

Democratic Services

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Date: 11 November 2015
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To: All Members of the Development Management Committee

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

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

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Management Committee: Wednesday, 18th November, 2015

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 18th November, 2015 at 2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 17th November in the Meeting Room, Lewis House, Bath.

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

The agenda is set out overleaf.

Yours sincerely



David Taylor
for Chief Executive

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

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

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

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

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

Appendices to reports are available for inspection as follows:-

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

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

- 4. Recording at Meetings:-**

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

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

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

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

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

7. Emergency Evacuation Procedure

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

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

**Development Management Committee - Wednesday, 18th November, 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: 21ST OCTOBER 2015 (PAGES 9 - 44)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 21st October 2015

9. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 45 - 136)

10. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 137 - 142)

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 19th July 2012 to which full reference should be made as appropriate).

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

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

2. Local Planning Code of Conduct

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

3. Site Visits

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

4. Voting & Chair's Casting Vote

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

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

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

5. **Protocol for Decision-Making**

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

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

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

6. **Officer Advice**

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

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

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

8. **Officer Contact/Advice**

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

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

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

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

Site Visit Procedure

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

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 21st October, 2015, 2.00 pm

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

58 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

59 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required

60 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Matthew Davies and Sally Davis and their respective substitutes were Councillors Donal Hassett and Karen Warrington

61 DECLARATIONS OF INTEREST

With regard to the application concerning the Former GWR Railway Line, Frome Road, Radstock, Councillor Rob Appleyard stated that he is a Director of Curo and that as the application might impact upon Curo's property interests he felt he should withdraw from the meeting for its consideration. Councillor Eleanor Jackson declared a disclosable pecuniary interest in the same application, as she could view the site from her house and she would also leave the meeting for its consideration. During the consideration of that item, Councillor Paul Crossley clarified that whilst he had had previous involvement with the project when he was the Leader of the Council, he was entirely open-minded about this planning application.

62 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business

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

The Senior Democratic Services Officer informed the meeting that there were members of the public wishing to make statements on the Enforcement Items (Report 11) and on various planning applications (Reports 9 and 10) who would be able to do so when reaching those items on the Agenda.

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

There was none

65 **MINUTES: 23RD SEPTEMBER 2015**

The Minutes of the previous meeting held on Wednesday 23rd September 2015 were approved as a correct record and signed by the Chairman

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

The Committee considered

- The report of the Group Manager – Development Management on 2 planning applications
- An Update report by the Group Manager on Item 1, a copy of the Report being appended as *Appendix 1* to these Minutes
- Oral statements by members of the public on Items 1 and 2, a copy of the Speakers List being appended 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 10 Entry Hill, Bath – Erection of 1 two bed dwelling – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Update Report corrected some aspects of the Report. He stated that the words “.. and retained thereafter” needed to be added to Condition 11 of the Recommendation and ‘in the interest of residential amenity’ should be added to the reason for Condition 4.

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.

Councillor Caroline Roberts raised concerns about parking to which the Officer responded. Councillor Paul Crossley considered that location was the main issue for consideration. He considered that this was inappropriate development for this location and would cause harm to the amenities of adjoining residents. In addition, there would be problems with construction due to its location which would have a detrimental impact on neighbours. He therefore moved that the recommendation be overturned and permission refused which was seconded by Councillor Caroline

Roberts.

Members debated the motion with opposing views being discussed. Councillor Les Kew considered that the site was suitable for development and any construction issues could be overcome.

The motion was put to the vote. Voting: 4 in favour and 6 against. Motion lost.

Councillor Les Kew therefore moved the Officer recommendation to grant permission with conditions which was seconded by Councillor Bryan Organ. The motion was put to the vote and was carried, 6 voting in favour and 4 against.

Item 2 Rosebank, Common Lane, Compton Dando – Erection of two storey extension following the removal of existing conservatory – The Case Officer reported on this application and her recommendation to refuse permission.

The applicants' agent made a statement in favour of the proposal.

Members asked questions about the proposal to which the Officer responded. Councillor Paul Crossley considered that this development would affect the openness of the Green Belt and therefore moved the Officer recommendation which was seconded by Councillor Eleanor Jackson.

Members debated the motion and discussed the Green Belt policy of allowing an increase of up to 30% of the volume of existing buildings. The Team Manager stated that the Council's SPD with regard to extensions to dwellings within the Green Belt was in accordance with the NPPF, and this application applied for a 186% increase which was significantly greater than the guidance within the SPD. This represented inappropriate development which by definition was harmful to the Green Belt.

The motion was put to the vote and was carried, 7 voting in favour and 2 against with 1 abstention.

67 **MAIN 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 planning applications etc.
- An Update Report by the Group Manager on Item Nos. 1, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public on Item Nos. 1-3, 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 4* to these Minutes

Item 1 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 – The Planning Officer reported on this application and the recommendation to grant permission subject to conditions. The Update Report provided an officer assessment on further representations received. Consideration would need to be given to the imposition of a S106 Agreement or a Condition to secure the management of the structural Kilmersdon Brook bank retaining wall.

The public speakers made their statements on the application.

Councillor Bryan Organ considered that the details of the Reserved Matters were acceptable and that the applicants had a proven track record in their consideration of such developments. He therefore moved the Officer recommendation which was seconded by Councillor Karen Warrington.

Members debated the motion. Councillor Paul Crossley referred to his previous involvement in the regeneration of Radstock which he felt did not prejudice his consideration of the scheme and he still had an open mind. He considered that the scheme had now moved forward and would provide numerous benefits to the community and the area in general. He supported the motion.

Members discussed the S106 Agreement and it was considered that the retaining wall to the bank of the brook could be left to Officers to decide if it should be managed under a S106 Agreement or controlled by an appropriate condition.

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

(Note: Councillors Rob Appleyard and Eleanor Jackson were not present for the consideration of this application in view of their interests declared earlier in the meeting)

Item 2 No 2 Hermitage Road, Lansdown, Bath – Erection of detached dwelling with associated car parking and landscaping following demolition of existing dwelling (Resubmission) – The Senior Planning Officer reported on this application and the recommendation to refuse permission. She reported that agents for the objectors had requested that, if the Committee was minded to allow this development, a condition be added to restrict permitted development rights so that there could be no extensions or enclosures.

The public speakers made their statements against and in favour of the application which was followed by a statement from the Ward Councillor Patrick Anketell-Jones.

Councillor Donal Hassett considered that permission should be granted as recommended by Officers on the previous application. The development was partially below the hedge line and there would be no detriment to the area. He therefore moved that the Officer recommendation be overturned and permission granted which was seconded by Councillor Rob Appleyard who felt that the amended design was an improvement and the development sat well within the existing site.

Members debated the motion. Councillor Eleanor Jackson considered that the design was ugly, over square with a poor rear elevation. Councillor Les Kew disagreed and felt it was more in keeping with adjoining properties than the existing building and was not overbearing being on split-level. The Team Manager –

Development Management referred to the recent planning history of the site and stated that Officers considered that the revised plans did not overcome the reasons for refusal for the previous application. There had been no planning policy change since the decision of the Council to refuse the previous application and this refusal was a material consideration to be taken into account. He advised that the motion would need to be amended to Delegate to Permit with appropriate conditions which would include the request by the objectors' agent that permitted development rights be removed for extensions (this would not include outbuildings), the ridge height of the proposed house would be controlled as would be the use of the flat roof and other appropriate conditions would be imposed. The Team Manager, Development Management also advised Members that if they voted in favour of the proposal they should first be satisfied that it overcame the reasons for refusing the previous application. The mover and seconder agreed.

The motion was put to the vote and was carried, 7 voting in favour and 2 against with 1 abstention.

Item 3 Norwood Dene, The Avenue, Claverton Down, Bath – Erection of 7 apartments and associated works – The Planning Officer reported on this application and the recommendation to grant permission subject to conditions. He stated that additional wording would need to be added to Recommendation (A) (i), namely, “in accordance with Policy CP9 of the Core Strategy”.

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

Councillor Jasper Becker considered that this was an acceptable development which would provide housing near the University. The development was set well back from the road and would be screened by existing trees. He therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members asked questions about the proposed management of this development, the size of the flats and parking to which the Officer responded. Members debated the motion. Councillor Caroline Roberts expressed concerns about the size and design of the balconies but the Officer replied that these issues had been taken into account and it was considered that they did not warrant refusal. The Team Manager, Development Management pointed out that, with regard to the paragraph at the top of page 97 of the Report concerning section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the statutory duty did not apply as the site was just outside the Conservation Area, but the setting of the Conservation Area would still need to be considered.

