

**Democratic Services**

Guildhall, High Street, Bath BA1 5AW  
Telephone: (01225) 477000 *main switchboard*  
Direct Lines - Tel: 01225 394414  
Web-site - <http://www.bathnes.gov.uk>

Date: 14 October 2015  
E-mail: Democratic\_Services@bathnes.gov.uk

**To: All Members of the Development Management Committee**

**Councillors:-** Rob Appleyard, Jasper Becker, Paul Crossley, Donal Hassett, Eleanor Jackson, Les Kew, Bryan Organ, Caroline Roberts, David Veale and Karen Warrington

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

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Development Management Committee: Wednesday, 21st October, 2015**

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 21st October, 2015** at **2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 20<sup>th</sup> October 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](http://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, 21st October, 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 in any of the agenda items under consideration at the meeting. Members are asked to indicate:

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

(b) The nature of their interest.

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

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

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

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

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

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

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

8. MINUTES: 23RD SEPTEMBER 2015 (PAGES 9 - 44)

To approve the Minutes of the previous meeting held on Wednesday 23<sup>rd</sup> September 2015 as a correct record

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 45 - 64)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 65 - 114)

11. ENFORCEMENT REPORTS (PAGES 115 - 130)

(1) ROUGH GROUND AND BUILDINGS, QUEEN CHARLTON LANE, QUEEN CHARLTON To consider a recommendation that, having considered the relevant enforcement options available, the Local Planning Authority should seek an Injunction from the Court under S187b of the Town and Country Planning Act 1990 to restrain the breach of planning control and that it is expedient to do so

(2) 43 UPPER OLDFIELD PARK, BATH To consider a recommendation that, after planning permission has been granted, the Enforcement Notice dated 8<sup>th</sup> May 2015 is withdrawn

12. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 131 - 136)

To note the report

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

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

## Member and Officer Conduct/Roles Protocol\*

### **Development Control Committee**

(\*NB This is a brief supplementary guidance note not intended to replace or otherwise in any way contradict the Constitution or the Code of Conduct for Members and Co-Opted Members adopted by the Council on 19<sup>th</sup> 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, 23rd September, 2015, 2.00 pm

Councillor Tim Ball (In place of - Bath and North East Somerset Council  
Councillor Rob Appleyard)  
Councillor Jasper Martin Becker- Bath & North East Somerset Council  
Councillor Matthew Davies - Bath & North East Somerset Council  
Councillor Sally Davis - Bath & North East Somerset Council  
Councillor Eleanor Jackson - Bath & North East Somerset Council  
Councillor Les Kew - Bath & North East Somerset Council  
Councillor Bryan Organ - Bath & North East Somerset Council  
Councillor Will Sandry (In place - Bath and North East Somerset Council  
of Councillor Paul Crossley)  
Councillor David Veale - Bath & North East Somerset Council

**48 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

**49 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

A Vice Chairman was not required

**50 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were apologies for absence from Councillors Rob Appleyard, Paul Crossley and Caroline Roberts. Their substitutes were Councillors Tim Ball and Will Sandry.

**51 DECLARATIONS OF INTEREST**

Councillor Will Sandry declared a disclosable pecuniary interest in the planning application at 43 Upper Oldfield Park, Bath (Item 1, Report 9) as he could see the building from his house. He would therefore make a statement as the adjoining Ward Councillor and then leave the room for its consideration. Councillor Eleanor Jackson gave reasons why she had no interest to declare on the MoD Foxhill application (Item 2, Report 9). She explained that, in her capacity as a member of the Council, she attended the Curo Partnership meeting, the function of which was primarily to represent the views of Curo residents on matters relating to their tenancy. The position had no relevance to this planning application. Councillor Tim Ball stated that the same situation applied to him.

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

There was none

**53 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS,**

## PETITIONS OR QUESTIONS

The Senior Democratic Services Officer advised that there were a number of speakers on planning applications who would be able to make their statements when reaching their respective items in Report 9.

### 54 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none.

### 55 MINUTES: 26TH AUGUST 2015

The Minutes of the previous meeting held on Wednesday 26<sup>th</sup> August 2015 were approved as a correct record and signed by the Chairman.

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

The Committee considered

- The report of the Group Manager – Development Management on various applications for planning permission etc.
- An Update Report by the Group Manager on Item Nos 1-5, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos 1-8, 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 No 43 Upper Oldfield Park, Bath – Erection of 14 residential apartments with parking and shared grounds (Revised proposal) (Retrospective)** – 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 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 2 memberships per flat; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager to grant permission subject to conditions. She referred to the Update Report which informed of additional local representations and a correction to the Recommendation whereby Condition 1 would be replaced by 2 conditions.

The public speakers made their statements against and in favour of the application. Councillor Will Sandry made a statement as the adjoining Ward Member for Oldfield and then left the meeting for its consideration. Then Councillor Patrick Anketell-Jones as Cabinet Member for Economic Development commented on the application. The Group Manager gave advice on a reference in the statement by the Chief Executive of the Bath Preservation Trust to the effect that the Ministerial statement concerning intentional unauthorised development was not applicable in this case because the application was received prior to 31<sup>st</sup> August 2015.

Members asked questions for clarification to which Officers responded. Councillor Les Kew stated that this was a good use of the land and would provide much needed housing. The materials would eventually weather. He therefore moved the Officer recommendation as amended in the Update Report which was seconded by Councillor Bryan Organ.

Members debated the motion. After a short discussion, including reference to the time limit for work to be undertaken, the motion was put to the vote and was carried unanimously.

**Item 2 Former MoD site, Foxhill, Combe Down, Bath – Approval of reserved matters with regard to outline application 14/03454/EOUT for the development of 276 dwellings, public open space and all associated infrastructure** – The Case Officer reported on this application and his recommendation to Approve subject to conditions. He referred to the Update Report which advised of amended plans being received and Officer's comments on further representations received. Also the recommended Condition 2 could now be deleted and the Plans List numbers updated.

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

Members asked questions about the application for clarification to which Officers responded.

Councillor Will Sandry liked the proposal for this key development site and which provided a good variety of buildings. The views from the north of the City would not in his opinion be detrimentally affected. He therefore moved the Officer recommendation. The motion was seconded by Councillor Les Kew who considered that it was an excellent design scheme; it would provide affordable housing; and give a good quality of life for the occupiers. The materials were satisfactory but it was important that sample panels remained on site for the duration of the construction period.

Members debated the motion. Councillor Tim Ball considered that a condition should be added so that sufficient litter bins should be provided on the site. The mover and seconder agreed to this amendment.

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

**Item 3 Echo Gate, 27 Rodney Road, Saltford – Erection of 3 detached dwellings and garages** – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Update Report referred to a correction in the Report and to Officer's comments on representations received on ecology issues.

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

A Member asked a question about the proposal for clarification to which the Case Officer responded.

Councillor Tim Ball considered that the character and size of the development was appropriate for this site and therefore moved the Officer recommendation which was seconded by Councillor Eleanor Jackson.

Members debated the motion. A Member commented that the Arboricultural Method Statement needed careful consideration.

After a short discussion, the motion was put to the vote and was carried, 8 voting in favour and 0 against with 1 abstention.

**Item 4 No 5 St James' Square, Bath – Change of use from Use Class C3 (last used as a House in Multiple Occupation) to House in Multiple Occupation (large HMO) (Use Class Sui Generis) and reconstruction of front lightwell staircase** – The Planning Officer reported on this application and the recommendation to grant permission subject to conditions. She informed Members that the proposal was for a 7 bed HMO and not 8.

The public Speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor Chris Pearce expressing concerns about the proposal.

Councillor Tim Ball could not see that there were reasons to refuse permission noting that the proposal was policy compliant and therefore moved the Officer recommendation. The motion was seconded by Councillor Eleanor Jackson.

Members debated the motion. It was generally felt that the HMO policy applied to all areas of the City and a mix of tenure helped to create a diverse community. There was a demand for accommodation by young people.

The motion was put to the vote and was carried, 7 voting in favour and 2 against.

**Item 5 No 10 Entry Hill, Bath – Erection of 2 two bed dwelling** – The Case Officer reported on this application and his recommendation to grant permission subject to conditions.

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

Members asked questions about the application for clarification to which the Case Officer responded.

Councillor Les Kew felt that there were issues that needed clarification on the ground and therefore moved that the application be deferred for a Site Visit which was seconded by Councillor Bryan Organ.

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

**Item 6 Land at rear of 25-32 Sladebrook Avenue, Southdown, Bath – Erection of new single storey dwelling with associated parking and access (Resubmission)** – The Case Officer reported on this application and her recommendation to refuse permission.

The applicant's Agent made a statement in favour of the proposal.

Members asked questions about the proposal for clarification to which Officers responded.

Councillor Tim Ball was against the application. He considered that this was backland development at the rear of established terraced housing. It would affect the parkland to the rear and the unsurfaced track could be made up which may not be wanted by residents in the terrace. He therefore moved the Officer recommendation to refuse permission which was seconded by Councillor Eleanor Jackson.

Members debated the motion. There was a divergence of opinion on the matter. Some Members felt that this development would tidy up the area of land and provide some housing with no harmful effects. However, some Members supported the motion to refuse permission as it was considered that it was an isolated site with no relationship to existing properties. It was an inappropriate site for a house which was of poor design and could set a precedent culminating in another street being formed at the rear of the terrace.

The Group Manager – Development Management gave advice on some of the issues raised after which the motion to refuse was put to the vote. Voting: 4 in favour and 5 against. Motion lost.

On the basis that this was just one house, whereas the previous Inspector's decision related to a scheme for 2 houses, being provided on derelict land in a housing area which would not, in his opinion, have a harmful effect on adjoining properties or the open green space, Councillor Les Kew moved that permission be delegated to Officers with appropriate conditions. This was seconded by Councillor Bryan Organ.

Members debated the motion. It was considered by one Member that these were not sufficient reasons to overturn the Officer's recommendation. Reference was made to the earlier appeal decision on the site upholding refusal but it was explained by Officers that this related to 2 dwellings so a different situation although the Officer advice was that the same amount of harm would result. Some Members considered that this was a sensible use of derelict land which would not harmfully affect adjoining properties or the open space.

The motion was put to the vote and was carried, 5 voting in favour and 4 against.

**Item 7 Rosebank, Common Lane, Compton Dando – Erection of two storey side extension following the removal of existing conservatory** – The Case Officer reported on this application and her recommendation to refuse permission. She emphasised that this was a 186% size increase above that of the original dwelling.

The Senior Democratic Services Officer read out a statement received from Compton Dando Parish Council supporting the application. The applicant and his Architect then made statements in support of the proposal.

Councillor Bryan Organ felt that further information was required on the increase in size and that the application needed to be assessed on the ground. He therefore

moved that it be deferred for a Site Visit which was seconded by Councillor Les Kew.

Members debated the motion. It was considered by one Member that special circumstances had been demonstrated in that accommodation was required for elderly parents. The Group Manager – Development Management advised that limited weight was given to personal circumstances but significant weight to harm to the Green Belt. It was considered by a Member that the relationship to other houses in the vicinity needed to be assessed.

The motion was put to the vote and was carried, 7 voting in favour and 0 against with 1 abstention.

**Item 8 Woodborough Mill Farm, Woodborough Mill Lane, Woollard – Conversion and extension of existing barns to staff accommodation unit ancillary to equestrian use, American barn stabling and all weather riding arena** – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. She informed Members that ecology issues had now been addressed and that 2 further conditions - relating to lighting and the development being carried out in accordance with the report - needed to be added to the recommendation.

The applicant and her Agent then made statements in support of the proposal.

Councillor Sally Davis stated that the Parish Council supported the application. Councillor Les Kew stated that S28 of the NPPF supported employment in rural areas. This was a successful equestrian enterprise where it was normal for barns and stabling to be attached. There would not be any harm to the setting of the Green Belt. He therefore moved the Officer recommendation which was seconded by Councillor Eleanor Jackson who considered that there were no good reasons to withhold permission.

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

## 57 **NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee considered the report of the Group Manager – Development Management.

Councillor Eleanor Jackson referred to the appeals in Radstock that had been dismissed and expressed her appreciation for the work undertaken by Officers in that regard. Councillor Les Kew referred to the appeal at Temple Inn Lane, Temple Cloud that had been allowed and stated that the access that would have to be determined by the Committee would need careful consideration. He drew attention to some applications that mistakenly stated that the Decision Level was “Chair Referral”.

The report was noted.

The meeting ended at 5.30 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 23<sup>rd</sup> September 2015**

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

ITEM

ITEMS FOR PLANNING PERMISSION

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>01</b>	<b>15/02931/FUL</b>	<b>43 Upper Oldfield Park, Bath</b>

Local Representations:

Two additional letters of objection have been received one of which raises concerns that have already been raised, and addressed, in the main report.

The second letter raises concerns that the consultation periods for this application were too short and that the Council has not behaved appropriately in deciding this application. In this regard Officers are satisfied that all the necessary procedures have been followed, particularly with regard to consultations.

One additional letter of support for the development has also been received.

Correction:

Since the previous meeting, officers have re-evaluated condition 1 (which is directed at ensuring that the unauthorised development is regularised in a timely fashion) and have concluded that it would be clearer and easier to understand if the two different elements were separated. Officers therefore advise that condition 1 should be replaced by the two conditions set out below. Members will note that the condition limiting the life of the planning permission is now a stand-alone condition and is no longer linked to the build programme.

Amended conditions:

1. The development hereby permitted shall be begun before the expiration of 12 months from the date of this permission.

Reason: To ensure that the unauthorised development is regularised without delay.

2. 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.

Reason: The purpose of the planning permission is to regularise the unauthorised development. A programme is therefore required to assist the LPA in monitoring the progress of the development in the interest of the character and appearance of the Conservation Area.

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>02</b>	<b>15/02465/RES</b>	<b>Foxhill, Bradford Road, Combe Down</b>

### **Further amended plans (Highways)**

Amended plans have been received from the applicant (14.09.15) seeking to resolve the identified sub-standard highway manoeuvre on an internal road junction. The amended plans provide for a localised widening of the road in question. Whilst this would still mean the vehicle needing to use both sides of the road to make the turn, the vehicle overhang of the pavement area has been greatly reduced.

In addition to this, amendments include revisions to proposed kerb alignments in other areas of the site, to allow more space for vehicles to manoeuvre. This has resulted in some proposed parking spaces being moved slightly.

In response to the amended plans your highways officers advise they are now content that their previous concerns have been satisfactorily addressed. Any outstanding matters they are confident can be dealt with at the technical approval stage (Section 38).

#### **Officers Comments:**

As a result of these amendments and subsequent comments from Highways officers, it is recommended that proposed condition 2 in the officer's recommendation is deleted. The condition is no longer necessary.

In addition, the approved plans list should be updated to refer to the revised plans submitted.

#### **Plans to be added:**

- CUR-FHC-HTA-0100 Rev P
- CUR-FHC-HTA-0101 Rev P

- SKC050 Rev H

Plans to be superseded:

- CUR-FHC-HTA-0100 Rev N
- CUR-FHC-HTA-0101 Rev N
- SKC050 Rev G

### **Historic England (formerly English Heritage)**

Historic England offered observations on the application as originally submitted and has now provided further comment following perusal of the amended plans. The comments are limited to the advance planting (which is not submitted for approval at this time) and the long term maintenance of the gardens and features on the Bradford Road Frontage.

Officer comments:

In terms of the Bradford Road frontage, the garden areas, boundaries and street furniture within them would be maintained by the management company operating the apartments. As such these areas should be maintained in a good state to ensure an ongoing positive contribution to the Conservation Area.

### **Historic Environment (Bath and North East Somerset Council)**

The Conservation Officer objected to the application as originally submitted. In response to the amended plans they consider the revisions to Blocks A and B fronting Bradford Road will provide a gentler transition to the existing housing either side. However, they consider the mansard roof now proposed would be incongruous in terms of the character of the wider conservation area.

Officer comments:

As discussed in the main report, the amended design of Blocks A and B is considered to be a positive step. Officers recognise that the immediate site context along Bradford Road is typified by pitched roofs rather than mansards. However, the wider area, including in the conservation area includes numerous examples of mansard roofs. In addition, mansard style roofs are employed elsewhere in the proposed Foxhill development. Therefore, their use on the Bradford Road frontage is considered to both assist in re-enforcing the character of the emerging development and be sympathetic to the heritage setting of this part of the site. The overall appearance of the amended Blocks A and B is assessed to be acceptable, taking account of their prominent location and heritage setting.

### **Urban Design (Bath and North East Somerset Council)**

Confirm that following review of the amended plans there are no objections subject to consideration of materials in due course.

Officer comments:

The approval of materials is controlled by a condition on the outline planning permission. More detailed elements are also proposed to be controlled by an additional condition on the approval of reserved matters.

### **Education Services (Bath and North East Somerset Council)**

Note the submission of the updated 'school plan' (11.09.15) and identify that the school site configuration leaves little flexibility to change its shape.

Officer comments:

As discussed in the main report, the school does not fall in this first reserved matters application. The S106 agreement requires the provision of the school and the retention of a 1 ha site for it. The S106 does not prescribe a uniform shape. The land retained is 1 ha in size and whilst an irregular shape can provide the school required and its constituent parts, e.g. the playing pitch.

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
03	15/02904/FUL	Echo Gate, Rodney Road, Saltford

Correction:

There is an administrative error within the reasons for reporting to committee. The report refers to the objections from 'Claverton Parish Council'. This is incorrect and should read as 'Saltford Parish Council'.

Representations:

Ecology (Verbal Comments Only): Verbal advice was received from the Ecologist advising that because the site is maintained garden land and not significantly overgrown it is unlikely to play host to any protected species. An up-front ecology survey is therefore not required although a Wildlife Protection and Enhancement Plan could be appropriate as a precautionary approach.

Officer comments: The application site is maintained garden land (not overgrown) and, as a result, is considered that there would not be any protected wildlife present on the site. It is therefore not necessary to require an ecology survey up-front as part of the application. However, as an acknowledgement of third party concerns, a Wildlife Protection and Enhancement Plan is suggested as a condition to ensure a precautionary approach to wildlife on this site is adopted. Written acceptance of the requirements of this condition has been received from the applicant's agent.

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
04	15/03171/FUL	5 St James's Square, Bath

Comments from Environment Protection officer:

Requested clarification on the storage of waste in light of residents' concerns if not adequately stored or contained could create a detrimental impact on the local amenity.

Planning officer response:

The agent has provided clarification on how to deal appropriately with waste. The intention is to store the reusable refuse sacks and the recycling boxes in the front vaults, under the road.

The tenants would move the waste to the entrance area for collection on the appropriate day.

The Environment Protection officer has confirmed that this is considered to be acceptable and does not raise any objections.

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
05	15/00453/FUL	10 Entry Hill, Bath

Correction:

1. The consultation responses are incorrected listed below the policies/legislation section of the report and the planning policies are missing from the report. The policies/legislation section should read as below:

#### Policies/Legislation

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

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

#### CORE STRATEGY

DW1	District Wide Spatial Strategy
B1	Bath Spatial Strategy

B4 World Heritage Site  
CP6 Environmental Quality

#### LOCAL PLAN

D.2 General Design and public realm considerations  
D.4 Townscape considerations  
BH.2 Listed buildings and their setting  
BH.6 Conservation Areas  
GB.2 Visual amenity of the Green Belt  
NE.1 Landscape character  
NE.2 Areas of Outstanding Natural Beauty  
NE.9 Locally important wildlife species  
NE.10 Nationally important species and habitats  
NE.11 Locally important species and habitats  
T.1 Overarching access policy  
T.24 General development control and access policy  
T.26 On-site parking

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 6: Delivery a wide choice of high quality homes

Section 7: Requiring good design

Section 9: Protecting Green Belt land

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

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

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.

2. Within the officer assessment section of 'Character and appearance' reference is made to s16 of the Listed Buildings Act. This should be a reference to S66 of Planning (Listed Buildings and Conservation Areas) Act 1990 which states that

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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."*

Representations:

One additional letter of objection has been received. It requests that the existing access lane is re-surfaced. It also discusses concerns about possible damage to adjoining properties and states that there is a water pipe buried under the bank alongside the track.

Officer notes on additional comments: As the proposed dwelling is has no associated parking, it is considered that there is insufficient justification for requiring the access lane to be re-surfaced.

