore attracted an objection from the Economic Development Officer on the grounds that the proposal is contrary to Policy SV.1 of the Core Strategy and the Placemaking Plan. In this instance it is considered that the development is in accordance with Policy SV.1 as it is providing housing, one of the key aims of this policy. Furthermore the Placemaking Plan, although having limited weight, acknowledges that a wholly residential scheme is equally acceptable to that providing employment floorspace.

There is an argument that developing the site now would be premature, because of the cumulative impact of the proposed development with other allowed or approved speculative housing developments in the Somer Valley, which could undermine the plan making process. However, the identification of the site in the SHLAA as suitable for development, the inclusion as a site allocation in previous Local Plans and the acknowledgement that the site as a whole is in a sustainable location are all material considerations.

Finally given that the NPPF categorically states that 'development that is sustainable should go ahead, without delay' the issue of prematurity needs to be balanced against the sustainability credentials of the site along with the fact that the site forms part of the Core Strategy long term identified supply of housing.

On balance, it is considered that the principle of residential development of this site is acceptable.

Design of the development:

The detailed design and layout of the proposed development are reserved matters and not under consideration at this time. Notwithstanding this it is considered that the proposed level of development could be achieved on site.

The site has been subject to some significant changes in levels, particularly in the proximity of the entrance to the site and the valley edge. The indicative information submitted shows that the levels would again be altered to provide the cycle path and housing. In terms of the indicative detailed layout submitted there are a number of concerns with regard to the proposed layout which, whilst this will be subject to further approval through reserved matters, it is considered necessary to mention them here so that they can be addressed in any future application.

- o The layout is very highway dominant and the dual highways at the north western area of the site is of concern
- o The highway running in front of the dwellings along the southern boundary is also of concern and the layout should be revised to remove this element from the scheme.
- o The garages extend too far into the rear gardens on a number of plots
- o The layout in the south eastern corner (plots 59-61) is also highway dominant and the garage to Plot 60 provides an excessive amount of parking and is poorly laid out.

- o The footpath running between Plots 62 and 63 is too narrow and should be widened to provide a more acceptable route for pedestrians.
- o The forecourt parking has little natural surveillance and a similar level of landscaping.
- o Plots 3-6 are squeezed into the corner and have a poor quality of outlook

Impact on the Landscape:

The application has been accompanied by a topographical survey (LVIA Fig 6) which shows that the area of the site at the south west is very steep and sits in very close proximity to 'Snails Bottom tributary valley' and the countryside beyond.

The LVIA does generally recognise and acknowledge the adverse impacts on the site itself and on the wider character areas. It also notes the impacts and effects on visual receptors and I would broadly agree with these assessments.

Following concerns about the impact of a block of flats that were proposed in the southern corner of the site and right on the ridge of the valley, these have been removed and replaced with a number of two storey dwellings.

In light of this the impact of the development on the landscape is now much improved and can be considered acceptable at this outline stage.

Turning to more detailed issues there remains concerns with the road to the rear of the units on the southern boundary as they will require significant retaining walls which may have a harmful impact on the landscape. The cycle path also raises the same concerns so care needs to be taken to ensure that retaining walls are kept to a minimum.

With regard to the planting scheme:

1. Crataegus prunifolia are 'the thorniest of hawthorns' and are not suitable for a residential area like this.
2. The majority of tree planting on the scheme are either in back gardens or the tightest of spaces in both cases they will struggle to establish / survive.
3. I would be particularly critical of tree planting adjacent to units 11, 26, 29, 30, 47, 48 and 49 on the upper plateau. The detailed design needs to create a suitable number of areas for larger trees within public areas.
4. I am not convinced with the use of pear and apple trees in the private back gardens.
5. There is no detail in respect of shrub planting.

The species choice is a relatively easy matter to resolve, but creating appropriately sized locations for longer term trees may be more challenging.

These issues will need to be resolved at the next stage of detail.

Impact on Trees:

Despite initial objections by the Arboricultural Officer due to a lack of information, additional details have now been submitted to show that the development would not have a harmful impact on both the trees to be retained on the site and also those trees located off-site. The development, in this regard, is considered acceptable subject to conditions.

Impact on Ecology:

The application has been accompanied by various reports regarding the impact of the development on protected species on the site. On the whole they have been considered acceptable particularly as, through negotiation, a plan has now been submitted showing dark corridors for bats across the site with a commitment to lux levels of 0 lux within these zones.

With specific regard to reptiles present on the site, the submitted reptile survey found a "good" population and therefore a comprehensive Reptile Mitigation Plan is required as a condition of the permission to ensure that adequate mitigation is provided on site.

Overall, subject to conditions, it is considered that the proposed development would not have an unacceptable or harmful impact on protected species or other wildlife.

Impact on Archaeology: It has been identified that there is an historic lime kiln is located on the site and it is proposed that the remains of the limekiln are fully excavated which is considered acceptable to the Archaeology Officer subject to appropriate conditions.

Impact on residential amenity:

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

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

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

With regard to the residential amenity of the future occupiers of the development, the site is in close proximity to a number of industrial units as well as the Jewsons building materials unit which has a large outside storage area directly adjacent with the western boundary of the site. A concern with regard to this has also been raised by Economic Development.

A noise survey has been submitted which identifies the potential for disturbance. The Environmental Health Officer has considered this and is of the view that there are no objections subject to a condition to ensure adequate protection against noise for the future occupants of the development. It is very likely that this will require the provision of a noise barrier as well as works to individual dwellings to ensure that the impact from noise is mitigated as far as possible.

Impact on highway safety:

It has been established, through previous applications, that the site is in a sustainable location, convenient for local facilities (schools, shops, public transport, employment opportunities etc.) and is therefore, in sustainability terms, appropriate for residential development in-principle.

The refused planning application from 2012 raised no objections in respect of the impact of a development of 58 dwellings, a 65-bed care home and 57 extra-care units. Both the on-site roads and the junction with the Wells Road were deemed of a suitable design to accommodate that level of development, and work has now been submitted in the Transport Assessment to demonstrate that this new proposal will have no greater impact than the previous development proposal.

The development is therefore not considered to have a detrimental impact on highway safety.

A Public Right of Way runs from the northern corner of the site to the south-eastern boundary between plots 62 and 63. Relating to this, the accessibility of the site is to some degree dependant on this Public Right of Way to the north as it is a pedestrian route to the A367 Wells Road, and therefore the most direct and convenient route to bus services on the A367 for many occupants of the development.

Its current condition is however a disincentive to its use given its overgrown verges and poor surface. It is therefore a requirement that this route be upgraded to encourage its use and therefore improve access to public transport. These works would consist of the clearing of the route, and reconstruction with type 1 sub-base overlaid with tarmac and should form part of a S106 agreement.

The site also includes an indicative proposal for a cycle path to link from an existing path on the adjoining Cobblers Way development, through the valley and into the development. This path will provide additional links to the proposed development and reduce reliance on private car journeys. The provision of the path, and its long term maintenance and management, is therefore sought as an obligation in a S106 legal agreement.

Whilst the site layout is only indicative at this stage there are nevertheless concerns that will need to be addressed in any future reserved matters application and therefore it is worth mentioning them now.

With regard to the Public footpath CL24/107, the Public Rights of Way Team have agreed, in-principle, to the diversion of this route. However, the applicant should contact the Public Rights of Way Team at the earliest opportunity to make a Public Path Order application.

The reserved matters application must therefore make adequate provisions for the public footpath otherwise the Authority will be unable to divert the public footpath and any planning permission will not be able to be implemented.

Finally the accommodation schedule submitted includes information on parking for the individual plots which raises concerns in respect of the level of parking shown. Many of

the plots have insufficient parking in consideration of the requirements of the standards set down in the Local Plan (a retained policy in the Core Strategy). While a compromise could be made to those maxima, due to the accessibility of the site, the approach overall is inconsistent with some plots having more parking than the maximum, and some less. For example, 5-bed plots 59-61 have 6 parking spaces whereas a similar 5-bed plot 71 has only 2 spaces, and 2-bed plots 12-14 have only one space where most other 2-bed plots have 2 spaces.

These matters will need to be addressed at reserved matters stage.

Parks and Open Space:

Following the implementation of CIL and the adoption of the Planning Obligations SPD April 2015 this proposed development is now CIL liable, as such the requirement to provide contributions for off-site greenspace and allotments to mitigate the shortfall of on-site provision can no longer be requested.

The development proposes 1544m² of on-site formal green space and a cycle path through the site. This quantum of greenspace and the inclusion of a cycle path are key green infrastructure elements contributing to the development's sustainability and are considered the minimum that is acceptable. As such the S106 agreement is required to secure these facilities as a minimum prior to reserved matters.

With regard to the above facilities an Open Space and Landscape Management Plan is also required prior to commencement, secured by S106 agreement, to detail the long-term management and maintenance plans for the open spaces and cycle path.

Affordable Housing:

Overall, subject to a S106 agreement, the proposed provision of 30% affordable housing is in accordance with Policy CP.9 of the Core Strategy.

However there are significant concerns with regard to the layout of the affordable housing which is not considered to be policy compliant and are detailed in full in the Housing comments. These issues will need to be addressed at reserved matters stage.

Conclusion:

The proposed development is in outline with all matters reserved apart from access.

Whilst the development is outside the Housing Development Boundary, and therefore contrary to Policy HG.4 of the Local Plan, the site is included within the SHLAA as a housing site to deliver 78 dwellings within five year housing trajectory. Furthermore the site is identified within the Placemaking Plan as providing either 30 dwellings and employment floorspace or 40 dwellings. Whilst the Placemaking Plan has limited weight at this stage, it is considered that, as a sustainable development there is no identified harm to bringing this site forward at this stage and, on balance, the principle of residential development of this site is acceptable.

The detailed design and layout of the proposed development are reserved matters and not under consideration at this time, however there are some concerns about the submitted indicative layout that can be addressed at reserved matters stage.

The site is located on the edge of the Waterside Valley and is visible in short and medium range views from the surrounding countryside and the village of Haydon. An LVIA has been submitted which generally recognises the adverse impacts that the development would have on the site itself and on the wider character areas but, following some revisions of the scheme to reduce the dwelling numbers, it is considered that the development would not have an unacceptable impact on the surrounding landscape or views.

The proposed development is not considered to have a detrimental impact on highway safety subject to the provision of upgrading works to the Public Right of Way running from the northern corner of the site to the A367 Wells Road.

The development is not considered to have a detrimental impact on the residential amenity of neighbouring occupiers and, subject to conditions, it is also considered that the future occupiers of the development would also be provided with an acceptable level of residential amenity.

With regard to ecology, the application has been accompanied by a number of ecological reports and it is considered that, subject to conditions, the proposed development would not have an unacceptable or harmful impact on protected species or other wildlife.

The application has been accompanied by sufficient information for the Arboricultural Officer to be satisfied that the development would not have a harmful impact on both the trees to be retained on the site and also those trees located off-site.

Overall the proposed development is considered to be acceptable and is recommended for permission subject to conditions and a S106 legal agreement.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

1. Highways

Upgrading of the Public Right of Way that runs from the northern corner of the site to the A367 Wells Road, to encourage its use and therefore improve access to public transport.

2. Affordable Housing

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

3. Open Space and Landscape

An Open Space and Landscape management plan is required, prior to commencement, to secure the long term management and maintenance of green community space, areas of retained and new planting provided within the development (including those not within plot boundaries), and shall indicate the areas to be managed and set out the scope, timing and frequency of specific maintenance operations to achieve these objectives.

4. Cycle Path

The provision of a cycle path and a management plan to secure its long term management and maintenance.

5. Economic Development

Targeted Recruitment and Training and contributions comprising:

- o 14 x 16 hour work experience placements on site
- o 2 x on site apprenticeship starts
- o 2 x Job opportunities advertised through Department of Work & Pensions
- o Contribution of £6,250

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

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

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

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

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

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

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

4 No dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected in accordance with the approved plans and thereafter retained.

Reason: In the interests of privacy and/or visual amenity.

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

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

6 No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan produced by an appropriately experienced and qualified person has been submitted to and approved in writing by the Local Planning Authority. The final method statement shall incorporate a provisional programme of works incorporating a tree works schedule; supervision and monitoring details by the applicants appointed Arboriculturalist and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

The development shall thereafter be carried out in accordance with the approved Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the Local Planning Authority on completion of the construction of the development.

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

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

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

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

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

9 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction

Management Plan shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management and hours of working. A programme of condition surveys of the local highway network shall be included, and all damage resulting from development made good.

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

10 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features, which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

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

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

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

12 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme to be submitted shall meet the following criteria:

1. Any outflow from the site must be limited to Greenfield run-off rates and discharged incrementally for all return periods up to and including the 1 in 100 year storm.

2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).

3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

4. The adoption and maintenance of the drainage system must be addressed and clearly stated.

The scheme shall thereafter be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

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

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

13 Prior to the commencement of development a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

The risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination should be followed when dealing with land affected by contamination. It provides the technical framework for structured decision-making regarding land contamination. It is available from www.environment-agency.gov.uk.

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

14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

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

15 No infiltration of surface water drainage into the ground is permitted except in those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters and only when full details have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: To prevent pollution of controlled waters, while the use of soakaways and porous paving is likely to be acceptable it will depend upon the level of risk posed to controlled waters by any contamination present.

16 No occupation shall commence until full details of a noise barrier and its location, as referred to in Figure 2 of the submitted noise assessment, which should be designed to be of sufficient mass, density and with the absence of gaps which may allow flanking transmission around its edges, has been submitted to and approved in writing by the Local Planning Authority. The noise barrier shall thereafter be erected and completed prior to the occupation of any dwelling within the approved development.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy.

17 On completion of the works but prior to the occupation of each individual dwelling within the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the relevant dwelling has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy.

18 No development shall commence, including site clearance, until full details of a Wildlife Protection, Habitat Provision and Conservation Management Scheme have been submitted to and approved in writing by the Local Planning Authority. This plan must be produced and implemented by a suitably experienced ecologist. These details shall include:

a. A Reptile Mitigation Plan, in accordance with the recommendation of the approved Reptile Survey Report, which must include: installation of reptile fencing to provide exclusion zones, which may also function as receptor sites where suitable habitat is to be retained within the development site; method statement for trapping and removal

(translocation) of animals from the affected areas during the appropriate season; provision of safe receptor sites that provide suitable habitat and conditions, and are considered not to already be at capacity for an existing slow-worm population (ie can accommodate additional animals within the given area); a map showing the receptor site/s, to include off-site receptor sites if necessary, should there be insufficient capacity on site for the number of animals present. The Plan must include proposals for reporting to the LPA on mitigation outcomes to include reporting on numbers of animals trapped and relocated, and receptor site preparation and suitable habitat provision; and monitoring proposals.

b. Details of all other necessary measures for the protection of wildlife and avoidance of harm to wildlife during the construction phase, to include as applicable, precommencement checks or update surveys and reporting of findings; appropriate timing of works to avoid harm to nesting birds

c. Details of all measures for retention or replacement of wildlife habitat including sufficient area to be provided that will be suitable habitat for reptiles; habitats suitable for invertebrates and to retain or replace botanical value at the site. All details of habitat provision to be fully incorporated into the final layout and landscape design and shown on all relevant plans and drawings in Reserved Matters applications

d. Details of long term management prescriptions for all areas of wildlife habitat including hedgerows, reptile habitat, wild flower grassland; management prescriptions to include methods, frequency, timing, allocation of responsibility, and funding mechanism, with corresponding management areas to also be shown on a plan that corresponds to the proposed landscape design

e. Details of all other appropriate ecological mitigation and enhancement proposals, with measures to be fully incorporated into the scheme and shown on all relevant plans and drawings

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: Further details are required to detail measures mitigate for ecological impacts and to avoid harm to reptiles and other wildlife prior to commencement of construction in order to avoid damage to protected species during and after the construction period.

19 Prior to the commencement of construction, full details of proposed lighting design and predicted light levels shall be submitted to the Local Planning Authority for approval in writing. The scheme shall provide lux level plans showing that there shall be no light spill within the dark zones as show on approved drawing HS3001F "Dark Bat Flight Route" and showing that within these zones predicted lux levels shall not increase above existing levels. The lighting design scheme shall provide plans showing lamp specifications, positions, heights, numbers and provide details of all necessary measures to minimise potential effects on bats through lighting design, directional lighting, screening, use of "warm white" LED and dimming, as applicable. Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details

Reason: Further details are required to ensure that a sensitive lighting design is incorporated into the scheme prior to commencement of construction in order to avoid harm to bat activity and other wildlife protected species during and after the construction period.

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

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

PLANS LIST:

1 This decision relates to drawing nos 902, SPP002, SSP004, SSP004, SSP008, HS3001F "Dark Bat Flight Route"

2 Planning Informative(s):

If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. The Duty of Care regulations for dealing with waste materials are applicable for any waste movements.

Advice to Applicant:

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 our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

3 Decision making statement:

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

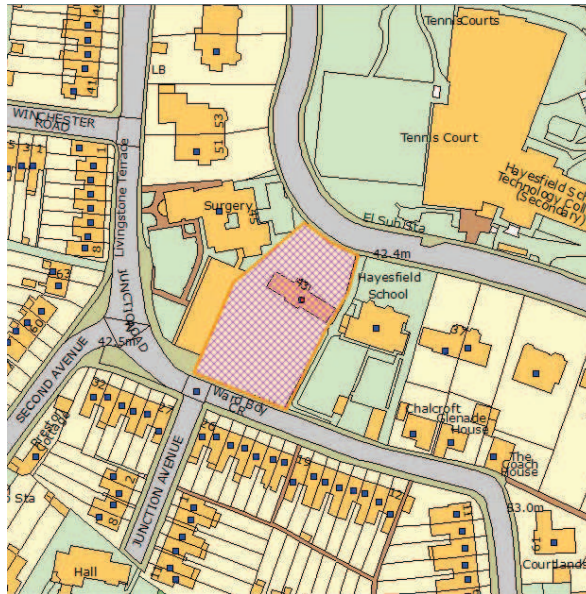
4 ADVICE NOTE:

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

5 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

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

Item No: 03
Application No: 15/02931/FUL
Site Location: 43 Upper Oldfield Park Oldfield Park 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 14no residential apartments with parking and shared grounds (Revised Proposal)(Retrospective)
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Landmark Developments Limited
Expiry Date: 28th September 2015
Case Officer: Rachel Tadman

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application has been referred to Development Control Committee at the request of the Development Group Manager.