The motion was then put to the vote. Voting: 8 in favour and 1 against with 1 abstention. Motion carried.

Item 4 Richmond House, Weston Park, Upper Weston, Bath – Erection of 1 four bed detached dwelling and creation of new access following demolition of 2 existing garages – The Planning Officer reported on this application and the recommendation to grant permission subject to conditions.

Councillor Karen Warrington considered that the application was acceptable. There were no objections and it was in accordance with national planning policies. She moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members agreed and therefore the motion was put to the vote and was carried unanimously.

Item 5 Space Fitness, 7 Hayesfield Park, Bath – Installation of 2 Velux roof lights to inner slope of roof – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

Councillor Bryan Organ considered that this application was satisfactory and therefore moved the Officer recommendation which was seconded by Councillor Eleanor Jackson.

Members agreed and therefore the motion was put to the vote which was carried unanimously.

68 ENFORCEMENT REPORTS

1. Rough ground and buildings, Queen Charlton Lane, Queen Charlton

The Committee considered

- The report of the Group Manager – Development Management (i) on the unauthorised use of this land for residential purposes which was in breach of planning control; and (ii) which recommended that having considered the relevant enforcement options available, the Local Planning authority should seek an Injunction from the Court under S187B of the 1990 Act to restrain the breach of planning control and that it was expedient to do so
- The Update Report of the Group Manager which provided further information on the matter
- Oral statements by members of the public against and in favour of the recommendation

The Enforcement Officer provided a power point presentation on the matter and informed Members that the word “proposed” should be deleted from the words “The proposed development ...” in paragraphs 1-4 under the heading of Expediency of Enforcement Action in the Report.

Councillor Karen Warrington expressed sympathy for the occupiers of the site but considered that this was a breach of planning control. The nearby housing sites had been dealt with in accordance with the Core Strategy and had followed proper process. She therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion. Councillor Paul Crossley considered that the matter needed careful consideration. The land was not always used for residential purposes as this was a touring family and therefore would not cause any lasting harm – there were also health issues and the education of the children to be considered. He felt that the matter should be delayed until the Appeal Inspector’s decision had been received. Councillor Eleanor Jackson referred to the inconsistency on the Committee’s decisions with other similar sites involving travellers. She could not support the motion which she considered to be premature. Councillor Rob Appleyard

considered that this was a non-aggressive occupation and felt that the matter should be delayed until the outcome of the appeal. The Team Manager referred to the Update Report and the Government's policy for traveller sites. He stated that this was inappropriate development in the Green Belt and emphasised that it needed to be protected, hence the Officer's approach and recommended course of action.

The Chairman referred to the long history of the situation at this site and the duty to local residents and the Green Belt. He put the motion to the vote.

RESOLVED that, having considered the relevant enforcement options available, the Local Planning Authority should seek an Injunction from the Court under S187B of the 1990 Act to restrain the breach of planning control and that it is expedient to do so.

2. No 43 Upper Oldfield Park, Bath

The Committee considered

- The report of the Group Manager – Development Management (i) on the position regarding the extant Enforcement Notice in the light of the Committee's decision at its last meeting to grant planning permission for a revised scheme; and (ii) which recommended that, after planning permission was granted, the Enforcement Notice dated 8th May 2015 be withdrawn
- The Update Report of the Group Manager which provided further information in the light of a recent decision of the High Court and now recommended consideration of 2 options
- An oral statement by the owner/developer

The Case Officer reported on the matter and on further representations received. The Principal Solicitor reported on the legal position as regards the extant Enforcement notice, the recent decision of the High Court and the options available to the Committee.

Members asked questions for clarification to which Officers responded. Members discussed the matter. Councillor Les Kew considered that the work needed to be finished and done properly. A further Enforcement Notice could be served at a later date, if necessary. He therefore moved Option 1 as set out in the Update Report which was seconded by Councillor Jasper Becker.

Members debated the motion and generally considered that it would be better to give the developer the opportunity to complete the development as now approved.

The motion was put to the vote and was carried 9 votes in favour and 1 against.

RESOLVED to withdraw the current Enforcement Notice.

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

The report was noted.

The meeting ended at Time Not Specified

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 21st October 2015

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE SITE
VISIT AGENDA, MAIN AGENDA AND ENFORCEMENT REPORTS**

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE SITE
VISIT AGENDA**

ITEMS

ITEMS FOR PLANNING PERMISSION

Site Visit Agenda Item

Item No.	Application No.	Address
001	15/00453/FUL	10 Entry Hill, Bath

Correction:

1. The consultation responses are incorreced 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.

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEMS

ITEMS FOR PLANNING PERMISSION

Main Agenda Item

Item No.	Application No.	Address
01	15/01965/RES	Former Gwr Railway Line Frome Road Radstock

Planning reference - 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.

REPRESENTATIONS

Urban Design comments have been received. In line with the officers report these identify outstanding concerns with the Brook treatment but advise the scheme as a whole is on balance acceptable.

Third Party Representations

Radstock Town Council have objected on the basis that ground conditions are uncertain and have not been surveyed, provision for drainage has not been made, the position regarding the railway is unclear and clarification of the status of Policy T9 is sought.

A further objection has been received on the basis of the relationship of houses to adjoining properties and suggests that boundaries have been altered and historical footpaths not considered.

Officer Assessment

In response to the points raised above:-

The applicant has provided additional clarifications in relation to ground stability as follows:-

“The Planning Officer’s report (page 80) makes reference to current surveys being undertaken on site in relation to ground conditions. The further ground investigation works have been completed to inform the foundation designs and retaining solutions on the Fox Hill’s area of the proposed development. They are limited to Fox Hills and have been undertaken by the relevant technical consultants. As stated in the officer’s report the proposed development is based on expected ground levels and there is no reason to dispute these can be achieved.”

With regard to boundary’s this concern has been clarified and the boundary’s as shown have been clarified by the applicant as correct.

Public Rights of Way have not been compromised by the development.

The relationship of properties existing and proposed has been assessed and this is confirmed in the main report.

Saved Policy T9 is identified in the officer report as a Saved Policy and it carries full weight. The text says that Development will not be permitted which would prejudice: 1) the efficient functioning and acceptable development of the railway network; or 2) the use of former railway land shown on the Proposals Map for Sustainable Transport purposes.

In the case of the proposals the scheme does provide for a sustainable transport link through the site i.e. the cycleway and therefore does comply with the terms of the policy. With regard to a railway route no proposals to develop the site to include a rail link have been made and there is no policy requirement to provide a railway link through the site.

Other Clarification

The concluding paragraph which advises that the scheme overall is an enhancement to the character of the Conservation Area should read preserves the character of the Conservation Area consistent to the assessment above. The application does not impact adversely on Heritage assets and the restoration of the Brunel shed is considered a Heritage benefit.

The drainage will be offered to Wessex water for adoption and discussions to that end have been underway. Conditions 10 and 11 of the outline approval required drainage details to be agreed and implemented.

Recommendation

As per the main report

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF
ENFORCEMENT REPORT

ITEM

ITEMS FOR ENFORCEMENT REPORTS

Item No.	Reference No.	Address
1	09/00168/UNAETH	Rough Ground and Buildings Queen Charlton

Personal Circumstances Questionnaire

Updated personal circumstance questionnaires dated 9th October 2015 have been received since the publication of the report.

The information provided within the completed questionnaires identifies that changes have occurred to one of the occupant's employment status and medical needs and some of the occupants now receive health visitor support and an outreach worker.

No changes have occurred to the educational status of the children.

Gypsy and Traveller status

Supplemental information has been received dated 9th October 2015 in respect of the Gypsy and Traveller status of the occupants of the site in line with the updated Planning Policy for Traveller Sites (PPfTS) published August 2015.

The information requested by the Council was to gather information regarding the occupant's nomadic habit of life and in particular:

- 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.

From the information dated 9th October 2015 received by the Council it is considered that there is no change to the status of the site occupants and therefore the occupants qualify as gypsies and travellers for the purposes of planning policy.