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**SPEAKERS LIST  
 BATH AND NORTH EAST SOMERSET COUNCIL  
 MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE  
 MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD  
 ON WEDNESDAY 23<sup>RD</sup> SEPTEMBER 2015**

**SITE/REPORT                                      NAME/REPRESENTING                                      FOR/AGAINST**

<b>SITE/REPORT</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
<b>PLANS LIST - REPORT 9</b>		
43 Upper Oldfield Park, Bath (Item 1, Pages 54- 75)	Caroline Kay, Chief Executive, Bath Preservation Trust  Margaret Favager, Landmark Developments (Applicants)	Against  For
Former MoD site, Foxhill, Combe Down, Bath (Item 2, Pages 76- 111)	Mark O'Sullivan, Greenway Lane Residents Association  Geraint Oakley, Curo (Applicants) <u>AND</u> Simon Toplis, HTA	Against  For – To share 3 minutes
Echo Gate, 27 Rodney Road, Saltford (Item 3, Pages 112-121)	Christine Radford  Chris Dance, LPC (Applicant's Agents)	Against  For
5 St James' Square, Bath (Item 4, Pages 122-127)	Rosalind Beale  Quentin Elston, Mr Willat's Charity (Applicants)	Against  For
10 Entry Hill, Bath (Item 5, Pages 128-138)	Steve Laurenson  Lynsay Lucas <u>AND</u> Simon Sandford, David Brain Partnership (Applicant's Architects)	Against  For – To share 3 minutes
Land rear of 25-32 Sladebrook Avenue, Southdown, Bath (Item 6, Pages 139-146)	Chris Dance, LPC (Applicants' Agents)	For
Rosebank, Common Lane, Compton Dando (Item 7, Pages 147-150)	John Casselden (Applicants' Architect) <u>AND</u> John Boyce (Applicant)	For – To share 3 minutes
Woodborough Mill Farm, Woodborough Mill Lane, Woollard (Item 8, Pages 151-162)	John White (Applicant's Agent) <u>AND</u> Dani Evans (Applicant)	For – To share 3 minutes

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**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**23rd September 2015**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	15/02931/FUL	
<b>Site Location:</b>	43 Upper Oldfield Park, Oldfield Park, Bath,	
<b>Ward:</b> Widcombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 14no residential apartments with parking and shared grounds (Revised Proposal)(Retrospective)	
<b>Constraints:</b>	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,	
<b>Applicant:</b>	Landmark Developments Limited	
<b>Expiry Date:</b>	28th September 2015	
<b>Case Officer:</b>	Rachel Tadman	

**DECISION** Delegate to PERMIT - pending agreement under Section 106 of the Town and Country Planning Act 1990.

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 The development hereby permitted shall be begun before the expiration of 12 months from the date of this permission.

Reason: To ensure that the unauthorised development is regularised without delay.

2 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.

Reason: The purpose of the planning permission is to regularise the unauthorised development. A programme is therefore required to assist the LPA in monitoring the progress of the development in the interest of the character and appearance of the Conservation Area.

3 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.

4 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.

5 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.

6 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.

7 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.

8 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.

9 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.

10 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.

11 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.

12 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.

13 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.

14 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.

15 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:**

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.

**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.

**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](http://www.planningportal.gov.uk).

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](http://www.bathnes.gov.uk/cil)

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

<b>Item No:</b>	02	
<b>Application No:</b>	15/02465/RES	
<b>Site Location:</b>	Former Ministry Of Defence Foxhill Premises, Bradford Road, Combe Down, Bath	
<b>Ward:</b> Combe Down	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	PI Permission (Approval Reserved Matters)	
<b>Proposal:</b>	Approval of reserved matters with regard to outline application 14/04354/EOUT for the development of 276 dwellings, public open space and all associated infrastructure.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Sites with Planning Permission, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, Water Source Areas, World Heritage Site,	
<b>Applicant:</b>	Curo Enterprise Ltd	
<b>Expiry Date:</b>	7th September 2015	
<b>Case Officer:</b>	Simon Metcalf	

## **DECISION APPROVE**

1 The bin and cycle storage buildings shown on the approved drawings (ref: CUR-FHC-HTA-0250 Rev N, CUR-FHC-HTA-0251 Rev N, CUR-FHC-HTA-0252 Rev N, CUR-FHC-HTA-0253 Rev N) relating to Apartment Blocks A-E hereby approved shall be provided before the apartment blocks are first occupied, and thereafter retained for that purpose.

Reason: In the interest of the amenity of the area and to ensure the agreed storage is provided to serve the development.

2 Notwithstanding the detail shown on the approved plans, details of appropriate features at the ends of shared surface carriageways shall be submitted to and agreed with the Local Planning Authority prior to development commencing to enforce the concept. The features shall be implemented as approved and thereafter maintained.

Reason: In the interests of highway safety.

3 Prior to the construction of each of the elements set out below, detailed plans at a scale of no less than 1:10) shall be submitted to and approved by the Local Planning Authority:

- o Balconies
- o Railings
- o Rainwater goods
- o Parapets

Development shall then only take place in accordance with approved details.

Reason: In the interests of the character and appearance of the area, within the World Heritage Site.

4 Prior to development commencing details of the number, type and location of litter bins to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall then only take place in accordance with the approved details.

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

5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2, classes A, B, C, D, E, F of that Order, shall be erected or undertaken on plots 119-127, 143-150 and 159 which adjoin existing properties on Bradford Road and Foxhill. These plots are clearly identified on approved drawing CUR-FHC-HTA-101 Rev N.

Reason: Any further extensions, alterations, outbuildings or development within the specified plots requires detailed consideration by the Local Planning Authority to safeguard existing trees and the amenities of the surrounding area.

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

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

**PLANS LIST:**

PLANS LIST:

CUR-FHC-HTA-0001  
CUR-FHC-HTA-0100 Rev P  
CUR-FHC-HTA-0101 Rev P  
CUR-FHC-HTA-0102 Rev N  
CUR-FHC-HTA-0110 Rev P  
CUR-FHC-HTA-0111 Rev P  
CUR-FHC-HTA-0112 Rev P  
CUR-FHC-HTA-0113 Rev P  
CUR-FHC-HTA-0114 Rev P  
CUR-FHC-HTA-0115 Rev N  
CUR-FHC-HTA-0118 Rev N

CUR-FHC-HTA-0200 Rev K  
CUR-FHC-HTA-0201 Rev K  
CUR-FHC-HTA-0202 Rev K  
CUR-FHC-HTA-0204 Rev K  
CUR-FHC-HTA-0205 Rev K  
CUR-FHC-HTA-0206 Rev K  
CUR-FHC-HTA-0207 Rev K  
CUR-FHC-HTA-0208 Rev K  
CUR-FHC-HTA-0210 Rev K  
CUR-FHC-HTA-0211 Rev K  
CUR-FHC-HTA-0212 Rev K  
CUR-FHC-HTA-0214 Rev K  
CUR-FHC-HTA-0215 Rev K  
CUR-FHC-HTA-0216 Rev K  
CUR-FHC-HTA-0217 Rev K  
CUR-FHC-HTA-0218 Rev K  
CUR-FHC-HTA-0220 Rev M  
CUR-FHC-HTA-0221 Rev M  
CUR-FHC-HTA-0223 Rev M  
CUR-FHC-HTA-0225 Rev M  
CUR-FHC-HTA-0226 Rev M  
CUR-FHC-HTA-0227 Rev M  
CUR-FHC-HTA-0228 Rev M  
CUR-FHC-HTA-0229 Rev M  
CUR-FHC-HTA-0230 Rev M  
CUR-FHC-HTA-0231 Rev M  
CUR-FHC-HTA-0232 Rev M  
CUR-FHC-HTA-0233 Rev M  
CUR-FHC-HTA-0235 Rev M



CUR-FHC-HTA-0236 Rev M  
CUR-FHC-HTA-0237 Rev M  
CUR-FHC-HTA-0238 Rev M  
CUR-FHC-HTA-0239 Rev M  
CUR-FHC-HTA-0240 Rev M  
CUR-FHC-HTA-0241 Rev M  
CUR-FHC-HTA-0242 Rev M  
CUR-FHC-HTA-0243 Rev M  
CUR-FHC-HTA-0245 Rev M  
CUR-FHC-HTA-0246 Rev M  
CUR-FHC-HTA-0247 Rev M  
CUR-FHC-HTA-0248 Rev M  
CUR-FHC-HTA-0249 Rev M

CUR-FHC-HTA-0250 Rev N  
CUR-FHC-HTA-0251 Rev N  
CUR-FHC-HTA-0252 Rev N  
CUR-FHC-HTA-0253 Rev N

CUR-FHC-HTA-0300  
CUR-FHC-HTA-0350  
CUR-FHC-HTA-0351  
CUR-FHC-HTA-0352

CUR-FHC-HTA-0400 Rev N  
CUR-FHC-HTA-0404 Rev N  
CUR-FHC-HTA-0410 Rev N  
CUR-FHC-HTA-0415 Rev N  
CUR-FHC-HTA-0416 Rev N  
CUR-FHC-HTA-0417 Rev N  
CUR-FHC-HTA-0420 Rev N  
CUR-FHC-HTA-0421 Rev N  
CUR-FHC-HTA-0425 Rev N  
CUR-FHC-HTA-0426 Rev N  
CUR-FHC-HTA-0435 Rev N  
CUR-FHC-HTA-0436 Rev N  
CUR-FHC-HTA-0445 Rev N  
CUR-FHC-HTA-0446 Rev N  
CUR-FHC-HTA-0455 Rev N  
CUR-FHC-HTA-0456 Rev N  
CUR-FHC-HTA-0457 Rev N  
CUR-FHC-HTA-0465 Rev N  
CUR-FHC-HTA-0466 Rev N  
CUR-FHC-HTA-0468 Rev N  
CUR-FHC-HTA-0470 Rev N  
CUR-FHC-HTA-0471 Rev N  
CUR-FHC-HTA-0472 Rev M  
CUR-FHC-HTA-0473 Rev N  
CUR-FHC-HTA-0475 Rev N  
CUR-FHC-HTA-0476 Rev N

CUR-FHC-HTA-0485 Rev N  
CUR-FHC-HTA-0486 Rev N  
CUR-FHC-HTA-0490 Rev N  
CUR-FHC-HTA-0491 Rev N  
CUR-FHC-HTA-0495 Rev N  
CUR-FHC-HTA-0496 Rev N  
CUR-FHC-HTA-0500 Rev N  
CUR-FHC-HTA-0510 Rev N  
CUR-FHC-HTA-0520 Rev N

CUR-FHC- HTA-L-9000 Rev L  
CUR-FHC- HTA-L-9001 Rev G  
CUR-FHC- HTA-L-9003 Rev C  
CUR-FHC- HTA-L-9004 Rev C  
CUR-FHC- HTA-L-9005 Rev E  
CUR-FHC- HTA-L-9006 Rev F  
CUR-FHC- HTA-L-9008 Rev C  
CUR-FHC- HTA-SK-0092 Rev C  
CUR-FHC- HTA-SK-0111 Rev A

SKC020 Rev D  
SKC050 Rev H

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 outlined in the above case officer's report, a positive view of the proposals has been taken and approval of the reserved matters has been given.

For the avoidance of doubt, notwithstanding the details on the plans hereby approved, the materials to be used in the development need to be submitted to and approved in writing by the Local Planning Authority in accordance with Conditions 6 and 7 on the outline planning permission ref: 14/04354/EOUT.

<b>Item No:</b>	03	
<b>Application No:</b>	15/02904/FUL	
<b>Site Location:</b>	Echo Gate, 27 Rodney Road, Saltford, BS31 3HR	
<b>Ward:</b> Saltford	<b>Parish:</b> Saltford	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 3no. detached dwellings and garages.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr Nicholas Johnson	
<b>Expiry Date:</b>	25th September 2015	
<b>Case Officer:</b>	Chris Griggs-Trevarthen	

## **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 Prior to the construction of the external surfaces of the dwellings hereby approved, a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

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

Reason: To ensure that trees to be retained are not adversely affected by the development proposals. This condition is required prior to commencement to prevent possible harm to retained trees as a result of any initial and subsequent site works.

4 No development or other operations shall take place except in complete accordance with the approved Detailed 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 and prior to the first occupation of the dwelling.

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

5 Prior to the occupation of the dwellings hereby approved a soft landscape scheme incorporating a scaled drawing shall be first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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

6 All 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.

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

7 The area 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: In the interests of amenity and highway safety.

8 Prior to the occupation of the dwellings hereby approved, the access, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of adjoining occupiers.

9 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, hours of working and wheel washing facilities.

Reason: To ensure the safe operation of the highway and in the interests of the amenities of adjoining occupiers.

10 No development shall take place until full details of a Wildlife Protection and Enhancement Scheme to be produced by a suitably experienced ecologist have been submitted to and approved in writing by the local planning authority. These details shall include all necessary measures to avoid harm to wildlife and protected species including reptiles and nesting birds; and for provision of wildlife habitat, bird and bat boxes, and wildlife friendly planting. 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 approved works shall be carried out prior to the occupation of any part of the development.

Reason: In the interests of protecting important wildlife and ecology.

11 The highway works (as shown in Drawing TP5353-SK02 C), including the proposed build out, shall be completed in accordance with the approved details prior to the occupation of the dwellings hereby approved.

Reason: In the interests of highways safety.

12 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 additional windows or rooflights (other than those expressly

approved by this permission) shall be inserted within any part of any roof of the dwellings hereby approved unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of protecting the residential amenities of adjoining occupiers.

13 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:**

3641/201	Location Plan
3641/203	Existing Site Survey
3641/205 B	Proposed Site Plan
3641/206 B	Proposed Landscaping Plan
3641/210	Plot 01 - Proposed Floor Plans
3641/211	Plot 02 - Proposed Floor Plans
3641/212	Plot 03 - Proposed Floor Plans
3641/213	Plot 01 - Proposed Garage Floor Plan
3641/214	Existing House - Proposed Garage Floor and Roof Plan
3641/220	Plot 01 - Proposed Elevations
3641/221	Plot 02 - Proposed Elevations
3641/222	Plot 03 - Proposed Elevations
3641/223	Plot 01 - Proposed Garage Elevations
TP5353-SK02 C	Visibility Review
150529-RRS-TPP-REV C-LI&AM	Tree Protection Plan

#### **DECISION MAKING STATEMENT**

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

#### **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](http://www.planningportal.gov.uk).

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](http://www.bathnes.gov.uk/cil)

<b>Item No:</b>	04		
<b>Application No:</b>	15/03171/FUL		
<b>Site Location:</b>	5 St James's Square, Lansdown, Bath, Bath And North East Somerset		
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A	<b>LB Grade:</b> I	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Change of use from use class C3 (last used as a House in Multiple Occupation) to House in Multiple Occupation (large HMO) (use class Sui Generis) and reconstruction of front lightwell staircase.		
<b>Constraints:</b>	Article 4, Conservation Area, Forest of Avon, HotSpring Protection, Listed Building, World Heritage Site,		
<b>Applicant:</b>	Mr Willats' Charity		
<b>Expiry Date:</b>	8th September 2015		
<b>Case Officer:</b>	Victoria Griffin		

## 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 the following plans/documents:

Drawing numbers 470.1 - 470.8 inclusive

## 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 related case officer's report a positive view of the proposals was taken and consent was granted.

Informative: The applicant should note that the site is located within a Controlled Parking Zone where existing permits exceed the supply of parking spaces. As such, in accordance

with Single Executive Member Decision E1176, dated 14th August 2006, residents of this proposed development will not be entitled to apply for additional Residents Parking Permits. This, however, is considered to be at the developers risk given the sustainable location of this development proposal.

<b>Item No:</b>	05
<b>Application No:</b>	15/00453/FUL
<b>Site Location:</b>	10 Entry Hill, Combe Down, Bath, Bath And North East Somerset
<b>Ward:</b> Lyncombe	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of 1 no two bed dwelling.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Mr Brian Harwood
<b>Expiry Date:</b>	6th April 2015
<b>Case Officer:</b>	Chris Griggs-Trevarthen

**DECISION** Defer consideration to allow members to visit site to view the property on the context of the surroundings.

<b>Item No:</b>	06
<b>Application No:</b>	15/03124/FUL
<b>Site Location:</b>	Land At Rear Of 25-32, Sladebrook Avenue, Southdown, Bath
<b>Ward:</b> Southdown	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of new single storey dwelling with associated parking and access at land rear of 25-32 Sladebrook Avenue, Bath (resubmission)
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Public Right of Way, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	John Riti Developments
<b>Expiry Date:</b>	28th September 2015
<b>Case Officer:</b>	Laura Batham

**DECISION** Delegate to PERMIT pending agreement under Section 106 of the Town and Country Planning Act 1990

## PLANS LIST:

This decision relates to drawings 1976/001, 1976/003, 1976/004, 1976/005. 1976/006 and site location plan received on 10th 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. 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 chose 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.

<b>Item No:</b>	07	
<b>Application No:</b>	15/02801/FUL	
<b>Site Location:</b>	Rosebank, Common Lane, Compton Dando, Bristol	
<b>Ward:</b> Farmborough	<b>Parish:</b> Compton Dando	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of two storey side extension following the removal of existing conservatory	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr And Mrs John Boyce	
<b>Expiry Date:</b>	23rd October 2015	
<b>Case Officer:</b>	Nikki Honan	

**DECISION** Defer consideration to allow members to visit site to view the property on the surrounding context.

<b>Item No:</b>	08	
<b>Application No:</b>	15/00987/FUL	
<b>Site Location:</b>	Woodborough Mill Farm, Woodborough Mill Lane, Woollard, Bristol	
<b>Ward:</b> Farmborough	<b>Parish:</b> Compton Dando	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Conversion and extension of existing barns to staff accommodation unit ancillary to equestrian use, american barn stabling and all weather riding arena.	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Greenbelt, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones,	



<b>Applicant:</b>	Ms M Evans
<b>Expiry Date:</b>	28th August 2015
<b>Case Officer:</b>	Rachel Tadman

## **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 occupation of the dwelling shall be used ancillary to the use of Woodborough Mill Farm as an equine establishment by a person who is solely or mainly working, or last working, at Woodborough Mill Farm, or a widow or widower of such a person, and to any resident dependants.

Reason: The development has been considered acceptable in relation to sustainability and flooding as an ancillary dwelling to the equine establishment at Woodborough Mill Farm.

3 No development shall take place until an annotated tree protection plan identifying measures to protect the adjacent vegetation and trees to be retained has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should also take into account the control of potentially harmful operations such as the position of service runs including surface water drainage, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: Further information is required pre-commencement of development to ensure that no excavation, tipping, burning, storing of materials or any other activity takes place during the construction phase which would adversely affect the surrounding vegetation and trees to be retained.

### **4 Condition - Reporting of Unexpected Contamination**

In the event that unexpected contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by 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.

5 The proposed all weather arena shall be used solely for the purposes applied for and shall not include any events such as competitions, eventing or gymkhanas.

Reason: In the interests of highway safety.

6 The development permitted by this permission shall be carried out in full accordance with the following mitigation measures as detailed within the Flood Risk Assessment (FRA) by SLR Global Environmental Services ref 408.05494.00001 dated July 2015.

- 1) The finished ground floor levels of the barn conversion should be set no lower than 25.00mAOD.
- 2) The finished ground floor levels of the American Barn should be set no lower than 24.15mAOD.
- 3) The proposed Outdoor Arena will be elevated at, or close, to existing ground levels.
- 4) Incorporate flood-resilience measures into the proposed development as per section 6.6 of the Flood Risk Assessment.
- 5) The applicant, site management, and regular site users are to sign up to the Environment Agency Flood Warnings Direct Service.

The mitigation measures shall be fully implemented prior to occupation and maintained for the lifetime of development.

Reason: To minimise flood risk to the development and future users.

7 There should be no raising of ground levels above existing levels within 8m of the River Chew main river without the approval in writing of the Local Planning Authority.

Reason: To prevent flooding by ensuring the River Chew flood conveyance route is maintained

8 No occupation of the self contained accommodation unit shall commence until a Flood Warning and Evacuation Plan for future occupants has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: The site lies within a Flood Warning area and it is in the interests of the resident's safety that an adequate plan is in place.

9 No new lighting shall be installed without full details of proposed lighting design, in accordance with the recommendations of the approved ecological report and indicative lighting plan, being first submitted to and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto vegetation and adjacent land; and to avoid harm to bat activity and other wildlife.

Reason: To avoid harm to bats and other wildlife

10 The development hereby permitted shall be carried out only in accordance with all the recommendations contained within the approved Extended Phase I Habitat report dated June 2015, and the approved Bat and Barn Owl Survey Report dated March 2015. No occupation shall commence of the self contained accommodation unit or use shall commence of the American barn until a plan and photographic evidence showing all measures in place, for example bat and bird boxes, together with written confirmation from a suitably experienced ecologist that all ecological mitigation has been satisfactorily

implemented, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid harm to wildlife and provide long term ecological benefit.

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:**

Plans List:

The decision relates to the following plans: 2533 001 Rev A, 2533 002, 2533 003 Rev A, 2533/100, 2533/101, 2533/102, 2533/103, 2533/200, 2533/201, 2533/202.

Advice Notes:

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Chew, designated a 'Main River'. To discuss the scope of our controls and to obtain an application form please contact [Bridgwater.FDCs@environment-agency.gov.uk](mailto:Bridgwater.FDCs@environment-agency.gov.uk).

The facilities must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

### Contaminated Land Desk Study and Walkover

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development.

It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. It is also advised that Building Control is consulted regarding the conversion. This is 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.

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 proposals was taken and consent was granted.