DESCRIPTION OF SITE AND APPLICATION:

The application site comprises some 0.2 hectares on the south side of Upper Oldfield Park, adjoining a GP surgery/medical centre to the west and Hayesfield School buildings to the north and east. The site has a historic residential use, being previously occupied by

a two storey dwelling of inter-war age known as Oakford House, prior to the granting of planning permission for the redevelopment of the site in 2009.

Other than the directly adjoining medical and educational uses the site context is predominantly residential in nature. Upper Oldfield Park is characterised by large four/five storey detached or semi-detached Victorian/early 20th Century villas set in large plots, but with some infill development, which includes the application site and the GP surgery next to it. To the south and west of the site the area is characterised by smaller, two storey Victorian/Edwardian terraced dwellings.

The site is within the Bath Conservation Area and World Heritage Site. The boundary of the Conservation Area runs along Junction Road to the west of the site, directly adjacent to the GP surgery.

In summary the application proposes the erection of 14 residential apartments over 5 storeys with three units per floor on ground to third floor, and two units on the fourth floor with basement car parking and shared grounds.

As discussed in further detail later in this report the site has a long planning history and is currently the subject of enforcement action. Notwithstanding this it was initially assumed that the building was being constructed in accordance with planning permission 07/02461/FUL, however it came to light that the building was not following the approved plans and has since been largely completed in line with the drawings submitted as part of the refused application 14/04547/FUL.

The proposal now seeks changes to the roof and fourth floor in order to overcome the reasons for refusal of that application.

The changes include:

At roof level - the lowering in height of a number of chimneys, flues and aerials along with the removal of the solar panels on the South East pitched roof slope.

At fourth floor level - the projections to the side have each been reduced in width by 0.5m resulting in an overall reduction in width at that level of 1m across the building. The windows at the front and rear of the projection have also been amended to show 'wrap around' windows.

Overall the building now measures 18.6m high from the top of the basement slab level to ridge height, 19.1m to the highest point of the roof, (19.5 m to the top of the roof lights), the top of the building sits at a height of 60.06 AOD.

In plan form the building would be 28.6 metres wide at lower ground, upper ground and first floor level, 18.9m wide at second and third floor and 17.2m at fourth floor level. The building would be 18.7 metres deep extending to 19.7 metres to include the bay windows on the front elevation.

The building includes a number of balconies and terraces, side terraces at first floor level, front balconies at third floor, front and rear balconies at fourth floor level.

The principal vehicle and pedestrian access to the site is proposed from Upper Oldfield Park. The existing access is to be widened, and this will provide access to an undercroft parking area which will accommodate 15 parking spaces on the basis of one space per dwelling as well as level access to the lift.

The building is to be construction of natural Bath Stone external walling under a slate roof.

The site is proposed to be subject to a comprehensive landscape treatment, including replacement tree planting and ancillary structures.

BACKGROUND HISTORY:

REFUSED APPLICATIONS

1) The site has a long planning history with the first planning application ref: 06/02073/FUL being refused for the development of 14 flats on 2nd November 2006 (as resolved at Development Control Committee 'A' on 1st November). That scheme was of a modern, flat roof, type design. This application was refused for the following reason:

The proposal by reason of its scale, bulk, width and depth would represent an excessively prominent obtrusive and excessive form of development which would have an adverse effect on the setting and character of the site, would result in its overdevelopment and would fail to appropriately preserve or enhance the character or appearance of the Bath Conservation Area and World Heritage Site contrary to the provisions of policies VIS2, SS9, EN3, EN4 and HO6 of RPG10, policies 1, 6, 19 and 35 of the Joint Replacement Structure Plan, policies C1, C2, C4 and H13 of the adopted Bath Local Plan and policies BH.1, BH.6 and D4 of the revised deposit draft Bath and North East Somerset Local Plan, and the Bath City Wide Character Appraisal Supplementary Planning Document.

For clarity this building was approx. 31m wide reducing to 25m at second floor and above, 20m deep and 17.3m tall.

2) Planning application Ref: 07/00653/FUL was refused on the site for the erection of 13 no residential apartments with parking and shared grounds on 15 June 2007 (as resolved at Development Control Committee on 13 June 2007). This application was refused for the following reason:

The proposed development, by reason of its inappropriate design, incorporating a predominance of flat roofs, would be incongruous in this prominent location and out of character within its context. This would be harmful to the character and appearance of this part of the Conservation Area and World Heritage Site. This would be contrary to Policies C1, C2, C3, C4 and H13 of the Bath Local Plan and BH.1, BH.6, D.2 and D.4 of the Bath and North East Somerset (including waste and minerals policies) Local Plan as proposed to be modified.

For clarity this building was approx. 28.5m wide reducing to 18.2m, 18.8m deep and 16.3m tall.

3) Planning application ref: 10/00294/FUL was refused for the erection of 13 no residential apartments with parking and shared grounds on 11 June 2010, at delegated Officer level, for the following reason:

The proposed development, by reason of its inappropriate design, incorporating a predominance of flat roofs, would be incongruous in this prominent location and out of character within its context. This would be harmful to the character and appearance of this part of the Conservation Area. This would be contrary to Policies BH.6, D.2 and D.4 of the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) and advice contained within PPS 5.

For clarity this building was approx. 28.5m wide reducing to 18.5m, 18.8m deep and 16.3m tall

4) As stated above planning application ref: 14/04547/FUL was refused for the erection of 14no. residential apartments with parking and shared grounds (Revised Proposal) (Retrospective) on 8 April 2015, at Development Control Committee, with the decision being issued on 20 April 2015 for the following reason:

The development, by reason of its excessive height, bulk and inappropriate design, incorporating enlargements of the side wings at fourth floor level a predominance of flat roofed elements, and a cluttered roof, is incongruous in this prominent location and out of character within its prevailing context. The development is harmful to the character and appearance of the street scene, part of the Bath Conservation Area and to the setting of the wider World Heritage Site. The development is contrary to Policies BH.6, D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies), 2007, which are saved Policies, contrary to Policies B4 and CP6 of the Bath & North East Somerset Core Strategy, 2014 and contrary to the National Planning Policy Framework, 2012.

For clarity the building measured approx. 19.1 m high. 28.6 m wide at lower ground, upper ground and first floor level, 18.9m wide at second and third floor and 18.2m at fourth floor level. The building would be 18.7 metres deep extending to 19.7 metres to include the bay windows on the front elevation.

An appeal has now been lodged with the Planning Inspectorate which is due to be considered at Public Inquiry in February 2016.

APPROVED APPLICATIONS

1) Planning permission was granted on 26 January 2009 for the erection of 14no. residential apartments (Ref: 07/02461/FUL).

For clarity the approved building measured 17.4 metres high at ridge height from the top of the basement slab level, the total height of the building was 58.93 AOD.

In plan form the building would be 28.4m wide at lower ground, upper ground and first floor level, 18m wide at second and third floor and 15m at fourth floor level.

The building would be 17.8 metres deep extending to 18.7 metres to include the bay windows on the front elevation.

COMMENCEMENT OF DEVELOPMENT

Application 07/02461/FUL was granted permission on the 26th January 2009 and therefore was due to expire on the 26th January 2012. The permission carried 23 conditions of which 12 required the formal consent of the Council before work could commence on site. Application 11/05409/COND discharging all 12 requisite conditions was approved on the 24th January 2012, two days before the permission expired. The Council is therefore satisfied that the requirements of the pre-commencement conditions had been met prior to the permission expiring.

As a result of a complaint received by the Enforcement Team, Officers inspected the site on 25th January 2012 (the day before the permission was due to expire) and it was found that works commenced on site were in accordance with the approved details. Based on the observations made on site Officers were satisfied that a material commencement of development had taken place before the 26th January 2012 in accordance with Section 56 of the Town and County Planning Act 1990.

Notwithstanding the commencement of development, it then became apparent once the development reached roof level that the building as currently erected on site had deviated from the original plans and is therefore unauthorised.

Despite the commencement of development of planning permission 07/02412/FUL, Officers are of the view that this does not mean that the site benefits from an extant planning permission.

There is case law which suggests that the correct approach to considering whether a planning permission has been implemented involves looking at what has been built as a whole and reaching a judgment as a matter of fact and degree upon that whole as to whether or not the planning permission has been implemented.

In this case, where there are differences between the planning permission and what has been built, officers' view is that the planning permission (07/02412/FUL) was not in fact implemented, meaning that it has now expired. This means that it is not capable of implementation and does not provide a fall-back position.

Notwithstanding, this, the planning history of the site is a material consideration and it is highly relevant that permission was granted previously and that the policy position against which that permission was granted has not changed in any material respect. As such, it is still correct to make a comparison between what was permitted, what has been constructed on site and the revised proposals now being considered.

ENFORCEMENT ACTION

As stated above, it became apparent to the Council in mid-2014, when the development reached roof level, that the building had not been built in accordance with the approved plans of 07/02412/FUL insofar as the building appeared taller and wider than approved,

lacked the recessed balcony elements on the side elevations at roof level, and featured a more disjointed roofscape with additional fenestration.

An enforcement investigation was carried out culminating in the issuing of a Temporary Stop Notice (TSN) on 12th September 2014. The Notice ceased all works on site for a period of 28 days and allowed Officers the opportunity to fully assess the deviations from the approved plans in order to negotiate with the developer and consider the appropriate course of action.

Once the facts had been established and negotiations had taken place to secure amendments to the roof the decision was taken that it would not be expedient to follow up the TSN with a full Stop Notice and Enforcement Notice. It was considered, subject to various design amendments to the roof, that the applicant could exercise their rights under Section 73A in order to seek retrospective permission, allowing the Council the opportunity to conduct a full public consultation and seek the views of statutory consultees. The submitted retrospective application ref 14/04547/FUL was subsequently refused planning permission on 20 April 2015.

The issuing of the TSN is a material consideration although is not binding to any future decision of the Council.

Following the refusal of 14/04547/FUL a decision was taken by Members at Development Control Committee on 29 April 2015 to serve an Enforcement Notice requiring the demolition of the building and removal of all resulting materials from the land. The Enforcement Notice was subsequently served on all interested parties on 8 June 2015.

An appeal has now been lodged with the Planning Inspectorate and is due to be considered at the same Public Inquiry that has already been scheduled for March 2016 to consider the refused planning permission 14/04547/FUL.

OTHER RELEVANT PLANNING HISTORY:

DC - 06/02075/CA - CONSENT - 19 July 2006 - Demolition of 43 Upper Oldfield Park.

DC - 11/05409/COND - DISCHARGED - 24 January 2012 - Discharge of conditions 2,4,5,11,12,14,15,17,20,21,22,23 of application 07/02461/FUL (Erection of 14no. residential apartments with parking and shared grounds (Revised Application))

DC - 12/00387/CA - CONSENT - 5 April 2012 - Demolition of existing dwelling on site.

DC - 14/04229/NMA - APPROVE - 1 October 2014 - Non-Material Amendment to application 07/02461/FUL. (Erection of 14no. residential apartments with parking and shared grounds (Revised Application))

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways Development Officer: No objections subject to S106 obligations in respect of car-club membership and parking space provision, and conditions.

Conservation Officer: No objections with the following comments:

Policy context - The significance of this site is recognised by its location in the Bath Conservation Area. There is a duty placed on the Council under Section 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the conservation area and full consideration has been given to these duties whilst assessing the current application.

I have also considered the application in line with the provisions contained in the NPPF (paras 132 and 134) and in terms of Policy BH.6 of the Bath & North East Somerset Local Plan and CP6 of the Council's Core Strategy.

Assessment of the development - Since the last application was refused by the Council I have taken the opportunity to view the development as built from other vantage points in the City, including from Lansdown to the north. This has confirmed my opinion that its visibility primarily results from the colour of the new stonework and not from its architecture. In time the stone will weather down and the building will harmonise and blend with adjoining built fabric in this part of the conservation area, preserving character.

Although some concerns over the appearance of the roof top remain, the enhanced (revised) treatment of the 'paraphernalia' in this current submission will be an improvement on any longer distance views from higher vantage points in the Conservation Area.

Overall much of the fabric of the Conservation Area would remain unaltered by the development, so any harm caused to its character by the revised roof top treatment is in my view outweighed by the development in its totality which is considered to be acceptable.

English Heritage: No objections with the following comments:

The reduction in the overall height and number of different roof top features has helped to reduce the overall amount of paraphernalia at this level, providing a cleaner finish to the development.

The upper storey on each of the projecting wings has been reduced in width with more glazing introduced to provide a more translucent appearance.

The combination of these changes does help to reduce the harm caused to the Conservation Area by the unauthorised works. Although these changes are a compromise and are not replicating the original approved scheme, we no longer consider that this proposal is sufficiently harmful to justify an objection.

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Waste Services: Not acceptable in its current form.

The proposed waste and recycling store cannot be serviced for collections from its current location within the plans. It is positioned within the further corner of the lower ground floor, the adjacent access point appears to be steps to the outside ground level.

The position of the bin storage area should be a maximum distance of 8m from the highway, ideally outside. Any slope the bins will need to be taken up must not exceed 1:12.

Affordable Housing: No objection subject to contributions.

Policy CP9 of the adopted core strategy requires 30% provision on large development schemes in this postcode area, however no affordable housing has been proposed and therefore the application is not policy compliant.

However if an affordable housing contribution is sought in line with the Planning Obligations SPD, no objections.

Bath Preservation Trust: Object making the following comments:

1. The proposed revisions are not sufficient to address the original reasons for refusal and remains harmful to the character and appearance of this part of the Conservation Area and World Heritage Site.
2. The raised central roof area has a dominating and damaging impact on the streetscape, the topography of the hillside, longer views and this part of the Bath.
3. The revised proposals do not illustrate in clear format the 'approved', 'as built' and 'new scheme' and it is therefore difficult to assess the changes and their impact.
4. The fourth floor side wings (reduction of 600mm each) now appear less solid in appearance
5. There is no discernible change to the overall impact or height of the building, particularly in views from the lower Oldfield Park area and in long views from vantage points across Bath.

Local Representations: A total of 2 letters of objection have been received raising the following concerns:

1. No material change to the overall scale and bulk
2. The oversized roof form with various extrusions remain, and which do not represent a high quality design
3. The scheme remains incongruous and harmful to the Conservation Area

A total of 25 letters of support have been received with the following comments:

1. The building is a magnificent piece of architecture.
2. Its form and proportions is a 21st Century version of the neighbouring Victorian buildings.
3. It sits sympathetically with the neighbouring buildings.
4. The loss of 14 new homes is unacceptable given it is a brownfield site and in line with the Core Strategy.

The City Car Club have also commented on the proposed development:

1. The car club section 106 was agreed before a car club bay was established on street at Upper Oldfield Park.
2. The location is popular but one car club vehicle in the area is sufficient at this time.
3. An additional space at Upper Oldfield Park is not considered necessary in the short term but may be in the medium to long term future.

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:

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

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

- o Policy DW1 - District Wide Spatial Strategy
- o Policy SD1 - Sustainable Development
- o Policy B1 - Bath Spatial Strategy
- o Policy B4 - World Heritage Site and its setting
- o Policy CP6 - Environmental Quality
- o Policy CP9 - Affordable Housing
- o Policy CP10 - Housing Mix
- o Policy CP2 - Sustainable Construction
- o Policy CP3 - Renewable Energy
- o Policy CP6 - Environmental Quality
- o Policy CP7 - Green Infrastructure
- o Policy CP13 - Infrastructure Provision

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

- o Policy SC.1: Settlement classification
- o Policy SR.3: Provision of recreational facilities to meet the needs of new development
- o CF.3 Contributions from new development to community facilities
- o IMP.1 Planning Obligations
- o Policy D.2: General design and public realm considerations
- o Policy D.4: Townscape considerations
- o Policy NE.4: Trees and woodlands
- o Policy BH6: Development within the Conservation Area
- o Policy T.24: General development control and access policy
- o Policy T.26: On-site parking provision

SUPPLEMENTARY PLANNING GUIDANCE

- Planning Obligations SPD
- Sustainable Construction & Retrofitting SPD
- Bath & North East Somerset Council Green Space Strategy adopted March 2007
- Bath & North East Somerset Council Green Infrastructure Strategy adopted March 2013

LEGAL FRAMEWORK

Town and Country Planning Act, 1990 (as amended)

Development Management Procedure Order, 2010 (as amended)

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.

NATIONAL PLANNING POLICY

Full consideration has been given to the National Planning Policy Framework (NPPF) including, but not limited to, Chapter 6 Delivering a wide choice of high quality homes, 7 Requiring good design and 8 Promoting healthy communities.

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

Full consideration has also been given to the Government Guidance set out in the National Planning Practice Guidance (NPPG) 2014

OFFICER ASSESSMENT

PRINCIPLE OF THE DEVELOPMENT:

The proposed development is within the defined urban area of Bath where residential development is acceptable in principle and is in accordance with Policy B1 of the Core Strategy.

Furthermore the principle of a building of a similar scale, height and width in this location has also been established by the granting of planning permission in 2009 ref: 07/02461/FUL. This is a material consideration that has some weight. The policy position has not significantly changed since the grant of planning permission in 2009.

Notwithstanding the history of the site, this application has to be considered on its merits.

DESIGN, LAYOUT AND IMPACT ON THE BATH CONSERVATION AREA AND WORLD HERITAGE SITE:

The character of Upper Oldfield Park and this part of the Bath Conservation Area and World Heritage Site is relatively mixed with terraces of modest two storey dwellings on Junction Road to large Victorian villas on Upper Oldfield Park. This is also interspersed with more modern low level buildings such as the Doctor's surgery adjacent to the site and the contemporary Hayesfield School development opposite that uses a high proportion of flat roofs.