Additional representations received

Three additional representations have been received since the publication of the report from the occupants GPs and health visitor, summarised as follows:

- The occupants have established positive relationships with the local health care and children's services.
- Supporting positive engagement within local health care services is vital within traveller communities.
- The occupants of the site are within a local GP practice boundary and receive correspondence by post for health care services. If the family were evicted from the site they would have no postcode and therefore could not receive vital information about health care.
- Evicted families experience high levels of uncertainty, instability and anxiety caused by displacement and separation which is relevant to a family who have established themselves within the local community.
- Roadside living could lead to health risks for the children and lack of basic amenities for the family.
- Local authorities have a responsibility to provide space for travellers to camp on permanent sites.
- The family would like to send the children to local school and nursery which would improve educational attainment within the traveller community.
- The occupants require access to primary care services for their medical needs and require a postcode to be registered with a GP practice.

Appeal of 14/01379/FUL

The Council has received notification from the Planning Inspectorate that an appeal has been lodged in regard of planning application 14/01379/FUL (change of use of land to private gypsy and traveller caravan site (Retrospective) (Resubmission of 13/02781/FUL)) that was refused planning permission on 3rd September 2015. The appeal was received by the Planning Inspectorate on 19th September 2015.

Conclusion

The additional information received from the occupiers of the site and the additional representations received have been taken into account however they do not alter the recommendation given in the report.

Item No.	Reference No.	Address
2	14/00681/UNDEV	43 Upper Oldfield Park Oldfield Park Bath

Enforcement Report Update:

Site Address: 43 Upper Oldfield Park, Oldfield Park, Bath

Planning Reference: 14/00681/UNDEV

In the main report, members were advised to withdraw the enforcement notice because the Council retained the option of taking further enforcement action at a later date. That is still correct.

However, since the publication of the main report, a recent decision of the High Court has come to light which suggests that keeping the enforcement notice in place is also an option.

In Goremsandu v Secretary of State for Communities and Local Government [2015] EWHC 2194 (Admin) the High Court held that where an enforcement notice required that all of a building should be demolished and (as here) planning permission was subsequently granted to retain part of the building, the enforcement notice would still 'bite' upon that part of the building which remained unauthorised and would require demolition of those unauthorised elements. The Court's reasoning was that otherwise a landowner could circumvent the effect of an enforcement notice requiring complete demolition of an unauthorised building by obtaining planning permission for a smaller and less intrusive building which it did not then implement.

Applying the principle of Goremsandu to 43 Oldfield Park (and assuming that the partly retrospective planning permission has been granted), if members were to resolve to keep the enforcement notice in place then the notice would require the unauthorised elements of the building which remain (essentially the fourth floor balconies and elements of the roof) to be demolished. In theory this approach could leave the building in an unsatisfactory state. However, if the developer were to lose its appeal for full retrospective permission, then the enforcement notice would continue to be a blight on the property and the obvious solution would be for the developer to then modify

the building in accordance with the recently granted part retrospective planning permission.

Members are therefore advised that in the light of Goremsandu there are two options.

1. Withdraw the notice and serve a further notice later on if need be. That further notice could require that the building is modified to make it comply with the terms of the part retrospective planning permission. A reason for suggesting this course of action is because there is a risk that if the developer complies with the terms of the notice (if left in place) this could leave an unfinished building which would potentially be harmful to the character and appearance of the conservation area.
2. Keep the notice in place which would simply require that the unauthorised elements of the building are demolished. It could be argued that it is unlikely that the developer would elect to carry out the demolition works required by the notice and then leave the building unfinished and that leaving the notice in place is more likely to compel the developer to regularise the unauthorised building.

Officer Recommendation:

In light of the decision in Goremsandu, it is necessary to review the officer recommendation.

It is now recommended that Members should decide between withdrawing the enforcement notice, or keeping it in place.

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE
MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON
WEDNESDAY 21ST OCTOBER 2015**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISITS LIST – REPORT 9		
10 Entry Hill, Bath (Item 1, Pages 47-58)	Linda Laurenson Lynsay Lucas, David Brain Partnership (Applicant's Architects)	Against For
Rosebank, Common Lane, Compton Dando (Item 2, Pages 59-63)	Tony Phillips, Thurdleigh Planning (Applicants' Agents)	For
MAIN PLANS LIST – REPORT 10		
Former GWR Railway Line, Frome Road, Radstock (Item 1, Pages 67-82)	Councillor Colin Currie (Radstock Town Council) <u>AND</u> Councillor Eleanor Jackson (Westfield Parish Council) Gary Dando <u>AND</u> Eleanor Jackson Kate Le Grice Mack, Norton Radstock Regeneration Co <u>AND</u> Lydia Whittaker, Linden Homes (Applicants)	Against – To share 3 minutes Against – To share 3 minutes For – To share 3 minutes
2 Hermitage Road, Lansdown, Bath (Item 2, Pages 83-91)	Graham <u>AND</u> Annie Meharg Tom Roche, Roche Associates (Applicants Agents)	Against – To share 3 minutes For
Norwood Dene, The Avenue, Claverton Down, Bath (Item 3, Pages 92-104)	Kath Oram Chris Beaver, PlanningSphere (Applicants' Agents)	Against For

ENFORCEMENT ITEMS – REPORT 11		
Rough ground and buildings, Queen Charlton Lane, Queen Charlton (Pages 116-124)	Jeremy Furber Sam Worrall, Gypsy Traveller and Boater Outreach and Engagement Officer (Julian House)	Statement Statement
43 Upper Oldfield Park, Bath (Pages 125-128)	Margaret Favager (Owner/developer)	Statement

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

21st October 2015

SITE VISIT DECISIONS

Item No:	001	
Application No:	15/00453/FUL	
Site Location:	10 Entry Hill, Combe Down, Bath, Bath And North East Somerset	
Ward: Lyncombe	Parish: N/A	LB Grade: N/A
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:	23rd October 2015	
Case Officer:	Chris Griggs-Trevarthen	

DECISION PERMIT with 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 has 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 and residential amenity.

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 and retained thereafter.

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:

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.

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.

INFORMATIVE

If the roof area of the proposed building is larger than 100m²...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	
Ward: Farmborough	Parish: Compton Dando	LB Grade: N/A
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	

DECISION REFUSE

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:

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

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.

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

21st October 2015

MAIN AGENDA DECISIONS

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
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	

DECISION Delegate to PERMIT

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

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

B) Subject to the completion of (A) or the imposition of an appropriate condition to control ongoing management of the retaining wall authorise the Group Manager to Permit the Development with the following 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:

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

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
Ward: Lansdown	Parish: N/A LB Grade: N/A
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

DECISION Delegate to PERMIT with appropriate conditions

PLANS LIST:

- Drawing 24 Jul 2015 140919-2HR-TTP-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

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.

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

Item No:	03	
Application No:	15/02616/FUL	
Site Location:	Norwood Dene, The Avenue, Claverton Down, Bath	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
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	

DECISION

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 in accordance with Policy CP9 of the Core Strategy.

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:

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
Ward: Weston	Parish: N/A LB Grade: II
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

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 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:

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	
Ward: Widcombe	Parish: N/A	LB Grade: N/A
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	

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

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

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Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	18th November 2015
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