<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Management Committee</b>
<b>MEETING DATE:</b>	<b>21st October 2015</b>
<b>RESPONSIBLE OFFICER:</b>	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
<b>TITLE:</b>	<b>APPLICATIONS FOR PLANNING PERMISSION – Site Visit Agenda</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

### 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.

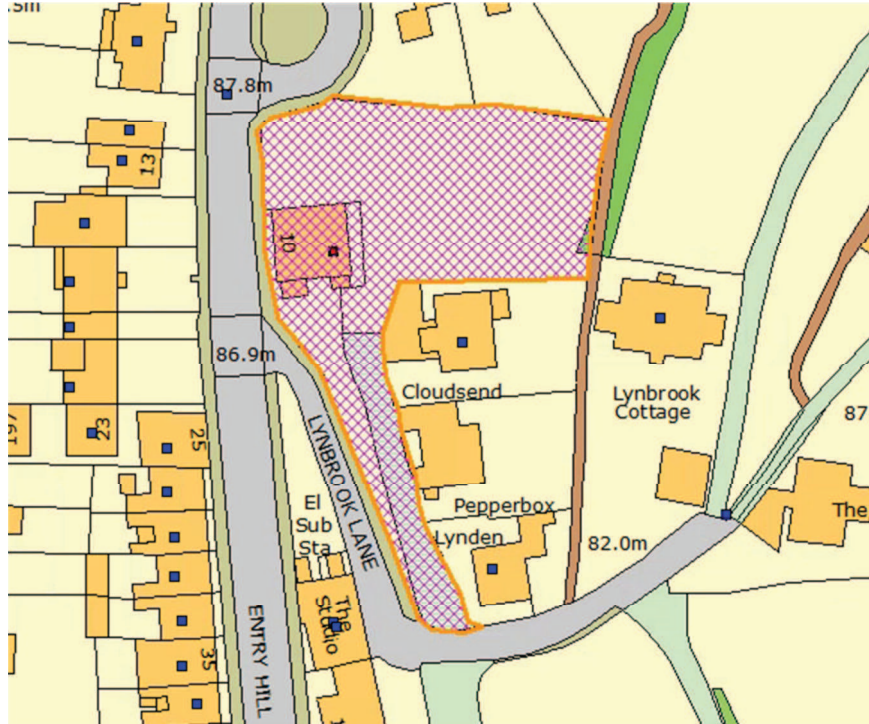
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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.

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	15/00453/FUL 6 April 2015	Mr Brian Harwood 10 Entry Hill, Combe Down, Bath, Bath And North East Somerset, BA2 5LZ Erection of 1no two bed dwelling.	Lyncombe	Chris Griggs- Trevarthen	PERMIT
002	15/02801/FUL 23 October 2015	Mr And Mrs John Boyce Rosebank, Common Lane, Compton Dando, Bristol, Bath And North East Somerset Erection of two storey side extension following the removal of existing conservatory	Farmborough	Niki Honan	REFUSE

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

**Item No:** 001  
**Application No:** 15/00453/FUL  
**Site Location:** 10 Entry Hill Combe Down Bath Bath And North East Somerset  
BA2 5LZ



**Ward:** Lyncombe                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Michael Norton    Councillor Mark Shelford  
**Application Type:** Full Application  
**Proposal:** Erection of 1no two bed dwelling.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Mr Brian Harwood  
**Expiry Date:** 6th April 2015  
**Case Officer:** Chris Griggs-Trevarthen

**REPORT**

**REASON FOR REPORTING TO COMMITTEE**

The application was deferred from the last committee meeting in September for a site visit and will be reported back to the committee in October.

Cllr. Mark Shelford and Cllr. Michael Norton have requested that the application go before committee and made the following comments:

1. It will change the whole nature of the environment and destroy a centuries old outlook. The neighbours will lose light which is constrained anyway as they are in a re-entrant.
2. As the owner developer will not live on site and intends to convert it into a series of houses and flats the number of people and cars will increase beyond the capacity of the current lane. The residents of Entry hill find it hard enough to park and they are up in arms about any more cars being foisted upon them.
3. The current building plans will have a significant effect on the building integrity of the houses along the lane. Quite literally they are concerned that heavy building vehicles will cause subsidence and cracks to their houses.
4. There is a legitimate concern that this development will have a negative impact on the area in terms of historic character.
5. There will be a loss of natural light with the proposed new buildings causing a blocking out of sun light.
6. The increase in residents and vehicles will put a strain on the existing roads and availability of parking, which is already a problem with the existing levels of vehicles.
7. There is a risk of structural damage due to heavy vehicles and, vibration from site works during construction. Has this risk been fully investigated?
8. The proposed scheme will clearly benefit the land owner but the local residents are at risk of being seriously impacted upon during construction as well as post construction.

In line with the Scheme of Delegation, the application has been referred to the Chairman of the Development Control Committee who has decided that the application should be determined by committee.

#### DESCRIPTION

The application site comprises 10 Entry Hill, a three storey detached Georgian building which has been split into flats, its associated woodland and garden to the rear and an access track off Lynbrook Lane.

The site falls within the Bath World Heritage Site and Conservation Area. The site also lies directly adjacent to the Lyncombe Vale SNCI, the Cotswolds AONB and the Bristol and Bath Green Belt which runs directly alongside the eastern boundary of the site. The site falls near to a number of listed buildings, Lynbrook Cottages (Grade II) to the south east, 1 and 2 Entry Hill Cottages (Grade II) to the east and no. 25 to 45 Entry Hill (Grade II) further to the south west.

The proposal is for the erection of a two bed dwelling within the land to the rear of 10 Entry Hill.



10 Entry Hill was granted planning permission to convert into 3 flats in 1959 (ref: 5867) and further permission was granted in 1964 for a two storey extension with a store beneath (ref: 5867-1).

This current application follows two previously withdrawn applications for the erection of 2 semi-detached dwellings on the same site in 2014 (ref: 13/05479/FUL and 14/02146/FUL).

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

The application site comprises 10 Entry Hill, a three storey detached Georgian building which has been split into flats, its associated woodland and garden to the rear and an access track off Lynbrook Lane.

The site falls within the Bath World Heritage Site and Conservation Area. The site also lies directly adjacent to the Lyncombe Vale SNCI, the Cotswolds AONB and the Bristol and Bath Green Belt which runs directly alongside the eastern boundary of the site. The site falls near to a number of listed buildings, Lynbrook Cottages (Grade II) to the east and no. 25 to 45 Entry Hill further to the south.

The proposal is for the erection of a two bed dwelling within the land to the rear of 10 Entry Hill.

10 Entry Hill was granted planning permission to convert into 3 flats in 1959 (ref: 5867) and further permission was granted in 1964 for a two storey extension with a store beneath (ref: 5867-1).

This current application follows two previously withdrawn applications for the erection of 2 semi-detached dwellings on the same site in 2014 (ref: 13/05479/FUL and 14/02146/FUL).

### **POLICIES/LEGISLATION**

Summaries of the consultation responses received are provided below. The full responses can be found on the Council's website.

WALES AND WEST UTILITIES: No objection

HIGHWAYS OFFICER: No objection, subject to conditions.

FLOOD RISK AND DRAINAGE: No objection, subject to condition

ECOLOGY: No objection, subject to conditions

LANDSCAPE OFFICER: No objection, subject to conditions

ARBORICULTURAL OFFICER: No objection, subject to conditions

### **THIRD PARTIES/NEIGHBOURS**

12 Letters of objection have been received. The main points raised were:  
Overdevelopment of the site

Lack of parking and highways safety impacts  
Concern about repeat applications  
Car 'free' development is not feasible  
Noise and disturbance  
Overlooking, loss of privacy and overshadowing  
Adverse impact upon nearby listed buildings  
Loss of trees, shrubs and garden land  
Harm to the character of the Conservation area  
Harm to the World Heritage Site  
Harm to biodiversity  
Harm to the setting of surrounding listed buildings  
Access/Egress to Lynbrook Lane is dangerous  
Increased parking on Entry Hill  
Deliveries will use the dangerous access and junction  
Concerns about access during construction  
Designs are out of keeping with the locality  
Poor, unmade access drive  
Concerns about due process and consultation

### **OFFICER ASSESSMENT**

The main issues to consider are:

- Principle of development
- Character and appearance
- Residential amenity
- Highways and parking
- Ecology
- Other matters

**PRINCIPLE OF DEVELOPMENT:** The site lies within the built up area of Bath where the principle of new residential development is acceptable in accordance with policy B1 of the Bath and North East Somerset Core Strategy (2014). The principle of residential development in this location is therefore acceptable, subject to the detailed consideration under other relevant policies.

**CHARACTER AND APPEARANCE:** The steeply sloping site contains a large number of mature trees and is visible from views within the Conservation Area, the Green Belt and the AONB. Views of the Grade II listed Lynbrook Cottage are also obtained over the site from Entry Hill and form part of its setting.

Although it could be argued that the site represents backland development, the proposals follows the line and pattern of development established by the three dwellings immediately to the south (Cloudsend, Pepperbox and Lynden). It is therefore considered that the proposals are not out of keeping with the pattern and grain of development in the surrounding area.

Previous applications to erect two dwellings on this site were withdrawn after concerns were raised by officer about the impacts upon the green character of the site, views across the valley to the east and the impact upon the setting of the Grade II listed Lynbrook Cottage.

Following the withdrawal of those applications and through negotiation with officers, the proposal has been reduced to the erection of a single dwelling. The proposed scheme significantly reduces the footprint of the proposed development allowing it to be located centrally on the plot, but slightly further down the slope. This reduced footprint lessens the pressure to remove important trees on the site and allows greater space around the development for suitable replanting.

In terms of the green character of the site, it is accepted that the proposals result in the loss of some existing trees and its initial appearance will be quite raw. However, many of the trees to be removed are identified as being in poor arboricultural condition and the arboricultural officer has no objection subject to suitable replanting which can be secured by condition. Once the replacement planting has been established and begins to mature then this will help to reinforce the green character of the site which the proposed dwelling will sit comfortably within.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is also 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. These are considered below.

This section of Entry Hill is punctuated by views across the green valley to the east which make a positive contribution towards the character of this part of the Conservation Area. Views of the Grade II listed Lynbrook Cottage and 1 and 2 Entry Hill Cottages are also available over the site and it is considered that these views contribute positively towards the Conservation Area and allow an appreciation of the listed building within its open, green setting.

Concern was raised about the previous applications for two dwellings that the proposals would interfere with these views and detract harmfully from the setting of Lynbrook Cottage and fail to preserve the character and appearance of the Conservation Area. The current application for a single dwelling has been moved lower down the slope of the site and comprises lowered roof height. As a result of this, the proposed dwelling is significantly lower than the adjoining property, Cloudsend, and does not interfere with the views from Entry Hill over the valley and towards Lynbrook Cottage and 1 and 2 Entry Hill Cottages.

From the West, the impact of the proposals will be less, due to the screening of the large walnut and ash trees along the eastern boundary of the site. The proposals will also be seen against the backdrop of other development including 10 Entry Hill itself.

The landscape officer concurs with this assessment and considers that the proposed building would be very low lying and would not have an adverse impact upon the wider views through or over the area. Whilst there may be views from other immediately adjacent properties, given the local topography, this is currently a feature of almost every property in this area where buildings are in close proximity to each other and almost every view is looking up to or over another dwelling.

In terms of design, there is a variety of different building styles and ages in the surrounding area. This includes a number of older Georgian and Victorian properties along Entry Hill and across the valley to the west. However, this also includes some post-war and later housing development to the north and south of the application site. The split level design of the proposed dwelling ensures that it properly utilises the sloping site and that the scale of development is comparable to the adjoining dwellings. The contemporary approach to the design is acceptable and utilises a varied, but coherent, palette of materials. The use of a sedum roof and timber shingles gives the proposed roof form a more 'natural' appearance which is appropriate within this green, hillside context.

In light of the above, and subject to suitable conditions controlling materials, landscaping and tree protection, it is considered that the proposal will preserve the setting of the nearby listed buildings and the character and appearance of the Conservation Area and the wider World Heritage Site. Furthermore, the proposals will not harm the adjacent areas of Green Belt or the natural beauty of the AONB.

**RESIDENTIAL AMENITY:** The nearest adjoining property, Cloudsend, lies to the south. The proposed dwelling is positioned approximately 8m from the side of Cloudsend and has a lower overall height. This separation, orientation and reduced scale of the proposal mean that it will not appear overbearing or result in any significant loss of light or outlook from Cloudsend.

To the north lie two properties in Entry Hill Gardens. There is a significant amount of planting and vegetation along the north boundary of the site which provides a good screen for the proposed development. The proposed dwelling is not considered to appear overbearing or result in any loss of light or outlook from these adjoining properties.

The proposed balcony at ground floor level is surrounded by a timber privacy screen to prevent any harmful overlooking towards either of the adjoining neighbours.

The first floor window in the south elevation of the proposed dwelling does not overlook any windows serving habitable rooms within Cloudsend. Similarly, the windows in the north elevation of the proposed dwelling are a sufficient distance from properties in Entry Hill Gardens to prevent any harmful overlooking from occurring.

10 Entry Hill comprises 3 flats which all have bay windows looking out towards the front of the proposed dwelling. The proposed dwelling is approximately 11m from the rear of 10 Entry Hill and is set at a significantly lower level. The majority of views from these bay windows will overlook the roof and towards the valley beyond. It is accepted that some views will be obtainable over the front of the property, but these will not allow views into any private areas or habitable rooms within the property. The design of the fenestration on the west side of the dwelling is limited to prevent any views being obtained from the proposed dwelling towards the flats in 10 Entry Hill. It is considered that, given the distance between the two buildings and the indirect nature of any overlooking from 10 Entry Hill towards the application site, the proposal does not result in any harm to residential amenity of surrounding occupiers or potential future occupiers of the proposed development.

Some concerns have been raised about the loss of the garden for 10 Entry Hill. However, 10 Entry Hill comprises 3 flats where access to a private garden is less essential or expected than for single dwellinghouses. Furthermore, the proposals retain a sufficient amenity area for use by the existing flats within 10 Entry Hill.

**HIGHWAYS SAFETY AND PARKING:** An unadopted unsurfaced access track exists at the rear of the site serving Cloudsend, Pepperbox and Lynden and is accessed from Lynbrook Lane, which has a steep gradient, restricted width and poor alignment and junction with Entry Hill. Neither Lynbrook Lane nor the access track is therefore suitable for intensification of use by vehicles generated from any additional development.

The development is therefore promoted with no car-parking and has been supported by a Parking Note by IMA Transport Planning, which reviews a traffic and parking survey on Entry Hill, Devonshire Villas and some of Greenway Lane to demonstrate the availability of on-street parking that could support a car-free development. The parking surveys do show some parking availability at peak parking times, and whilst this may be limited, it does demonstrate that there is spare capacity to serve the proposed dwelling.

The Highways Officer considers this approach to be acceptable and it will ensure that the development can be accessed without significant increase in the use of the substandard access and junctions. To ensure that the hardstanding area to the front of the proposed dwelling is not utilised for parking it has been agreed that a barrier will be erected at the entrance to the site to prevent vehicular access to the new dwelling. This will be secured by condition.

Some concerns have been raised that deliveries and service vehicles (refuse trucks, etc) will still need to access the site and therefore use the unsuitable access and junctions. It is considered that service and emergency vehicles already access the other properties via this lane and junction and that one additional dwelling will not increase the frequency with which such vehicles will need to use these. Deliveries to the proposed dwelling could occur via this lane, but are likely to be infrequent compared to the vehicle movements associated with the day-to-day use of a dwelling by its occupants. This comparatively small level of use would not intensify the use of the lane or junction to such a degree that there would be a severe impact upon highways safety.

In light of the above, it is considered that the proposals will not prejudice highways safety.

**ECOLOGY:** The Council's Ecologist has advised that the site is a garden largely comprising typical garden shrubs and vegetation, with no significant ecological value. However the position of the garden and proximity to adjacent habitats of high ecological value, including the adjacent trees and the Lyncombe Vale Site of Nature Conservation Interest (SNCI) which lies immediately adjacent, add to the overall ecological value and potential for impacts on ecology here.

The site is visited by badgers for foraging, with levels of activity indicating likely presence of a sett nearby. The site is also within an area of known high bat activity and within 700m of the nearest component site of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). The proposal is not considered capable of significantly impacting directly on the SAC or bats of the SAC. However it must be assumed that bats of the SAC are likely to fly in the area and therefore consideration to avoiding impacts on bat flight activity is required, in particular avoidance of increased light spill levels onto adjacent habitats and boundary trees, and retention of boundary vegetation and trees.

A number of ecological mitigation measures will therefore be required for any development at this site, to avoid and minimise impacts on wildlife, with particular attention to badger and bats, and retention and protection of adjacent habitats and trees. These can be secured by a condition requiring a wildlife protection and enhancement scheme. Subject to this condition, it is considered that the proposal will not harm ecology.

**OTHER MATTERS:** Concern has been raised about the potential damage to property and use of the access during the construction of the proposed dwelling. It is accepted that the site will be difficult to access for construction vehicles and it is therefore considered reasonable and necessary to require a construction management plan as a condition of any permission. This will minimise impacts upon local residents and ensure that the construction is undertaken without prejudicing highways safety.

It is also accepted that the construction of the proposal would inevitably result in some disruption and disturbance to adjoining neighbours and residents. However, these impacts will be limited to the duration of the construction and are similar to those associated with any construction project so do not form sufficient justification to refuse an application.

Further concern has been raised about land stability of the site and adjoining properties. No evidence has been presented to suggest that the site suffers from poor land stability. Notwithstanding this lack of evidence, the proposals would be required to meet building regulations legislation and any civil matters between the developer and neighbours are not relevant matters to be considered in this planning application.

Concern has also been raised about the potential future conversion of the proposed dwelling into flats thereby increasing the parking requirements. There is no reliable way to judge the intentions of the applicant and the current application falls to be considered on its own merits. However, should there be future proposals for conversion to flats, these will need to apply for planning permission. Any such application will be considered on its own merits, but that should not influence the determination of the current application which is for a single dwelling.

**CONCLUSION:** The proposals preserve the character and appearance of the Conservation Area, the World Heritage Site and the setting of the nearby listed buildings. Furthermore, the proposals do not harm the amenities of adjoining

occupiers, the visual amenity of the adjacent areas of Green Belt, the natural beauty of the AONB or important wildlife and ecology.

The proposals accord with policies D.2, D.4, BH.2, BH.6, NE.1, NE.2, NE.9, NE.10, NE.11, GB.2, T.1, T.24 and T.26 of the Bath and North East Somerset Local Plan and policy DW1, B1, B4 and CP6 of the Bath and North East Somerset Core Strategy and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

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

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

2 Prior to the construction of the external surfaces of the dwelling hereby approved, a sample panel of a sample panel of all external walling and roofing materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall thereafter be undertaken in accordance with the approved sample panel.

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

3 Prior to the occupation of development, the boundary treatment to prevent vehicular access and parking on the site shall have been constructed in accordance with details first submitted to and approved, in writing, by the Local Planning Authority. The approved measures shall be retained thereafter to prevent vehicular access at all times.

Reason: In the interests of highways safety.

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 deliveries (including storage arrangements and timings), contractor parking, traffic management, hours of working, wheel washing facilities and any need for cranes for construction.

Reason: In the interests of highways safety.

5 No development or ground preparation shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The final method statement

shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, above and below ground service run locations and movement of people and machinery.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals. This condition needs to be prior to the commencement of development to ensure that retain trees are not harmed by any initial site works.

6 No development or other operations shall take place except in complete accordance with the approved Detailed 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 and prior to the first occupation of the dwelling.

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

7 The dwelling hereby approved shall not be occupied 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.

8 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.

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



- o method statement for pre-construction and construction phases to provide full details of all necessary measures for the protection of reptiles, nesting birds and other wildlife, including pre-commencement checks of the site as necessary in particular for badger activity, and proposed reporting of findings to the LPA prior to commencement of works;
- o detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report, including wildlife-friendly planting / landscape details; provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;
- o details of sensitive lighting design to ensure avoidance of light spill onto boundary vegetation and trees.

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. All post construction ecological measures shall be in place prior to the occupation of any part of the development.

Reason: To avoid harm to wildlife and protected species including badger and bats. This condition needs to be prior to the commencement of development to ensure that wildlife is not harmed by any initial site works.

10 Prior to the construction of the development infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) shall be undertaken to verify that soakaways will be suitable for the development. The soakaways shall be installed prior to the occupation of the development unless the infiltration test results demonstrate that soakaways are not appropriate in accordance with Building regulations Part H, section 3 (3.30). If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy CP5 of the Bath and North East Somerset Core Strategy.

11 The balcony privacy screen on the ground floor of the dwelling hereby approved shall be completed prior to the occupation of the dwelling.

Reason: To prevent overlooking into adjoining properties and in the interest of residential amenities.