Within this context the overall design of the proposed building appears as a contemporary representation of the more historic villas that form part of the character of Upper Oldfield Park and particularly with regard to the adjacent building of Hayesfield School.

The Hayesfield School building to the east is the largest building in this part of the street scene and the overall width of the proposed building, when measured at first floor level, at 18.9m is only marginally wider than Hayesfield School which is 18m wide. Furthermore the gaps between the proposed building and its neighbours are considered to reflect that found between buildings immediately adjacent to the site.

The ridge of the development is 60.06 AOD whereas the ridge of the adjacent Hayesfield School building is 60.49 AOD. The development as built is therefore approx 0.4m lower than the adjoining Hayesfield School building.

In terms of the overall height, size and bulk of the proposed development, the building is considered to relate well to its immediate context and compares favourably to the adjacent Hayesfield building and would not have a significant detrimental impact on the street scene. The building is highly visible and somewhat prominent in some medium range views of the site, particularly from the south, due to its location on a ridge within Upper Oldfield Park where the land slopes gently away to the south and more steeply to the north. However the fact that it is visible/prominent in these views does not necessarily make it incongruous or unacceptable.

It has always been accepted that in terms of comparative scale the building relates poorly to the adjacent doctor's surgery to the west, as this building itself is out of context, which is especially noticeable when viewed from Junction Road. However the surgery is very clearly an anomaly producing a visual gap in what is otherwise a street of a fairly uniform pattern and as such the relationship between the proposed development and the Doctor's is considered to be acceptable.

Turning to more detailed design matters, the building's main elevation is that of a double gabled front elevation with wider additions at lower ground and upper ground level culminating in an outdoor terrace at first floor level. The lower ground level, providing the parking for the development, is located partially below ground with a sloping driveway leading down and would not be overly visible in the street scene as it would be screen by planting and the front boundary wall.

Running up the building from first floor level, on each side, and set back from the main front elevation, is a side projection which culminates at fourth floor level with a slate hung flat roofed element.

In comparison with the recently refused scheme (ref: 14/04547/FUL) the design of the building has been amended at the fourth floor and roof level to reduce the width of the side projections and to simplify the roof.

Dealing with the side projections first, each projection has been reduced in width by approx. 0.5m. This has been achieved by structural changes at both third and fourth floor level to provide the necessary loading on which to sit the amended side projection. Furthermore the windows to the front and rear elevations of the projection have been made larger, and now wrap around the corner onto the side elevation, which has helped to reduce the visual bulk at this level.

The side projections remain set back from the front and rear of the side projection to form a small balcony at the front and rear.

These side projections remain reflective of the character of the adjoining Victorian villas, albeit in a contemporary style, and the provision of the slate clad flat roof addition at fourth floor level is still considered to add an interesting and not incongruous element that improves the architectural legibility of the building.

Turning to the roof of the building, a mixture of flat and pitched roofs are used in a mix of materials including natural slate and slate grey glass fibre.

The upper roof level was previously very cluttered with ventilation stacks, rooflights, air vents and flue's and as a result of the previous refusal the proposed plans now show that the clutter has been significantly reduced by lowering the rooflights, vents and flues. The satellite dish has been moved to the rear of the main front chimney so it will no longer be as prominent or readily visible.

On the north eastern sloping roofslope the solar PV panels have been removed from the scheme which has also reduced the clutter and simplified the appearance of the development at roof level.

Some solar panels will remain, laid flat against the flat roofs of the side projections meaning that they will be hardly visible.

The amendments to the size of the side projections is considered to reduce the bulk of the building at the top floor level. Furthermore the reduction in the clutter at the roof level has significantly improved its appearance in both short, medium and long range views of the site and are, overall considered sufficient to overcome the reason for refusal of the previous application ref: 14/04547/FUL.

With regard to materials the building uses a high level of glazing, particularly on the rear corners where wrap around windows are provided. The main external walling material is natural Bath Ashlar stone, quarried in Limpley Stoke, and slate are used on the elevations of the fourth floor side projection. These materials are reflective of the character of the surrounding area and are considered to be acceptable.

Overall the size, design and massing of the proposed building is considered to be acceptable and would not have a harmful impact on the street scene. The overall height is also considered to relate well with respect to the context and the addition of a building of

this design is deemed to add an appropriate addition in the streetscene to form a group of buildings of similar design and size in this part of the street.

The site is within the Bath Conservation Area and therefore there is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. The development also needs to be considered under Para 132 of the NPPF which states that "great weight" should be given to the conservation of the Conservation Area as a heritage asset.

Furthermore the location of the site within the World Heritage Site requires that the wider setting issues in this part of the city, particularly as they might affect the Outstanding Universal Values of the World Heritage Site are taken into consideration.

As part of the consideration of this revised proposal the Conservation Officer has taken the opportunity to view the existing development from a number of viewpoints and is of the view that the prominence of the development in views is primarily due to the fresh colour of the stonework.

Historic England have also made comments and agree with the Conservation Officer in that the harm caused by the building has been reduced by the amendments. Therefore, although some concerns still remain about the appearance of the rooftop, it is considered, overall, that the harm to the heritage assets is now minimal. Furthermore it is considered that the harm, albeit minimal, is in any case outweighed by the public benefits of providing a total of 14 dwellings on a brownfield site that will add to the housing supply in the City of Bath thus contributing to the overall supply of housing in the district reducing the need to develop greenfield sites. The development would introduce a building which, overall, is of a high quality, contemporary design that makes a positive contribution to local character and distinctiveness. Finally the development is considered to represent the optimum viable use of the site by maximising the available land to deliver an appropriate number of residential units.

Overall the design is considered to be of a high standard and the building is constructed out of high quality materials which is considered to closely reflect and interpret the siting, form, scale, symmetry and front building line of the imposing pair of semi-detached C19 villas of Hayesfield School to the east. Furthermore the overall form of the building proposed will satisfactorily group with and reflect the appearance of these prominent structures in this part of the Conservation Area street scene.

Whilst the proposal is within a Conservation Area, this does not preclude modern architecture or large buildings, subject to them being of a high standard of design. The UNESCO Mission Report of 2009 stated that high quality contemporary styles are desirable in Bath as it adds a new layer of quality to complement the existing excellence. It is considered that this proposal is in line with these recommendations and would preserve the character and appearance of the Conservation Area and would not have a harmful impact on the Outstanding Universal Values of the World Heritage Site.

Furthermore when a comparison is made against the original two storey inter war dwelling the overall design of the proposed building is considered to represent an enhancement to

this part of the Bath Conservation Area and World Heritage Site through the introduction of a high quality building into the area.

Whilst this application is judged on its own merits, as previously discussed, the history of the site is a material consideration. In comparison with permission 07/02461/FUL the design of the proposed building is largely unchanged apart from some minor changes to windows. The main area of amendment is to the side projections at fourth floor level and the roof design.

The refused permission ref: 14/04547/FUL sought to make a number of amendments to the building including extension of the side projections at fourth floor level and the extension of the roof upwards in order to accommodate a plant room etc. at fifth floor level. These changes were found to be unacceptable which was reflected in the reason for refusal.

This planning application now seeks to reduce the width of the fourth floor side projections in order to reduce the bulk of the building at this level and also significantly reduce the level of clutter at roof level to provide a much simpler roofscape.

The side projections at roof level were considered very carefully when planning permission (07/00653/FUL) was originally granted and it was considered that they were acceptable. The projections are still larger than originally approved but are smaller than refused and, overall, the proposed amendments are considered to overcome the previous reason for refusal.

IMPACT ON RESIDENTIAL AMENITY:

The impact on residential amenity is unchanged from the consideration of planning application ref: 14/04547/FUL however it still remains to be considered as below:

The directly adjoining properties to the north, east and west of the site are not in residential use, but instead are occupied by a medical centre and Hayesfield School. Whilst there are residential dwellings to the rear of the site, on Junction Road, there is approx. 40m distance elevation to elevation.

In light of this, with regard to the impact of the development on residential amenity, this proposal is not considered to have an unacceptable impact on the amenities of the neighbouring occupiers.

With specific regard to residential amenity, the previous proposals to redevelop this site, including the permission in 2009 and the refusal in 2007, also concluded that the proposals would not have an unacceptable detrimental impact on the residential amenity of neighbouring occupiers.

There is the potential for overlooking from the large roof terraces at first floor level, however the proposed planted beds along the shared side boundaries, in conjunction with a suitable landscaping scheme, would ensure that views out of the site are restricted by a planting screen.

It is acknowledged that there would be some overlooking from the balconies, although this would be at an oblique angle, and given that the neighbouring properties to the north, east and west are not in residential use this is considered acceptable.

The impact on the existing residential properties in Junction Road to the rear of the site has been considered and assessed in detail. The proposal includes two small rear balconies at fourth floor level along with habitable rooms located at the rear of the upper floors of the proposed building and it is acknowledged that some overlooking would inevitably occur. The terraces at fourth floor level were proposed, within the extant scheme, to wrap around the projection at fourth floor level allowing future residents the ability to overlook neighbouring dwellings from a high level. The removal of a significant part of the terrace by expanding the side projections to increase the internal living accommodation is considered to reduce the incidence of overlooking to the benefit of residential amenity.

However, due to the significant distance of approx. 40m between the front elevations of junction Road and the rear elevation of the proposed development, it is concluded that there would not be a significant or unacceptable detrimental impact in terms of loss of privacy or amenity as a result of direct overlooking or overshadowing from the proposal.

In comparison with the previous permission 07/02461/FUL, the number of windows and their proximity to neighbouring dwellings have not changed to such a degree as to have any further impact on residential amenity. The overall increase in size of the building is also not considered to have any further impact on amenity by reason of overbearing impact or overshadowing.

The terrace at first floor level is proposed to be 0.45m lower and the impact of this on the level of overlooking caused is marginal and would in any case still be adequately overcome by planting. The terrace at third floor is substantially unchanged.

Overall it is considered that impact of the development on the residential amenity of surrounding occupiers would be largely unchanged, reduced in specific areas and therefore would remain acceptable.

LANDSCAPING AND TREES:

The impact on landscaping and trees is unchanged from the consideration of planning application ref: 14/04547/FUL however it still remains to be considered as below:

The proposed development would not have an adverse impact on trees as the necessary tree protection fencing is already in place. Therefore, subject to conditions to retain the tree protection fencing during construction, it is considered that the impact on the tree within the adjacent Hayesfield Girls School site is acceptable.

With regard to landscaping of the site, the submitted plans show that the communal garden areas are to be laid out in a formal style and, whilst there is a limited amount of detail at this stage, this can be dealt with by condition.

It is therefore considered that the proposal will preserve this part of the Conservation Area, subject to appropriate conditions and the submission of a high quality landscaping scheme.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The impact on highway safety is unchanged from the consideration of planning application ref: 14/04547/FUL however it still remains to be considered as below:

The provision for vehicular access and parking to serve the proposal is considered acceptable in the context of the site's location and accessibility by non-car modes. The access on to Upper Oldfield Park is also considered acceptable, the access onto Junction Road is intended for use only for service and maintenance, and, subject to a condition to control this, the proposal is considered acceptable in this regard.

The application includes the provision of membership of the local car share club for future residents on a lifetime basis at a ratio of two memberships per flat and a parking space for a car club vehicle. Upper Oldfield Park already has a Car Club space on street which is well used and at this time, a further space is not considered necessary. However it is considered that the provision of a further space on the development site for use in the long term is necessary. This is considered to be acceptable and will form an obligation within a S106 legal agreement.

The proposed development is therefore considered to be acceptable in terms of highway safety subject to an obligation in a S106 legal agreement and conditions.

SUSTAINABILITY AND RENEWABLE ENERGY:

The development is proposed to be constructed to Code for Sustainable Homes Level 4 and includes the following measures to achieve energy efficiency and sustainability including:

- o Sustainable urban drainage systems to reduce water run off rates
- o Sustainable building materials, in conjunction with solar passive gain, to reduce energy needs of the buildings
- o Energy high performance windows
- o Energy efficient lighting design
- o Use of renewable technology including solar PV panels

The incorporation of sustainable construction features is considered to be in accordance with Core Strategy policy CP2 and the Sustainable Construction & Retrofitting SPD.

REFUSE COLLECTION:

A bin storage area is proposed at basement level with refuse collection taking place from Upper Oldfield Park, the same as the existing dwelling.

The Waste Services Section of the Council has raised concerns that the proposed bin storage area could not be serviced for collection and that its adjacent access point appears to use steps to the outside ground level.

Whilst these concerns have been considered, the specific location of the bins and the ease in which they can be moved to a kerbside location for collection, relates more to the operation of the building and is a matter to be overcome through the day to day management of the building.

PROVISION OF AFFORDABLE HOUSING AND DEVELOPER CONTRIBUTIONS:

The development was initially designed when a scheme of 14 dwellings would have been below the relevant thresholds over which an affordable housing provision would have been required. However due to the intervening adoption of the Core Strategy, the proposal is within the Bath area where, under Policy CP9 of the adopted core strategy, 30% provision of affordable housing is required. The scheme does not include the provision of any affordable housing on site nor are contributions being offered.

The lack of on site affordable housing provision has been met with concern by Housing Services with the view expressed that a contribution should instead be provided to ensure that the scheme is in accordance with Policy CP9 of the Core Strategy. Housing Services are of the view, in this instance, that on site provision is not absolutely necessary to make the scheme acceptable as the layout does not lend itself to its provision nor are the appropriate affordable housing standards going to be met, part of which is due to the high service charges that a scheme like this would demand.

In response application ref: 14/04547/FUL, and again to this current application, it has been stated that the provision of affordable housing on site or contributions towards affordable housing would make the scheme unviable. Therefore application ref: 14/04547/FUL was accompanied by a Viability Assessment Report which, following independent assessment, was found to demonstrate that the development is unviable even before the seeking of any on site affordable housing provision or contributions.

A new viability assessment report has not been submitted, or requested, as part of this application as very little time has passed since the original viability report was independently assessed. In light of this Officers have relied on the previously submitted report in relation to viability.

Para 016 (Reference ID: 10-016-20140306) of the NPPG states 'where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary.'

Para 019 (Reference ID: 10-019-20140306) goes on further to state 'where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.'

'This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.'

The National Planning Policy Framework sets out a core planning principle that in decision-taking local planning authorities should encourage the effective use of land by re-using land that has been previously developed. To incentivise the bringing back into use of brownfield sites, the Government confirms (through the NPPG) that local planning authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.

As it has been demonstrated that the scheme is unviable even before taking into account affordable housing provision, Officers are of the view that, in line with the NPPF and NPPG, the Council is allowed to take a more flexible approach in not seeking commuted contributions.

The lack of affordable housing provision/contributions for reasons of viability make the application contrary to Policy CP9 of the Core Strategy and therefore the application has been advertised as a departure in line with the statutory requirements set out in the Development Management Procedure Order.

CONCLUSION:

The application has been submitted in order to gain planning permission for the existing building on site, with some amendments, and to overcome the reasons for refusal for planning application 14/04547/FUL. A building of a similar scale, height and width in this location has already been previously granted planning permission under application ref: 07/02461/FUL although now expired.

The amendments have included the decluttering of the building at roof level with the reduction in size of the ventilation stacks, rooflights and flue's at roof level as well as the removal of the solar panels on the north eastern sloping roof.

The fourth floor side projections have also been reduced in width by 0.5m each meaning that the fourth floor level has been reduced in width by 1m overall. This has reduced the bulk of the building at this level and improved its appearance.

The size, design and massing of the proposed building is now considered to be acceptable and has overcome the previous reason for refusal. The development is not considered to have a harmful impact on the street scene and the overall height relates well with respect to the context and the addition of a building of this design is deemed to add an appropriate addition in the streetscene to form a group of buildings of similar design and size in this part of the street.

It is the case that the building is marginally larger than the building permitted under 07/02461/FUL but, considering the overall size of the building, the principle issue is not whether one building is bigger than another, but instead whether or not a building of this scale is acceptable with the street scene and preserves the character and appearance of the Conservation Area. The height of the proposed building is considered to remain acceptable in terms of its relationship with its immediate neighbour (Hayesfield School), retains the step between building heights and maintains the gap between buildings which is characteristic of this part of the Conservation Area and World Heritage Site. In light of

this the height, bulk and mass of the development is considered to be acceptable and would sit in harmony with the surrounding buildings and streetscene.

Overall it is considered that would preserve the character and appearance of the Conservation Area and would not have a harmful impact on the Outstanding Universal Values of the World Heritage Site.

The proposed development is not considered to have an adversely harmful impact on the residential amenity of either the future occupiers or those neighbouring the site.

The proposed development is also not considered to have a harmful impact on highway safety subject to an obligation in a S106 legal agreement and conditions.

The proposed development, under Policy CP9 of the Core Strategy, has triggered a requirement for affordable housing provision. The previous application 14/04547/FUL was accompanied by a Viability Assessment Report which was independently assessed and demonstrated that the development was unviable even before affordable housing provision had been taken into account. As very little time has passed since planning application 14/04547/FUL was considered, a new viability assessment has not been requested and the findings of the previous assessment are also relied upon by this application.

Great care has been taken to not only consider the proposed development on its merits but also in light of the site's extensive planning history. Having carried out this careful assessment Officers are of the view that, in comparison, the amendments to the size and design of the building are acceptable and represent an improvement to the scheme which addresses the reasons for refusal of permission ref 14/04547/FUL.

In light of the above it is therefore recommended that permission is granted subject to the completion of a legal agreement and subject to conditions.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A Authorise the Head of Legal and Democratic Services to enter a Section 106 Agreement to secure the following:

The provision of a parking space for the local car share club and membership of the aforementioned club for future residents on a lifetime basis at a ratio of two memberships per flat

B Subject to the prior completion of the above agreement, authorise the Group Manager, Development Management, to PERMIT subject to the following conditions:

1 Within 6 months of the date of this permission a detailed programme for the implementation of the development, as shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The programme should

confirm the commencement of construction within 12 months of the date of this permission.