BACKGROUND PAPERS

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

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

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

- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal

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

The following notes are for information only:-

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

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

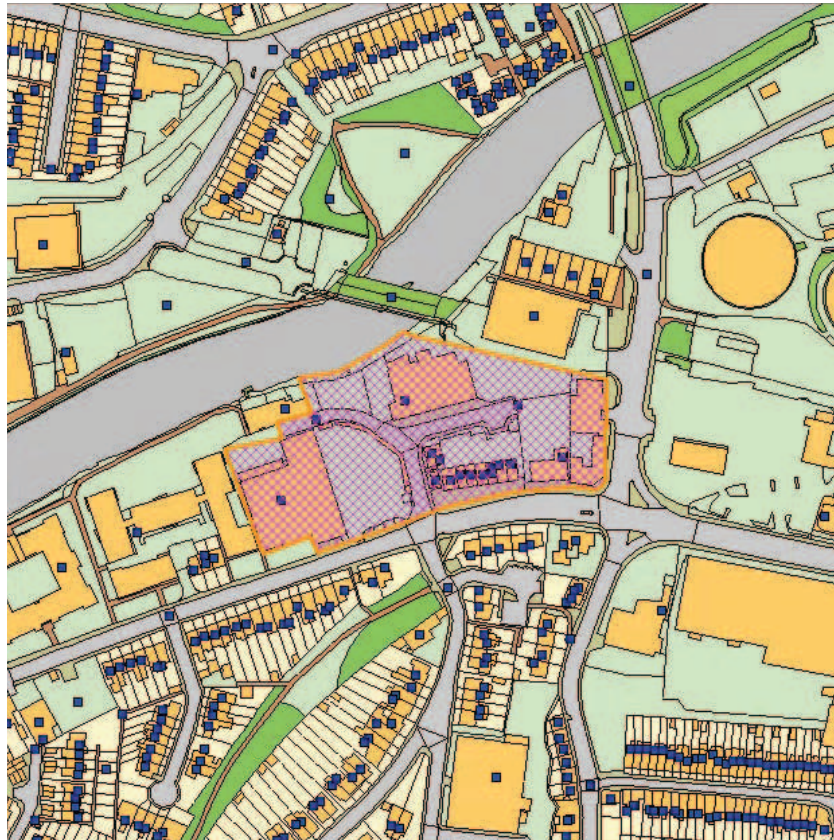
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	15/01932/EOUT 18 August 2015	Deeley Freed (Penhalt) Limited Proposed Development Site, Roseberry Road, Twerton, Bath, Mixed-use regeneration comprising the erection of six buildings to accommodate up to 175 flats, flexible business employment floorspace (Use Class B1) (up to 6,000 sq m gross), local needs shopping (up to 1,350 sq m gross) together with all associated development including demolition of existing buildings, site remediation, construction of new access roads and riverside walkway/cycle path, landscaping and tree planting.	Westmoreland	Tessa Hampden	CONSENT
02	15/03742/FUL 13 October 2015	Stonecraft Of Bath Ltd 151 - 152 High Street, Twerton, Bath, Bath And North East Somerset, BA2 1BY Erection of seven residential units following demolition of existing building (Revised proposal).	Westmoreland	Laura Batham	Delegate to PERMIT
03	15/02859/OUT 20 November 2015	Mr Iftakhar Ahmed Garage Blocks Between 60 And 100, Greenvale Drive, Timsbury, Bath, Bath And North East Somerset Erection of 2no. three bedroom semi-detached houses with parking spaces following demolition of 8no. single garages (2 blocks of 4). (Outline application with access and layout to be determined and all other matters reserved)	Timsbury	Alice Barnes	PERMIT

04	15/03402/FUL 23 September 2015	Ms Olga Fladmark 1 Sydenham Terrace, Tynning Road, Combe Down, Bath, Bath And North East Somerset Erection of 1 no three bed dwelling and single storey rear extension to existing house following demolition of single storey side extension and some outbuildings.	Combe Down	Chris Griggs- Trevarthen	PERMIT
05	15/03976/FUL 20 November 2015	Mr James Calvert-Jones 2 Southstoke Road, Combe Down, Bath, Bath And North East Somerset, BA2 5SJ Installation of side and rear dormers to create loft conversion (Resubmission).	Combe Down	Jessica Robinson	REFUSE
06	15/04027/FUL 3 November 2015	Mr A Wilkes Pantiles, Wick Road, Bishop Sutton, Bristol, Bath And North East Somerset Erection of two storey rear extension and internal alteration to existing dwelling. (resubmission)	Chew Valley South	Corey Smith	REFUSE
07	15/03574/FUL 5 October 2015	Mr And Mrs B.T. Murray The Old Parsonage, Main Street, Farrington Gurney, Bristol, Bath And North East Somerset Erection of single storey lean-to extension (resubmission)	High Littleton	Victoria Griffin	REFUSE
08	15/03632/LBA 5 October 2015	Mr And Mrs B.T. Murray The Old Parsonage, Main Street, Farrington Gurney, Bristol, Bath And North East Somerset Internal and external alterations to include erection of single storey lean-to extension (resubmission)	High Littleton	Victoria Griffin	REFUSE
09	15/03406/CONSLT 18 August 2015	Barratt Homes, Bellway Homes Ltd & Whitecroft Developments Horseworld, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset Comprehensive Masterplan and Design Principles for the proposed redevelopment of the land at Whitchurch pursuant to Policy RA5 of the Bath & North East Somerset Core Strategy 2014.	Publow And Whitchurch	Rachel Tadman	Agreed

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

Item No: 01
Application No: 15/01932/EOUT
Site Location: Proposed Development Site Roseberry Road Twerton Bath



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Colin Blackburn Councillor June Player

Application Type: Outline Application with an EIA attached

Proposal: Mixed-use regeneration comprising the erection of six buildings to accommodate up to 175 flats, flexible business employment floorspace (Use Class B1) (up to 6,000 sq m gross), local needs shopping (up to 1,350 sq m gross) together with all associated development including demolition of existing buildings, site remediation, construction of new access roads and riverside walkway/cycle path, landscaping and tree planting.

Constraints: Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Sites with Planning Permission, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, Sustainable Transport, World Heritage Site,

Applicant:	Deeley Freed (Penhalt) Limited
Expiry Date:	18th August 2015
Case Officer:	Tessa Hampden

REPORT

Site description and proposal

The application relates to a site located on Roseberry Road in Bath, which forms the corner of Windsor Bridge Road and the Lower Bristol Road. The northern boundary is formed mainly by the River Avon which is designated as a Site of Nature Conservation Interest (SNCI) The Environment Agency flood maps indicate that parts of the application site lie in Flood Zone 2 and parts in Flood Zone 3a. The site currently comprises a number of buildings many of which are vacant but a number are occupied by industrial/commercial uses.

The site is outside, but close to the Conservation Area, and within the wider World Heritage Site. To the west of the site is the three storey grade II listed Charlton Buildings. The topography of the site is generally flat with a slight fall from the south to the north, towards the river. The site is within the City's Enterprise Zone.

The application seeks outline planning permission for a mixed-use regeneration scheme, comprising the erection of six buildings to accommodate up to 175 flats, flexible business employment floorspace (Use Class B1) (up to 6,000 sq m gross), local needs shopping (up to 1,350 sq m gross/ 100sqm net) together with all associated development including demolition of the existing buildings, site remediation, construction of new access roads and riverside walkway/cycle path, landscaping and tree planting.

The application seeks approval for access at this stage, with matters of the appearance, landscaping, layout and scale reserved for subsequent determination. Revised plans have been received during the application process which have altered elements of the design, which generally amend the overall scale of the proposed buildings, and enhance the landscape setting of the development. Further information has also been submitted following concerns raised by officers with regards to a number of issues, including drainage, highway safety/parking issues, and ecology.

Relevant planning history

DC - 05/00122/FUL - RF - 24 March 2005 - Change of use from Dairy Depot to Builders Merchant and alterations to access & car parking; construction of and alterations to boundary walls and fences

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - following receipt of the further information, the parking levels are considered to be acceptable, and subject to conditions and measures to be included in a legal agreement there are no objections. It is noted that amendments should be made to a number of issues such as the location of the internal zebra crossing, but this can be done through the reserve matters stage

Urban Design - concerns original raised have been addressed and objection removed. Further design amendments can be made at reserved matters stage where necessary

Conservation Officer - objects to the scheme on the basis of impact upon the World Heritage Site, adjacent Conservation Area and listed buildings. Harm caused by the excessive height and the scale of the development and relationship between buildings. Views of the City from the valley slopes to the south have already been harmed by the domination of recent excessively high development, and this current proposal would exacerbate this situation.

Historic England - comments only - welcomes principle of development but concerns raised with regards to lack of space at river frontage, buildings are too high and fail to respect the immediate historic context fully, including the impact of such a high density, overbearing development on the river and the neighbouring conservation area. The cumulative impact of these blocks is that they will still have an overpowering impact on the skyline in this part of the City where development heights start can be expected to reduce.

Ecology - no objection subject to condition

Natural England - following revised information objection has been withdrawn

Economic Regeneration - no objection subject to mechanisms in the S106 to secure delivery of offices and training and recruitments measures

Wales and West Utilities - no objection subject to developer considering location of utilities during construction

Environment Agency - No objections subject to conditions and informative's

Environmental Protection - no objection to the development subject to conditions to safeguard residential amenity of future occupiers.