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

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

## PLANS LIST:

1 873/PA/01A	Tree Constraints Plan
873/PA/02C	Tree Constraints and Landscape Proposals
A100C	Site and Location Plan
A101C	Site Plan and Tree Survey
A102C	Lower Ground Floor
A103C	Ground Floor
A104C	First Floor
A105C	Roof Block Plan
A106C	Elevations
A108C	South Elevation and Section
A111A	Existing Site Survey
A112A	Existing Elevations
A100B	Site Location and Block Plan

## DECISION MAKING STATEMENT

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

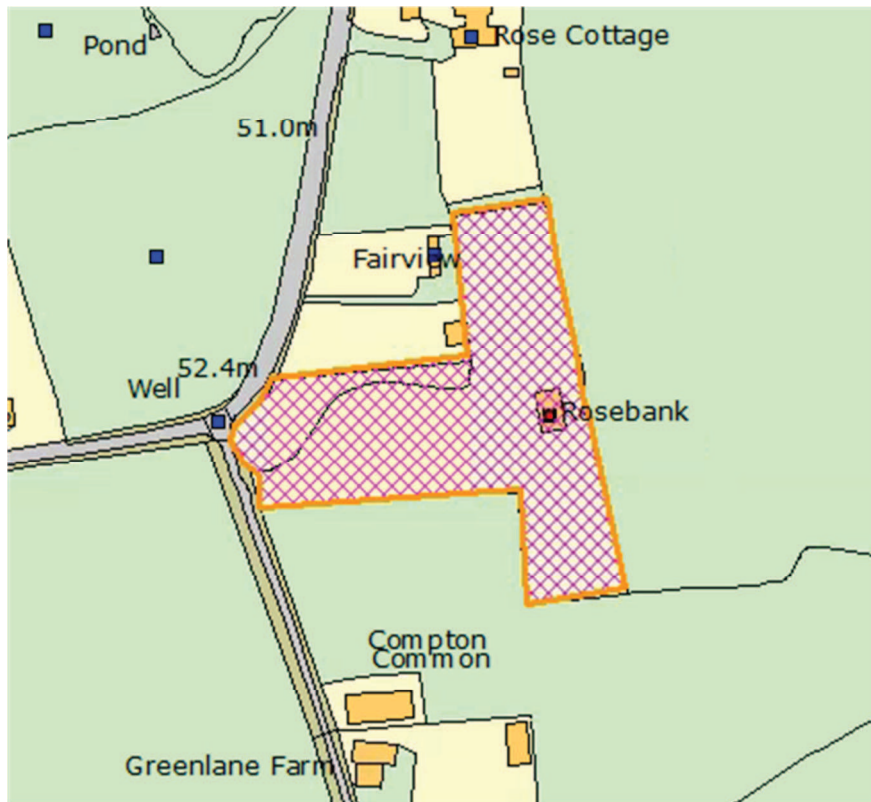
## 2 ADVICE NOTE:

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](http://www.planningportal.gov.uk).

## 3 INFORMATIVE

If the roof area of the proposed building is larger than 100m<sup>2</sup>...Building regulations Part H, section 3 (3.30) specifies that soakaways serving an area of this size or greater should be built in accordance with BS EN 752-4 (paragraph 3.36) or BRE Digest 365 soakaway design.

**Item No:** 002  
**Application No:** 15/02801/FUL  
**Site Location:** Rosebank Common Lane Compton Dando 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:** Erection of two storey side extension following the removal of existing conservatory

**Constraints:** Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,

**Applicant:** Mr And Mrs John Boyce

**Expiry Date:** 23rd October 2015

**Case Officer:** Nikki Honan

## REPORT

Rosbank is a large detached dwelling within a generous site in Compton Dando. The site is located in the Green Belt.

The application is for a two storey side extension.

The application was considered at the Development Management Committee on 23rd September 2015. Members voted to visit the site, and deferred the application to the Committee on 21st October 2015.

**Planning History:**

11/00220/FUL - Erection of a garden room extension - permitted 04/03/2011

00/02086/FUL - Two storey rear extension, permission 20/11/2000

15404 - Extension to dwelling following demolition of extension to north and east, permission 30/01/1991

**SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Councillor Sally Davis has requested that the application be considered for committee if the Officer is minded to refuse as the Parish Council supported it for the following reasons:

The extension would not have a detrimental impact on the Greenbelt. The appearance would improve the 'look' of the house, making it more balanced, materials & style being more in keeping than present conservatory.

The large plot could take the extension.

**COMPTON DANDO PARISH COUNCIL SUPPORT**

The Parish Council agreed to SUPPORT the application for the following reasons:

1. The grounds surrounding the house are spacious and the proposal will sit acceptably within the green belt (Policy GB2)
2. The design and materials are acceptable. The visual effect of the extension will be more in keeping with the original building than what it is replacing. The parking is more than adequate (Policy D2)

**POLICIES/LEGISLATION**

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

- Core Strategy (2014)
- Saved Policies in the B&NES Local Plan (2007)
- West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

CP6: Environmental Quality

CP8: Green Belt

The following saved policies of the Bath and North East Local Plan (2007) are also relevant to the determination of this application:

D.2: General design and public realm considerations

D.4: Townscape considerations

HG.15: Visual amenities in the Green Belt

GB.2: Dwelling extensions in the Green Belt

The Existing Dwellings in the Green Belt Supplementary Planning Document (2008) has been considered in the determination of this planning application.

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

## **OFFICER ASSESSMENT**

### Site Context:

Rosebank is a large detached house in the Green Belt. It occupies a large site and includes various extensions and outbuildings.

### Proposed Development:

The proposed extension seeks to remove the side conservatory and erect a two storey side extension.

### Scale of proposed development:

The existing conservatory measures 4.9m in width and 4.5m in length. It reaches a total height of 3.2m to the ridge of the pitched roof. The volume is circa 57m<sup>3</sup>.

The proposed two storey side extension measures 5m in width and 8m in length. It reaches a height of 3.9m to the eaves and 6.3m to the ridge of the pitched roof. The volume is circa 206m<sup>3</sup>.

The volume is proposed to increase by circa 149m<sup>3</sup>.

### Proposed Materials:

The proposed materials include natural stone walls, clay roof tiles and painted timber windows, all of which will match the host dwelling.

### Planning History and Green Belt Policy Implications:

Core Strategy Policy CP8 and the Existing Dwellings in the Green Belt SPD both seek to protect the openness of the Green Belt. The SPD states

"...a well designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable."

The planning history for the site shows the house has been previously extended. The 'original' volume of the house was circa 381m<sup>3</sup>. The existing additions and proposed two storey extension represent a 186% increase on the 'original' volume.

Such an increase is by definition harmful to the openness of the Green Belt, and therefore contrary to the Existing Dwellings in the Green Belt SPD and Core Strategy policy CP8 - Green Belt.

The Chairman Delegated Report suggested a volume increase of circa 77%. Planning history searches have since confirmed that the 'original' house was smaller than previously thought, revealing a more accurate volume increase of circa 186%.

### Very special circumstances:

Whilst proposals that are considered to be inappropriate development within the Green Belt can be outweighed in very special circumstances, none have been submitted in this instance. The proposal is therefore considered to be inappropriate development, and harmful by definition.

**Amenity Issues:**

The proposal will not result in significant harm being caused to the occupiers of other nearby properties, and there are therefore no concerns in this regard.

**Conclusion:**

Due to the proposed circa 186% volume increase, the application is by definition considered harmful to the openness of the Green Belt, and therefore recommended for refusal.

**Clarification:**

It was noted at the Development Management Committee on 23rd September 2015 that the Committee Report referred to floor space rather than volume. The figures remain but the measurement has been corrected to cubic metres.

**RECOMMENDATION**

REFUSE

**REASON(S) FOR REFUSAL**

1 The proposed development, due to the size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling, which represents inappropriate development within the Green Belt, which is, by definition, harmful. No very special circumstances have been submitted which would be sufficient to outweigh the presumption against inappropriate development in the Green Belt. The proposal is contrary to Policy CP8 of the Bath and North East Somerset Core Strategy (adopted 2014) and saved policy HG.15 of the Bath and North East Somerset Local Plan including minerals and waste policies (adopted 2007).

**PLANS LIST:**

1 The application relates to the following plans/documents, all of which were received on 19 June 2015:

**LOCATION PLAN**

EXISTING AND PROPOSED SITE PLANS - 14.244/10

EXISTING ELEVATIONS - 14.224/14

EXISTING GROUND FLOOR PLAN - 14.224/11

EXISTING FIRST FLOOR PLAN - 14.224/12

EXISTING ROOF PLAN - 14.224/13

PROPOSED ELEVATIONS - 14.224/18

PROPOSED GROUND FLOOR PLAN - 14.224/15

PROPOSED FIRST FLOOR PLAN - 14.224/16

PROPOSED ROOF PLAN - 14.224/17

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 Policy 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. A pre application suggested such an application was unlikely to receive officer support. Nevertheless, a planning application was submitted by the applicant. 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 chose 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.

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Management Committee</b>
<b>MEETING DATE:</b>	<b>21st October 2015</b>
<b>RESPONSIBLE OFFICER:</b>	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
<b>TITLE:</b>	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

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:-**

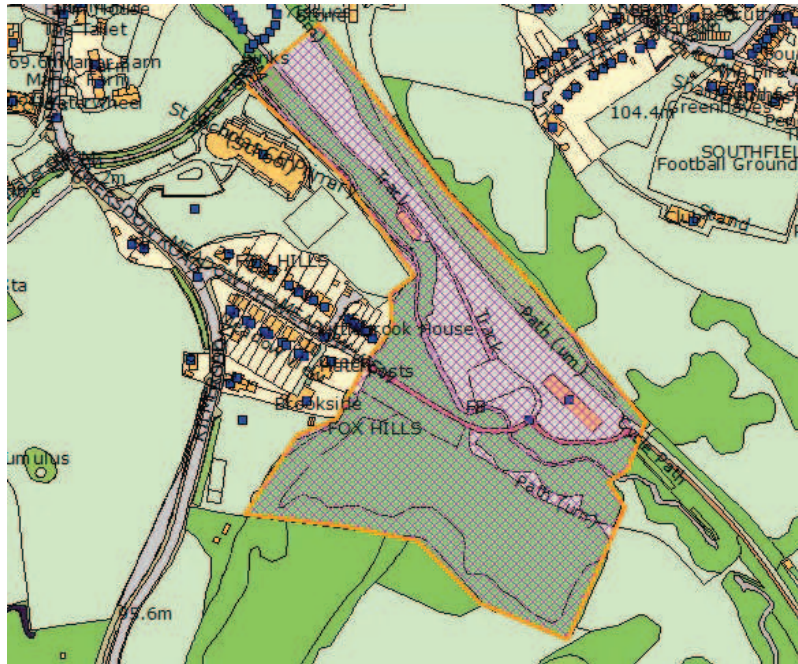
- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the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

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	15/01965/RES 24 September 2015	Linden Limited Former Gwr Railway Line, Frome Road, Radstock, , Approval of reserved matters with regard to outline application 13/02436/EOUT for access, appearance, layout, scale and landscaping for area 3 (phase 2) of the development.	Radstock	Sarah James	PERMIT
02	15/03366/FUL 25 September 2015	Nitor Investments Ltd 2 Hermitage Road, Lansdown, Bath, Bath And North East Somerset, BA1 5SN Erection of detached dwelling with associated car parking and landscaping following demolition of existing dwelling (Resubmission)	Lansdown	Richard Stott	REFUSE
03	15/02616/FUL 23 October 2015	Ashford Homes (SW) Ltd Norwood Dene, The Avenue, Claverton Down, Bath, Bath And North East Somerset Erection of 7 No. apartments and associated works.	Bathwick	Alice Barnes	PERMIT
04	15/03636/FUL 12 October 2015	Mr Matthew Davies Richmond House, Weston Park, Upper Weston, Bath, Bath And North East Somerset Erection of 1 no four bed detached dwelling and creation of new access following demolition of 2no existing garages.	Weston	Alice Barnes	PERMIT
05	15/03772/FUL 20 October 2015	Space Fitness Space Fitness, 7 Hayesfield Park, Lyncombe, Bath, Bath And North East Somerset Installation of 2 no. Velux roof lights to inner slope of roof.	Widcombe	Suzanne D'Arcy	PERMIT

**Item No:** 01  
**Application No:** 15/01965/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 access, appearance, layout, scale and landscaping for area 3 (phase 2) of the development.  
**Constraints:** Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Sites with Planning Permission, Land of recreational value, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, Sustainable Transport,  
**Applicant:** Linden Limited  
**Expiry Date:** 24th September 2015  
**Case Officer:** Sarah James

## **REPORT**

### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

This application seeks to develop Area 3 of the Outline approval. This relates to an area within the site South-east of Snails Brook, including the Brunel Railway Shed, the former Marcroft wagon works and Fox Hills This area extends from the edge of the town core to the southern edge of the Application Site. The area is shaped by the existing former GWR structures and associated ecology, including the former rail line and stream corridor that extends through the middle of the application site and the track bed and grassland

habitats. The area includes a rail turntable and Brunel Railway shed which are both retained. The area would be primarily developed for residential uses with a small group of 4 dwellings located at the entrance to area 3 (adjacent to the area 2 development) and the main body of the residential development located at the most open part of the site to its south. The retained Brunel Shed is located along an undeveloped part of the site alongside the access road to the development. A new vehicular and pedestrian access will extend south-eastwards past the Brunel Railway Shed to serve the housing development at the southern end of the site. A cycle route will run alongside the main access and connect with the permanent Sustrans route thus allowing the current temporary Sustrans route diversion to be removed.

#### SCOPE OF PLANNING APPLICATION:

The reserved matters application seeks detailed approval for layout, scale, appearance, landscaping and access of character Area 3. However at Outline stage parameter plans for the entire site were approved and these set out matters such as accepted land use, access and movement, building heights and landscape and open space. The proposals submitted do comply with the parameter set.

#### CONTENT OF PLANNING APPLICATION:

The application provides detailed drawings of the site and development including its layout, floor plans, elevations and hard and soft landscape details.

Also submitted are the following background documents:

Design and access statement including sustainability checklist.

Ecology compliance statement.

Landscape compliance statement.

Landscape management plan.

Statement of community involvement.

Tree survey, arboricultural assessment and tree protection plan

Lighting strategy report

During the course of the application various amendments have been made and these are taken into account in this report.

#### FORM OF DEVELOPMENT

This application site initially sought to erect 72 open market residential dwelling units, subsequently revised to 71 units, along with associated landscaping and highway works. These would comprise of terrace, semi detached and detached dwellings with 3,4 and 5 bedrooms. The site sits within the wider outline area and measures 2.64 hectares. The site is relatively flat at its north eastern side along the route of the former railway reflecting its former railway use. Brunel shed sits along this flatted part of the site. The Kilmersdon Brook runs through the site from north to south east and the topography of the land changes south west of the Brook as it starts to rise towards Foxhill. Area 2 is under construction abutting the north edge of the site. Land to the north east of the site comprises scrub and self sown trees beyond which lies Radstock residential and

commercial areas. St Nicholas School and Meadow View a residential street of predominantly Limestone Lias terraces, lies to the west and south west of the site. Foxhills which is on land which rises steeply above the site is located to the south. To the south east the land is primarily agricultural fields divided by the Sustrans cycle route to Frome.

Since the initial proposals the materials have been revised to remove brick from the proposals and the scheme would now be constructed primarily with reconstituted stone and some render with recon concrete slate and clay tile roofs and some chimneys have been added. The use of brick has been limited to finishes / detailing and is consistent with the brick approved in Area 2.

## RELEVANT PLANNING HISTORY

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 the demolition and redevelopment of former railway land 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 application 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).

Both the Outline scheme and Full application for Area 2 were 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

The Full application is an independent and free standing application which is currently being implemented. It none the less is relevant that the outline scheme and the full application are compatible within each other. The full application links to the Outline scheme being physically part of that bigger site and the viability of the deliverability of the wider site which was fully assessed through consideration of the Outline scheme is relevant to the development of the Area 2 site in particular with regard to the affordable housing element which will be discussed in the main report.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**HIGHWAY DEVELOPMENT OFFICER:** No objections subject to conditions

**DRAINAGE OFFICER :** Initial comments sought further information that was provided and acceptable however it has been requested that it be clarified who will maintain the drainage systems.

**NATURAL ENGLAND :** Confirm that the light levels achieved at the bat crossing points and around the Brunel shed are acceptable. However they shared the ecologists concerns with the buffer strip and maintenance of the Brook and needed to understand how stabilisation works to the bank will be carried out, as a viable bat flight path must be maintained. Further comments in relation to the latest drawings as revised advise that "I welcome the submission of the revised Ecological Buffer Measurements drawing 14096 (05) 012 Rev D together with the further Ecology Statement dated 23 September 2015."

I confirm that the revised drawing shows buffer measurements which are now in line with the principles set out in the Ecological Mitigation Compensation and Management Plan and that provided the proposals are implemented in accordance with these measurements, I consider that the function of the Kilmersdon Brook corridor as an ecological corridor will not be compromised.

I also note the intention to use timber post fencing at the ends of gardens where these back on to the ecological buffer and I welcome this change.

ECOLOGICAL OFFICER: There was an initial objection as there were issues relating to the buffer zone and tree retention alongside the Brook however that has been withdrawn in relation to the latest revised plans which now provide an increased buffer zone along the majority of the length of the Kilmersdon Brook, with the required 8m width being met with the exception of agreed "pinch points"

The following comments have also been made  
The rear boundary fencing along this buffer zone is now more substantial and I consider it acceptable for ecological requirements.

I consider that the proposal now meets the requirements for bats, as described in previously approved documents including the long term management plan, and bat mitigation scheme, and does this sufficiently to exclude any risk of a significant effect on bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC).

Other ecological mitigation requirements, for example trackbed habitat provision, are also incorporated into the scheme and are in accordance with previously approved mitigation proposals.

Future and ongoing establishment and wildlife-friendly maintenance of all retained and replacement planting and habitat provision, including and in particular along the Kilmersdon Brook and within the bat flight corridors, will be critical and this must be secured by condition, requiring long term annual site-wide ecological inspections by a suitably experienced ecologist, and remedial measures where applicable.

The applicant will also be aware that the previously approved Ecological Mitigation Compensation and Management Plan and other ecological documents required various measures to take place at specific times of year or phases of construction or development; I trust that ongoing ecological oversight of the scheme will continue and would request ongoing informal liaison with and reporting to the LPA by the applicant's ecologist regarding progress on all ecological matters and mitigation, as development proceeds.

The revised plans enable me to withdraw my previous objection subject to conditions.

PARKS OFFICER Radstock has a lack of formal green space and the scheme has more potential for providing informal management and public use of Fox Hills than currently achieved.

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 : Following initial objections these have been able to be withdrawn following amendments to the layout and subject to measures to secure tree protection and provide an arboricultural method statement. These requirements are already secured by conditions 42 and 43 of the outline scheme so are not reapplied here.

LANDSCAPE OFFICER : Concerns are expressed with regard to the relationship of housing with the brook. The scheme remains unacceptable due to the dense housing associated fencing and dense planting on each bank of the brook.

URBAN DESIGN : Raised a number of concerns relating to the layout , permeability, legibility, materials and boundary treatments and following consideration of amended plans advise that the application remains unacceptable on the basis of the scheme doesn't provide a footbridge as was the original intentions and retains a footbridge that will not be useable, aspects of the road layout remain more suburban than necessary, the boundary treatments of rear gardens along the brook are a concern. The scheme is broadly acceptable and improved by revisions but some attention to detail would make further improvements.

HERITAGE OFFICER : Objects to the development and comments that this type and form of volume housing development fails to preserve or enhance the character and appearance of the conservation area. A design should be applied which clearly reflects the historic development of Radstock and its architectural significance. Particular concerns relate to the suburban layout lack of use of natural stone and boundary treatments.

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

ENVIRONMENT AGENCY: We have no objection to the proposals relating to flood risk due to the extent of the flood plain and the floor levels marked on the plans submitted.

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.

WASTE SERVICES seek adequate turning for refuse and arrangements for edge of pavement collections.

WESSEX WATER have no outstanding concerns



SUSTRANS have raised some minor concerns and sought some clarifications in relation to the cycleway

## OTHER REPRESENTATIONS

MENDIP DISTRICT COUNCIL : No comments

RADSTOCK TOWN COUNCIL: - Objection on the basis the scheme is not in keeping with the local area and will be harmful to Heritage, overlooking of bungalows adjacent to plots 135 and 139, contamination and request that the existing bridge proposed for retention is fully demolished as it represents a health and safety risk. Further objections have been made on the basis that additional survey work (and a hydrography report) is required along the brook and surrounding land including of the retaining brook wall and there may be risks of contamination. The situation regarding the railway and policy T9 is unclear and the boundary lines may be incorrect.