Reason: As the scheme is partially retrospective a programme is required to ensure that the building is amended on site to comply with the approved plans and in the interests of the character and appearance of this part of the Conservation Area.

2 Within 6 months of the date of this permission a hard and soft landscape scheme shall be 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 new walls, fences and other boundary treatment, 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; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

3 All hard and/or soft landscape works shall be carried out in accordance with the approved details and within 12 months of the date of this permission 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.

4 The protective fences erected around the Pine tree on the Junction Road boundary, approved under Condition 4 of planning permission Ref: 07/02461/FUL, and discharged under application Ref: 11/05409/COND, which is located within Hayesfield School site, shall not be removed until the completion of the development. The area within the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for arboricultural or landscape works as otherwise approved.

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

5 The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety.

6 Within 6 months of the date of this permission, or first occupation (whichever is the later), a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have previously been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

7 Within 3 months of the date of this permission the cycle parking indicated on the approved plans shall be provided and shall thereafter be kept clear of obstruction and shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of sustainable development.

8 The vehicle access/exit from Junction Road shall not be used other than for servicing and emergency vehicles.

Reason: In the interest of Highway Safety.

9 New resident's welcome packs shall be issued to purchasers within 3 weeks of their first occupation. The packs should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc. The packs shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

10 Notwithstanding the approved plans and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no further satellite dishes or microwave antennae shall be attached to any building or erected within the site without the prior written permission of the Local Planning Authority.

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no lines, mains, pipes, cables or other apparatus shall be installed or laid on the site other than in accordance with drawings first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the existing and proposed trees, vegetation and open spaces on the site.

12 Within 6 months of the date of this permission, minimum 1:50 scale details of the proposed front boundary wall and stone piers shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details and within 3 months of the details being approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

13 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no further solar PV or solar thermal shall be installed on the building hereby approved unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the building and the character and appearance of this part of the Bath Conservation Area.

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

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

PLANS LIST:

1 PLANS LIST:

This decision relates to drawing nos 492.5.000, 492.BR.01E, 492.BR.02H, 492.BNR.03H, 492.BR.04H, 492.BR.05H, 492.BR.06H, 492.7.006A, 492.007A, 492.7.008A, 492.7.009B, 492.7.010B, 492.7.011A, 492.7.012A, 492.7.111.

2 Decision Making Statement:

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

3 ADVICE NOTE:

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

4 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

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

Item No: 04
Application No: 14/01379/FUL
Site Location: Rough Ground And Buildings Queen Charlton Lane Queen Charlton
Bristol Bath And North East Somerset



Ward: Farmborough **Parish:** Compton Dando **LB Grade:** N/A

Ward Members: Councillor S Davis

Application Type: Full Application

Proposal: Change of use of land to private gypsy and traveller caravan site (Retrospective) (Resubmission of 13/02781/FUL)

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Forest of Avon, Greenbelt,

Applicant: Mrs K O'Connor

Expiry Date: 19th May 2014

Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Sally Davis has requested that the application be reported to committee for the following reason:

This is a controversial site with much planning history which each time has been refused both locally and at appeal due to Green Belt and sustainability issues.

DESCRIPTION

The application site comprises an area of predominantly flat land approximately 300 metres south-east of the village of Queen Charlton and its Conservation Area and approximately one kilometre south-west of the edge of the urban area of Keynsham. The site falls within the Bristol and Bath Green Belt.

The site area is approximately 0.5 hectares and currently contains 2 static caravans, 3 touring caravans, two storage sheds, a toilet block, a stables and a feed store and there is unauthorised residential use of the land.

The proposal is for a change of use of the land to a private gypsy and traveller caravan site. The application shows that this would consist of 4 touring caravans, 2 static mobile homes, a toilet block, a trailer and a mono pitched stable block. The proposals also include new landscaping around the boundaries of the site.

The site is currently occupied as an unauthorised gypsy and traveller site.

PLANNING HISTORY

The site has a long and complex planning history which is summarised below:

- o Application reference WB.168811 submitted for the stationing of residential caravans. Planning Permission was refused in 1994.
- o Enforcement notice served in relation to the stationing of caravans on the site in 1994.
- o Appeals lodged against refusal of planning permission and enforcement notice. Enforcement notice was upheld, but temporary permission granted for two caravans until May 1998, on basis that by then other more suitable sites would be available
- o Permanent occupation of the site ceased between 1995 and 2000, so enforcement notice was considered to be complied with at that time.
- o The site was re-occupied in 2000 and further application for planning permission was submitted (reference 00/01523/FUL)
- o The application was refused in 2000
- o An appeal lodged, but dismissed at inquiry in 2002. The Inspector's reasoning based on the lack of gypsy status of applicants was subsequently successfully challenged at High Court.
- o The appeal was heard again at another inquiry in 2003 and again dismissed. This was on grounds of harm to the Green Belt, harm to the rural character, harm to the setting of the Queen Charlton Conservation Area and the unsustainable location. This was considered to outweigh the need for gypsy and traveller sites and the personal circumstances of the appellants.
- o The site was again vacated in 2002 and not re-occupied until 2009, when a new planning application was submitted (09/03202/FUL). The application was refused in 2009.
- o An appeal against this refusal was determined at a hearing in 2010. The appeal was dismissed on grounds of harm to Green belt, harm to the rural landscape and harm to the setting of the Queen Charlton Conservation Area. These were considered to outweigh the benefits of the need for gypsy and traveller sites and the personal circumstances of the appellants.

- o The appeal decision was unsuccessfully challenged at the High Court in 2012 and was subsequently dismissed in the Court of Appeal in February 2013.
- o A further application for planning permission was submitted (Reference 13/02781/FUL). This was refused in September 2013.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses is provided below. Full comments are available on the Council's website.

HIGHWAYS OFFICER

The site is remote from local services, shops, schools, amenities and public transport. Further, there is a lack of footway provision for those wishing to walk and, therefore, the proposed development will result in increased reliance on the use of the private motor vehicle, contrary to policies designed to promote sustainability.

The public highways in the vicinity of the site, including Queen Charlton Lane off which the site gains access, are all subject to the national speed limit of 60mph. However, visibility at the access position is restricted to less than 30 metres in either direction equating to a main road speed of traffic of less than 20mph. Further, visibility at the junction of Queen Charlton Lane with Charlton Road and Redlynch Lane is also badly restricted. Bearing this in mind, intensification in use of the site would be the contrary to the interests of highway safety and no evidence has been submitted regarding the lawful use of the site or potential to generate traffic in order to satisfy that intensification in use will not result.

Bearing in mind the above, the highway response is one of OBJECTION on grounds of sustainability and in the interests of highways safety.

HOUSING SERVICES

No comment

PLANNING POLICY

Objection

National planning policy states that development of Green Belt land as a Traveller site would constitute inappropriate development and should not be approved, except in very special circumstances. The Council is also required to consider the existing level of provision and need for sites, and the availability of alternative accommodation for applicants when considering a planning application.

Whilst unmet need in itself would not constitute very special circumstances to justify inappropriate development in the Green Belt, it is clear that the Council at this stage is unable to identify a five year supply of specific deliverable sites to meet the accommodation needs identified through the GTAA. Options for addressing this unmet need in locations outside the Green Belt in adjoining authorities have not been fully explored with those local authorities although initial investigations indicate there are no opportunities to do so, it is also evident that there are no immediately available and suitable non-Green Belt sites for Gypsy and Traveller use within Bath and North East Somerset. This site would therefore meet a small part of an immediate remaining unmet need.

The applicant has set out a list of factors which together he considers constitutes very special circumstances to justify development of this site for Gypsy and Traveller use (see para 3.11 above) but has not explained or expanded on how he considers these collectively outweigh harm this proposal would have on the Green Belt, and if so, how this harm might be minimised or mitigated. In the absence of the Personal Statement referred to above there is no evidence to demonstrate that there have been any changes in the family's circumstances since 2013.

In weighing these factors against the harm that would be caused to the Green Belt by this proposed development as expressed above (paras 3.1 - 3.4) it does not appear that very special circumstances exist from the information submitted to justify the change of use of land to private gypsy and traveller caravan site in this particular location that would outweigh harm to the Green Belt should the proposal be approved.

COMPTON DANDO PARISH COUNCIL

Objection

The Parish Council restate their strong objections from the previous application 13/02781/FUL which remain. They make the following comments

- This is inappropriate development in the Green Belt, in a rural Parish washed over by Green Belt
- It adjoins a village Conservation area
- It is not close to schools, health facilities, shopping or other services and is car-dependent and unsustainable;
- Any screening by bunds would be alien to the nature of the landscape;
- Do not believe that there are any special circumstances to outweigh these objections.

The Parish Council raise concerns as to why another application has been registered for the same site which has been the subject of 4 previous applications, all of which have been rejected. They refer to the history of the site which goes back 20 years and includes public inquires from 1995, 2002 and 2009, an unsuccessful High Court Challenge in 2012 and a Court of Appeal dismissal in 2013. They state that the site has been consistently found to be inappropriate.

KEYNSHAM TOWN COUNCIL

Keynsham Town Council supports the views of Compton Dando Parish Council and strongly objects to the application on the following grounds:

- It is inappropriate development in the Green Belt;
- It adjoins a village Conservation Area;
- It is not near local amenities such as schools, health facilities, shopping facilities or public transport and is unsustainable;
- Any screening by bunds would not sit naturally within the existing landscape;
- There are no special circumstances which outweigh these objections;
- The site has consistently been found inappropriate by the Local Authority and the Planning Inspectorate.

THIRD PARTIES/NEIGHBOURS

7 Letters of objection have been received. The main issues raised were:

- The proposal has already been found unacceptable. The same objections apply;
- Proposal is inappropriate development in the Green Belt;

- Site is in a high profile position in the Green Belt between Keynsham, Whitchurch and various villages;
- Proposals will impact upon the adjacent Conservation Area;
- Concern about damage done to the pasture land;
- Site is an eyesore and there has been no attempt to keep the site tidy or unobtrusive;
- Site is distant from amenities
- There have been a high number of accidents at the junction on Charlton Road
- The pull-in is dangerous to passing traffic
- Emotional reasons and a good personal claim are insufficient to outweigh the planning considerations;
- Concern about the possibility of setting a precedent for further illegal caravans;
- There are no new arguments or reasons for a different outcome from previous applications;
- Disaffection with the lack of action on this site;
- Detrimental to the visual amenity of the surroundings
- History of the site indicates, on strong principled grounds, that there is a massive objection which has been repeatedly upheld.

2 letters of support have been received. The main issues raised were:

- The applicants have owned the site for 20 years;
- The children on the site are polite and helpful; a credit to the community;
- Applicants health and mental well-being has declined as a result of the stress of them losing their home;
- Conditions can be used to enhance the site to a high standard;
- The prolonged planning process has led to great strain and their health; emotionally, mentally and physically;
- Applicants are just trying to create a secure and safe place for their family to live in;
- It is odd that this small low impact development may not get permission when a new large housing estate is being constructed down the road;

POLICIES/LEGISLATION

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

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

CORE STRATEGY

- B1 Bath Spatial Strategy
- B4 World Heritage Site and its Setting
- CP2 Sustainable Construction
- CP6 Environmental Quality
- CP8 Green Belt
- CP11 Gypsies, Travellers and Travelling Showpeople

LOCAL PLAN

- D.2 General Design and public realm considerations
- D.4 Townscape considerations
- GB.2 Visual amenity of the Green Belt

BH.2 Listed buildings and their setting
NE.1 Landscape Character
BH.2 Listed Buildings and their setting
BH.6 Conservation areas
NE.4 Trees and woodland
T.1 Overarching access policy
T.24 General development control and access policy

EMERGING POLICY

Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD).

NATIONAL POLICY

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Planning Policy for Traveller Sites (PPfTS)

The following sections of the NPPF are of particular relevance:

Section 4 Promoting sustainable transport
Section 7 Requiring good design
Section 8 Promoting healthy communities
Section 9 Protecting Green Belt land
Section 12 Conserving and enhancing the historic environment

OFFICER ASSESSMENT

The main issues to consider are:

- Gypsy and Traveller Status
- Green Belt
- Landscape character and visual amenity
- Amenity of neighbouring occupiers
- Highways safety
- Sustainability
- Effect of Conservation Area and its setting
- Very special circumstances
- Overall balance

GYPSY AND TRAVELLER STATUS

The definition of "gypsies and travellers" provided within the PPfTS is as follows:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

It is considered that the applicants fall within this definition and therefore qualify as gypsies and travellers for the purposes of planning policy.

GREEN BELT

The site falls within the designated Bristol and Bath Green Belt. Policy CP8 of the Core Strategy states that the openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy.

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

Paragraph 88 goes on to state that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and 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.

Paragraph 14 of the PPfTS confirms that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. It is therefore considered that the proposal for the change of use of the land to a private gypsy and traveller caravan site is inappropriate development in the Green Belt.

The proposed use of the land as a private gypsy and traveller caravan site would include the stationing of up to four touring caravans, two static caravans, a toilet block and a trailer alongside associated vehicles and paraphernalia. It is considered that the stationing of these items on what was previously open land will have a detrimental impact upon the openness of the Green Belt.

In the most recent appeal decision in 2010 the Inspector, referring to the effect upon openness, stated that:

"The proposal before me includes two single unit static caravans and three touring caravans. I therefore consider that the harm arising from the proposal to the openness of Green Belt would be greater than that arising from the proposal before the previous Inspector, which he found would be significant."

Previous Planning Inspectors (1994, 2003 & 2010) have consistently found that the use of the site as a Gypsy and Travellers site would erode the openness of the Green Belt. It is considered that the current application is similar in respect of the scale of development proposed and would have a similar impact upon the openness of the Green Belt as the previous appeal proposal (2010). The impact upon openness is therefore considered to be significant.

Furthermore, the site is within the open countryside and its development in the form proposed would be contrary to the purpose of the Green Belt of assisting in safeguarding the countryside from encroachment.

In accordance with paragraph 88 of the NPPF, these harms to the Green Belt are afforded substantial weight. The case for very special circumstances is considered later in this report.

LANDSCAPE CHARACTER AND VISUAL AMENITY

As noted by the two most recent previous appeal Inspectors (2003 & 2010), the application site is not particularly prominent in the wider landscape. The site is well screened by hedgerows from views towards it from the north and the east. However, the site is readily seen from Redlynch Lane where the road passes the entrance to the site and there are further views towards it from the west along Redlynch Lane towards Queen Charlton. From this location, the upper parts of the caravans in the proposal would be clearly seen above the bunding which has been constructed on the site's western boundary.

The submitted design and access statement argues that submitted landscaping could be provided to screen the site. However, it is considered that indigenous trees would take a long time to grow to the size where they would perform this function, whilst fast-growing evergreen trees and bunding would appear as alien features in the landscape and would be unacceptable in their own right. This point was supported by the previous appeal Inspector who stated that

"the combination of the caravans and the bunding would result in the site being readily identifiable as an unattractive feature. As such the proposal would bring about material harm to the local rural landscape"

The current proposal is similar to the 2009 proposal which was dismissed on appeal and the previous application refused in 2013. The siting of caravans, mobile homes and other paraphernalia associated with the Gypsy and Traveller site is considered to appear incongruous within the surrounding open, rural landscape. It is therefore considered that the proposal would be harmful to the open rural character of the area and detrimental to the surrounding rural landscape contrary to policy NE.1 and GB.2 of the Local Plan.

AMENITY OF NEIGHBOURING OCCUPIERS

The nearest residential property is Poplars Cottage, 80m to the east of the application site. The use of this land for a private gypsy and traveller caravan site is not likely to give rise to any significant amenity issues for Poplars Cottage. There is a reasonably busy road and a field which separate the application site from Poplars Cottage. This separation is considered to ensure that there are no significant issues of noise or disturbance for Poplars Cottage arising from the proposals.

There are no other residential properties within close proximity to the site.

It is therefore considered that the proposal will not give rise to any detrimental impacts upon the amenities of neighbouring occupiers.

HIGHWAYS SAFETY

The Highways Officer has raised an objection to the proposal on the grounds of poor visibility from the site access. However, the previous applications and appeals on this site have concluded that there is no objection to the proposal on highways safety grounds. The access proposals for this application are the same as proposed during these previous applications, and therefore it would be unreasonable to raise a highway objection at this

stage. It is therefore considered that there is no highways safety objection to the current proposal.

SUSTAINABILITY

In the 2003 appeal decision, the Inspector noted that Queen Charlton lies within a reasonable walking distance but that the village has very few facilities. It was concluded that Keynsham lies further away to the north and was not within reasonable walking distance. It was also concluded that "anyone living at the appeal site would be highly dependent on the private car to gain access to all sorts of local services and facilities".

Subsequent to that appeal decision Circular 01/06 was adopted which represented a change to national policy. This accepted that most gypsy sites will generate private car journeys and sought instead to ensure that such sites are located in areas where appropriate facilities are within easy reach, albeit by car. It also accepted that gypsy sites located in the open countryside are acceptable as a matter of principle. In light of this change in policy, the application in 2009 was not refused for being in an unsustainable location in accordance with the revised policy position.

However, Planning Policy for Traveller Sites, adopted in 2012, revoked Circular 01/06 and the guidance within it. The PPfTS revokes much of the previous guidance and takes a stricter view of gypsy and traveller sites within the countryside. Paragraph 23 states that "Local Planning Authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan".

As per the situation outlined by the appeal Inspector in 2003, the site is remote from local services, shops, schools, amenities and public transport. Furthermore, there is a lack of footway provision for those wishing to walk and, therefore, the proposed development will result in increased reliance on the use of the private motor vehicle contrary to policy T.1 of the Local Plan and the aims of sustainability within the NPPF.