Archaeological Officer - no objection subject to condition

Drainage and Flooding - no objection subject to condition

National Planning Case Work Unit - no comments

Canals and Rivers Trust - no objection

Arboriculture - no objection subject to condition, satisfied that adequate space for replanting

Landscape Architect - no objection, notes improvements to scheme

Wessex Water - no objections

Air Quality Officer - no objection subject to conditions

Allotment Officer notes that allotments could be provided on green roofs. Proposal will create demand and this should be considered as part of the application

Avon and Somerset Constabulary, no objection subject to comments

Cllr June Player Requests that this application is called to committee if officers are minded to permit. Object to the scheme can be summarised as follows:

- Lack of integration with surrounding community
- Impact upon views into the city from wider view points
- Over intensification of the site
- Impact upon congestion/traffic in an already heaving congested area (including cumulative impact with recent and proposed developments in surrounding area)
- Highway safety issues from increased use of access and from increased demand in parking
- Lack of on site parking
- Air quality issues
- Questions over flood risk and allotment provisions
- Impact upon trees and loss of these along the river

Transition Bath -comments only

- Excessive parking spaces for local needs retail
- Car club, electric charging points and cycle parking should be increased
- Supportive of high density housing
- Would encourage a commitment to use CHP heating and power in the development to reduce its carbon emissions and a more innovative approach to green roofscapes- with space for residents to grow plants and vegetables

Bath Preservation Trust object to the scheme, this can be summarised as follows:

- Specifically concerned about the mass, scale and height of buildings 1, 4, 5, 6.
- Due to their bulk the proposed buildings still largely fail to respond to the character and architectural grain of the surrounding area. They would incongruously and very visibly dominate the local area which is characterised by visually homogenous small scale domestic or industrial architecture of various periods.
- In particular note that the proposal still includes the step back roof form which is an unwelcome design precedent. Whilst some of the height of the employment buildings has been reduced, it appears that actually the set back roof of the far west building may be one storey higher.
- The proposed scheme, by virtue of height, bulk, design and appearance, harms the setting and views of multiple designated heritage assets. This development would neither preserve nor enhance the character and appearance of the conservation area, would fail to enhance the local distinctiveness of the townscape and would be detrimental to the visual amenity of the location. We believe that the special qualities of the World Heritage Site would be compromised by such development.

Bath Heritage Watchdog object to the scheme

- Inappropriate height revisions do not improve the application and in some cases worsen the impact
- Excessive massing
- Inappropriate materials that do not sit well together or in this context
- Inappropriate roof forms that continue the harm of BWR across the valley
- Development does not respect the local vernacular/'Bathness'
- Inappropriate design and elevation treatment
- Overall harm to the setting of the World Heritage Site, Conservation Area and Listed Buildings
- Lack of need for offices and potential use for students

12 objection comments, 3 general comments have been received. These can be summarised as follows

- Height excessive and not in accordance with the building heights strategy
- Quantum of business floor space should be secured
- Retail development not justified in terms of small scale and potential impact upon local shopping centres
- Inappropriate drainage
- Future use of accommodation as student homes
- Lack of information with regards to ecology
- Inappropriate design and use of materials - excessive palette of materials
- Lack of consideration to Gulls
- Anti social behaviour from large numbers of new housing
- Pressure on surrounding infrastructure
- Lack of mix of housing types
- Lack of relationship with the river
- Car dominated environment
- Highway safety issues from increased use of access
- Lack of parking and related issues
- Inappropriate design not relating to local context
- Overall impact upon designated heritage assets
- Lack of need for flats and need for family homes
- Lack of need for retail unit

1 supporting comment which can be summarised

- Welcomed development of derelict site
- Acceptable design/scale for this corner location
- Supports the location of employment in this sustainable location.

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: The Core Strategy and Saved Policies in the B&NES Local Plan (2007)

Core Strategy Policies which apply are

CP2: Sustainable construction
CP3 Renewable energy
CP5 District heating
CP6 Environmental Quality
CP7 Green Infrastructure
CP9 Affordable housing
CP10 Housing Mix
CP13 Infrastructure Provision
DW1 District-wide spatial Strategy
B1 Bath Spatial strategy
B3 Twerton and Newbridge Riverside Strategic Policy
B4 World Heritage Site and its setting

The saved policies of the Bath and North East Somerset Local Plan which apply are

IMP.1 Planning obligations
GDS1 Site Allocations and development requirements
BH1 World Heritage Site
BH2 Listed Buildings and their settings
BH3 Demolition of a listed building
BH5 Locally important buildings
BH6 Conservation area
BH7 Demolition in Conservation Areas
BH12 Archaeological remains
BH13 Archaeological remains in Bath
BH22 External lighting
ET1 Employment land overview
SC.1 Settlement classification
D2 General Design and public realm considerations
D4 Townscape considerations
T1 Over arching access policy
T3 Promotion of walking and use of public transport
T17 Land safeguarded for major road improvement schemes
T24 General development control and access policy
T26 On-site parking and servicing provision
ES.2 Energy conservation
ES3 Gas and Electric Services
ES.4 Water supply
ES.5 Foul and surface water drainage
ES.9 Pollution and nuisance
ES12 Noise and vibration
ES15 Contaminated land
NE10 Nationally important species and habitat
NE11 Locally important species
NE12 Landscape features
NE14 Flood Risk
HG.1 Meeting the District Housing requirement
S4 Retail development proposals outside of identified shopping centres

Other Material Policy includes

City of Bath World Heritage Site Setting SPD (2013)
Bath Building Heights Strategy (2010)
Planning Obligations (2015)

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (published March 2012) is material and the National Planning Practice Guidance is taken into account.

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

Reason for referring this to committee

The application has been referred to Committee by the Development Group Manager due to the scale and nature of the development. This application has all been called to Committee by Cllr June Player if officers are minded to approve.

Given the scale and nature of the proposed development and having regard to the sensitivity of the location, the proposal has been subject to EIA Scoping exercise. Due to the potential for significant environmental effects, an EIA of the development has been undertaken and an Environmental Statement (ES) prepared which accompanied the application. The submission of the ES was publicised as required.

The Scope of the EIA was agreed with the Council prior to submission to allow assessment of the likely significant environmental effects arising from the proposed development. The assessment of the environmental effects resulting from the proposed development is considered, as relevant, with the main planning issues identified below.

Principle of development

The application site comprises part of a larger general development site at the Lower Bristol Road which is covered by saved policy GD1 (B12) of the 2007 Bath and North East Somerset Local Plan. The visions for the development of this site have to some degree developed since the adoption of the Local Plan and the creation of this policy. This is inscribed in the adopted Core Strategy and through the emerging Placemaking Plan. The site is located in the Bath City Riverside Enterprise Area and it is referred to specifically in Policy B3 of the Council's Core Strategy as one of only two key regeneration opportunities in Twerton and Newbridge Riverside. This policy gives area specific planning policy direction to supplement Policy B1 of the Core Strategy.

The proposed development comprises a mixed use scheme of, residential, B1 employment and retail. This is considered to be broadly in line with adopted and emerging policy requirements. At this stage it should however be noted that only limited weight can be given to emerging policy within the Placemaking plan, but it is useful tool to understand the visions for this site and the overall Enterprise Area in which this site sits.

Residential development

It is noted that GD1 refers to the provision of around 50 houses in the plan period. It is noted that technically we are out of the plan period in terms of housing delivery. The housing requirements have moved on considerably since this time and there is a recognised need for additional housing in the city and the district as a whole. The provision of up to 175 units at this location is considered to contribute significantly to this need. Whilst the mix of housing types within this scheme is limited, with only 1 and 2 bed units proposed, there is no objection to the scheme on this basis. This is considered to provide a housing type which will benefit the city. There is no objection therefore to the development of the site with housing as proposed and this is considered to generally accord with the requirements of the relevant policies. The submission considers that the residential development will transform the image and identity of the site which will encourage future investment in relation to the business use element of the site. It is therefore recognised that the residential part of the scheme plays an important role in terms of its overall deliverability.

Office (B1) and loss of industrial (B1c)

The Core Strategy recognises that the Twerton Riverside Area, in which this site falls, as a suitable location for a broader range of uses and there is scope to redevelop the area to provide new business(B1a,b and C) premises and housing. This part of the policy generally accords with the relevant parts of policy GD1.

The development also proposes up to 6000sqm of B1 employment space. This accords again with Local Plan policy GD1. Policy B1 of the Core Strategy is the Bath Spatial Strategy and clause 2 of this policy focuses on Economic Development. An aim of this policy is to increase the employment base of the city. A significant boost in the quantum and quality of stock the office premises is sought. There is a city centre focus for this but there is also a desire to enable appropriate levels of out-of-centre space in mixed-use developments beyond the centre. Although out of the centre, this is a well-connected out-of centre location, within the Bath City Riverside Enterprise Area. It has good public transport links, including the rail link at nearby Oldfield Park Railway Station. In order to attract investment, the offices will need to be of a high quality in a transformed environment. Further, the development would need to be of a sufficient scale to attract future occupiers. The development proposes 6000sqm of office floor space and this is considered to be sufficient to meet the requirements of investors. This element of the scheme can therefore be supported.