WESTFIELD PARISH COUNCIL - The Parish Council objects to the application on the following grounds (1) It removes the potential for a railway line which would improve the living conditions and alleviate traffic problems in Westfield; (2)It raises ecological issues which will affect Westfield, for example the bat corridor from Radstock to Westfield; (3) it raises potential flooding risks for Westfield; (4) the side effects of building on contaminated land will have an impact on the wildlife in Westfield. There are 100 years of contaminants on this land, at a time when containment was not what it is now; (5) the extra houses will mean increased traffic in Westfield which the infrastructure cannot support; (6) there are intrinsic changes in design from the outline application to the current application and a full consultation and resubmission of the outline planning permission is required.

CAM VALLEY WILDLIFE GROUP Cam Valley Wildlife Group objects to the proposed application on the grounds that it a) does not comply with the conditions and obligations of outline consent regarding bat mitigation measures, b) runs contrary to national policy and B&NES policy on protected species, natural environment, and amenity for all existing and future residents and c) does not comply with the site-specific policy

## LOCAL RESIDENTS

7 Residents have written to object to the scheme on the grounds of :-  
The applicant has applied to develop land that doesn't belong to them  
Contamination and asbestos  
Materials on main elevations should be natural white lias  
Not in keeping with the area  
Affect on springs, children and aquatic wildlife.  
Adverse effect on the SSSI  
Inadequate consultation  
Poor quality materials i.e. brick, recon. Stone and concrete tiles.  
Bridge demolitions  
Overlooking  
No space for railway proposals in the future  
Retention of redundant bridges  
Stability of the structure along the bank.

## **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
- ET5 Employment
- 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
- HG1: Housing mix
- HG7: Residential density
- HG8: Affordable housing
- 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
- BH2: Listed buildings and their settings
- 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

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

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.

B&NES Council's Biodiversity Action Plan

#### **OFFICER ASSESSMENT**

Policy Background

The site is part of site allocation within the local plan. It 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 application site 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. Area 3 of the approval is under consideration here.

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 parameter set. The detailed design of the development is therefore under consideration here and this is discussed in more detail below.

## Highways

The submission is in accordance with the application submitted and approved with the original outline consent. The estate roads have been designed as shared-spaces which is quite appropriate given the low-level of development and low traffic-speeds which will result. Separate approvals will be required for the road construction including the structure carrying the road over the stream. A construction management plan as required by the outline consent will need to apply for this part of the site to ensure the safe use of the cycleway.

Parking for the individual units generally meets with Local Plan standards or in some cases is slightly above however not so as to cause an objection. The highway officer has requested additional cycle parking for the Brunel Shed and this can be conditioned.

## Conservation and Heritage

Across the site overall there have been conservation improvements some of which have already been realised through the improvements within the vicinity of the Victoria Hall and others such as the refurbishment of the Brunel shed will be forthcoming. Taken as a whole the scheme can be considered on balance to preserve the character of the Conservation area. It is therefore acceptable in accordance with the statutory test under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.

## Design and materials

In the conservation area natural materials are sought usually as a standard and in this case several people have raised an issue with regard to the materials proposed and seek Limestone Lias elevations and slate and these preferences are raised in the consultation responses of the design officers.. Officers agree that these would be the most appropriate materials to use and as was also identified in consideration of the area 2 application the scheme is recognised to have some design issues and materials are significant in that regard. However the scheme has financial constraints that are identified in the justification for these materials and the design and materials are suggested to arise from the difficulties in delivering a financially viable scheme. Viability was assessed by an independent assessor and was not in dispute and therefore that has had to be weighed in the balance and the benefits of delivering the regeneration scheme on the derelict and contaminated site has been part of that balancing exercise.

The scheme has been improved through negotiations to what is considered as the optimum solution for this part of the site and the development reflecting the particular circumstances.

Materials here should not be taken as a precedent for future development in the Conservation Area as it is only the specific circumstances of this case which on balance make them acceptable when seen in the context of the overall regeneration of the site and its deliverability.

## Landscape and trees

The landscape within the site has established in response to local conditions. Vegetation and land cover within the site are dominated by scrub grassland, much of which has established on rail ballast. Existing trees are an important factor within the site.

The soft landscape opportunities are restricted within the development however the plans have been amended to remove small left over spaces and other awkward areas that would be unlikely to be properly maintained and they are now more acceptably integrated in the hard landscaping of the scheme. Existing vegetation has been considered in conjunction with its ecological benefits as well as with regard to its visual benefits and the current proposals allow for some retention and some replanting of trees within the site. However there is sufficient provision of space to achieve this particularly along the brook corridor and proposals are acceptable subject to the conditions of the outline scheme.

## Ecology

The site is sensitive in ecological terms and there were particular concerns with the scheme submitted regarding the relationship of the houses to the Brook which runs through it fairly centrally. The scheme has been designed so as to back onto the brook. Whilst this would not be a usual approach the particular characteristics of the Brook do prevent a design challenge and make it problematic to face development onto it. Following discussions an increased width to create an exclusion zone / buffer zone between the houses and the brook has been provided and this accords with the ecological management plan secured at outline stage and is considered acceptable.

This is also advised acceptable to enable the long term retention or removal and replacement of a significant proportion of trees that provide important ecological habitat. It has been confirmed by natural England and the Councils ecologist that the scheme as presented would not have a significant harmful effect on bats however it will be necessary to ensure during the establishment phase of the new planting that ecology is adequately protected and a condition to achieve this is consequently applied. This is required in addition to the ecological protection and enhancement measures that are already secured within the outline scheme.

## Retention of existing redundant bridge on site

It is to be noted that an existing bridge within the site will be retained but will have no function. It is suggested that this will be set within proposed landscaping so as to make it inaccessible and details of that will be required by condition. Justification has been provided for retention of the bridge to advise its removal would adversely affect ecology although this has not been demonstrated. None the less whilst removal of the bridge would be preferable and was sought, its retention is not considered so harmful so as to warrant refusal of the application.

## Affordable Housing

The overall affordable housing element of the entire outline site is 25% which was agreed following a full assessment of the sites viability. That would usually be spread or 'pepperpotted' across the 3 character areas. However in this case due to viability

constraints and a reliance on HCA funding to enable development of the site agreement was made that the entire affordable housing element for all 3 areas would be located within character Area 2 so the affordable element would have an early completion date. Consequently Area 2 in accordance with the full permission granted will deliver 67% affordable housing and it follows that the current reserved matters application for character area 3 will be entirely open market units.

### Education

The viability assessment submitted at outline stage demonstrated that contributions can not be supported by the development and no education contribution will be secured. As the statutory provider for education the requirements of the development in terms of any educational need would become the responsibility of the Local Authority if the scheme proceeds.

### Contamination

Ground conditions issues were detailed in Chapter 9 of the Environmental Statement supporting the Outline application and within further information submitted during and as part of that application. The scientific officer considered that the information provided was satisfactory and conditions could be applied to any development permitted. In respect of this reserved matters submission it has been recommended that as part of the strategy for addressing contamination the consultant should assess the adequacy of the investigation undertaken to date in the context of the final development design. Consequently conditions as previously applied should remain in place.

### Flood Risk

The site is not within an area of high flood risk and there are no flooding concerns raised.

### Drainage

There are no concerns with the method of drainage within the site. Confirmation of how systems will be maintained has been provided and it is advised that this drainage system will become a designated public surface water sewer as was confirmed at outline stage.

### Archaeology

This application raises no new matters that have not been addressed through conditions on the outline scheme.

### Regeneration

The derelict brown field site is an important regeneration opportunity and the approval of the outline scheme was deemed to realise a number of benefits for the town overall. Of particular relevance to this part of the site is the delivery of a permanent Sustrans route through the site and restoration of the Brunel shed which is located within Area 3. In association with these consideration was given at outline stage as to the feasibility of protecting the railway route which currently runs through the site with a view to its

restoration. However at outline stage this was fully explored and it was concluded that such a proposal was not feasible. The development of this site therefore does not provide for that to take place either now or subsequently and that is accepted taken account of the investigations previously undertaken which discounted that as an option.

### Sustainability

The principle of mixed-use development on previously developed land that runs into the town centre is sustainable. The development would be constructed using SUDS (sustainable urban drainage systems). The site will also assist in achieving social, economic and environmental benefits through the provision of new homes providing new employment opportunities during construction and after in new business space, removal of on site contamination and ecological enhancements.

### Residential amenity

The proposed development would provide a good standard of housing in an attractive location. It will therefore provide good levels of amenity for occupants. With regard to existing occupiers those closest to the development are the residents along Meadow View. Concerns have been raised with regard to overlooking and proximity to these houses some of which are single storey whereas the proposals are for two storey housing. These matters have been carefully considered as has the affect of the differing levels within the site. However given the distance between properties, orientation of properties and boundary features it is considered that the relationship of proposed dwellings to existing is not harmful so as to warrant refusal of the development.

### Other Matters

A section of the Brook within the site is contained by a significant structural retaining wall several metres in height. There is evidence that this is bowing and strengthening and repair works will be required. In relation to the consideration of this application that will require trial pits and other investigative works that may affect trees and ecology. That has been taken into account in the consideration of the impacts of the development. It is said that following repair works the maintenance of the wall would be passed to a maintenance company. This will require an amendment to the S106 to secure this arrangement and the strategy for investigation and repair will need to be conditioned.

It is also advised that there are current surveys being undertaken on site in relation to ground conditions. However the development as proposed is based on expected ground levels and there is no reason to dispute these can be achieved. However if for any reason these ground levels could not be achieved then revisions to any planning approval may need to be sought.

In relation to other comments made there are no proposals to make provision for rail transport (and this was fully considered at outline stage). Furthermore the applicant is confident that the site line boundary is correct and there is no evidence to the contrary.



## Conclusion

This is a complex set of proposals which forms part of a multi-faceted, mixed use development located within a sensitive site on the edge of Radstock. Compromises to design quality in particular materials used have arisen due to viability constraints. Whilst these materials would not usually be accepted in isolation in the conservation area they are considered as part of the wider scheme. There are some strong regeneration benefits and townscape improvements secured and in this case it is necessary to weigh different issues against one another. It is considered that this proposal can reasonably be considered as achieving the best outcome that the viability constraints allow and is overall and on balance supported due to the regeneration benefits that the development would deliver. These benefits do bring forward significant improvement to the townscape overall and the scheme overall is consequently an enhancement to the conservation area.

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

i) The ongoing management of the structural Kilmersdon Brook bank retaining wall to be passed to a management company.

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

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

1 Prior to the commencement of development a strategy for the investigation and repair works to the Brook retaining wall as set out in supporting documentation by Hydrock dated 26th August 2015 shall be submitted to and agreed by the Local Planning Authority. The works shall be carried out in accordance with the agreed details prior to occupation of any dwellings adjacent to the Brook.

Reason In the interests of residential amenity and the protection of wildlife. The information is required pre-commencement as it is necessary to understand how the works will impact on trees and consequently wildlife including bats.

2 Prior to the Brunel shed being brought into use details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with the approved details.

Reason : To promote sustainable forms of transport in the interest of the environment.

3 Detail of measures to be taken to render the existing bridge within the site (which will be retained in situ) safe and inaccessible to the public shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the agreed details prior to the occupation of any part of this permission.

Reason : In the interest of amenity

4 Prior to occupation of the development hereby approved, a programme shall be submitted to and agreed in writing by the Local Planning Authority, for implementation, during the establishment phase of any planting to be provided or re-provided on the site, of annual ecological inspections to be undertaken by a suitably experienced ecologist, with the aim of checking the condition, establishment and ecological functionality of: ecological mitigation features; new planting; retained planting; translocated habitats; and habitat boundaries, and should include inspection of bat flight corridors and of the vegetated buffer zone alongside the Kilmersdon Brook. The programme should include a process of identifying and briefly reporting to the LPA on any ecological issues arising or of concern, and a process of agreeing and implementing appropriate remedial measures and responsibility for this as applicable.

Reason: to ensure appropriate ongoing establishment and maintenance of ecological habitat and features within the site

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

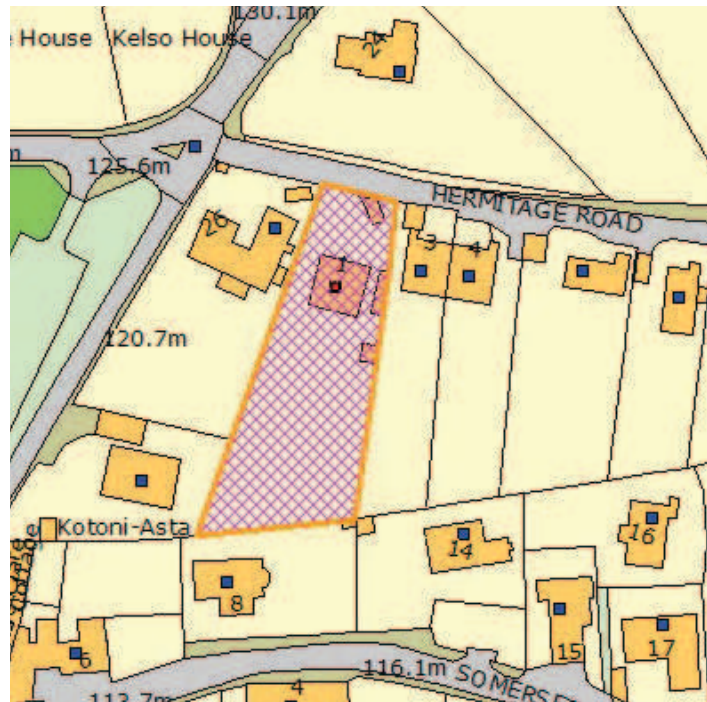
Reason: To define the terms and extent of the permission.

**PLANS LIST:**

1 14096 (05) 003B, 004, 005, 006, 006B, 100A, 101B, 103B, 104B, 106A, 108, 111, 114A, 115, 118, 119, 121A, 122A, 123A, 124A, 125A, 126A, 127A, 128A, 129A, 130, 131A, 132A, 133, 134, 135, 136, 137, 002L, 007G, 009H, 010B, 012D.  
4467 303E, 302E, 301D, 300F, 203E, 202E, 200D

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 revised proposals was taken and consent was granted.

**Item No:** 02  
**Application No:** 15/03366/FUL  
**Site Location:** 2 Hermitage Road Lansdown Bath Bath And North East Somerset BA1 5SN



**Ward:** Lansdown                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Patrick Anketell-Jones Councillor Anthony Clarke  
**Application Type:** Full Application  
**Proposal:** Erection of detached dwelling with associated car parking and landscaping following demolition of existing dwelling (Resubmission)  
**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:** Nitor Investments Ltd  
**Expiry Date:** 25th September 2015  
**Case Officer:** Richard Stott

**REPORT**  
**SITE DESCRIPTION AND PROPOSAL**

This application relates to a modest sized bungalow located on Hermitage Road, which is a single track road leading off Sion Road, in the Lansdown area of Bath. The site is set within the City of Bath Conservation Area and the wider World Heritage Site. The application seeks planning permission for the erection of a house following the demolition of the existing bungalow. There is a history of refusals of planning applications for a replacement dwelling on this site, as well as subsequent dismissed appeals.

The application was determined at committee in April 2015. Although the officer recommendation was for approval, Members overturned this decision and refused this application for the following reasons:

1 The proposed development, due to its inappropriate bulk and proximity to the neighbouring dwellings would result in an unacceptable loss of light to the windows of the adjacent neighbouring properties, and as such result in unacceptable harm to the residential amenity currently enjoyed by these neighbouring occupiers. The development is therefore contrary to saved policy D2 of the Bath and North East Somerset Local Plan 2007.

2 The development, due to the unacceptable design, mass and bulk of the development is considered to result in a built form that would have an unacceptable detrimental impact upon the character and appearance of the City of Bath Conservation Area. The development is therefore considered to be contrary to saved policies BH6, D2 and D4 of the Bath and North East Somerset Local Plan 2007 and CP6 of the Core Strategy 2014.

3 The proposed development, due to its proximity to the neighbouring dwellings and its overall massing and bulk, is considered to represent the overdevelopment of the site. The development is therefore contrary to saved policies BH6, D2 and D4 of the Bath and North East Somerset Local Plan 2007. and CP6 of the Core Strategy 2014.

The April 2015 refusal has not been appealed.

The current application has been resubmitted with the roof height of the building reduced by 0.5 metres compared to the refused scheme. No other significant alterations have been made to the proposal in terms of reducing the bulk and mass of the proposed dwelling.

The applicant's agent believes that the current scheme (and the scheme of the April refusal) overcomes the concerns raised by the Inspector dealing with the previous appeal and the previous refusal was unjustified.

The key consideration with the determination of this application is whether or not the proposed amendments to the scheme have addressed and overcome the reasons for refusal issued in April 2015.

## RELEVANT PLANNING HISTORY

### 2 Hermitage Road

10/05344/FUL - Withdrawn - 9 March 2011 - Erection of house following demolition of existing bungalow.

11/04382/FUL - Refused - 11 May 2012 - Erection of house following demolition of existing bungalow (Resubmission) - appeal dismissed

11/04625/CA - Consent - 11 May 2012 - Demolition of existing bungalow and erection of house

12/04551/FUL - Refused - 12 December 2012 - Erection of dwelling following demolition of existing bungalow - appeal dismissed

12/04552/CA - Consent - 12 December 2012 - Demolition of existing bungalow

14/04081/FUL - Refused - 28 May 2015 - Erection of 1no five bedroom dwelling following demolition of existing bungalow.

7 Hermitage Road

14/04805/FUL - PERMIT - 6 January 2015 - Erection of an additional floor to the property and a new porch.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Cllr Clarke - This application should be heard at committee as officer previously recommended approval

10 objection comments have been received. These can be summarised as follows:

- Harm to residential amenity of the neighbouring occupiers due to inappropriate bulk and proximity to neighbours. Harm including loss of light, privacy, overbearing impact and increased noise and disturbance
- Application very similar to previously refused application and therefore reasons for refusal have not been overcome
- Lack of information within the day/sun light analysis
- Impact upon character and appearance of the Conservation Area due to inappropriate scale, bulk, siting and design
- Over development of the site
- Loss of openness to the front of the site
- Failure to address concerns previously raised by the Inspector
- increased pressure on services resulting from increased occupiers
- Lack of housing supply not an issue in this case
- Inappropriate design
- Issues surrounding car dock

### **POLICIES/LEGISLATION**

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

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

- Core Strategy

B1 - Bath Spatial Strategy

B4 - The World Heritage Site and its Setting

CP6 - Environmental Quality

Saved policies from the Bath and North East Somerset Local Plan - 2007

BH6 - Conservation Areas  
BH7 Demolition in Conservation Areas  
BH12 Important archaeological remains  
D2 - General Design and Public Realm Considerations  
D4 - Townscape Considerations  
NE4 Trees and woodland Conservation  
NE5 Forest of Avon  
NE10 Nationally important species and habitats  
NE13A Bath Hot Springs  
HG4 Residential development in the urban areas  
T24 - Highway Development Control Criteria

The National Planning Policy Framework - published in March 2012

National Planning Practice Guidance

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**

##### **REASON FOR REFERRING THIS APPLICATION TO COMMITTEE**

This application has been referred to committee by the Group Manager of Development Management due to the complex and protracted history of this application.

##### **PRINCIPLE OF DEVELOPMENT**

The application site is located within the built up area of Bath where new residential development is considered to be acceptable providing it complies with the relevant Development Plan policies. A replacement dwelling can therefore be supported in principle.

##### **CHARACTER AND APPEARANCE**

There is no objection to the loss of the existing 1920's bungalow and this part of the development has previously been deemed to be acceptable. However, although the existing bungalow is not considered to be of particular architectural merit, its scale respects its plot and due to the topography of the land and the siting of the bungalow, it has a modest impact upon the street scene. Any future development needs to be compatible with the surrounding development to ensure that the character and appearance of this part of the City of Bath Conservation Area is preserved.

Members previously considered that the development, due to the unacceptable design, mass and bulk of the development was considered to result in a built form that would have an unacceptable detrimental impact upon the character and appearance of the City of Bath Conservation Area. Further, the proposed development, due to its proximity to the

neighbouring dwellings and its overall massing and bulk, was considered to represent the overdevelopment of the site.

As stated in the Site Description (above), the proposed development has been reduced in height by 0.5 metres. Whilst it is acknowledged that this aids in setting the dwelling below that of the neighbouring dwelling at 3 Hermitage Road, this is not considered to overcome the previous reasons for refusal attached to the latest planning refusal. Again, as stated above, the overall scale and mass of the proposed development has not been significantly amended and the proposed dwelling remains in the same proximity to the neighbouring dwellings, spanning the same length into the site.

2 Hermitage Road is located near the entrance of the unadopted road, set back from the frontage of the road, behind the general building line of the dwellings of Hermitage Road. The current built form creates a sense of space that contributes positively to the character and appearance of the public realm and the Conservation Area. The increased bulk and massing of built form in this area, as proposed by the application, is considered to have a negative impact upon this attribute and would result in a form of development that would appear overly prominent adjacent to the neighbouring properties, to the detriment of the street scene. The design of the dwelling, particularly the rear elevation which has a three storey appearance, exacerbates this perceived visual bulk. Whilst the plot is of a generous length, it is of a relatively limited width and on a slope, as such the proposed dwelling, due to its excessive mass and bulk is considered to be cramped, resulting in the overdevelopment of the site. This results in a built form that conflicts in a negative manner with the prevailing character of this part of the Conservation Area, and consequently is considered to result in undue harm to this designated asset.