EFFECT ON CONSERVATION AREA AND ITS SETTING

The application site lies approximately 300-400m to the south-east of the Queen Charlton Conservation Area. The rural landscape surrounding Queen Charlton forms part of the setting of the Conservation Area. It is considered that the proposal, because of its harm to the rural landscape, also harms the setting of the Queen Charlton Conservation Area.

However, the extent of this harm is limited to a degree because the majority of views towards the application site from the Conservation Area are from private properties. The previous Inspector, in dismissing the 2010 appeal, concluded that the similar proposal considered at that time would result in harm to the setting of the Conservation Area.

Nevertheless, the harm to the setting of the Queen Charlton Conservation Area is contrary to policy BH.6 of the Bath and North East Somerset Local Plan (2007) and the National Planning Policy Framework.

NEED FOR AND PROVISION OF GYPSY AND TRAVELLER SITES

In 2012, B&NES undertook a Gypsy and Traveller Accommodation Assessment (GTAA) for the district. It identifies an immediate and on-going need for 24 permanent and 5 transit Traveller pitches over the period 2012 - 2017 with a further 4 permanent pitches for the years 2018 - 2027.

Permission has recently been granted for 8 permanent pitches and 5 transit pitches on a site outside Bath (4th June 2014). This leaves an outstanding need for 16 permanent pitches by 2017 with a further 4 permanent pitches by 2027. It is therefore clear that there is an unmet need for permanent pitches within the district.

This proposal would contribute a maximum of 6 pitches to meeting that need in the near future reducing the unmet need to 10 permanent pitches. This weighs in favour of the application.

However, the Planning Practice Guidance issued by Government in March 2014 reflects the Ministerial Statement issued in January 2014 clarifying that unmet need (including for traveller sites) is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the Green Belt.

REQUIREMENT FOR A GREEN BELT SITE?

The Council have undertaken two 'Calls for Sites' to ascertain the availability and suitability of potential sites for allocation in the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD.

Planning Policy have advised that of the 35 sites put forward only six of these were available and, of those, only two were not within the Green Belt. They have advised that an initial assessment of the two non-Green Belt sites could together, in theory, have the potential to yield a maximum of eight pitches in land outside the Green Belt. However, taking account of the constraints associated with each of the sites, there appear to be significant issues to be overcome before suitability or deliverability can be confirmed and on that basis they cannot be considered to be immediately suitable, available and deliverable.

Whilst work on the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD continues, it is considered that the Council is currently unable to identify a five year deliverable supply of sites to meet the identified need outside of the Green Belt. It is therefore considered likely that Green Belt sites will be required to meet need requirements within the Plan period.

GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE SITE ALLOCATIONS DPD

Planning Policy has advised that a revised programme for the preparation of the DPD was agreed by the Council's Cabinet in November 2013. This was to enable the site assessments to be finalised and further work to be undertaken with neighbouring authorities to ensure that all non-Green Belt options are fully explored as previously

agreed by Cabinet in June 2013. In addition to the assessment of sites, Cabinet in June 2013 agreed;

- to review the scope for major development sites to include provision for Gypsy and Traveller sites;

- to review capacity to accommodate the travelling communities outside the Green Belt, including opportunities for provision in neighbouring local authorities;

Once this work has been completed the Council is scheduled to consult on further options. The DPD is due to be adopted in December 2016. As the DPD is currently at a relatively early stage in its preparation only limited weight can be given to the emerging DPD in determining planning applications.

Although the Council is proactively progressing its DPD, it is clear from the site's planning history that the Council have been slow to identify appropriate sufficient sites to accommodate the unmet need for pitches throughout the district. This is a consideration which weighs in favour of the proposal.

AVAILABILITY OF ALTERNATIVE ACCCOMODATION

As discussed above, there is only one approved site within the district comprising 8 permanent pitches and 5 transit pitches. The current proposal is for 6 permanent pitches to accommodate a single extended family.

However, the pitches within the approved site are not available to offer to the applicants as alternative accommodation. There are no other authorised sites within the district and there is no record that the applicants have access to other suitable, affordable and available alternative accommodation. It is therefore considered that there is a high likelihood of the applicants adopting a roadside existence should they not be able to occupy the application site. This is a factor which weighs in favour of the proposal.

PERSONAL CIRCUMSTANCES OF OCCUPANTS

The Design and Access statement submitted with the application suggests that the personal circumstances of the applicants should weigh in favour of the application. As with the previous application (13/02781/FUL) the Personal Statement referred to in the Design and Access Statement setting out the family's personal circumstances is absent. However, the applicants were invited to complete a personal circumstances questionnaire by the Council and have provided information in respect of the personal circumstances of those living on the site.

There are currently 9 people, including two children, occupying the site forming part of the same extended family. Although stated in the Design and Access Statement that the occupants make their living from a combination of trades, including landscape gardens and tree work, the information submitted does not indicate any particular or strong work links to surrounding area.

The children are not of school age and there are limited links to surrounding nurseries and playgroups. It is therefore considered that there are no strong educational links to the surrounding area.

There are a number of health concerns which affect the occupants including a number of chronic conditions which require regular check-ups with GPs.

The occupants' work, education and health links to the local area, on the basis of the information received, are reasonably limited. However, it is also accepted that the applicants have occupied the site on and off at various times (not consistently) over a period of approximately 20 years. It is considered over this duration the occupants are likely to have built up other ties to the local area.

None of the personal circumstances currently presented in the application demonstrate a need for the occupants to be on the application site. The medical conditions referred to also occur in the settled population. Nevertheless, it is considered likely that access to health and education facilities would suffer if the family members were unable to live on a settled site. This is considered to weigh in favour of the application.

BEST INTERESTS OF CHILDREN

The Council have a duty to consider the best interests of children when determining an application which will have a potential impact upon children. There are two children currently occupying the site. It is assumed that it is the current case that the best interest of these children would be to remain on the site. In accordance with the Council's duty, the best interests of the children are to be given no less weight inherently than any other consideration as the starting point and are thus given substantial weight.

However, this weight may be reduced in the final analysis relative to other considerations in the particular circumstances of the case and it is considered that it is diminished by the fact that neither child is currently of school age or attending school.

OVERALL BALANCE

In considering whether very special circumstances exist to justify the development it is necessary, in accordance with paragraph 88, to weigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm, against other considerations.

The potential harms to the Green Belt, and the other harms identified, are:

- Inappropriate development is harmful by definition
- Significant harm to the openness of the Green Belt
- Harm to the purpose of the Green Belt in safeguarding the countryside from encroachment
- Harm to the open rural character of the area and detrimental to the surrounding rural landscape
- Unsustainable location and increased reliance on the use of the private motor vehicle
- Limited harm to the setting of the Queen Charlton Conservation Area

In accordance with paragraph 88 of the NPPF, substantial weight should be afforded to the harm identified to the Green Belt.

Against this harm the following matters have been identified which weigh in favour of the application:

- The unmet need for gypsy and traveller sites
- The likely requirement to meet this need on a Green Belt site
- The Council's failure to identify a five year deliverable supply of gypsy and traveller sites
- The unavailability of alternative sites
- The likelihood of a roadside existence if permission is refused
- The personal circumstances of the occupiers
- The best interests of the children

In weighing these matters against one another, paragraph 88 of the NPPF states that the other considerations must 'clearly' outweigh the harms identified. It is also relevant to note that the previous appeal Inspector in 2009 in considering a similar proposal concluded that:

'the other material considerations in favour of the proposal do not clearly outweigh the harm to the Green Belt and other harm that I have found. Consequently the appeal proposal would not be justified on the basis of very special circumstances'

The position in relation to the personal circumstances of the applicant has changed since the 2009 appeal as there are no longer two children of school age occupying the site. The Council have also granted permission for 8 permanent pitches and 5 transit pitches reducing the identified level of unmet need from the position in 2009.

There have also been changes in respect the additional time elapsed in which the Council have failed to identify a five year deliverable supply of gypsy and traveller sites and the acceptance of the likely requirement to meet this need on a Green Belt site.

Besides the above changes, and the changes in policy with the publication of the NPPF and the PPfTS and the revocation of Circular 01/06, the substantive issues arising from this application have not significantly changed since the dismissed appeal in 2009.

It is considered that the material considerations outlined in favour of the proposal, even when added together, would not clearly outweigh the substantial harm which the proposal would cause.

TEMPORARY PLANNING PERMISSION

In accordance with paragraph 25 of the PPfTS consideration should be given to whether temporary planning permission should be granted for the proposed development. Paragraph 25 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision. However, even after having regard to paragraph 25 of the PPfTS and all other considerations, it is considered that the level of harm on this site arising from the development would not be clearly outweighed by these other material considerations such as to justify temporary planning permission.

HUMAN RIGHTS

The refusal of this application means that it is likely that the applicant and the occupiers would eventually have to vacate the site without any suitable alternative accommodation being readily available to them. This would represent a substantial interference with their rights in respect of private and family life, their home and their traditional way of life. However, the harm caused by the proposal, in terms of its effect on the economic well-being of the country, which includes the preservation of the environment, is considerable. After taking into account all material considerations, it is considered that these legitimate aims can only be adequately safeguarded by the refusal of this application. The protection of the public interest cannot be achieved by means that are less interfering with the applicant's rights. They are proportionate and necessary in the circumstances and would not, therefore, result in violation of the applicant's rights (or the other occupiers' rights) under Article 8 of the European Convention on Human Rights or any other Convention article even when the best interests of the children are taken into account.

EQUALITY ACT 2010

Duties are placed upon the Council by the legislation including in relation to the section 149 public sector equality duty. In particular, it is considered that a return to a roadside existence could have a negative impact in this context and this has been fully recognised in the recommendation made.

CONCLUSION

In conclusion, the proposed development is considered to be inappropriate development in the Green Belt, which is harmful to the openness of the Green Belt and contrary to the purpose of the Green Belt in safeguarding the countryside from encroachment. Furthermore, it is considered to be harmful to the rural character and landscape of the surrounding area, is in an unsustainable location which would increase reliance on private motor vehicles and would fail to preserve the setting of the Queen Charlton Conservation Area.

The other material considerations in favour of the proposal do not clearly outweigh the harm to the Green Belt and other harm identified. Consideration has been given to a temporary permission but it is considered that this would not be appropriate as it would not overcome the overriding planning objections that have been identified. Consequently the application proposal would not be justified on the basis of very special circumstances.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development is inappropriate development in the Green Belt, which would harm openness and would be contrary to its purpose of safeguarding the countryside from encroachment. Material considerations in favour of the proposal do not clearly outweigh the harm to the Green Belt and the other harm identified. It is therefore considered that 'very special circumstances' do not exist to justify the development. The proposal is therefore contrary to policies CP8 and CP11 of the Bath and North East

Somerset Core Strategy (2014), the National Planning Policy Framework (2012) and Planning Policy for Traveller Sites (2012).

2 The proposed development would be harmful to the open rural character of the area and detrimental to the surrounding rural landscape contrary to policies NE.1 and GB.2 of the Bath and North East Somerset Local Plan (2007).

3 The proposed development would harm the setting of the Queen Charlton Conservation Area contrary to policy BH.6 of the Bath and North East Somerset Local Plan (2007) and the National Planning Policy Framework (2012).

4 The proposed development is in an unsustainable location and will result in increased reliance on the use of the private motor vehicle contrary to policy T.1 of the Local Plan and the National Planning Policy Framework (2012).

PLANS LIST:

0 Site Location Plan
Site Location
Basic Survey
TDA.2041.01

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The Council have worked positively with the applicant to obtain all the relevant information to support the application, including numerous site visits. Unfortunately, for the reasons stated, the application was recommended for refusal.

Item No: 05
Application No: 15/02042/LBA
Site Location: 582 Bath Road Saltford Bristol Bath And North East Somerset BS31 3JU



Ward: Saltford **Parish:** Saltford **LB Grade:** II
Ward Members: Councillor F Haerberling Councillor Emma Dixon
Application Type: Listed Building Consent (Alts/exts)
Proposal: External alterations to include a one and a half storey rear extension to house and alterations and extension to outbuilding.
Constraints: Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Mr L Metcalfe
Expiry Date: 13th July 2015
Case Officer: Sasha Berezina

REPORT
REASON FOR REPORTING TO COMMITTEE

Councillor Francine Haerberling requested for the application to go before the Development Management Committee, if the officers are minded to recommend refusal. The application was then referred to the Chair, whose decision was that it should be presented to committee.

Details of location and proposal and Relevant History

The application relates to a Grade II listed former tollhouse built circa 1830 set within a large plot adjacent to the Bath Road. The plot is set on the border of Green Belt land and within the Housing Development Boundary of the village. The tree on the west edge of the plot is covered by a Tree Preservation Order.

The roadside frontage of this two storey property has Greek Doric entablature supported by 2 fluted half-columns. The property has a single storey lean-to extension on its west elevation and a single storey outbuilding located adjacent to the southern boundary of the site.

The proposal seeks to provide a one and a half storey extension to the west elevation of the property following the removal of the existing single storey extension and the conversion of the outbuilding into ancillary accommodation.

This is a revised scheme following the previously refused applications for a two-storey extension and withdrawn applications for a similar one and a half storey extension.

PLANNING HISTORY

DC - 10/03504/LBA - CON - 18 November 2010 - Internal and external alterations for the erection of single storey extension to rear

DC - 13/00967/FUL - RF - 15 May 2013 - Erection of part two storey, part single storey extension following demolition of single storey extension and the conversion of an outhouse to living accommodation

DC - 13/00968/LBA - RF - 14 May 2013 - Internal and external alterations for the erection of part two storey, part single storey extension following demolition of single storey extension and the conversion of an outhouse to living accommodation

DC - 14/05178/FUL - WD - 11 February 2015 - Erection of one and a half storey extension following demolition of single storey extension and the conversion of an outhouse to provide ancillary living accommodation

DC - 14/05179/LBA - WD - 11 February 2015 - Internal and external alterations for the provision of a one and a half storey extension following demolition of single storey extension and the conversion of an outhouse to provide ancillary living accommodation

DC - 15/02041/FUL - PCO - - Erection of one and a half storey extension and alterations and extension to an existing outbuilding.

DC - 15/02042/LBA - PCO - - External alterations to include a one and a half storey rear extension to house and alterations and extension to outbuilding.

The site has also been subject to numerous pre-application enquiries since 2009.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SENIOR CONSERVATION OFFICER - objected. From the earliest pre application discussions the owners were advised that consent was unlikely to be granted for a two storey extension. It was always apparent that there was a mismatch between the accommodation the Toll House could potentially deliver and the aspirations of the owners. The Toll House is simply a modest sized compact beautifully formed building of its type with a limited capacity for enlargement without harming its special architectural and historic interest. With the exception of a small reduction in the footprint and proposing a sash at first floor on the gable end the scheme is virtually identical to the previous

application. Overall I am still of the view that the size, design and massing of the main extension will compete with the Toll House in a way which causes considerable harm to the character and significance of the listed building and for this reason the application should be refused as contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and relevant Historic England advice (Historic Environment Advice Note 2 Making Changes to Heritage Assets Consultation Draft). The scheme does not deliver any public benefit to outweigh this assessment.

ARBORICULTURIST - no objections to the proposed removal of the Leyland Cypress growing beside the outbuilding. Recommended tree protection condition for Copper Beech and other trees.

SALTFORD PARISH COUNCIL - comments only: No Objection

LOCAL MEMBER - requested committee referral. As you know it is a difficult site and in the interests of openness it might be better.

THIRD PARTY LETTERS - 2 letters of support received:

- I support this local family in their bid to enlarge their attractive and historic house. I strongly support improving and enlarging existing properties rather than building new ones and I think that this development application is one that will help ensure that this house provides a home for Saltford residents well in to the future.

- Our property sits immediately opposite 582 and faces the east elevation. The family have taken the time to explain their proposed enhancements to their listed property to add an additional bedroom and to improve an outbuilding. We have no doubt that what is proposed will improve and upgrade an important property in our village with no detrimental impact on ourselves as close neighbours. We are therefore fully supportive of what is being proposed.

POLICIES/LEGISLATION

Policies/Legislation:

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

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

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

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

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

- o CP6 - Environmental quality

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

- o BH.2 - Listed buildings and their settings

OFFICER ASSESSMENT

The proposed scheme raises concerns in terms of the harmful impacts of the proposed extension on the heritage significance of the listed building.

This revised scheme seeks to address the previous reasons for refusal by introducing a one and half storey element (instead of a two-storey extension); however the proposal is still to create two floors of accommodation within the envelope of the new extension, which affects the overall design and drives the size of the development.

The significance of this building lies in its modest scale, its former function as a small toll house and its contribution to the views on the approach to the village.

It is considered that the proposed extension would fail to appear subservient in relation to the host building. It would be very large in its footprint (measuring 6.85m by 6.3m), which would be roughly equivalent to the main house. The one and half storey design (H: 5.5m) would not be able to disguise the fact that this would be a bulky extension to a small characterful building.

The height/depth of the extension would make it much more prominent in views from the road. The existing extension is set below the sight line, when viewed from Bath Road. At the moment only the main building is visible from the road because the single storey extension sits below the sight line. The roof of the new extension would be higher and deeper and as such would be clearly visible in relation to the main house, especially when approaching from the south as one enters the village.

Apart from the issue of size and bulk, the proposal is considered unsympathetic in its detailed design. The device of elongating the height of the windows does not do enough to contain the vertical height of the extension in relation to the Toll House. The large areas of glazing on the ground floor of the west end elevation are not in keeping with the character of the building.

With the exception of a small reduction in the footprint and proposing a sash at first floor on the gable end the scheme is virtually identical to the previous applications, which were withdrawn.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the LPA 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. It is considered that the size, design and massing of the main 1.5 storey extension would be harmful to the character and significance of the protected property. The application is therefore recommended for refusal due to the resulting harm to the character and significance of the listed building.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed one and a half storey extension due to its height, bulk and design would appear visually incongruous and would have a detrimental impact on the character and proportions of the listed building detracting from its significance. Therefore the application would be contrary to the saved policies D.4 and BH.2 of Bath & North East Somerset Local Plan (including Minerals and Waste Policies) adopted October 2007, the government planning policies set out within the National Planning Policy Framework (March 2012), as well as statutory duty set out in The Town and Country (Listed Buildings and Conservation Areas) Act 1990.