However, it should be noted that the development of the site results in the loss of industrial space and does not provide any replacement similar units within the space. Whilst it is noted that are large number of units within the site that are vacant and in a poor state of repair, a number are occupied and these occupiers would need to relocate if the development were permitted and implemented as proposed. The loss of this space and

the lack of flexibility need to be considered as part of this proposal and weighed against the benefits proposed.

Policy B3 relates specially to the Twerton and Newbridge Riverside Area. Whilst Newbridge Riverside receives a high level of protection in respect of the existing stock of industrial land and floorspace, the policy for Twerton Riverside is more flexible in the range of uses to be accommodated and includes housing and office space amongst them. However Policy B3 explains that it is necessary to retain an appropriate amount of land in Twerton riverside for B1(c) uses and alongside office uses and housing.

As this is an area specific rather than a site specific policy then there is no specific requirement for industrial space to remain or be replaced at the site. However it is necessary to take into account the implications of not doing so on the management of an appropriate level of industrial space in this policy area. There is a risk that a shortage of availability within the city as a whole at a particular point in time would negatively effect the realisation of regeneration objectives.

The appropriate level of land that should remain for light industrial use in Twerton Riverside is not defined in the Plan. Policy B3 foresees some further reduction in the light industrial offer here. A planning application is also being considered at Bath Press where a large amount of industrial space will also be lost. If both sites as are subsequently permitted as applied for then there will be a significant reduction in the amount of land in Twerton Riverside that could have provided some flexibility with the city in accommodating the light industrial sector. The remaining land in the policy area would relate to the Polamco Building at Weston Lock and Stable Yard. The level of retained land for light industrial space is therefore limited. In combination, the identified loss of industrial floorspace is 17,500 sq metres against the overall indicative 'control' figure within Policy B1 of negative 40,000 sq metres. The overall thrust of Policy B1 is therefore not endangered.

The loss of this industrial space is regrettable but the creation of the office space and residential development is considered to result in significant benefits. The NPPF Paragraph 51 states that LPAs should normally approve planning applications for a change to residential use from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided there are not strong economic reasons why such development would be inappropriate. Whilst there is an economic case for providing some light industrial units in this location, it is not consider that the case is strong enough in the terms of this paragraph and Policy B3 of the Core Strategy

The loss of the industrial use is not considered to directly conflict with the relevant policies of the Core Strategy or the saved policies of the Local Plan

Retail element

Policy GD1 of the Local Plan cites small scale local needs shopping as an appropriate use at land at Lower Bristol Road. The emerging Placemaking plan also recognises that at Roseberry Place a small scale retail use where it doesn't impact adversely on existing retail centres could complement other uses on this site. This policy can however only be given limited weight at this stage. It appears clear however that the vision for this site is a

mixed use development. Small scale retail development therefore can be considered an appropriate use on this site. It is noted that Lidl has recently opened in relatively close proximity to the application site, but policy GD1 does not limit the level of local needs shopping that can be developed on this site, and the main thrust of this policy is to ensure that the overall development site is a mixed use with complementary uses including retail, business and residential. However, to ensure that the development is policy compliant, and to confirm that a sequential test is not required, it should be demonstrated that the proposed use is a small scale local needs shop and this should bear in mind the fact that Lidl is already in operation. There is no definition in the Development Plan, or the NPPF/NPPG as to what constitutes small scale local needs shopping.

During the application process, a retail statement has been submitted in response to concerns that it had not at that stage been successfully demonstrated that the retail unit as proposed was small scale or local needs shopping. An Impact Assessment has not been requested as part of this application as the NPPF explains that impact assessments are only required for proposals in excess of 2,500 sq metres, unless a local threshold has been set. Although the Local Planning Authority will set a threshold through emerging policy, this has yet to be done and can therefore only be afforded limited weight. Although an Impact Assessment cannot be requested, the retail statement does refer to this matter but not at a level that would be expected of a full assessment.

The retail report confirms that whilst there is no named retailer at this outline stage, it is envisaged that the unit will prove attractive to the main national convenience retailers (that is, firms offering primarily groceries and other food and drink products). It explains that this type of neighbourhood store is typically found in strategic out-of-centre locations (e.g. main transport corridors or in areas where established shopping centres are beyond reasonable walking distance) and such shops perform an important and sustainable function in the local community by reducing the need to travel excessive distances to access everyday goods. The retail report explains that the limited size of the proposed store, up to 1,000sqm net floorspace, dictates that higher-order and specialist products will not form part of its retail offer. As such, the proposed store will not act as a retail destination in the wider sense. Original concerns were raised by officers with regards to the high level of parking spaces provided for the unit and this was not considered to reflect that which would be expected for a small/local needs shop. This has now been reduced and officers are comfortable that this is more commensurate with the function of the unit envisaged within the Development Plan.

Neighbourhood shops serving day-to-day needs vary in size, depending on the characteristics of the local area including the nature of competing facilities. Neighbourhood convenience stores will often be larger in built-up areas in order to meet better the day-to-day shopping needs of the local community. Neighbourhood shops are essentially defined by their function as opposed to any rigid size threshold, and they will often be stores of a scale proposed at Roseberry Place or larger. Saved policy S9 of the Local Plan does not impose a threshold size for such shopping facilities, giving flexibility to apply the policy in the interests of best serving the shopping needs of local communities.

The report highlights that approximately 2,700 new homes are planned in the area. Based on the average household size in the City, this is likely to result in local population growth in the order of 6,000, providing a significant uplift in the amount of locally-generated shopping expenditure. Additional spending will also come from new local employees from

Roseberry Place and other regeneration opportunities. The report therefore argues that Roseberry Place site is ideally situated to address the local convenience shopping needs of a growing living and working population nearby. The proposal will function as a neighbourhood store selling regular and routinely-purchased essential food and non-food items of a standard nature.

The review of convenience shopping facilities in Bath shows that the primary (walk in) catchment area for the proposed retail unit has only a small overlap with that of Moorland Road District Centre and no overlap with those of the nearest local centres, in particular, Twerton. In these circumstances, the store is unlikely to have any significant adverse effects on the economic health of established shopping centres, particularly in the present circumstances of a rising local resident population and workforce. However as stated above, there is no requirement for an impact test to be undertaken.

Having considered the content of the report in the context of the submission and saved policy GD1, officers are comfortable that the retail development proposed can be considered to be a small scale/local needs shop and as such the development can be considered to be policy compliant.

Overall there is therefore no objection to the mix of uses proposed. It has been explained that the overall strategy for the redevelopment of the site is a phased development, firstly carrying out the residential and retail element, to cover the contamination and infrastructure costs of the site, and to redefine the image and identity of the site. Phase 2 will provide the employment element of the scheme. The Planning Statement cites that it is intended that the employment use of the western part of the site will be protected by ground lease arrangements. This is however outside of the planning remit and the delivery of the employment site could not be fully controlled through this mechanism.

A primary issue with the proposals therefore is to ensure where possible that the employment space (phase two) is delivered. The agent is confident that subject to creating an inviting office environment achieved by transforming the identity of the site, that the employment element will be delivered. Mechanisms to achieve this delivery have been discussed and examples of where these have previously been used have been cited.

Therefore it will be key in any planning consent though a section 106 agreement, that the delivery of the employment space is secured. The mechanisms may include:

- A commitment to work in partnership with the Council on the marketing of the employment space
- A requirement to produce and agree with the Council marketing material and a marketing strategy for the employment space in advance of the commencement of any development on the site
- A commitment to complete the employment space to a "shell and core" standard by a specific trigger point in the overall development ie : the occupation of 50% of the residential units
- A "fall back" provision which, in the event of the non-delivery of the employment space, provides for a financial contribution to be made the provision of employment space off-site in another location within Bath.

The above should ensure that the office space comes forward in a timely manner to meet the requirements of the relevant policies.

Character and appearance/Landscape

The site seeks outline consent but significant detail has been included within the submission. The matters of scale, appearance, landscaping and layout are left for approval at reserved matters stage. However, officers need to be comfortable that development as described could be accommodated on site without harming the visual amenities of the area, or upon the relevant designated and non designated heritage assets, or if they do, there are public benefits that outweigh any harm identified.