Whilst the reduction in height compared to the refused application by 0.5m is noted, it is concluded that the absence of any other significant reduction in mass, scale and bulk fails to address or overcome the reasons given for refusing a similar application in April 2015.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that overall, due to the harm identified above, the development fails to preserve the character and appearance of this part of the City of Bath Conservation Area. Although there is considered to be harm to the Conservation Area, the development is not considered to result in any undue harm to the setting of the wider World Heritage Site.

The harm to the Conservation Area is considered to be 'less than substantial' and where this is the case, the NPPF explains that the harm should be weighed against the public benefits of the proposal. In this case, the benefit of a providing a new family dwelling is noted, however, this is a replacement dwelling and this does not therefore add to the housing stock in terms of increased numbers. The public benefit of this proposal is therefore limited and is not considered to outweigh the harm identified.

The approved development at 7 Hermitage Road has been considered as part of this assessment. Although the increased scale of this development is noted, the context of the two sites is materially different and therefore can not be considered to be directly comparable. Number 7 is located towards the end of the road set in a less prominent position in the Conservation Area. Further, number 7 at its increased height would be

located between two dwellings of a similar height, and as such would fit more comfortably in this context.

## RESIDENTIAL AMENITY

The increased scale of the built form on this site has the potential to harm to residential amenity of the neighbouring occupiers, particularly in terms of loss of light and the impact upon the outlook of these neighbouring occupiers.

Members previously considered that the development due to its inappropriate bulk and proximity to the neighbouring dwellings would result in an unacceptable loss of light to the windows of the adjacent neighbouring properties. Although the height of the dwelling has been reduced by 0.5 metres, this is not considered to have significantly reduced the bulk of the development. The proximity to the neighbouring dwellings remains the same as the previously refused scheme. It is therefore concluded that this reason for refusal has not been satisfactorily addressed.

The proposed dwelling, when compared to the existing dwelling, is of a significantly greater bulk and situated further forward in the site. The proposed dwelling would be sited in close proximity to the adjacent dwellings. The combination of these factors result in a development that has a materially different relationship with the neighbouring dwellings than the existing bungalow, and this is considered to be unsatisfactory.

The main part of the building would be sited in line with 3 Hermitage Road. The single storey element would be built into the slope so that it is set below the existing screening. This will ensure that the impact upon the veranda and rear garden is minimal. Notwithstanding, 3 Hermitage Road benefits from a hallway window on its side elevation which faces onto the development. Although this window does not serve a habitable room, its function is important serving a large circulation space within the dwelling. The proposed development, due to its siting and overall bulk will significantly alter the level of light reaching this space.

26 Sion Road also benefits from windows facing onto the development, both at ground floor level and within the roof of the development. Whilst those at ground floor level are partially obscured by existing boundary treatment, the light levels in these rooms will be further reduced as a result of this development. The room in the roof which serves a study/bedroom will have an altered outlook as a result of this proposal, and the light reaching this room will be reduced. Whilst it is noted that the development will not completely obscure the view from the upper window, it will be significantly altered and again, the light level reaching this room will be considerably altered.

Members previously considered that the loss of light that would be experienced if the development were to proceed, was at an unacceptable level and would significantly harm the residential amenity currently enjoyed by these neighbouring occupiers. This has not been overcome by the current proposal. The surveys and additional analysis submitted by the agent are noted, but this is not considered to outweigh the harm identified above.

The submission highlights that there is a restrictive covenant affecting 26 Sion Road that is registered as a charge against the land removing any entitlement of the occupiers of that property to 'rights of light and air' to the extent that it might interfere with development



of the neighbouring land. However, this is not a materially planning consideration and can not be given any weight in the assessment of this planning application.

Concern has been raised with regard to the loss of privacy for the neighbouring occupiers. However, the development is not considered to result in any significant overlooking issues. The distance from the proposed dwelling to the properties to the rear of the site is at an acceptable distance which will ensure that any overlooking issues are minimal.

Concern has previously been raised regarding noise associated with the use of the "cardok". However the agent has demonstrated that this produces minimal noise and as such it is not considered that this will cause any undue noise and disturbance to the neighbouring occupiers.

Due to the resultant loss of light to the windows of 3 Hermitage Road and 26 Sion Road, the development is considered to cause undue harm to the residential amenity of these occupiers. The previous concerns raised by Members have not been overcome.

#### HIGHWAY SAFETY

Hermitage Road, is a narrow unadopted cul-de-sac with a 20mph speed limit. The visibility splays will remain as existing and are considered to be acceptable. A five bedroom dwelling will generally require three parking spaces to meet the needs of the development. The application proposes two conventional parking spaces which achieve a 6.0m manoeuvring area to the rear which is essential on this narrow lane. The third parking space is provided below the conventional spaces and is operated by a car lift which will also be acceptable given the constraints of the location. The parking bays will need to be surfaced in a bound material to prevent loose material being trafficked onto Hermitage Road and the further highway network at Sion Road. The details and implementation of this can be secured through of a condition on any planning application.

#### ARBORICULTURAL ISSUES

A mature Atlas Cedar tree is located within the rear garden on the existing property. The submissions include a comprehensive arboriculture report which includes an arboricultural method statement (AMS ) and tree protection plan to protect this tree. This has been assessed by the Council's Arboricultural officer who is satisfied that subject to full compliance with the AMS, the tree will not be harmed. Further clarification may be required, for example if alterations are proposed during the design of soakaways etc. and supervision may be necessary during works. However, this can be secured though the attachment of a condition should permission be granted.

#### ARCHAEOLOGY

The application site lies in close proximity to a Roman burial found in 1808 during construction of houses in Hermitage Road and within the Sion Hill Roman cemetery area. It is therefore recommended that a watching brief condition is attached in the event permission were to be granted.

## ECOLOGY

Satisfactory bat surveys have been completed for this proposal and no roosts have been identified in the building to be demolished. An updated survey is recommended if the building is not demolished prior to the next active bat season.

## CONCLUSION

In consideration of the above report, the proposed development has not overcome the previous reasons for refusal in relation to the previous application, determined in April 2015. The development, due to its unacceptable scale, siting and design is considered to result in undue harm to the character and appearance of the City of Bath Conservation Area and to the residential amenity of the neighbouring occupiers.

The submission refers to the Local Authority's lack of ability to demonstrate a 5 year Land Supply in the Bath area. However, officers are comfortable that the Local Authority are able to do so when looking at the overall district, and therefore second part of paragraph 14 is not engaged.

For the reasons outlined above, the application is recommended for refusal.

## RECOMMENDATION

REFUSE

## REASON(S) FOR REFUSAL

1 The proposed development, due to its inappropriate bulk and proximity to the neighbouring dwellings would result in an unacceptable loss of light to the windows of the adjacent neighbouring properties, and as such result in unacceptable harm to the residential amenity currently enjoyed by these neighbouring occupiers. The development is therefore contrary to saved policy D2 of the Bath and North East Somerset Local Plan 2007.

2 The development, due to the unacceptable design, mass and bulk of the development is considered to result in a built form that would have an unacceptable detrimental impact upon the character and appearance of the City of Bath Conservation Area. The development is therefore considered to be contrary to saved policies BH6, D2 and D4 of the Bath and North East Somerset Local Plan 2007 and CP6 of the Core Strategy 2014.

3 The proposed development, due to its proximity to the neighbouring dwellings and its overall massing and bulk, is considered to represent the overdevelopment of the site. The development is therefore contrary to saved policies BH6, D2 and D4 of the Bath and North East Somerset Local Plan 2007. and CP6 of the Core Strategy 2014.

## PLANS LIST:

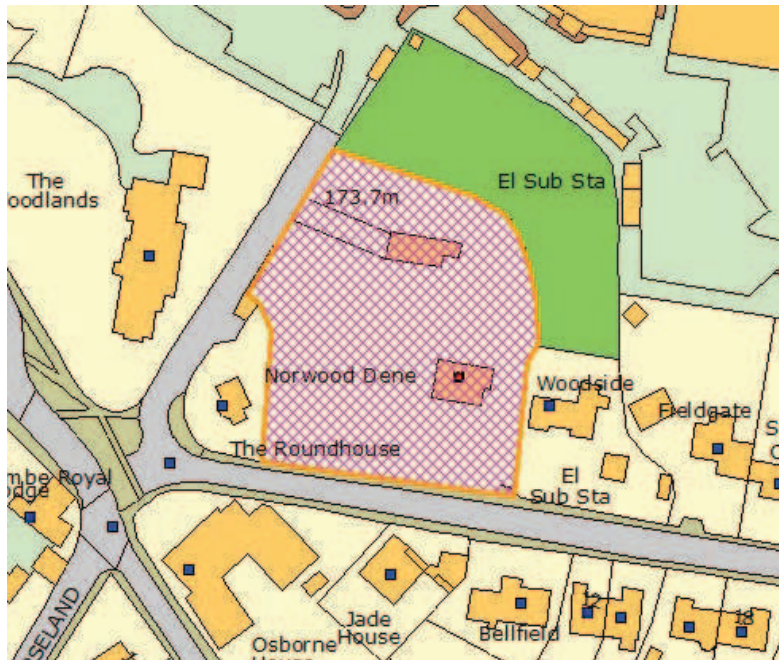
1 Drawing	24 Jul 2015	140919-2HR-TPP-AM	TREE PROTECTION PLAN
Drawing	24 Jul 2015	P 02	EXISTING NORTH AND SOUTH ELEVATIONS
Drawing	24 Jul 2015	P 03	EXISTING SITE SECTION AA
Drawing	24 Jul 2015	P 04	EXISTING SITE SECTION BB

Drawing	24 Jul 2015	P 05B	PROPOSED SITE PLAN
Drawing	24 Jul 2015	P 06A	PROPOSED LOWER GROUND AND GROUND FLOORS
Drawing	24 Jul 2015	P 07A	PROPOSED FIRST AND SECOND FLOOR PLANS
Drawing	24 Jul 2015	P 10C	PROPOSED WEST ELEVATION
Drawing	24 Jul 2015	P 11C	PROPOSED EAST ELEVATION
Drawing	24 Jul 2015	P 12C	PROPOSED SITE SECTION AA
Drawing	24 Jul 2015	P 13B	PROPOSED SITE SECTION BB
Drawing	24 Jul 2015	P 15A	PROPOSED SWEEP PATH ANALYSIS
Drawing	31 Jul 2015	WS51_01	LANDSCAPE LAYOUT PLAN

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 chose 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.

3 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

**Item No:** 03  
**Application No:** 15/02616/FUL  
**Site Location:** Norwood Dene The Avenue Claverton Down Bath Bath And North East Somerset



**Ward:** Bathwick                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Matt Cochrane    Councillor Steve Jeffries  
**Application Type:** Full Application  
**Proposal:** Erection of 7 No. apartments and associated works.  
**Constraints:** Agric Land Class 1,2,3a, Article 4, Article 4, Article 4, Forest of Avon, Sites with Planning Permission, Hotspring Protection, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, World Heritage Site,  
**Applicant:** Ashford Homes (SW) Ltd  
**Expiry Date:** 23rd October 2015  
**Case Officer:** Alice Barnes

## REPORT

Reason for reporting application to the committee

The application is being reported at the request of Councillor Matthew Cochrane.

The application has been referred to the chair of the Development Management Committee and she has agreed that the application should be considered by the committee.

Description of site and application

Norwood Dene is located on the northern edge of Bath. It is located just outside the Conservation Area and within the World Heritage Site. The application site lies at the end of the existing street. A single detached dwelling used to occupy the site but this has since been demolished. The site is surrounded by trees with a woodland to the rear. The site is covered by a tree preservation order. The site borders the street with a low stone boundary wall.

This is an application for the erection of 7 No. apartments and associated works. The proposed flats will comprise a two storey building set within the centre of the plot. The existing site access will remain and a secondary access onto Solider Down Lane will also be utilised. Parking in the form of car ports will be provided to the rear of the site and the surrounding streets are within a controlled parking zone. The bin store will be located within the parking area.

#### Relevant History

DC - 14/01891/FUL - RF - 27 February 2015 - Erection of 3no detached 2 storey dwellings with associated garages and hard and soft landscaping works following demolition of existing 1no storey dwelling.

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Urban Design: Following the submission of revised plans no objection is raised to the principle of the development. Concern is raised over the impact on residential amenity, but it is recognised that the provision of obscure glazing would minimise the impact. This would need to be maintained as part of the development. Samples of materials should be approved.

Arboricultural: No objection subject to conditions.

A comprehensive Arboricultural Report supports the application and I am in full agreement with the contents. It is evident that the proposed design has been informed by the Arboricultural Report and previous arboricultural comments relating to earlier applications. In summary;

1. The proposal recognises the importance of the frontage trees which contribute significantly to the visual appeal of the locality.
2. The building footprint is centrally located within the site, primarily within the garden area and footprint of the original dwelling, now demolished.
3. The grounds are retained as a communal asset with shared ownership allowing for positive management.
4. The proposal reduces the number of trees which would require removal.
5. The internal floor plans ensure that the main living areas of the individual apartments benefit from dual aspect windows which will reduce the potential impact of shading from the existing trees.

The most significant tree losses affect The Round House to the west, the most notable are two Sycamores (T13 and T14 of the tree survey ). There is scope to undertake planting to provide future screening and improve the backdrop to The Round House. I have no objection to the proposed tree losses.

I support the proposal to create a management company for the grounds but request that a woodland management plan is developed by the applicant and submitted to and agreed with the LPA. An approved plan would assist the management company in scheduling future works and help provide continuity in management whilst aiding applications for any works to the protected trees on the site.

The proposed car parking areas to the north of the proposed building take advantage of existing gaps and are achievable provided that precautionary no-dig construction methods, as indicated in the Preliminary Arboricultural Method Statement, are implemented. Full construction details should be incorporated within a Detailed Arboricultural Method Statement (DAMS).

During a site meeting the inclusion of open sided timber car ports were discussed to reduce seasonal nuisance issues such as leaf litter, fruit drop and aphid honey dew. I welcome the inclusion of these in revised drawings.

Ecology: I support the proposed use of car ports which will reduce impacts of light spill, and the proposed provision of a management plan for retained woodland. Provided the proposed car ports are an accepted solution in planning terms, I am happy to require details of lighting and light spill analysis by condition, as I am confident that it should be possible for the proposal to avoid excessive light spill into the woodland, given the screening effect that will be provided by the car ports. I am also confident therefore that there is no risk of any indirect adverse impact on bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC), arising from potential disturbance to flight path habitat; there will be sufficient remaining tree cover and provision of dark zones to prevent the proposal creating a barrier to any existing bat flight paths.

Contaminated Land: Due to the sensitive nature of the development (i.e. residential), I advise that as a minimum, a desk study and site walkover survey is undertaken to assess risks of potential contamination.

Highways: No objection.

Two vehicular accesses are proposed. The access from The Avenue is wide enough to allow for two way vehicle movements, and although not shown on the submitted drawings, adequate visibility splays can be provided. It is also acknowledged that traffic speeds and levels will be very low at this location. A secondary vehicular access would be taken from Soldier Down Lane, and this is at a location where an access to the site already exists. It is expected that few vehicles would use this secondary access, and no other traffic would use this lane on a regular basis. There would be a need for vehicles to share the road space with pedestrians (this is a busy route into the University campus), however, it would be a slow speed environment and given that an access already exists, this arrangement would be acceptable.

Pedestrians would access the site via the vehicular accesses, and a shared surface arrangement is considered to be appropriate in this case. Traffic speeds and flows should be low.

The proposal includes two parking spaces per unit and this is considered to be appropriate in this case. Two visitor spaces are also provided.

No details of the site management is included within the submission, and to avoid the need to design the access roads to an adoptable standard, details of how the site is to be managed will need to be provided and agreed with the highway authority. It is normal practice for any development of over five dwellings to be served by an access of adoptable standard, and the highway authority needs to be assured that this area will be privately managed without any prospect of adoption at a future date.

Given the location of the site, I believe that it is appropriate to request that a Construction Management Plan is provided to ensure that there is no detrimental impact on local residents whilst the development is constructed.

Drainage and flood risk: No objection subject to condition

Housing: This application triggers Planning Policy CP.9. (Small site threshold) The application requires a 20% affordable housing contribution to be secured as part of the planning approval.

Based upon a scheme of 7 dwellings the affordable housing contribution amounts to 1.4 or one (1) on-site affordable dwelling.

There is a planning resumption towards the on- site provision of affordable housing. However given the characteristics of this scheme the applicant may struggle to partner with a Registered Housing Provider. Housing Services, in this particular case & without prejudice, suggest the applicant consider the commuted sum approach.

Archaeology: The University of Bath campus and surrounding properties lie within an important archaeological landscape that includes evidence of Bronze Age burial mounds, Bathampton Iron Age camp and field systems, ancient roads and Roman occupation. Relevant conditions should be added to any permission.

Councillor Matt Cochrane: Object.

1- The character and appearance of the proposed 7 flat development are out of keeping with the rest of the quite residential cul-de-sac.

2- The development will overlook properties on both sides and impact heavily on privacy.

3- The proposed positioning of the bins and refuse site is adjacent to the neighbouring bungalow (Woodside) is likely to cause noise and smell issues for the current resident.

Representations: Seven representations have been received objecting to the application for the following reasons;

The proposed building is not well connected to its surrounding being a large block of flats. It is at odds with the current property frontages.

The flats are not characteristic of the surrounding area.

The building is screened from the university by the trees.

The provision of seven flats will change the character of the Avenue.

There will be a further 16 parking spaces within the site and this is a quiet area.

The access road dominates the road and entrance.

The waste and recycling bins will be adjacent to the neighbouring property.

The proposed terraces will result in a loss of privacy to neighbouring occupiers.

The removal of trees will result in a loss of privacy to neighbouring properties.

The development will compromise the setting of the neighbouring Grade II listed property of the Round House.

Soldier Down Lane is a narrow lane and increased use of this lane will be harmful to pedestrians and cyclists.

The development proposes to use Soldier Down Lane as a second access. This is a well used pedestrian and cycle route to the university.

Soldier Down Lane is a narrow road with no footway.

The development will result in the loss of mature trees.

The development could harm the ecology of the surrounding site.

This is an example of planning creep and could set precedent for housing on the woodland.

## **POLICIES/LEGISLATION**

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

Core Strategy

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

Joint Waste Core Strategy

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

CP6 - Environmental Quality

CP7 - Green Infrastructure

CP9 - Affordable Housing

B1 - Bath Spatial Strategy

B4 - The World Heritage Site and its Setting

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 settings

Bh.6: Development within or affecting Conservation Areas.

T.24: General development control and access policy

T.26: On-site parking and servicing provision

Ne.4: Trees and Woodland Conservation

National Policy

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance 2014

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**

This is an application for the erection of 7 No. apartments and associated works.

The existing site is located within a streetscene characterised by a variety of dwelling styles. The south side of the road is characterised by two storey detached and semi-detached properties. The north side of the road where the application site is located, includes single storey and two storey dwellings. The dwellings are set back from the road edge with some parking areas to the front.

The application site itself was until recently occupied by a single storey dwelling within a large plot. The site is surrounding by mature trees. There is a woodland to the rear of the site which makes a positive contribution to the setting of the site. There are trees located along the road boundary which make a positive contribution to the existing streetscene. The site includes a stone boundary wall to the street elevation.

Though the site itself is not located within the Conservation Area the south road in front of the properties is within the Conservation Area boundary.

### Planning History

An application for three dwellings was refused under reference 14/01891/FUL due to the impact of the proposed dwellings on the surrounding trees. This application is currently being considered at appeal.

### Principle

The application site is located within the city of Bath. Policy B1 of the Core Strategy allows for residential development within the built up area of Bath. Therefore the principle of development is considered to be acceptable subject to compliance with all other policies within the local plan.

### Design

The proposed development has been designed as a two storey property which would accommodate seven flats. The building has been set back from the road edge and will occupy a central position within the plot. The parking has been sited to the rear of the plot. The proposed dwelling will utilise the existing entrance to the site maintaining the boundary wall to the site.

The proposed building has been designed so that the frontage of the building would not appear as one continuous block. This would include three central gables to the front elevation with further front walls set back from the front elevation. The theme of gable frontages is continued on the side elevations again with a set back to part of the frontage.

This design allows for the building to appear less as a one large block and responds to the suburban character of the surrounding streetscene.

Setting back the building from the street reduces the dominance of the building within the streetscene. The set back also allows for the retention of the existing boundary wall and some boundary trees. The off street parking will be located to the rear of the site so will not dominate the appearance of the existing streetscene. This also allows for the surrounding land to be used as gardens for the proposed flats. The building will be constructed from natural stone which is considered to be appropriate for the surrounding area. Confirmation of materials can be required by condition.