PLANS LIST:

1 Drawing	05 May 2015	3010/28/P1	SITE LOCATION PLAN, BLOCK PLANS AND SITE SECTION
OS Extract	19 May 2015	P(0)01	EXISTING SITE LOCATION PLAN
Drawing	19 May 2015	P(0)02	PROPOSED SITE LOCATION PLAN
Drawing	05 May 2015	P(0)05	EXISTING PLANS
Drawing	05 May 2015	P(0)06	EXISTING ELEVATIONS
Drawing	05 May 2015	P(0)10	PROPOSED PLANS
Drawing	05 May 2015	P(0)11	PROPOSED ELEVATIONS

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

Item No: 06
Application No: 15/02041/FUL
Site Location: 582 Bath Road Saltford Bristol Bath And North East Somerset BS31 3JU



Ward: Saltford **Parish:** Saltford **LB Grade:** II
Ward Members: Councillor F Haerberling Councillor Emma Dixon
Application Type: Full Application
Proposal: Erection of one and a half storey extension and alterations and extension to an existing outbuilding.
Constraints: Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Mr L Metcalfe
Expiry Date: 13th July 2015
Case Officer: Sasha Berezina

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Councillor Francine Haerberling requested for the application to go before the Development Management Committee, if the officers are minded to recommend refusal. The application was then referred to the Chair, whose decision was that it should be presented to committee.

Details of location and proposal and Relevant History

The application relates to a Grade II listed former tollhouse built circa 1830 set within a large plot adjacent to the Bath Road. The plot is set on the border of Green Belt land and

within the Housing Development Boundary of the village. The tree on the west edge of the plot is covered by a Tree Preservation Order.

The roadside frontage of this two storey property has Greek Doric entablature supported by 2 fluted half-columns. The property has a single storey lean-to extension on its west elevation and a single storey outbuilding located adjacent to the southern boundary of the site.

The proposal seeks to provide a one and a half storey extension to the west elevation of the property following the removal of the existing single storey extension and the conversion of the outbuilding into ancillary accommodation.

This is a revised scheme following the previously refused applications for a two-storey extension and withdrawn applications for a similar one and a half storey extension.

PLANNING HISTORY

DC - 10/03504/LBA - CON - 18 November 2010 - Internal and external alterations for the erection of single storey extension to rear

DC - 13/00967/FUL - RF - 15 May 2013 - Erection of part two storey, part single storey extension following demolition of single storey extension and the conversion of an outhouse to living accommodation

DC - 13/00968/LBA - RF - 14 May 2013 - Internal and external alterations for the erection of part two storey, part single storey extension following demolition of single storey extension and the conversion of an outhouse to living accommodation

DC - 14/05178/FUL - WD - 11 February 2015 - Erection of one and a half storey extension following demolition of single storey extension and the conversion of an outhouse to provide ancillary living accommodation

DC - 14/05179/LBA - WD - 11 February 2015 - Internal and external alterations for the provision of a one and a half storey extension following demolition of single storey extension and the conversion of an outhouse to provide ancillary living accommodation

DC - 15/02041/FUL - PCO - - Erection of one and a half storey extension and alterations and extension to an existing outbuilding.

DC - 15/02042/LBA - PCO - - External alterations to include a one and a half storey rear extension to house and alterations and extension to outbuilding.

The site has also been subject to numerous pre-application enquiries since 2009.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SENIOR CONSERVATION OFFICER - objected. From the earliest pre application discussions the owners were advised that consent was unlikely to be granted for a two storey extension. It was always apparent that there was a mismatch between the accommodation the Toll House could potentially deliver and the aspirations of the owners. The Toll House is simply a modest sized compact beautifully formed building of its type

with a limited capacity for enlargement without harming its special architectural and historic interest. With the exception of a small reduction in the footprint and proposing a sash at first floor on the gable end the scheme is virtually identical to the previous application. Overall I am still of the view that the size, design and massing of the main extension will compete with the Toll House in a way which causes considerable harm to the character and significance of the listed building and for this reason the application should be refused as contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and relevant Historic England advice (Historic Environment Advice Note 2 Making Changes to Heritage Assets Consultation Draft). The scheme does not deliver any public benefit to outweigh this assessment.

ARBORICULTURIST - no objections to the proposed removal of the Leyland Cypress growing beside the outbuilding. Recommended tree protection condition for Copper Beech and other trees.

SALTFORD PARISH COUNCIL - comments only: No Objection

LOCAL MEMBER - requested committee referral. As you know it is a difficult site and in the interests of openness it might be better.

THIRD PARTY LETTERS - 2 letters of support received:

- I support this local family in their bid to enlarge their attractive and historic house. I strongly support improving and enlarging existing properties rather than building new ones and I think that this development application is one that will help ensure that this house provides a home for Saltford residents well in to the future.

- Our property sits immediately opposite 582 and faces the east elevation. The family have taken the time to explain their proposed enhancements to their listed property to add an additional bedroom and to improve an outbuilding. We have no doubt that what is proposed will improve and upgrade an important property in our village with no detrimental impact on ourselves as close neighbours. We are therefore fully supportive of what is being proposed.

POLICIES/LEGISLATION

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

Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. (The Historic Environment Planning Practice Guide published jointly by CLG, dcms, and English Heritage provides more detailed advice with regard to

alterations to listed buildings, development in conservation areas and world heritage sites.) The National Planning Policy Framework can be awarded significant weight.

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

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

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

- o CP6 - Environmental quality

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

- o BH.2 - Listed buildings and their settings

OFFICER ASSESSMENT

The proposed scheme raises concerns in terms of the harmful impacts of the proposed extension on the heritage significance of the listed building.

This revised scheme seeks to address the previous reasons for refusal by introducing a one and half storey element (instead of a two-storey extension); however the proposal is still to create two floors of accommodation within the envelope of the new extension, which affects the overall design and drives the size of the development.

The significance of this building lies in its modest scale, its former function as a small toll house and its contribution to the views on the approach to the village.

It is considered that the proposed extension would fail to appear subservient in relation to the host building. It would be very large in its footprint (measuring 6.85m by 6.3m), which would be roughly equivalent to the main house. The one and half storey design (H: 5.5m) would not be able to disguise the fact that this would be a bulky extension to a small characterful building.

The height/depth of the extension would make it much more prominent in views from the road. The existing extension is set below the sight line, when viewed from Bath Road. At the moment only the main building is visible from the road because the single storey extension sits below the sight line. The roof of the new extension would be higher and deeper and as such would be clearly visible in relation to the main house, especially when approaching from the south as one enters the village.

Apart from the issue of size and bulk, the proposal is considered unsympathetic in its detailed design. The device of elongating the height of the windows does not do enough to contain the vertical height of the extension in relation to the Toll House. The large areas of glazing on the ground floor of the west end elevation are not in keeping with the character of the building.

With the exception of a small reduction in the footprint and proposing a sash at first floor on the gable end the scheme is virtually identical to the previous applications, which were withdrawn.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the LPA 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. It is considered that the size, design and massing of the main 1.5 storey extension would be harmful to the character and significance of the protected property. The application is therefore recommended for refusal due to the resulting harm to the character and significance of the listed building.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed one and a half storey extension due to its height, bulk and design would appear visually incongruous and would have a detrimental impact on the character and proportions of the listed building detracting from its significance. Therefore the application would be contrary to the saved policies D.4 and BH.2 of Bath & North East Somerset Local Plan (including Minerals and Waste Policies) adopted October 2007, the government planning policies set out within the National Planning Policy Framework (March 2012), as well as statutory duty set out in The Town and Country (Listed Buildings and Conservation Areas) Act 1990.

PLANS LIST:

1	Drawing	05 May 2015	3010/28/P1	SITE LOCATION PLAN, BLOCK PLANS AND SITE SECTION
	OS Extract	19 May 2015	P(0)01	EXISTING SITE LOCATION PLAN
	Drawing	19 May 2015	P(0)02	PROPOSED SITE LOCATION PLAN
	Drawing	05 May 2015	P(0)05	EXISTING PLANS
	Drawing	05 May 2015	P(0)06	EXISTING ELEVATIONS
	Drawing	05 May 2015	P(0)10	PROPOSED PLANS
	Drawing	05 May 2015	P(0)11	PROPOSED ELEVATIONS

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

Item No: 07
Application No: 15/02171/FUL
Site Location: 1 Back Lane Keynsham BS31 1ET



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** II
Ward Members: Councillor Brian Simmons Councillor Charles Gerrish
Application Type: Full Application
Proposal: Erection of a timber shed and willow hurdle privacy screening (retrospective).
Constraints: Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones,
Applicant: Mr Keith Poulter
Expiry Date: 14th July 2015
Case Officer: Sasha Berezina

REPORT

REASON FOR REPORTING TO COMMITTEE

Councillor Charles Gerrish requested for the application to go before the Development Management Committee (see his full comments below). The application was then referred to the Chair, whose decision was that it should be presented to committee.

Details of location and proposal and Relevant History

The property is a Grade II listed building, part of a former state school. It is prominently located within the town centre conservation area. Although significantly degraded by the busy road, the location of the building is at a key point of conservation area - at the top of Bath Hill approaching the entrance to Keynsham town centre, just outside the former Abbey precinct.

The school essentially consisted of a school house, and three interconnected teaching 'halls' and was first built of coursed rubble stone about 150 years ago in a Gothic Revival style and is listed for its architectural and historic interest.

Planning permission and listed building consent were given around 2009 for the conversion of this historic building and the application relates to the garden of the property located at the south-east extremity of the group. The garden is set on elevated triangular plot flanked by Bath Hill and Keynsham Memorial Park.

Retrospective planning permission is being sought for the retention of a large timber shed (H: 2.13m-2.44m, W: 1.65m -4.3m. L: 3.05m) in the south-east corner of the garden plot and 1.8m high willow hurdles next to the building.

RELEVANT PLANNING HISTORY

DC - 09/01095/REG03 - PERMIT - 6 January 2011 - Conversion of existing buildings and erection of new building to form 11 no. dwellings, and associated works.

DC - 09/01096/REG13 - CON - 16 February 2011 - Conversion, demolition and alteration of existing buildings and boundary wall to enable residential development

DC - 14/05650/FUL - WD - 11 March 2015 - Erection of timber garden room/summer house in garden

DC - 15/02171/FUL - PCO - - Erection of a timber shed and willow hurdle privacy screening (retrospective).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

KEYNSHAM PARISH COUNCIL - No comments

LOCAL MEMBER (Cllr Charles Gerrish) - requested committee referral. My view is that you have only assessed view of the Listed building from one location and also the planted trees themselves will shortly obscure the building from your preferred angle anyway and as such therefore the shed itself will not be the negative impact that you suggested to me.

THIRD PARTY LETTERS - 1 letter of general comment received:

- I know the property in question very well indeed as my daughter was once a pupil when it served as a school. To this day I pass by on a weekly basis so have watched with interest as the residential development has progressed. From my point of view, and I believe that of any reasonable person, I cannot see any grounds for the timber shed erected in the garden of 1 Back Lane causing offence. Indeed, it's such an unobtrusive and ordinary item that ironically enough, I had previously thought nothing of it until it was brought to my attention by way of these proceedings. I urge the council to approve the application forthwith and allow the owners to enjoy their lovely garden free from what I imagine is currently a significant source of anxiety for them

POLICIES/LEGISLATION

Core Strategy for Bath and North East Somerset has been 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:

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

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

- o CP6 - Environmental Quality

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

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.2: Listed Buildings and their setting

BH.6: Development within or affecting Conservation Areas

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

The key planning considerations in relation to these applications relate to the impact of the proposal upon the character and significance of the listed building and the character and appearance of Keynsham Conservation Area. The proposal does not raise concerns with regards to its impacts on residential amenity of the neighbours.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the LPA 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. Furthermore, the Local Planning Authority has to ensure that the character and appearance of the conservation area is preserved or enhanced as a result of development.

The building, albeit now converted into residential use, still retains its institutional appearance, which is part of its special character and significance as a protected heritage

asset. Its garden is exposed and elevated above the road, making it an important feature in views along Bath Hill. The domestication of this elevation or its setting by placing 'rear garden' features in a publically exposed space suburbanises the setting and undermines the special qualities of the listed building. Additionally, the bulky garden shed dominates and screens the attractive street-facing elevation of the building.

During the latest site visit, there was also a white marquee placed to the side of the shed. It is unclear whether this is intended as a permanent feature (this element is not included into the proposal), however the accumulation of various structures on site and their cumulative impact on the conservation area and the setting of the listed building is of concern.

The applicant has provided a statement in support of the proposal, which amongst other arguments, points out that the developer has planted yew trees and hedge along the boundary of the site, which will in future screen the garden. Whilst this, in future, would potentially address the issue of public views within the conservation area, until then the detriment caused by the appearance of the shed and the fence within the street scene would continue. Furthermore, the structures would still remain in the grounds of the listed building harmfully affecting its setting.

It is understood that the fence is in place to provide a level of privacy within the garden and the shed is required for ancillary domestic storage. Whilst this is an understandable aspiration, the converted listed school cannot easily accommodate typical 'back garden' provisions, and this would be a 'buyers beware' situation. The advice provided to the owners by the developer/marketing team does not take away LPA's statutory duties, or the need to comply with planning legislation. Both structures are out of character with the protected building and do not preserve its setting.

On the whole it is considered that the willow fence and the garden shed erected in the grounds of 1 Back Lane are harmful to the special architectural and historic interest of the listed building and are detrimental to the wider Keynsham Conservation Area. There is no overriding public benefit to outweigh the identified harm. As such the proposal fails to accord with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the Development Plan.

RECOMMENDATION

REFUSE

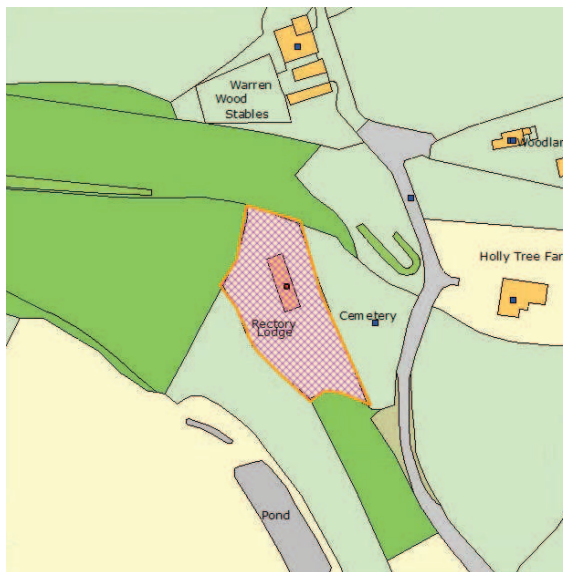
REASON(S) FOR REFUSAL

1 The proposed structures are harmful to the special architectural and historic interest of the listed building and are detrimental to the wider Keynsham Conservation Area. There is no overriding public benefit to outweigh the identified harm. As such the proposal fails to accord with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the saved policies BH.2 and BH.6 of the Bath and North East Local Plan (2007).

PLANS LIST:

1 OS Extract 11 May 2015 SITE LOCATION PLAN
OS Extract 11 May 2015 BLOCK PLAN A
OS Extract 11 May 2015 BLOCK PLAN B
Drawing 11 May 2015 GARDEN SHED ELEVATIONS

Item No: 08
Application No: 15/02830/FUL
Site Location: Rectory Lodge Old Bath Road Combe Hay Bath Bath And North East Somerset



Ward: Bathavon West **Parish:** Combe Hay **LB Grade:** N/A

Ward Members: Councillor David Veale

Application Type: Full Application

Proposal: Erection of two bedroom single storey side extension and single storey extension to bedroom 3 and hall. Single storey infill side extension to link reception to existing garage. (Revised proposal)

Constraints: Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Public Right of Way, SSSI - Impact Risk Zones,

Applicant: Trevor Osborne

Expiry Date: 20th August 2015

Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor David Veale has requested that the application be reported to committee for the following reasons:

1. The application has the full support of the Parish Council.
2. The earlier application was not seen as being reasonable due to excessive increase in volume. As has been the case for similar refusals such properties typically lack accommodation for the modern family, and also the policy is flawed as it depends on the volume of the building.

In accordance with the Council's Scheme of Delegation, the application was referred to the chairman of Development Control Committee who has decided that the application should be determined by committee.

DESCRIPTION

This application relates to a detached dwelling which was originally converted from a stable. The existing building has a stone finish and a tiled roof. It is situated on a short plateau and the land slopes steeply down to the west and rises steeply to the east, such that the building appears partially cut into the hillside. The site is accessed via a single lane track off Old Bath Road.

The site falls within the Bristol and Bath Green Belt, the Combe Hay Conservation Area and the Cotswolds Area of Outstanding Natural Beauty (AONB).

The proposal is to erect a single storey side extension to the north elevation and a single storey side extension to the south elevation to link the reception to a double garage which has been commenced under planning permission (ref: 05/03928/FUL), but has not yet been completed.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

COMPTON HAY PARISH COUNCIL

The Parish Council have advised that they will provide their comments on the 14th August after their next meeting. These comments will be reported to committee in the Update report.

THIRD PARTIES/NEIGHBOURS

No letters or comments have been received from any third parties or neighbours.

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:

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

CORE STRATEGY

CP6 Environmental Quality

CP8 Green Belt

LOCAL PLAN

- D.2 General design and public realm considerations
- D.4 Townscape considerations
- BH.6 Conservation areas
- NE.2 Areas of Outstanding Natural Beauty
- GB.2 Visual amenity of the Green Belt

SUPPLEMENTARY PLANNING DOCUMENTS

Existing Dwellings in the Green Belt SPD (2008)

NATIONAL POLICY

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 7 Requiring good design
- Section 9 Protecting Green Belt Land
- Section 12 Conserving and enhancing the historic environment

LEGISLATION

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

OFFICER ASSESSMENT

The main issues to consider are therefore:

- Green Belt
- Character and appearance
- Residential amenity
- Very special circumstances

GREEN BELT

The site falls within the designated Bristol and Bath Green Belt and is therefore subject to strict controls under policy CP8 of the Core Strategy and national policy in the NPPF.