The site currently comprises a number of small scale industrial and commercial buildings, some of which are vacant and have fallen into a poor state of repair. The buildings are generally of little architectural merit and there is no objection to their loss subject to a suitable scheme coming forward. The poor state of the site and the lack of quality built form means that the site generally detracts from the visual amenities of the immediate area, but due to the small scale of the buildings that make up the site, the site overall has a limited impact upon the wider area. However, the Lower Bristol Road is one of the key routes into the city centre and the site presently does not contribute positively in this regard. There is the scope to enhance this route and this is recognised as a key objective within the relevant policies of the Core Strategy.

Significant revisions have been made to the scheme during the application process. This has involved the reduction in the scale and height in a number of buildings, alterations to roof forms, amendments to elevation treatments and revisions to soft and hard landscaping proposals. The relevant supporting documents have been updated accordingly.

The character of this area is varied, and has been subject to substantial change and alteration in recent years and as such differs in character from that of the Georgian city. There is nonetheless, for part, an established low rise character of the surrounding townscape with a proportion of established domestic scale residential buildings. The recent development in this area including the Unite student scheme has respected and referenced the existing historic built form.

The Councils Senior Conservation Officer notes that views of the City from the valley slopes to the south have already been impacted upon by the domination of recent excessively high development, and raised concerns that this current proposal would exacerbate this situation. The Design and Access Statement explains that the scheme has been designed to avoid this issue, and associated LVIA's have been submitted. During the application process the heights of the buildings have been reduced and the roof forms varied. The roofscape is now considered to be better articulated which aids in ensuring that the lack of homogeneity in roof form and the variation in building heights reduces the impact of the development when viewed from key areas.

Adopted and emerging policy recognises the need to provide a defined and active edge to Lower Bristol Road and Windsor Bridge Road to enhance this key entrance into the city. The development is considered to successfully define the Lower Bristol Road and Windsor Bridge Road by proposing a strong building form. The office building is proposed to have a key elevation facing onto Lower Bristol Road and has been designed to ensure that users of the premises benefit from a high quality environment. The principle of siting the local

needs store to the corner of these road is supported and aids in ensuring that this frontage remains active. However, an active frontage should be ensured by designing the floor space of the retail unit to present front doors and clear glass to the main streets. There is the tendency for retail stores to use the glazing for extensive advertising and decals in order to utilise the internal areas for shelving. This would not be supported as it would remove the active street frontage that the policy seeks to encourage.

Bath Building Height Strategy is a key tool in determining the appropriateness of the heights of new buildings within Bath. The application site falls within the area defined as the 'valley floor'. For this area it explains that building shoulder height should be four storeys and one additional setback storey within the roofscape is likely to be acceptable.

It goes on to state that one additional storey may be acceptable along Lower Bristol Road except where it is in close proximity to existing two to three storey residential areas. One additional storey may also be appropriate fronting public space and marking key locations such as corners or gateways and mixed use centres. However the strategy explains that it may be necessary for the height to be less than four storeys in response to heritage assets, residential amenity and to prevent intrusion in views. The application has been assessed in the context of this document as well as all other material considerations.

The heights of the building along Lower Bristol Road frontage are considered to be acceptable and are considered to accord with the Building Heights Strategy. The set back above the four storey shoulder height is considered to ensure that the buildings do not appear overly dominant in the immediate context or from wider views. Although there are domestic scaled buildings near the site, they are considered to be sited as such to ensure that the overall character of the area is not harmed by the development proposed. The character of the area on this side of Lower Bristol Road at this point is partly defined by the relatively recently developed student complex and the protected listed buildings. The heights of the building proposed are considered to be acceptable in this context. The illustrative drawings show that the buildings will be broken up by their varied roofs forms and various set back features within the design.

The northern part of Building 1 proposes an extra storey resulting in a five storey building with a set back. This is clearly a significant building and the submission explains that this modifier is to accentuate the location of the planned major pedestrian/cycle crossing point adjoining it. This is given some weight but there is a degree of concern regarding the height of this element of building 1. However, it is noted that it faces Windsor Bridge Road where the Western Riverside Development comprises buildings of a greater scale. The Bath Western Riverside (BWR) Supplementary Planning Document notes that buildings along Windsor Bridge Road could vary between three to eight storeys. Although the development is outside of the BWR area, the application can be judged partly in the context of the adjacent BWR. Although there is some concern with regards to the height of this building, given the context in which it sits in relation to BWR and with regards to the overall regeneration benefits brought about by this development as a whole, a balanced view has been taken and officers have not objected to this part of the scheme.

Building 3 is also of an increased height but as a central, focal building within the site, this need not be harmful. This is set within the site, away from the main Lower Bristol Road frontage and the river edge and the illustrative drawings shows that it has been designed to reflect the area's industrial past. It is noted that it is proposed to construct this building

from red brick, and officers are not convinced at this stage that this is the correct approach. Introducing a new material at such a scale it is likely to accentuate the scale of this part of the development when seen from wider views. However, the application is an outline application and these matters can be assessed at full and determined at outline stage. It is noted that concern has been raised in relating to the landscaped deck accentuating the overall bulk of the building. Whilst this is accepted, the benefits of discrete covered parking should also be given weight and a scheme which is not dominated by parking areas can result in a much higher quality environment.

Building number 2 located to the rear of the site is considered to be of an acceptable scale. The illustrative drawings show that this will be sited in relatively close proximity to building number 3. This resulted initially in a slightly awkward relationship but this has been partially addressed during the application process by reducing the length of building number 3.

Significant revisions have been made to the proposed soft and hard landscaping scheme during the application process. Again, the detail of this will be fully assessed during the reserved matters stage but it is considered that there is the potential for there to be a high quality environment in this regard. The legibility of pedestrian routes has improved during the course of the planning application. The proposals through the siting of the buildings and the landscaping scheme open up views and perceptions of the river corridor by connecting green space inside and outside of the site. The illustrative drawing demonstrates that the development connects to the riverside enhancing it's walking and cycling route. The green link providing legibility going from Linear Park to pedestrian and cycle link is welcomed.

The key pedestrian routes and public spaces are well defined and the car now appears as subservient in that regard. The undercroft and discrete car parking is a positive attribute of the scheme. The parking for the business use class is considered to integrate well into the development with the landscaping scheme successfully softening this part of the development.

As stated above, materials will be dealt with at reserve matters stage and a limited palette is encouraged. The submission at this stage proposes a mixture of materials including Ashlar, render, brick and metal cladding. Further design development and testing of material types, colours and composition in elevations would be beneficial to test the proposed materials' effects on the perceived massing and height of buildings. This will be undertaken at reserved matters stage.

Policy B1 of the Core Strategy in relation to previously developed land, promotes the need with the Enterprise Area to create new areas of attractive and productive townscape and much improved relationship between the city and its river. The recommendations in the building heights strategy clearly need to be balanced against all other material considerations that may influence building height. Although there are some concerns with heights of parts of the scheme, in particular building 1, the overall improvement in the townscape and the visual benefits brought about by the regeneration of the scheme are considered to outweigh these concerns. The improvement with the relationship to the river adds further weight to this argument. The development is considered to transform the identity of this site

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here for the reasons considered above it is considered that the setting of the listed building is preserved.

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 for the reasons outlined above, the setting of the Conservation Area is preserved.

Further, it is considered that the development will not result in harm to the setting of the wider World Heritage Site. The comments of all third parties, internal and statutory consultees have been given full consideration as part of this assessment.

Flooding

The Environment Agency flood maps indicate that parts of the application site lie in Flood Zone 2 and parts in Flood Zone 3a. The proposed development for this mixed use scheme falls under the categories of 'More Vulnerable' development and 'Less Vulnerable' development as described in the NPPG and as such the sequential and exception test should be applied.

However the NPPF explains that the Sequential Test does not need to be applied for individual developments on sites which have already been allocated in development plans through the Sequential Test.

For the Exception Test to be passed, there are two tests;

It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

The NPPG explains that sites that are part of a regeneration strategy are very likely to provide the wider sustainability benefits to pass the first part of the Exception Test. The development site is cited within the Core Strategy as one of the key redevelopment sites within the area. The proposal will result in a significant number of residential units, offices, and a retail unit, all of which provide wider sustainability benefits to the community. The benefits are considered to be significant and outweigh flood risk

The Environment Agency and the Councils drainage and flooding team are satisfied with the proposal and no objections have been raised on flood risk grounds. The development is considered to remain safe for its life time and will not increase flood risk. The exception tests are therefore passed.