The parking to the rear of the site will be provided by means of a car port. The car port is a single storey building proposed to be constructed from timber. They would result in a small addition to the site and will complement the appearance of the street.

Whilst the site itself is located outside of the Conservation area the boundary of the site is adjacent to the boundary of the Conservation Area. There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the proposed development will preserve the character of the surrounding Conservation Area.

The building has been set within the centre of the site so has been set back from the boundary with the Round House which is a Grade II listed building. The set back of the building means that the proposed development is not considered to harm the setting of the nearby Grade II listed building. There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a nearby listed building or its setting. Here it is considered that the proposed extension will not harm the setting of the nearby Grade II listed building.

## Highways

No objection has been raised by the highways officer.

Two vehicular accesses are proposed. The access from The Avenue is wide enough to allow for two way vehicle movements and adequate visibility splays can be provided. It is also acknowledged that traffic speeds and levels will be very low at this location. A secondary vehicular access would be taken from Soldier Down Lane, and this is at a location where an access to the site already exists. It is expected that few vehicles would use this secondary access, and no other traffic would use this lane on a regular basis. There would be a need for vehicles to share the road space with pedestrians (this is a busy route into the University campus), however, it would be a slow speed environment and given that an access already exists, this arrangement would be acceptable.

Pedestrians would access the site via the vehicular accesses, and a shared surface arrangement is considered to be appropriate in this case. Traffic speeds and flows should be low. The proposal includes two parking spaces per unit and this is considered to be appropriate in this case. Two visitor spaces are also provided.

No details of the site management is included within the submission, and to avoid the need to design the access roads to an adoptable standard, details of how the site is to be managed will need to be provided and agreed with the highway authority. A construction management plan should also be required by condition.

### Amenity

The proposed flats will occupy a central position within the plot. They will be set a minimum of 9.5m from the nearby property of the roundhouse and 11.9m from the neighbouring property of Woodside.

The proposed development includes first floor terraces. The design has included obscure glazed screens to the side elevation of the terraces at 1.5m in height. This would provide some screening from users of the balconies looking into gardens of nearby properties. A condition should be attached to ensure that these screens are maintained.

Windows have also been proposed at first floor level on the side elevations. These windows will provide light to habitable rooms such as bedrooms and living rooms. The windows on the west side elevation are set back from the boundary with the Roundhouse so that the windows would not look directly into the garden at the roundhouse. They would also be at least 15m from the boundary with the roundhouse at an oblique angle therefore on balance are not considered to increase overlooking to the roundhouse.

The windows on the east elevation facing Woodside have again been set back into the plot and will be a minimum of 15m from the boundary with Woodside. The bedroom windows to flat 6 would look towards the rear of the garden at Woodside. Given that this would be over a 15m gap the proposed windows are not considered to harm the amenity of the occupiers of Woodside.

It is also noted that the dwellings considered under reference 14/01891/FUL were not considered to be harmful and were in closer proximity to the nearby properties.

### Arboricultural

The surrounding trees within the site are protected under a tree preservation order. The arboricultural officer is satisfied with the information submitted with the application. The proposed development is considered to recognise the importance of the frontage trees which contribute to the appearance of the streetscene. The central location of the building footprint allows for the retention of the grounds as a shared asset.

The most significant tree losses affect The Round House to the west, the most notable are two Sycamores (T13 and T14 of the tree survey ). There is scope to undertake planting to provide future screening and improve the backdrop to The Round House. The arboricultural officer has raised no objection is raised to the proposed tree losses.

A management company for the grounds is proposed and this can be required by condition. The provision of car ports within the parking area would reduce seasonal nuisance issues such as leaf litter, fruit drop and aphid honey dew. The proposed car parking areas to the north of the proposed building take advantage of existing gaps and are achievable provided that precautionary no-dig construction methods, as indicated in

the Preliminary Arboricultural Method Statement, are implemented. Full construction details should be incorporated within a Detailed Arboricultural Method Statement (DAMS).

## Ecology

The proposed use of car ports will reduce the impact of any light spill and the proposed provision of a management plan for retained woodland is welcomed. There is no risk of any indirect adverse impact on bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC), arising from potential disturbance to flight path habitat; there will be sufficient remaining tree cover and provision of dark zones to prevent the proposal creating a barrier to any existing bat flight paths.

## Affordable Housing

Following a High Court decision the Government has rescinded paragraphs 12-23 of the National Planning Policy Guidance. This guidance had stated that Councils should not seek affordable housing contributions on schemes of below 10 houses or 1000m<sup>2</sup> (floorspace). This therefore means that the LPA can again give full weight to the small sites section of Policy CP9 (affordable housing) of the Core Strategy. Therefore in this case the proposed development would trigger a 20% affordable housing contribution which will need to be secured with a legal agreement.

## Other Matters

The contaminated land officer has advised that due to the sensitive nature of the development (i.e. residential), a desk study and site walkover survey should be undertaken to assess risks of potential contamination. This should be required by condition.

The archaeology officer has advised that the University of Bath campus and surrounding properties lie within an important archaeological landscape that includes evidence of Bronze Age burial mounds, Bathampton Iron Age camp and field systems, ancient roads and Roman occupation. Therefore condition should be attached to any permission requiring a written scheme of investigation.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

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

(i) 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 Prior to the construction of the external surfaces a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

3 Prior to any installation of external lighting, full details of proposed lighting design and specification shall be submitted to the LPA for approval in writing. The scheme shall:

1. provide a plan showing dark zones to enable the woodland to be completely unlit, and demonstrate, through lux level modelling which shall take account of predicted light spill from both external lighting and from the building itself, that the designated dark zones shall achieve levels of 0 lux and providing a buffer zone adjacent where light levels are between 0 and 1 lux.

2. The lighting scheme will provide details and plans of external lighting design showing numbers, specifications, positions and heights of lamps; details of all necessary measures that shall be incorporated into the scheme to minimise impacts of light spill on bats and other wildlife and achieve the necessary levels of darkness within the dark zones and onto adjacent habitats and boundary vegetation; for example, use of warm white led; directional lighting, use of baffles and screening, times of use and dimming regimes. Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: To provide a sensitive lighting scheme that avoids harm to bat activity and other wildlife

4 No development shall take place until full details of a Woodland Conservation and Ecological Management Plan have been submitted to and approved in writing by the local planning authority. These details shall include a list of long term ecological and habitat Management Objectives, and prescriptions for management operations to achieve the objectives, to include: details of methods, personnel, timing, frequency, duration, funding and long term monitoring and reporting to determine the success of management operations in provision of woodland habitat of ecological value. All works within the scheme shall thereafter be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: The proposed development has the potential to result in harm to the wildlife residing within the surrounding woodland. The management plan is required to compensate for impacts of the proposal on the existing woodland habitat during construction and to provide long term habitat and ecological enhancements once the development is occupied.

5 No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the local planning

authority. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, service run locations, archaeological works where excavations may enter the root protection areas of retained trees; details of no dig construction methods and movement of people and machinery.

Reason: The proposed development has the potential to harm the surrounding woodland during its construction therefore to ensure that the protected trees and woodland to be retained are not adversely affected by the development proposals a method statement is required.

6 No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed Arboriculturalist to the local planning authority prior to the first occupation of the dwelling.

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

7 Prior to the occupation of the development a hard and soft landscape scheme incorporating a scaled drawing shall be submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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

8 All 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.

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

9 Prior to the commencement of the development a Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment of the site. The desk study shall include an assessment of the risks in relation to potential contaminants. The Desk Study shall be submitted to and approved in writing by the Local Planning Authority. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken in accordance

with a remediation scheme which is subject to the approval in writing of the Local Planning Authority.

Reason: Details are required prior to the commencement of the development 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 and to ensure that a remediation strategy is not necessary.

10 In the event that unexpected contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by 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.

11 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings) hours of operation, contractor parking, traffic management and any need for cranes for construction.

Reason: Details are required prior to the commencement of the development to ensure the safe operation of the highway and to ensure that the construction of the development does not cause disruption to the highway. To ensure that the development does not occur during anti-social hours in the interests of residential amenity.

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

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains. This information is required prior to the commencement of the development to ensure that any potential damage to archaeological features does not occur during the construction of the development.

13 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of

archaeological 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. This information is required prior to the commencement of the development to ensure that any potential damage to archaeological features does not occur during the construction of the development.

14 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.

15 Prior to the occupation of the development, the proposed obscure glazed screens at first floor level shown on plan 303 rev D on the side elevations shall be installed and permanently retained as such.

Reason: In the interests of residential amenity.

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

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

#### **PLANS LIST:**

1 Location plan 101 rev A  
Proposed wider site plan 330 rev D  
Proposed plans 302 rev C  
Proposed elevations 303 rev D  
Proposed bin and bike store 304 rev B  
Car Port 309  
No dig construction details 310  
Materials schedule 307

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.



**Item No:** 04  
**Application No:** 15/03636/FUL  
**Site Location:** Richmond House Weston Park Upper Weston Bath Bath And North East Somerset



**Ward:** Weston                      **Parish:** N/A                      **LB Grade:** II  
**Ward Members:** Councillor Colin Barrett      Councillor Matthew Davies  
**Application Type:** Full Application  
**Proposal:** Erection of 1no four bed detached dwelling and creation of new access following demolition of 2no existing garages.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Mr Matthew Davies  
**Expiry Date:** 12th October 2015  
**Case Officer:** Alice Barnes

**REPORT**

Reason for reporting the application to committee.

The application has been submitted by Councillor Matthew Davies

Description of site and application.

The application site is located on the western side of Bath. Richmond House occupies a corner plot between Weston Lane and Weston Park. The application site comprises the garaging area of Richmond House, accessed from Weston Lane and part of the rear garden of Richmond Lodge. The site is located within the Conservation Area and World Heritage Site.

The applicant is proposing to construct a dwelling with access from Weston Lane. The dwelling would replace the existing garaging and utilise garden space from the rear of Richmond Lodge. The proposed dwelling would be a two storey property constructed from Bath Stone. Off street parking would be provided to the front of the property and further parking would be provided for Richmond House to compensate for the loss of the garages.

#### Relevant History

DC - 14/02164/FUL - RF - 5 August 2014 - Construction of new vehicle access.

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highways: The dividing wall should be set back from the highway by 1m, to allow for visibility for drivers exiting the site. This would allow for adequate visibility to allow for vehicles to exit the site safely. Following receipt of further information no objection is raised.

Conservation Officer: With regards to the vehicular access we refused permission for two 4.5 metres entrance 14/02164/FUL because of the harmful impact of removing the stone boundary wall which provides a strong sense of enclosure in the streetscene. A condition should be attached requiring the submission of timber joinery, the porch and railing and material samples.

#### Representations:

Bath Preservation Trust - The loss of the rubble stone wall is regretted. New additions to the wall should be constructed from Bath Stone.

One representation has been received objecting to the application for the following reasons;

The proposed development will impact on the streetscene which remains largely unchanged since Victorian Times.

The property will not sit well against other properties.

The proposal wall and gate piers will be out of keeping with the main dwelling by being placed at the rear of the main dwelling.

Weston Lane and Weston Park can become extremely congested at peak travel times. The proposed development will result in a further hazard. Site traffic will result in a further hazard and congestion to the busy road.

One representation has been received in support of the application for the following reasons:

The proposal is reasonable and is supported.

#### **POLICIES/LEGISLATION**

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

Core Strategy

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

Joint Waste Core Strategy

The following B&NES Core Strategy policies should be considered:

CP6 - Environmental Quality  
B1 - Bath Spatial Strategy  
B4 - The World Heritage Site and its Setting

The following B&NES Local Plan policies remain saved and will be considered:

D.2: General design and public realm considerations  
D.4: Townscape considerations  
Bh.2: Listed buildings and their settings  
Bh.6: Development within or affecting Conservation Areas  
T.24: General development control and access policy

Consideration will be given to the National Planning Policy Framework and the National Planning Practice Guidance

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.

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

## **OFFICER ASSESSMENT**

### Principle

The application site is located within the city of Bath where the principle of residential development is accepted under policy B1 of the Core Strategy subject to compliance with all other policies within the local plan.

### Design

The existing streetscene is characterised largely by detached and semi-detached properties set within large plots. The properties are set back from the road edge and include stone boundary walls. There is a variety of built forms within the surrounding area and the majority of properties have been constructed from Bath Stone.

The proposed dwelling has been designed as a detached property constructed from Bath Stone with a slate roof. The dwelling has been designed to sit back from the road edge. The vehicle access would be from the far eastern side of the property with the rest of the frontage covered by a high stone boundary wall.

The dwelling has been set back from the road in line with other properties within the street. Given the variety of dwellings within Weston Lane the proposed dwelling would not appear to be out of keeping with the surrounding streetscene. The use of Bath Stone to

construct the property will complement the character of the surrounding Conservation Area. In this respect the development is considered to respond to the context of the surrounding area.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the proposed development will preserve the character of the surrounding Conservation Area.

The dwelling will be located to the rear of Richmond Lodge which is a Grade II listed building, the conservation officer has not raised an objection with regards to the setting of Richmond Lodge. The dwelling will be sited on the site of the existing garages and only the proposed garden will be sited directly to the rear of Richmond Lodge. The proposed dwelling will be accessed from Weston Lane it would not be viewed as being part of the curtilage of Richmond Lodge. The proposed dwelling will be of a smaller scale than Richmond Lodge and would not be viewed as being part of the curtilage of Richmond Lodge. It therefore is not considered to result in a harmful impact to the setting of Richmond Lodge. There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a nearby listed building or its setting. Here it is considered that the proposed extension will not harm the setting of the nearby Grade II listed building.

It is noted that a previous permission was refused for the provision of a vehicle access at this site. This application was solely for a new vehicle access so that Richmond House would have two vehicle accesses. This therefore lacked context for its provision. A new access to the dwelling provides a context for the vehicle access. Furthermore the previous application would have resulted in two accesses at two different points along the wall. Within this application the development will result in the existing and proposed access in the same location so that there is only one access within the wall. The access will be bordered by gate piers which will complement the character of the existing streetscene. Therefore the provision of the access is considered to be acceptable.

## Highways

The proposed development will provide on site parking for both the proposed dwelling and Richmond House. The provision of parking at Richmond House will compensate for the loss of the existing garages.

Both parking areas will exit onto Weston lane. The highways officer has commented that the speed limit of Weston Lane in the vicinity of the proposed access is 20mph, although in the eastbound direction the close proximity of the give-way line at the junction with Weston Park means that vehicle speeds will generally be lower as drivers slow as necessary to yield to opposing 'priority' traffic. The applicant has submitted revised drawings to show that the proposed access will provide adequate visibility in both directions. Vehicles will be able to turn on site to allow them to enter and leave the site in forward gear. Therefore the proposed development will not cause harm to highway safety.

## Amenity

The dwelling is considered to be sited a sufficient distance from the surrounding dwellings so as not to appear overbearing to nearby occupiers.

The rear elevation will primarily overlook the rear garden of the proposed property so will not result in increased overlooking of the nearby properties. No glazing has been proposed at first floor level on the side elevations so that the proposed development will not result in increased overlooking of neighbouring dwellings such as Oberon Cottage.

## **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 Prior to the construction of the external surfaces a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

3 The existing vehicular access shall be closed and its use permanently abandoned concurrently with the provision of the new access hereby approved being first brought into use, and the footway crossing reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

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 deliveries (including storage arrangements and timings) hours of operation, contractor parking, traffic management and any need for cranes for construction.

Reason: To ensure the safe operation of the highway and in the interests of residential amenity. This condition is required precommencement to control works throughout the development and from the outset of it.

5 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:**

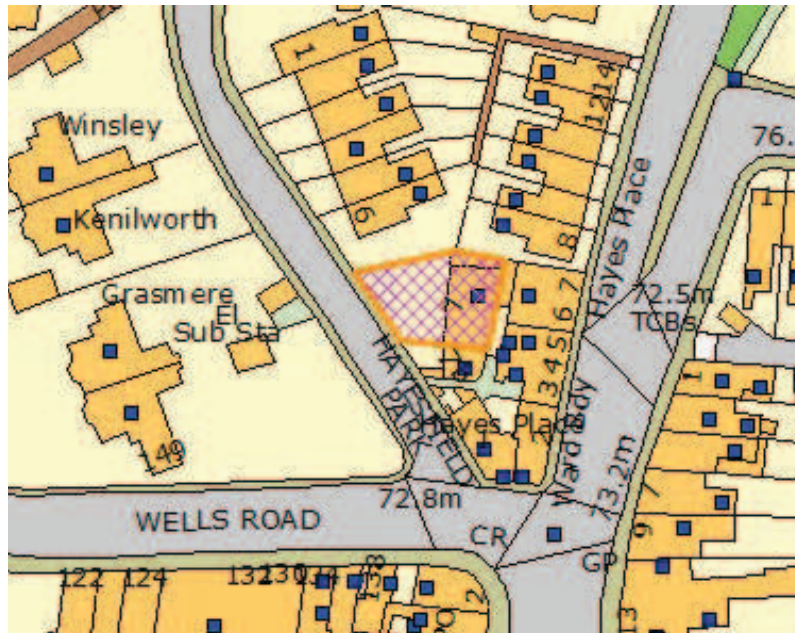
1 Site location plan  
Existing site and block plan RH1a/B  
Proposed elevations LODGE15/A  
Proposed streetscene elevations RLODGE14/c  
Proposed block plan No.rlodge1L  
Proposed floor plans RLODGE8/E

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.

### **Informative**

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of the new vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification. As vehicular access to Richmond Lodge via the existing access will need to be maintained until such time as the new access is constructed and open, the construction of the dividing wall will need to be delayed to allow through access to be maintained.

**Item No:** 05  
**Application No:** 15/03772/FUL  
**Site Location:** Space Fitness 7 Hayesfield Park Lyncombe Bath Bath And North East Somerset



**Ward:** Widcombe                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor I A Gilchrist                      Councillor Jasper Martin Becker  
**Application Type:** Full Application  
**Proposal:** Installation of 2 no. Velux roof lights to inner slope of roof.  
**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:** Space Fitness  
**Expiry Date:** 20th October 2015  
**Case Officer:** Suzanne D'Arcy

**REPORT**

**REASON FOR REPORTING THE APPLICATION TO COMMITTEE**

The applicant's agent is Cllr Bob Goodman

**DESCRIPTION OF THE SITE**

Space Fitness is sited within the Bath Conservation Area and wider World Heritage Site. It is located amongst mixed style buildings.

This is a full application for the installation of 2 velux windows to the inner roof slope.

Relevant history

None

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

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

DW1 - District wide spatial strategy

B1 - Bath spatial strategy

B4 - The World Heritage Site and its Setting

CP6 - Environmental quality

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

D.2 - General design and public realm considerations

D.4 - Townscape considerations

BH.6 - Development within or affecting conservation areas

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

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

## **OFFICER ASSESSMENT**

The application seeks to install two velux windows on an inner roof slope of the building. The proposed rooflights will be of an appropriate scale and design, so will not dominate the roofslope. There is limited visibility from the wider public realm. 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 surrounding conservation area. It is considered that full consideration has been given to this duty in reaching the decision to grant consent for the proposed works.

Given the location of the windows and the relationship with adjacent residential neighbours, that there will be no adverse impacts on residential amenity.



## **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 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 is based on drawings numbered 5642-2015-01, -02, -08, -09, -10 and -11, received by the Council on 20th August 2015.

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.

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<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Development Management Committee</b>
MEETING DATE:	<b>21st October 2015</b>
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
TITLE:	<b>Enforcement Reports</b>
WARDS:	ALL
<b>AN OPEN PUBLIC ITEM</b>	

AGENDA  
ITEM  
NUMBER

**INDEX**

ITEM NO.	APPLICATION NO. & TARGET DATE:	SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
1	09/00168/UNAUTH	Rough Ground And Buildings, Queen Charlton Lane, Queen Charlton,  Without planning permission the unauthorised use of the land for residential purposes. The use of the land is in breach of planning control.	Farmborough	Martin Almond	Injunction
2	14/00681/UNDEV	43 Upper Oldfield Park, Oldfield Park Bath, BA2 3LB  Review current enforcement notice requiring demolition of the building in light of recent permission	Widcombe	Richard Stott	Withdraw Notice

## Item 1

### LAND TO WHICH THE ALLEGED BREACH OF PLANNING CONTROL RELATES

REFERENCE: 09/00168/UNAUTH



Rough Ground And Buildings, Queen Charlton Lane, Queen Charlton

### MATTERS WHICH APPEAR TO BE BREACHES OF PLANNING CONTROL

Without planning permission the unauthorised use of the land for residential purposes. The use of the land is in breach of planning control.

### SITE DESCRIPTION

The 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. The residential use of the land is unauthorised.