NPPF states that new buildings in the Green Belt should be considered inappropriate unless they fall within one of the specific categories of exemption identified in paragraph 89. Paragraph 89 states that the extension or alteration of a building should not be considered inappropriate, provided that it does not result in disproportionate additions over and above the size of the original building.

The Council have adopted a Supplementary Planning Document (SPD), Existing Dwellings in the Green Belt, which outlines how an application will be considered when deciding whether or not an extension is disproportionate. This states that the following two factors should be considered:

- i) The cumulative increase in volume of all extensions as a percentage of the original dwelling;

ii) The character of the dwelling and its surroundings.

The SPD states that, in many circumstances, a well-designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable. It goes on to state the following:

"It then follows that extensions to dwellings which exceed this volume increase are more likely to be disproportionate with the original dwelling and therefore harmful. As a general rule the larger the percentage volume increase the less likely the proposal is to be considered acceptable."

In current case, it is necessary to consider the impacts of the proposed extensions cumulatively with the impact of the approved and extant planning permission for the double garage. The drawings indicate that the extant permission for the garage would be completed alongside the extensions proposed in this current application.

The extant planning permission for the double garage would increase the volume of the original modest dwelling by approximately 30%. When this is considered cumulatively with the extensions currently proposed, the resultant increase to the volume of the original building would be approximately 106%.

This is far in exceedance of the general rule of an allowable one third volume increase set out in the SPD.

As stated in the SPD, it is also necessary to consider the character of the dwelling and its surroundings when considering whether the proposal is disproportionate. The existing building is converted from an old stables building. Although some of its rural character has been lost through the domestication of the fenestration, its simple form and modest scale is reflective of its original purpose as a rural building. The proposed extensions would depart from the existing linear form of the building and would increase the scale of the building to a point where it would exceed the modest, functional character of the original rural building.

It is therefore considered that the proposal would result in a volume increase far in exceedance of one third of the original dwelling and that the character of the original dwelling and its surroundings does not justify such a significant increase. The proposed extensions are therefore considered to be disproportionate to the original dwelling and are therefore inappropriate development in the Green Belt.

Furthermore, the proposed extensions would result in some loss of openness as a result of the proposed built form increase on the site.

CHARACTER AND APPEARANCE

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.

As discussed above, the proposed extensions depart from the existing linear form of the building and increase its scale. Although this results in extensions which are considered disproportionate for the purposes of Green Belt policy, the proposed extensions depart from the rural character to such a great extent to warrant refusal of the application.

The proposed extensions use stone and tiles to match which helps them blend with the existing building.

The building is viewed against the sloping land to the east and appears partially cut into the hillside. The proposed extensions would be viewed in this context and would not stand out as unduly prominent within the surrounding area.

It is therefore considered that the proposed extensions would preserve the character and appearance of the Conservation Area and would not harm the natural beauty of the AONB.

RESIDENTIAL AMENITY

The site has no immediate neighbours within close proximity. It is therefore considered that the proposed extensions will not have any detrimental impacts upon residential amenity.

VERY SPECIAL CIRCUMSTANCES

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 applicant argues that the proposal will provide a family home which will be of benefit to the village. No evidence of need for the size of dwelling proposed has been put forward and it is considered equally beneficial for the dwelling to remain a relatively small (2 bedroom) unit of which there is currently a paucity of supply in the village. This is therefore given limited weight.

There would also be some minor, temporary benefits to the economy arising from the construction jobs created by the development. However, these would be small scale and temporary and so are afforded only limited weight.

Paragraph 88 of the NPPF advises that any harm to the Green Belt should be afforded substantial weight. It is considered that in the current case, the other considerations in favour of the proposal do not clearly outweigh the harm to the Green Belt which has been identified. It is therefore considered that very special circumstances do not exist.

CONCLUSION

The proposed extensions are disproportionate additions to the original dwelling and therefore represent inappropriate development in the Green Belt which would harm openness. Very special circumstances to justify this inappropriate development do not

exist. It is therefore considered that the proposal is contrary to policy CP8 of the Bath and North East Somerset Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed extensions are disproportionate additions to the original dwelling and therefore represent inappropriate development in the Green Belt which would harm openness. Very special circumstances to justify this inappropriate development do not exist. It is therefore considered that the proposal is contrary to policy CP8 of the Bath and North East Somerset Core Strategy and the National Planning Policy Framework.

PLANS LIST:

0 SITE LOCATION PLAN	RL1
BLOCK PLAN	RL3B
EXISTING ELEVATIONS AND FLOOR PLANS	RL5A
PROPOSED EXTENSION	No drawing number

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. The Council have worked positively with the applicant and have explained in detail the objections raised. The Council have sought to consider how the application could be amended to comply with the relevant policies, but there was not any scope for suitable amendments which could address this issues raised. For the reasons given above, the application was recommended for refusal.

Item No: 09
Application No: 15/02017/FUL
Site Location: 105 Midford Road Odd Down Bath



Ward: Lyncombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Michael Norton Councillor Mark Shelford
Application Type: Full Application
Proposal: Increase the height of the current roof in order to use the loft space for storage. Provision of no.3 velux roof lights.
Constraints: Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mr M Parfitt
Expiry Date: 24th July 2015
Case Officer: Corey Smith

REPORT

Reason for application being referred to Committee:

In accordance with the Scheme of Delegation, this application has been referred to the Development Control Committee as the applicant's agent is an elected member.

Site Description:

This application relates to a detached building located south of Bath's city centre on Midford Road, Odd Down. The property is located within the Bath World Heritage Site but not within a Conservation Area.

The application seeks planning permission to increase the height of the current roof in order to use the loft space for storage.

Relevant History:

14/04364/FUL - Change of use of rear office/storage building (Use class A1/B1) to children's nursery (Use class D1) and erection of single storey extension - PERM 03/02/2015

15/00324/APPIN - Side extension - Acceptable 09/03/2015

14/00733/PREAPP - Change of use from offices to children's nursery. Change of use only for the rear detached annexe offices - Further info needed to justify loss of office and highways concerns 13/03/2014

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Representations:

N/A

Third Party:

None Received.

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:

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

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

- o D2 - General Design and public realm considerations
- o D4 - Townscape considerations
- o T24 - General development control and access policy
- o BH.6 - Development within or affecting Conservation Areas.

CP6 - Environmental Quality

B4 - The World Heritage Site and its Setting

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK

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

OFFICER ASSESSMENT

The subject site includes a detached ashlar stone building with the construction of a single storey side extension and porch currently underway. The proposal is to increase the height of the original buildings roof by 750mm, with the intention of using this space as storage area. This will include the addition of three new roof lights to provide natural light to the loft space. The building was previously used as office space but has been empty for the past 6 months. The owners intend on using the building for a children's nursery which they have obtained planning consent for (14/04364/FUL). It was at this stage that the principle of the use was considered acceptable.

The main considerations in relation to this application relate to the impact of the proposed scheme on the character and appearance of the surrounding area and the residential amenity of surrounding properties.

Character and Appearance

The proposal is to increase the roof by 750mm in height in order to provide useable loft storage space. This is considered to be quite a large increase; however the surrounding built form is of a two storey nature and the increase is not considered to appear out of character within the surrounding area. Specific reference is made to the neighbouring 'Assured Mobility' shop which is a tall two storey detached building. The dwellings to the rear of the site are also of two storey design, therefore when viewing the site from Bradford Road the raised roof height of the subject building will not appear obtrusive within the existing background. The subject building will therefore maintain a subservient relationship to the surrounding built form. Furthermore, the building is set down from the road level and the existing boundary wall and vegetation provide a minor level of screening. To this effect, the raising of the roof is not considered to have a detrimental impact on the openness of views from surrounding vantage points. The proposed heights are considered to maintain a positive design relationship with the side extension and front porch currently under construction.

The applicants propose the use of matching stonework (ashlar) and clay roof tiles, therefore maintaining the character and appearance of the existing building. A condition will be applied to ensure that this is carried out appropriately. The velux roof lights are considered to be an appropriate design within this part of the World Heritage Site.

With the above in mind; the proposed roof alteration is considered to be of an acceptable scale, siting and design that will ensure that the character and appearance of the host dwelling and the World Heritage Site is safeguarded.

Residential Amenity

The building is setback from all adjoining boundaries. The closest neighbouring property is No. 107 Midford Road; however the dwelling of this property is located to the front and therefore not in close proximity to the subject building. The existing setback and gable end roof design prevents the raised roof level from having a detrimental impact on the residential curtilage of this property. The proximity of the building to the associated 'Assured Mobility' shop is not considered harmful to the residential amenity of the upper floor flat. The fields to the north of the site are vacant.

Access and Parking

The existing parking and access arrangements are not being changed. Due to the sites corner location, the site benefits from two exit/entry points for staff and customers. The parking and access arrangement were considered during the change of use application, with no objections being raised by the Highways Department subject to conditions. It is however considered necessary to restrict the loft space use as storage only in order to prevent the nursery from expanding and placing a greater demand on parking requirements.

Conclusion

For the reasons set out above, it is recommended that this application is granted planning permission subject to conditions.

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

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

3 The loft space shall only be used for storage purposes in association with the ground floor use of this building.

Reason: To ensure that there is no increased in demand for additional parking or traffic movements associated with the building that will require further consideration by the Council in the interest of highway safety.

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

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

PLANS LIST:

1 This decision relates to Drawing No's 4632/2015/02, 4632/2015/03, 4632/2015/04, 4632/2015/05, 4632/2015/06, 4632/2015/07, 4632/2015/08, and 4632/2015/09 received on the 18th May 2015, and Drawing No 4632/2014/01 received on the 1st May 2015.

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, and expanded upon in the delegated report, a positive view of the submitted proposals was taken and planning permission was granted.

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Bath & North East Somerset Council		
MEETING:	Development Management Committee	
MEETING DATE:	26 August 2015	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report April - June 2015	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
None		

1 THE ISSUE

At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function. This report covers the period from 1 April – 30 June 2015.

Bath & North East Somerset Development Management recently reached the finals of the 2015 RPTI Planning Excellence Awards in 2 categories; Local Planning Authority Team of the Year and a specific Project Award for the Green Park House planning application. The winners were announced on 6 July at a ceremony celebrating the contribution that planners and planning make to society. Development Management won the award for '**Excellence in Decision Making**' for Green Park House Bath which was a hotly contested category with more entries than ever before. The panel of 28 judges were particularly impressed with the Development Team approach and speed with which the project was delivered as well as the project being an exceptional example of planning.

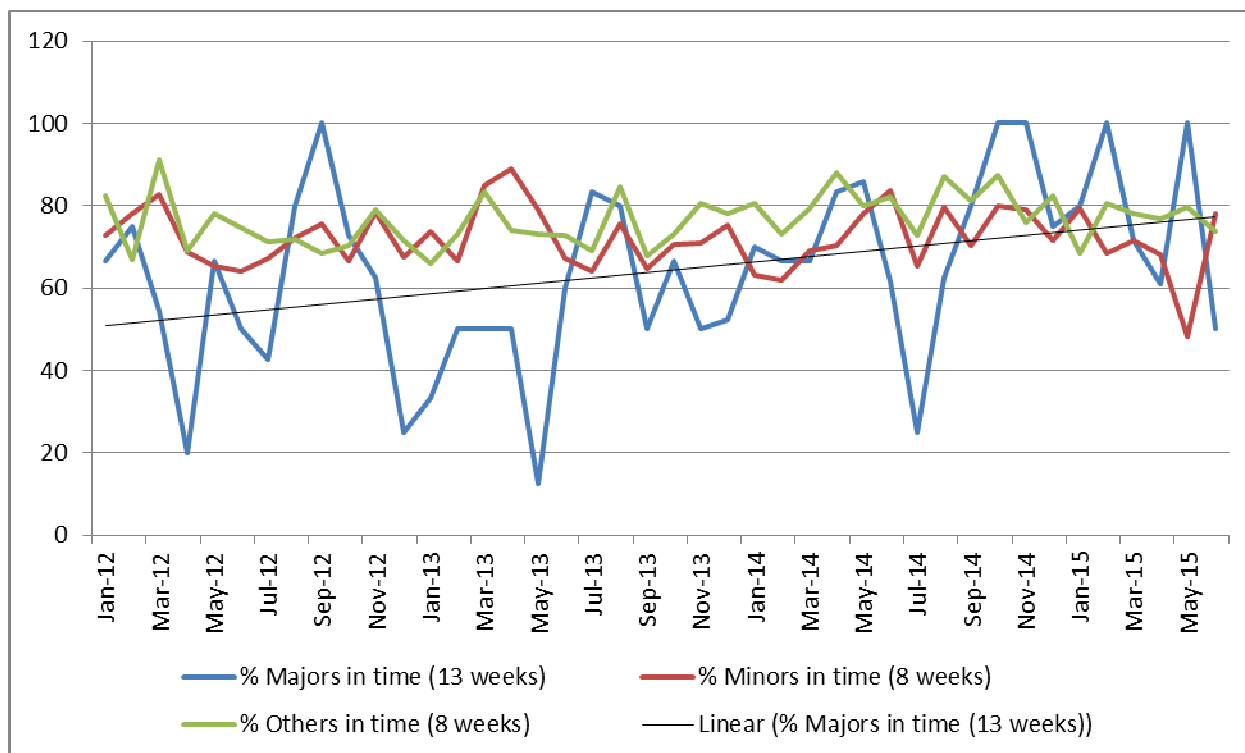
2 RECOMMENDATION

2.1 Members are asked to note the contents of the performance report.

3 THE REPORT

Tables, charts and commentary

Table 1 - Comparison of applications determined within target times



% of planning applications in time	2014/15				2015/16			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	73%	64%	80%	83%	64%			
% Minors in time	77%	72%	77%	72%	67%			
% Others in time	83%	80%	82%	75%	77%			

Table 2 highlights:

- Good performance on planning applications in April - June 2015.
- There has been a steady improvement in overall performance on Majors over the last two years.

Note: Major (10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over); Minor (1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare); Other (changes of use, householder development, adverts, listed building consents, lawful development certificates, notifications, etc).

Table 2 - Recent planning application performance statistics

Application nos.	2014/15				2015/16			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	645	589	605	700	650			
Withdrawn	43	45	59	56	52			
Delegated no. and %	532 (96%)	540 (95%)	443 (95%)	536 (95%)	553 (97%)			
Refused no. and %	52 (9%)	76 (13%)	42 (9%)	60 (11%)	56 (10%)			

Table 2 highlights:

- B&NES have shown a 1% rise in planning application numbers when compared to the previous 12 month period which is in line with the national trend.
- The current delegation rate is slightly above with the last published England average of 94% (Year to Mar 2015).
- Percentage of refusals on applications remains low when compared with the last published England average of 12% (Year ending Mar 2015).

Table 3 – Dwelling numbers

Dwelling numbers	2014/15				2015/16			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Major residential (10 or more dwellings) decisions	13	9	1	5	13			
Major residential decisions granted	7	2	1	3	9			
Number of dwellings applied for on Major schemes	543	463	982	391	1137			
Number of dwellings permitted on Major schemes	212	120	145	149	1636			
Number of dwellings refused on Major schemes	299	292	32	66	103			

Table 3 highlights:

- Numbers of major residential planning decisions (10 or more dwellings) were level with that of the same quarter a year ago.
- There has been an increase in major residential decisions granted in the last quarter.
- The number for dwelling permissions is large compared to previous quarters due to developers getting their schemes through before the introduction of CIL.

Table 4 - Planning Appeals summary

	Jul – Sep 2014	Oct – Dec 2014	Jan – Mar 2015	Apr – Jun 2015
Appeals lodged	24	22	18	27
Appeals decided	22	18	23	23
Appeals allowed	6 (35%)	3 (19%)	6 (29%)	5 (25%)
Appeals dismissed	11 (65%)	13 (81%)	15 (71%)	15 (75%)

Highlights:

- Recent appeal costs in association with applications overturned at committee amount to £7,416.15 for the last quarter. This was mainly spent on consultants fees
- In the year to June 2015 there has been a 14% drop in appeal numbers
- Over the last 12 months our performance on appeals allowed is better than the national average at 25% (national average approx. 35%)

Table 5 - Enforcement Investigations summary

	Jul – Sep 2014	Oct – Dec 2014	Jan – Mar 2015	Apr – Jun 2015
Investigations launched	114	197	154	147
Investigations on hand	220	301	296	326
Investigations closed	150	154	178	122
Enforcement Notices issued	0	2	1	1
Planning Contravention Notices served	2	4	3	2
Breach of Condition Notices served	0	0	0	2

The figure shown in **Table 5** indicates a 5% decrease in the number of investigations received this quarter, when compared with the previous quarter. 5 notices have been served during this quarter.

Table 6 – Other areas of work (application handled but not included in national returns)

The service also has formal procedures in place to deal with pre-application advice, householder development planning questionnaires, discharging conditions on planning permissions, prior approvals, prior notifications and non-material amendments to list a few. **Table 6** below shows the total number of these types of procedures that require resource to action and determine.

During the last quarter the volume of these procedures received in the service is level with the previous quarter figure.

Table 6

	Oct – Dec 2014	Jan – Mar 2015	Apr – Jun 2015
Other types of work	527	570	579

Table 7 – Works to Trees

Table 7 below shows the number and percentage of tree applications and notifications determined.

Table 7

	Oct – Dec 2014	Jan – Mar 2015	Apr – Jun 2015
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	25	16	32
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	96%	94%	91%
Number of notifications for			

works to trees within a Conservation Area (CA)	206	144	179
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	92%	97%	98%

Table 7 highlights:

- There has been a rise in the number of TPOs and Notifications in the last quarter after the seasonal drop during the previous quarter
- Performance on determining applications for works to trees subject to Tree Preservation Orders and on dealing with notifications for works to trees within a Conservation Area remains excellent

Table 8 - Customer transactions using telephone

Table 8 below details the number of incoming calls to the service for the Development Management function. Calls to service as a whole have seen a small decrease during the last quarter.

Table 8

	Oct – Dec 2014	Jan – Mar 2015	Apr – Jun 2015
Planning Information Officers	1987	2284	1811
Planning Officers	1720	1662	1311
Planning Administration	1099	1584	1522
Planning & Conservation Team	418	614	791
Enforcement Team	588	716	970

Table 9 - Electronic transactions

The Planning Services web pages continue to be amongst the most popular across the whole Council website, particularly '[View and Comment on Planning Applications](#)' (an average of 15,000 hits per month) and '[Apply for Planning Permission](#)' (average of 1,200 hits per month). The former is the most popular web page after the council's home page.

Table 9 below shows a continuing upward trend in online submissions via the [Planning Portal](#). The benefits to agents and applicants include an online help function, immediate delivery and acknowledgement, and savings on printing and postage costs. Secure fee payments can also be made online through the Planning Portal facility.

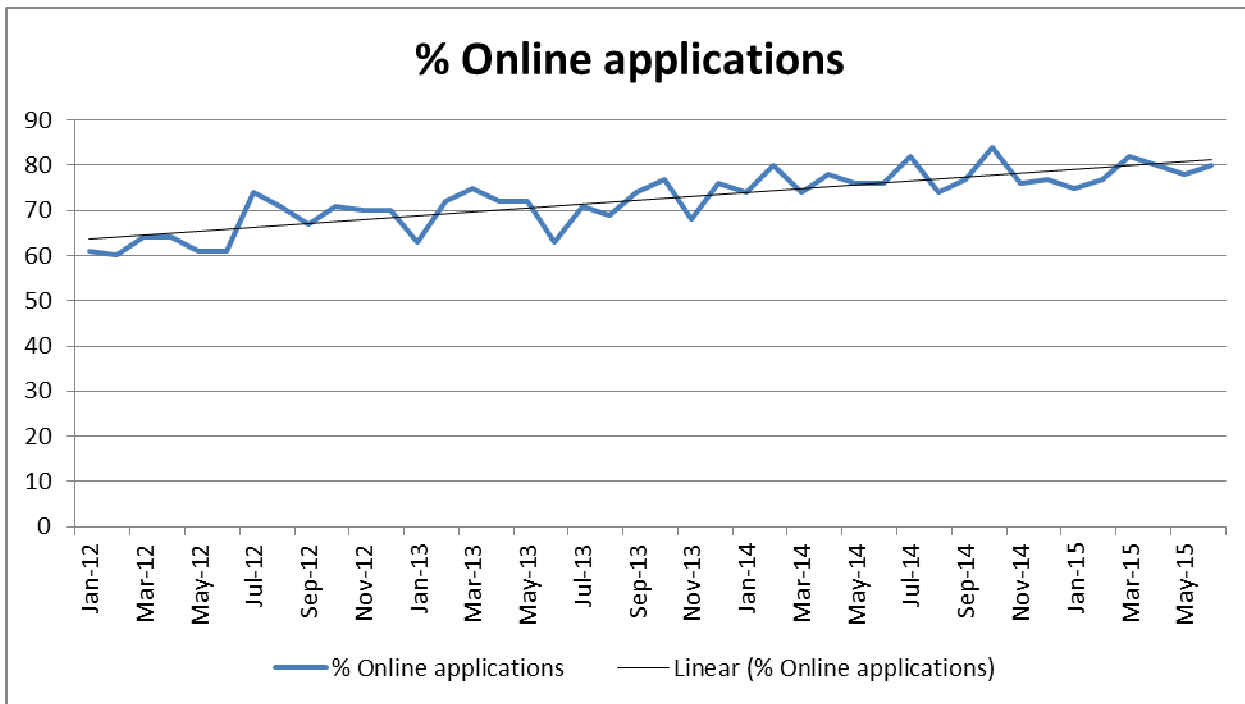


Table 10 - Customer Feedback

For the first time we have received more compliments than complaints.

Table 10

Customer Feedback	Oct – Dec 2014	Jan – Mar 2015	Apr – Jun 2015
Compliments received	10	11	15
Complaints received	12	17	14
Complaints upheld	1	0	1
Complaints Not upheld	3	10	6
Complaints Partly upheld	4	0	1

Table 11 - Ombudsman Complaints

When a customer remains dissatisfied with the outcome of the Corporate Complaints investigation they can take their complaint to the **Local Government Ombudsman** for an independent view. There has been one upheld complaint in the last year.

Table 11

Ombudsman Complaints	Jul – Sep 14	Oct – Dec 14	Jan – Mar 15	Apr – Jun 15
Complaints received	1	2	4	3
Complaints upheld	1	0	0	0
Complaints Not upheld	1	1	2	3

Table 12 – Section 106 Agreements

Members will be aware of the Planning Obligations SPD was first published July 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress, but does enable the S106 Monitoring Officer to actively monitor the delivery of agreed obligations.

Table 12 (note all figures are for guidance only because of the further work still being undertaken in S106 monitoring)

Section 106 Agreements	Jul – Sep 2014	Oct – Dec 2014	Jan – Mar 2015	Apr – Jun 2015
Funds agreed	£136,076.09	£148,645.25	£5,276,031.64	£951,245.23
Funds received	£28,700.61	£157,844.33	£707,225.78	£1,713,443.00

Table 13 – Accredited Agents

A list of current Accredited Agents is displayed on the [council website](#). These agents have shown they fully understand how to submit a properly prepared planning application which means they are quicker for us to process and so reduce delays for the customer.

Table 13

	Jul – Sep 2014	Oct – Dec 2014	Jan – Mar 2015	Apr – Jun 2015
Numbers of Accredited Agents	23	24	24	25
Numbers of householder applications submitted by Accredited Agents	28	44	34	30

Table 14 – Chair referrals

Table 14 below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Development Management Committee. **A further analysis of Chair referral cases is attached as an Appendix item to this report.**

	Apr – Jun 2015	Jul – Sept 2015	Oct – Dec 2015	Jan – Mar 2016
Chair referral delegated	7			
Chair referral to DM Committee	7			

Table 15 – 5 Year Housing Land Supply Position April 2015 – March 2020

Total Planned Provision	2011-29	13,000 dwellings	722per annum
Built over years 1-4	11/12 - 14/15	2,190	548 pa
Delivery requirement for years 5-9	15/16 - 19/20	4,308	862 pa
Supply requirement (4,308 plus a 20% buffer)	15/16 - 19/20	5,170	1,034 pa
Deliverable Supply	15/16 - 19/20	6,104	1,220 pa
Deliverable Supply over 20% buffer requirement	15/16 - 19/20	934	

Between 2015 and 2020 BANES needs to deliver 4,308 dwellings and be able to identify a deliverable supply of 5,170 dwellings (a 20% buffer) in order to ensure that this is achieved. Against these requirements the Council can currently identify a deliverable supply of 6,104. Not all of this deliverable supply has a full, reserved matters, or outline planning permission. Further, the supply figure can change if planning and development timetables change. For example if a major planning application is refused, this would entail time to prepare revisions or appeal the decision, or the preparation of a planning application may take longer than expected, or it may take longer than expected for a land trader to sell on a planning permission to a developer.

Contact person	John Theobald, Project/Technical and Management Support Officer, Development 01225 477519
Background papers	CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: https://www.gov.uk/government/collections/planning-applications-statistics
Please contact the report author if you need to access this report in an alternative format	

Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
11/05078/VAR	Tia Filers Coaches Wick Lane Stanton Wick Bristol BS39 4BU	Variation of condition 4 of application WC 61.74/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, Bristol)	COMMDC	07-May-15	PERMIT	Application referred to Committee because of the past history of decisions on this site. Ward Councillor also requested that the matter be referred to Committee if refusal is recommended.
12/00293/FUL	The Wharf Greensbrook Clutton Bristol Bath And North East Somerset BS39 5PG	Erection of 15 no dwellings following demolition of existing workshop and stone shed	COMMDC	02-Apr-15	PERMIT	Application relates to a scheme that generated significant comment both in favour of the proposals and against. In addition due to the policy issues it raised it was considered appropriate that the application is determined by Committee.
14/01853/EFUL	Ministry Of Defence Ensleigh Granville Road Lansdown Bath	Full planning permission sought for the erection of 18.1 residential units (Use Class C3), a neighbourhood retail store of up to 267 sqm GIA (Use Class A1), associated highways works, infrastructure and public open space. Outline planning permission sought for a 72 unit Extra Care Facility (Use Class C3).	COMMDC	01-Apr-15	PERMIT	The scheme was not entirely consistent with the adopted Concept Statement or Saved policies in the Local Plan; b) it was a large scheme and first of MOD sites to be determined; c) there were significant objections from consultees including Bath Preservation Trust, Georgian Group and Victorian Society.
14/04373/FUL	8 Lime Grove Gardens Bathwick Bath Bath And North East Somerset BA2 4HE	Erection of a single storey extension providing kitchen and a new second floor dormer	COMMDC	09-Apr-15	PERMIT	Chair referral to committee - application has caused a lot of concern with neighbours and local members
14/01403/FUL	The Old Rectory Anchor Lane Combe Hay Bath Bath And North East Somerset BA2 7EG	Erection of garage with staff accommodation and extension of the curtilage of the Old Rectory. (Resubmission)	COMMDC	18-Jun-15	PERMIT	Chair referral to committee - Application with some complex issues relating to Green Belt/AONB and a significant listed house and gardens.
14/05811/EFUL	Former Cadbury Factory Cross Street Keynsham	Full planning permission for the partial demolition, change of use and extension of Building B to a 135 unit care home use (C2, the partial demolition, extension and use of Block C for employment use (B1) alongside the erection of 30 dwellings (open market and affordable) at the site of a previously approved care home including the use of existing basements for car parking (Buildings B and C), associated surface level parking, access roads, landscaping and associated infrastructure. Works altering planning approval 13/01780/EOUT as approved on 19th February 2014.	COMMDC	02-Apr-15	PERMIT	Chair referral to committee - Report to committee on the grounds of overriding public interest
14/01495/FUL	Rentokil Tropical Plants Pipehouse Nursery Pipehouse Freshford Bath Bath And North East Somerset BA2 7UJ	Erection of 10 no. dwellings, including access road, car parking and hardstanding, landscaping and associated works and services following demolition of existing buildings and structures.	COMMDC	01-Apr-15	PERMIT	Chair referral to committee - significant development for a small hamlet

14/00808/FUL	WhitewaysWhite CrossHallatrowBristolBath And North East SomersetBS39 6ER	Erection of 2no. holiday cottages to expand existing B&B business following the demolition of existing outbuildings (Resubmission)	COMMDC	01-Apr-15	PERMIT	Chair referral to committee - The application was refused at committee 2013.
14/03990/FUL	Parcel 2900Greenhouse LaneNempnett ThrubwellBristol	Installation of a solar park with an output of approximately 4.76MW on land associated with Howgrove Farm.	COMMDC	11-Jun-15	RF	Chair referral to committee - The number of objections linked to the proposal raised questions, although the officer has addressed points made, Chair feels proposal should go to committee.
14/00862/OUT	W T Burden LtdBath RoadFarmboroughBathBA2 0BD	Demolition of existing building and redevelopment of site with up to 14 dwellings with associated means of access, access roads, car parking, boundary treatments and landscaping; conversion (including re-cladding) of retained building to provide office/workshop accommodation (Class B1) with associated car parking.	COMMDC	01-Apr-15	APP	Chair referral to committee - There is a difference of opinion between local member and the parish council.
14/04081/FUL	2 Hermitage RoadLansdownBath Bath And North East SomersetBA1 5SN	Erection of 1no five bedroom dwelling following demolition of existing bungalow.	COMMDC	09-Apr-15	RF	Cllr Anketell-Jones requested that if the application were to be recommended for approval that the application should be referred to the Planning Committee due to the character and appearance of the development. Cllr Clarke requested that the application be referred to Planning Committee if refusal were recommended, due to the long standing problems relating to the site and the pre-application undertaken.
14/04547/FUL	43 Upper Oldfield ParkOldfield ParkBath Bath And North East SomersetBA2 3LB	Erection of 14no. residential apartments with parking and shared grounds (Revised Proposal) (Retrospective).	COMMDC	17-Apr-15	RF	Cllr Sandry recommended referral to committee due to significant community interest in the application
14/05823/FUL	Site Of Demolished Canal CottagesTow Path Kennet And Avon CanalBathwickBath	Erection of two-storey dwelling with single-storey annexe on site of demolished canal cottage row and outbuildings.	COMMDC	11-Jun-15	RF	Request of Group Manager Development Management
15/00733/FUL	216 Charlton ParkMidsomer NortonBA3 4BR	Erection of two storey front extension	CHAIR	01-Apr-15	RF	Chair referral Delegated decision
14/05597/FUL	The Old RectoryBathampton LaneBathamptonBathBA2 6ST	Replacement of the front door and increasing the height of the front wall	CHAIR	02-Apr-15	PERMIT	Chair referral Delegated decision
14/05598/LBA	The Old RectoryBathampton LaneBathamptonBathBA2 6ST	Internal and external alterations for the replacement of the front door and increasing the height of the front wall	CHAIR	02-Apr-15	CON	Chair referral Delegated decision
14/05767/FUL	Glenavon Farm331 Bath RoadSaltfordBristolBath And North East SomersetBS31 3TJ	Conversion, extension and redevelopment of existing farm buildings to provide a showroom and storage space.	CHAIR	09-Apr-15	PERMIT	Chair referral Delegated decision
14/05882/FUL	ConkersWeston RoadLower WestonBath Bath And North East SomersetBA1 2XU	Construction of new vehicular access to replace existing, installation of new gate and erection of boundary behind existing hedging.	CHAIR	10-Apr-15	PERMIT	Chair referral Delegated decision
15/00420/FUL	UphillThe Lower LaneCombe HayBath Bath And North East SomersetBA2 7EG	Erection of single storey extension at rear	CHAIR	23-Apr-15	RF	Chair referral Delegated decision

15/00495/FUL	Under WestwoodTadwick LaneSwainswickBathAnd North East SomersetBA1 8BZ	Erection of single storey porch / extension, single storey extension of existing pool plant room, construction of terrace decking, conversion of barn into living accommodation following demolition of existing conservatory (REVISED PLANS)	CHAIR	12-Jun-15	PERMIT	Chair referral Delegated decision
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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	26th August 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: 14/05376/FUL
Location: 38 Grosvenor Place Lambridge Bath
Proposal: Provision of off-street car parking to rear of property with associated works and repairs to garden wall.
Decision: REFUSE
Decision Date: 16 March 2015
Decision Level: Delegated
Appeal Lodged: 6 July 2015

App. Ref: 14/05377/LBA
Location: 38 Grosvenor Place Lambridge Bath
Proposal: External alterations to include provision of off-street car parking with associated works and repairs to garden wall.
Decision: REFUSE
Decision Date: 16 March 2015
Decision Level: Delegated
Appeal Lodged: 6 July 2015

App. Ref: 15/00167/FUL
Location: Hill View Summerfield Road Beacon Hill Bath Bath And North East Somerset
Proposal: Erection of a two storey side extension and associated works
Decision: REFUSE
Decision Date: 13 March 2015
Decision Level: Chair Referral
Appeal Lodged: 13 July 2015

App. Ref: 14/02463/FUL
Location: Land West Of 2 Lansdown Heights Lansdown Bath
Proposal: Erection of a pair of semi-detached dwellings.
Decision: REFUSE
Decision Date: 4 February 2015
Decision Level: Delegated
Appeal Lodged: 24 July 2015

App. Ref: 14/01891/FUL
Location: Norwood Dene The Avenue Claverton Down Bath Bath And North East Somerset
Proposal: Erection of 3no detached 2 storey dwellings with associated garages and hard and soft landscaping works following demolition of existing 1no storey dwelling.
Decision: REFUSE
Decision Date: 27 February 2015
Decision Level: Delegated
Appeal Lodged: 29 July 2015

APPEALS DECIDED

App. Ref: 14/03801/FUL
Location: Fieldview 28 The Street Marksbury Bath Bath And North East Somerset
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

Appeal Decision: Dismissed on 13.07.2015

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

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

Appeal Decision: Dismissed on 20.07.2015

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

App. Ref: 14/01237/FUL
Location: Land Between Cyclepath And Roundabout London Road East
Batheaston Bath Bath And North East Somerset
Proposal: Change of use of existing building to residential including external alterations.
Decision: REFUSE
Decision Date: 4 September 2014
Decision Level: Planning Committee
Appeal Lodged: 15 April 2015

Appeal Decision: Allowed on 21.07.2015

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

App. Ref: 14/03606/FUL
Location: 15 Station Road Keynsham BS31 2BH
Proposal: Erection of an extension to form 3no. 2 bed and 1no. 3 bed town houses.
Decision: REFUSE
Decision Date: 19 December 2014
Decision Level: Delegated
Appeal Lodged: 16 April 2015

Appeal Decision: Dismissed on 21.07.2015

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

App. Ref: 14/04616/LBA
Location: 10 Broad Street City Centre Bath Bath And North East Somerset
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

Appeal Decision: Dismissed on 29.07.2015

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

App. Ref: 14/04748/LBA
Location: 290 High Street Batheaston Bath Bath And North East Somerset BA1 7RA
Proposal: Internal and external alterations to facilitate the restoration of basement and other decorative details and provision of new doorway between pantry and basement.
Decision: REFUSE
Decision Date: 11 December 2014
Decision Level: Delegated
Appeal Lodged: 27 February 2015

Appeal Decision: Allowed on 29.07.2015

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

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

Appeal Decision: Allowed on 31.07.2015

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

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

Appeal Decision: Dismissed on 31.07.2015

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