## **BACKGROUND AND RELEVANT HISTORY**

The site has a long running enforcement history. An enforcement notice was served in 1994 and there have been a number of planning applications and planning appeals since that time. The most recent planning application was refused in September 2015. The following is a summary of the planning history

- Application reference WB.168811 submitted for the stationing of residential caravans. Planning permission refused in 1994.
- An enforcement notice was served in relation to the stationing of caravans on the site on 19<sup>th</sup> August 1994 requiring the use of the land for residential occupation to cease and the removal of the residential and touring caravans, trailers and lorries together with all materials associated with the unauthorised use.
- Appeals were lodged against refusal of planning permission and enforcement notice. The enforcement notice was upheld, but temporary permission granted for two caravans until May 1998 on the basis that by then other more suitable sites would be available.
- Permanent occupation of the site ceased between 1995 and 2000, but the Council did not withdraw the enforcement notice.
- The Council cleared the site of derelict caravans, van bodies and other materials in August 1998 following the expiry of the temporary planning permission.
- The site was re-occupied in 2000 and a further application for planning permission was submitted (reference 00/01523/FUL). The application was refused in 2000.
- An appeal was lodged, but dismissed at inquiry in 2002. The Inspector's reasoning was based on the lack of the applicant's gypsy status. This dismissed appeal was subsequently successfully challenged at the High Court and the matter was referred back to the Planning Inspectorate for re-determination.
- The appeal was heard again at a further 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.
- 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.

- 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.
- The appeal decision was unsuccessfully challenged at the High Court in 2012 and was subsequently dismissed in the Court of Appeal in February 2013.
- A further application for planning permission was submitted (Reference 13/02781/FUL). This was refused on 9<sup>th</sup> September 2013.
- Application for planning permission (Reference 14/01379/FUL) was submitted in 2014 to re-consider 13/02781/FUL. The Development Management Committee resolved to refuse this application and the decision notice was issued on 3<sup>rd</sup> September 2015.

## **GYPSY AND TRAVELLER STATUS**

The definition of "gypsies and travellers" provided within the Planning Policy for Traveller Sites (PPfTS) published August 2015 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 was considered by the Council for planning application 14/01379/FUL that the occupiers of the site fell within the definition of gypsies and travellers taken from the Planning Policy for Traveller Sites March 2012 and therefore qualify as gypsies and travellers for the purposes of planning policy.

The PPfTS has been revised and as such Section 2 of Appendix 1 of the updated PPfTS published on 31<sup>st</sup> August 2015 requires that that in determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they previously led a nomadic habit of life
- b) The reasons for ceasing their nomadic habit of life
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

The Council is currently in the process of gathering information relevant to the above questions from the occupants of the site which will be issued as an update if the information is received.

## **PERSONAL CIRCUMSTANCES OF OCCUPANTS**

Prior to the determination of planning application 14/01379/FUL, the applicants were invited to complete a personal circumstances questionnaire by the Council to provide information in respect of the personal circumstances of those living on the site.

The questionnaire identified that there are currently 9 people, including two children, occupying the site forming part of the same extended family. Information submitted with the planning application identified that the occupants make their living from a combination of trades, including landscape gardening 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 is, on the basis of the information received, 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 presented at the application stage demonstrated 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 enforcement action not being pursued.

The Council has re-issued personal circumstances questionnaires to the occupants of the site to identify whether there have been any changes to the circumstances of the occupants since planning permission was refused in September 2015 for application 14/01379/FUL. Responses have yet to be received but relevant information will be issued as an update if received.

## **BEST INTERESTS OF CHILDREN**

The Council have a duty to consider the best interests of children when considering enforcement action that will have a potential impact upon children. There are two children currently occupying the site. It is considered that the best interests of these children would be to remain on the site. In accordance with the Council's duty and as the starting point, the best interests of the children is given no less weight inherently

than any other consideration and is therefore given substantial weight as the starting point in the Council's consideration of pursuing enforcement action.

The weight given to the consideration of the best interests of the children has been reduced in the final analysis relative to other considerations in the particular circumstances of the case given that neither child is currently of school age or attending school.

## **DECISION MAKING FRAMEWORK**

In preparing this report, due consideration has been given to the following Policies, Guidance and Legislation:

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

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

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

CP2 Sustainable Construction  
CP6 Environmental Quality  
CP8 Green Belt  
CP11 Gypsies, Travellers and Travelling Showpeople

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 issue.

D.2 General Design and public realm considerations  
D.4 Townscape considerations  
GB.2 Visual amenity of the Green Belt  
NE.1 Landscape Character  
BH.6 Conservation areas  
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).

## **LEGAL FRAMEWORK**

- Town and Country Planning Act 1990 (as amended)



- 
- Development Management Procedure Order, 2015 (as amended)
- The Human Rights Act 1998
- The Equality Act 2010

## **SUPPLEMENTARY PLANNING GUIDANCE**

- Bath & North East Somerset Local Enforcement Plan, 2013

## **NATIONAL POLICY**

The National Planning Policy Framework (NPPF)  
 National Planning Practice Guidance (NPPG)  
 Planning Policy for Traveller Sites (PPfTS) August 2015

The following sections of the NPPF are of particular relevance:

- Section 4 Promoting sustainable transport
- Section 7 Requiring good design
- Section 9 Protecting Green Belt land
- Section 12 Conserving and enhancing the historic environment

The following sections of the NPPG are of relevance:

- Section 17b – Ensuring Effective Enforcement
- Para 050 – Injunction
- Para 066 – Unauthorised Encampments

## **PLANNING POLICY STATEMENTS**

Green Belt protection and intentional unauthorised development August 2015

## **EXPEDIENCY OF ENFORCEMENT ACTION**

1. The proposed development is inappropriate development in the Green Belt, which harms openness and is contrary to its purpose of safeguarding the countryside from encroachment. Material considerations in favour of the development 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 (2015).
2. The proposed development is 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 is harmful to 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 results 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).

The use of the site for residential purposes is in breach of planning control. In light of the planning history of the site officers consider it necessary and appropriate to pursue formal action in order to remedy the breach. Consideration has been given to the following available options:

1) ENFORCEMENT NOTICE

An enforcement notice was issued on the land on 19<sup>th</sup> August 1994. The enforcement notice was appealed, the enforcement notice was upheld and temporary planning permission was granted for two caravans until May 1998. The enforcement notice has not brought about the cessation of the use of land at the site.

2) PROSECUTION

Non-compliance with the requirements of an enforcement notice is an offence under Section 179 of the Town and Country Planning Act 1990 and as such the Council can prosecute owners of land for being in breach of an enforcement notice.

Whilst the Council may secure successful prosecution of a landowner for non-compliance with the requirements of an enforcement notice it will not however necessarily result in the notice being complied with and may require repeated prosecution attempts to resolve the breach.

3) DIRECT ACTION

Where the steps required by an enforcement notice are not taken within the period for compliance within the notice, Section 178 of the Town and Country Planning Act allows the local authority to enter the land and take the steps as set out in the enforcement notice. In addition, the local authority may recover from the land owner any expenses incurred by taking direct action.

The Council has already undertaken direct action at the site in August 1998 following the vacation of the site by the occupants in order to remedy the breach of planning control however the site was re-occupied in spring 2000 and therefore this course of action did not permanently remedy the non-compliance with the enforcement notice or prevent the breach of planning control.

The costs of taking direct action are likely to be considerable and there is the distinct possibility that once the site was cleared the current occupants would return to the land at some stage as the caravans could be moved off-site with relative ease. This would leave the current occupants free to return the caravans to the land unless substantial works were undertaken by the Council to prevent access to the site being re-gained.

It is considered that direct action would only offer a short-term solution to the ongoing breach of planning control. The site could be cleared of ancillary buildings and any abandoned caravans but it is likely that this would not prevent the re-occupation of the site at a future date.

#### 4) APPLICATION FOR INJUNCTION

Section 187B of the Town and Country Planning Act 1990 allows local planning authorities (LPA) to apply to the court for an injunction to restrain any breach of planning control (actual or apprehended) whether or not the LPA has exercised or are proposing to exercise any other powers and where it considers it necessary or expedient for the breach of planning control to be restrained by injunction.

The breach of planning control has been on and off for a period exceeding 21 years, the current breach of control has been occurring for around 6 years. The planning enforcement process has been protracted due to planning applications and planning appeals submitted by the occupiers of the site and legal challenges. Despite the Council taking direct action in 1998 to clear the site when the site was temporarily vacated the occupation of the site re-commenced and it is considered that unless the LPA seeks injunctive relief the unauthorised occupation of the site will continue.

Case law (*South Bucks DC v Porter and another* [2003] UKHL 26) identifies that if conventional enforcement measures have failed over a prolonged period of time to remedy the breach then courts are more likely to agree to use its own more coercive powers and issue an injunction.

The Council has previously sought injunctive action for an unauthorised gypsy site at Hartley Farm, Charmy Down in 2005. The injunction was granted and led to the breach of planning control being remedied.

It is considered that if an injunction is granted by the court that the breach of planning control is more likely to be remedied because of the nature of the injunction and the penalties associated with breaching an injunction. Other lesser options have been considered however these are not likely to arrest the breach of planning control for the reasons set out above. It is therefore considered that it is expedient for the Council to seek an injunction.

### **HUMAN RIGHTS and EQUALITIES**

#### **HUMAN RIGHTS**

The granting of an injunction means that the occupiers would 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 unauthorised use of the land for residential purposes 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, particularly in light of the protracted history of this site, it is considered that these

legitimate aims can only be adequately safeguarded by taking formal enforcement action by way of a section 187B application. The protection of the public interest cannot be achieved by means that are less interfering with the occupants' rights. They are proportionate and necessary in the circumstances and would not, therefore, result in violation of the occupants' 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 light of the above report, having considered the relevant enforcement options available it is recommended that the Local Planning Authority should seek an injunction from the Court, under Section 187B of the 1990 Act, to restrain the breach of planning control and that it is expedient to do so.

## Item 2

### REFERENCE:

14/00681/UNDEV



### LAND TO WHICH THE ALLEGED BREACH OF PLANNING CONTROL RELATES

43 Upper Oldfield Park, Bath, BA2 3LB

### INTRODUCTION

Members will be familiar with the background to this matter and will recall that at its last meeting committee resolved to grant planning permission for an amended scheme. This report considers the position regarding the extant enforcement notice in the light of that decision.

### CURRENT ENFORCEMENT NOTICE

Following the refusal of retrospective planning permission for the building as constructed, on the 29<sup>th</sup> April 2015 Members resolved to issue an Enforcement Notice. A notice was duly issued on the 8<sup>th</sup> May 2015 requiring the demolition of the building and removal of all resultant material within 180 days of the Notice taking effect.

The Notice would have taken effect on the 8<sup>th</sup> June 2015, however, the developer lodged an appeal against the notice which is scheduled to be heard at a Public Inquiry in March 2016.

Where an appeal is made against an enforcement notice, the notice is of no effect pending the “final determination” or the withdrawal of the appeal.

In summary, whilst a Notice has been served requiring the demolition of the building, it is currently in abeyance pending the outcome of the appeal.

### **PLANNING PERMISSION**

Following refusal of full retrospective planning permission in April 2015 (application ref: 14/04547/FUL) – which is subject to a current planning appeal - a revised application was submitted to the Council on the 29<sup>th</sup> June 2015 (application ref: 15/02931/FUL).

The application sought retrospective permission for the development as built with proposed modifications to the roof of the building to overcome the reasons for refusal set out in application 14/04547/FUL. In summary, the works of modification comprised:

- 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; and
- at fourth floor level - the projections to the side being 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 would also be changed to feature 'wrap around' windows.

Members resolved to approve the officer recommendation to delegate to permit subject to completion of a S.106 agreement relating to car club parking spaces.

At the time of writing this report the Council is waiting for the developer to complete and return the S.106 after which planning permission will be issued. It is understood that the developer has signed the S.106 agreement however are awaiting the signature of the bank who have a mortgage interest in the land. It is anticipated that the S.106 is likely to be completed before the committee meeting on the 21<sup>st</sup> October 2015 and the rest of this report is written on the basis that the planning permission will be granted. If by the date of the committee that proves not to be the case then an update report will be presented to members.

### **LEGAL CONSEQUENCES OF GRANTING PLANNING PERMISSION**

S.180(1) of the Town and Country Planning Act 1990 ("TCPA 1990") states (so far as relevant):

*Where, after the service of a copy of an enforcement notice... planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission (officer emphasis)*

At the time the Notice was issued the Council were of the view that the original permission relating to the site (ref: 07/02461/FUL) had not been implemented and had expired and that the whole building was unauthorised. The Notice therefore required that the building be demolished.

Once the above planning permission has been granted, the effect of S.180 will be that the majority of the enforcement notice will cease to have effect because it is inconsistent with the planning permission. This means that the notice will only 'bite' in respect of the fourth floor and the roof because those are the only remaining elements of the Notice which are consistent with the permission. Clearly under the circumstances an Enforcement Notice requiring demolition of the building will no longer be appropriate and the Council must therefore review the Enforcement Notice and its position in the enforcement appeal. Where, as here, the requirements of an Enforcement Notice have been overridden, it is possible for costs to be awarded against the Council if the Council continues to resist an appeal against the Notice.

Officers therefore advise that, for the above reasons, the Enforcement Notice should be withdrawn. This would mean that the enforcement appeal would then fall away, leaving the appeal against the refusal of application 14/04547/FUL (which was an application for full retrospective planning permission) to run its course. That appeal should hopefully be dealt with by way of written representations (as was the Inspectorate's original intention) rather than by public inquiry. If the 14/04547/FUL planning appeal is allowed then the building as constructed will have full planning permission and no further enforcement action would be necessary. On the other hand, if the planning appeal were to be dismissed then S.173A(4) TCPA 1990 states that:

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

This means that, if the developer did not implement the recently granted permission and make the required changes to the building within a reasonable period of time then further enforcement action could be taken against those unauthorised elements of the building (essentially the fourth floor and the roof) which remain.

Officers have considered whether there is any danger of the development acquiring

immunity if the Enforcement Notice were to be withdrawn. Members will be aware that in the case of unauthorised building operations enforcement action may be taken after the end of four years beginning with the date on which the operations were substantially completed. In this case the Temporary Stop Notice was served on 12 September 2014 and it is well documented that the building was not substantially complete at that point. It is therefore not necessary to reach a concluded view on what date the building was substantially completed (if indeed it is now – officers are not making a finding of fact on that issue in this report) because it is clear that the four years will not expire until a date after 12 September 2018. Furthermore, as the Council has already served an enforcement notice, the ‘second bite’ provisions in S.171B TCPA 1990 apply. These state, so far as relevant, that:

(4) The preceding subsections [*concerning immunity*] do not prevent—

.....

(b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.

Officers will continue to closely monitor the site and it is therefore considered that the possibility of immunity is not a barrier to withdrawing the enforcement notice.

## **CONCLUSION**

Once planning permission is granted, for the majority of the building the Notice will cease to have effect so far as it is inconsistent with the permission. The Council is therefore obliged to review the Enforcement Notice and its position in the enforcement appeal.

It is clear that a Notice requiring total demolition of the building is no longer appropriate and officers therefore recommend that, once planning permission has been granted and S.180 is engaged, the Notice is withdrawn.

If the developer should fail to obtain full retrospective permission at appeal, the Council would expect the building to be modified in accordance with the recently granted planning permission within a reasonable timescale. If the developer should fail to do that then further enforcement action could be taken.

## **RECOMMENDATION**

That, after planning permission has been granted, the Enforcement Notice dated 8<sup>th</sup> May 2015 is withdrawn.





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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Management Committee</b>
<b>MEETING DATE:</b>	<b>21 October 2015</b>
<b>RESPONSIBLE OFFICER:</b>	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)
<b>TITLE:</b>	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>
<b>WARD:</b>	ALL
<b>BACKGROUND PAPERS:</b>	None
<b>AN OPEN PUBLIC ITEM</b>	

**APPEALS LODGED**

**App. Ref:** 14/03990/FUL  
**Location:** Parcel 2900 Greenhouse Lane Nempnett Thrubwell Bristol  
**Proposal:** Installation of a solar park with an output of approximately 4.76MW on land associated with Howgrove Farm.  
**Decision:** REFUSE  
**Decision Date:** 11 June 2015  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 28 September 2015

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**App. Ref:** 14/05193/AR  
**Location:** Richer Sounds 4A York Place London Road Walcot Bath  
**Proposal:** Display of 1no. internally illuminated fascia sign and 1no. non-illuminated hand painted sign.  
**Decision:** REFUSE  
**Decision Date:** 16 April 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 21 September 2015

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**App. Ref:** 14/05194/LBA  
**Location:** Richer Sounds 4A York Place London Road Walcot Bath  
**Proposal:** External alterations for the display of 1no. illuminated fascia sign and 1no. non-illuminated hand painted sign.

**Decision:** REFUSE  
**Decision Date:** 16 April 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 21 September 2015

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**App. Ref:** 15/00239/FUL  
**Location:** 25 Daniel Street Bathwick Bath Bath And North East Somerset BA2 6ND  
**Proposal:** Erection of single storey glazed rear extension including formation of doorway opening to replace window, enlargement of existing extension and replacement of windows.  
**Decision:** REFUSE  
**Decision Date:** 11 June 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 10 September 2015

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**App. Ref:** 15/00240/LBA  
**Location:** 25 Daniel Street Bathwick Bath Bath And North East Somerset BA2 6ND  
**Proposal:** Internal and external alterations to include erection of single storey glazed rear extension including formation of doorway opening to replace window, enlargement of existing extension and replacement windows  
**Decision:** REFUSE  
**Decision Date:** 11 June 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 10 September 2015

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**App. Ref:** 15/01095/LBA  
**Location:** Jolly's 7 - 14 Milsom Street City Centre Bath Bath And North East Somerset  
**Proposal:** External alterations to facilitate fixing of 9 No. flags and flagpoles to front facade. (Retrospective)  
**Decision:** REFUSE  
**Decision Date:** 24 June 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 15 September 2015

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**App. Ref:** 15/01096/AR  
**Location:** Jolly's 7 - 14 Milsom Street City Centre Bath Bath And North East Somerset  
**Proposal:** Display of 9 No. flags each displaying the words 'Jolly's -est 1832-A House of Fraser Store'. (Regularisation)  
**Decision:** REFUSE  
**Decision Date:** 22 June 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 15 September 2015

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**App. Ref:** 14/00835/ADVERT  
**Location:** Jolly's 7 - 14 Milsom Street City Centre Bath Bath And North East Somerset  
**Proposal:** Display of 9 No. flags each displaying the words 'Jolly's -est 1832-A House of Fraser Store'. (Regularisation)  
**Decision:** REFUSE  
**Decision Date:** 22 June 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 15 September 2015

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**App. Ref:** 15/01672/OUT  
**Location:** 31 Hillcrest Pensford Bristol Bath And North East Somerset BS39 4AT  
**Proposal:** Erection of 1 no. dwelling with associated parking. (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 8 June 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 21 September 2015

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## APPEALS DECIDED

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**App. Ref:** 14/04791/LBA  
**Location:** 5 Henry Street City Centre Bath Bath And North East Somerset BA1 1JT  
**Proposal:** Internal and external alterations to reinstate the property back to its original use as a single dwelling, to include restoration works and reinstating some of the architectural features of the building.

**Decision:** REFUSE  
**Decision Date:** 15 December 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 17 February 2015

**Appeal Decision: Allowed on 15.09.2015**

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

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**App. Ref:** 14/04816/FUL  
**Location:** Parcel 0578 Nempnett Street Nempnett Thrubwell Bristol  
**Proposal:** Conversion of barn to create 2No. holiday lets with associated works. (Resubmission)  
**Decision:** Non-determination  
**Decision Date:** 25 June 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 25 June 2015

**Appeal Decision: Dismissed on 25.09.2015**

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

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

**Appeal Decision: Allowed on 29.09.2015**

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

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**App. Ref:** 14/05368/ADCOU  
**Location:** Bonhill Barn Bonhill Lane Bishop Sutton Bristol Bath And North East Somerset  
**Proposal:** Prior approval request for change of use from Agricultural Barn to Dwelling (C3)  
**Decision:** REFUSE

**Decision Date:** 15 January 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 30 April 2015

**Appeal Decision: Allowed on 29.09.2015**

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

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

**Appeal Decision: Allowed on 29.09.2015**

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

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## FORTHCOMING HEARINGS

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**App. Ref:** 14/03163/FUL  
**Location:** Milland House Rock Road Keynsham Bristol Bath And North East Somerset  
**Proposal:** Erection of a building comprising a convenience store, office and 14 flats, following demolition of the existing office building and detached dwelling house.  
**Decision:** REFUSE  
**Decision Date:** 4 March 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 August 2015

**Hearing to be held on 1<sup>st</sup> December 2015 at Somerdale Pavillion, Keynsham.**

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**App. Ref:** 14/05093/FUL

**Location:** Greenleigh Farm Wells Road Chew Magna Bristol Bath And North  
East Somerset

**Proposal:** Refurbishment of agricultural building

**Decision:** REFUSE

**Decision Date:** 27 March 2015

**Decision Level:** Chair Referral

**Appeal Lodged:** 24 August 2015

**Hearing to be held on 17<sup>th</sup> November 2015 at Lewis House, Bath.**

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