Therefore subject to the inclusion of planning conditions, there are no objections on these grounds.

Sustainable construction

The Council's Sustainability Officer has raised significant concerns that the development does not include provisions to connect to any future district heating system. Whilst the benefits of this are noted, the application site is outside of the priority area as illustrated in Core Strategy Policy CP4 and the LPA could not therefore object to the scheme on this basis. The application has been submitted in line with the requirements of the sustainable construction policy and the submission confirms that the necessary sustainability measures will be incorporated into any future scheme.

Arboriculture Issues

The proposal includes the loss of 24 trees of which one group and 10 individual trees have been classified as B category trees (ref Table 1 of BS 5837:2012). This equates to all onsite trees. Concerns were raised with regards to the difficulty of replacement planting on or adjacent to the steep river bank, and the problems of these being retained in perpetuity.

Following discussion with the agent, revisions were submitted which included further the planting of trees at ground level between the landscape deck and access road, Additional details were also provided to illustrate that the species of trees proposed can be practically accommodated and the long term security of and landscape/ green infrastructure contribution can therefore be secured.

Subject to planning conditions, there are no objections to the development on these grounds.

Highway safety

Site Accessibility

The site has good public transport accessibility with bus stops on Lower Bristol Road, Windsor Bridge Road and Upper Bristol Road linking the site to the city centre. It has been confirmed that there are not any capacity related issues with regards to the local bus network. Oldfield Park station is a short distance from the site and there are between one and two services per hour per direction from this station. The site is also in close proximity of a number of cycle routes, namely the Bath to Bristol cycle path which will be improved as part of this development.

The developer has offered a contribution towards improvements of the bus stop on Windsor Bridge Road of £20,000. Whilst this is significantly less than the total cost of improving this stop which is in the order of £115,000, the applicant's justification of this amount has been accepted.

Proposed Site Access and Links

A supplemental stage 1 road safety audit has been provided considering the revised junction layout. Although it has raised a couple of issues these can be addressed. The pedestrian refuge should be provided as detailed in the safety audit and the zebra crossing at the front of the site should be moved further into the site or removed. This matter can be resolved at detailed design stage.

Parking Provision

The residential parking provision of 0.49 spaces per residential unit is considered to be acceptable. As per the Transport Assessment and the Draft Travel Plan Framework a full Travel Plan for the residential use of the site will have to be produced prior to occupation containing measures to encourage non-car modes, low car ownership of future residents and to ensure there is no adverse impact on surrounding roads in terms of overspill parking. It is recognised that the level of parking is lower than the adjacent BWR sites. The type of accommodation offered is however generally different, and on this site, those with no parking offered will generally be the one bed units. The developer has agreed to contribute to the monitoring of the parking situation post development and if necessary and agreed through other methods, to contribute to a future residents permit zone scheme. The implementation of this however, is outside of the planning remit. The residential units will be managed by a management company and all units will be rented out by the operator. The developer has agreed that they would accept a clause to be put in the leases in the appropriate number of units, to state that they would not be able to keep a car within a set distance of the application site. This is a similar mechanism used at the adjacent student units to deter from car usage

Further information has been provided with regards to the employment parking provision. Based on employment densities and mode splits, this shows the likelihood of a greater number of future employees wishing to travel to the site by car than car parking spaces are proposed. The submission however quotes "Getting Around Bath" with its emphasis "to reduce parking space in the centre of Bath and to re-provide this lost parking plus additional parking to meet the increased demand created by the Enterprise Area within park and ride sites". There are some concern about the potential demand of 118 trips by car compared to the 46 spaces proposed, but agree that the proposal is in line with the above aim.

To avoid overspill parking, a strong Travel Plan will have to be put in place. In addition to the measures put forward by the applicant including the promotion of car sharing and use of the car club, the Travel Plan for employment uses will have to contain measures to encourage the use of the park and ride sites, and include on-site parking control measures.

On the basis of the parking accumulation, the Highway Development Officer has accepted the proposed 40 parking spaces for the retail element of the site. As for the above site uses, a full Travel Plan will have to be produced by the end user and agreed by the Local Planning Authority prior to occupation, encouraging non-car modes thereby ensuring the proposed parking provision adequately covers the demand.

Traffic Generation and Distribution

Additional information with regards to the employment traffic generation has been provided. Subject to successfully limiting the demand to the 46 proposed spaces, this approach is acceptable.

The additional modelling information submitted is considered to be acceptable and the findings, that the increases in delays and queuing due to the proposed development are minor, are not disputed. As per above, full Travel Plans will have to be submitted for each land use. They will have to contain strong measures to achieve the mode share required based on the proposed parking provision.

In summary, the no objections to this outline application on highway safety grounds, subject to the applicant entering into a Section 106 agreement to secure local transport improvements and further on site measures. Detailed travel plans as stated above can be secured through condition.

Archaeology

The submission includes a desk-based heritage assessment which concludes that the site is of relatively low archaeological potential. Whilst the Council's Archaeologist broadly agrees with this assessment of the site's archaeological potential, concerns remain that this is a large urban development with evidence of prehistoric and Roman activity in the vicinity. It is therefore recommended that any grounds works or excavations below the 18th century to modern made ground are archaeologically monitored, and that a watching brief condition is attached to any planning consent.

Ecology

Comprehensive bat surveys have been submitted which find that there is a range of bat activity at the site. This includes a bat roost on one of the buildings within the site which will be lost as part of the development proposals. An European Protected Species licence will be required and therefore the LPA must be satisfied prior to issuing a consent that the 'three tests' of the habitats regulations are likely to be met.

Test 1 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The site is one in which is earmarked as a key redevelopment site within the city and will result in a significant provision of housing and office space, both of which will provide benefits of a significant social and economic nature. There can therefore be said to be imperative reasons of overriding public interest and as such test 1 can be considered to be passed.

Test 2 There is no satisfactory alternative

The removal of the roosts is necessary to allow a comprehensive redevelopment of the site to achieve the visions for this site. It is not considered in this context there is any satisfactory alternative and it is considered that the requirement of test 2 is met.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species

Further clarification has been provided in relation to the proposed replacement roost design which will be robust and provide "like for like" compensation for the existing roost to be removed. The revised indicative drawings illustrate additional planting providing appropriate habitat and screening in the vicinity of the proposed replacement bat roost. Subject to final details of the design of the replacement roost it is considered that there is now sufficient information for the LPA to be confident that the proposal would be likely to meet the third of the "three tests" of the habitats regulations, ie that there will be no harm to the favourable conservation status of the affected species (lesser horseshoe bats) and that the proposal would be likely to obtain an EPS licence. Final details of the bat mitigation and compensation scheme can be secured by condition.

The surveys submitted also find a range of bat activity using the adjacent River Avon. Additional information has been submitted during the application in response to the comments from the Council's Ecologist and Natural England in relation to light spill onto the river. The revised indicative drawings also illustrate more substantial planting which is considered to provide appropriate habitat and screening as far as possible along the extent of the river frontage. There is considered to be sufficient space in this location to be confident that planting here is realistic and practical.

Clarification has also been received regarding predicted light spill, which will be further reduced as a result of the proposed additional screening. Combined with the now reduced height of the buildings, the LPA can be confident that predicted light spill will fall within acceptable levels and will be lower onto the near bank of the River Avon than the original light report has predicted (which included predicted light spill levels of between 1 and 2 lux). In addition it has been confirmed that further measures (for example light emission reducing glazing) will be incorporated into the building design, if required.

Subject to conditions to secure all necessary ecological mitigation and compensation measures, sufficiently low light levels to avoid harm to bat activity, and habitat retention and provision (in particular alongside the river Avon), any risk of the proposal causing a likely "significant effect" on the Bath & Bradford on Avon Bats Special Area of Conservation (SAC), bats of the SAC or habitats on which they rely, can be eliminated.

Air Quality

The air quality assessment has been submitted with the application and the Environmental Protection Team have no objection to the scheme on this basis accepting the general methodology of the assessment. It is noted that the report shows that there will be affects from construction dust and that there will be air quality impacts from the operational phase. On the basis of the report there are no objections to the development if conditions are included on any planning permission to cover the above issues.

Residential amenity

Existing occupiers:

The development is set adjacent to a student block and this will to some degree impact upon their amenity. However, it is considered that the development could be designed to ensure that there is no significant loss of privacy. This can be achieved through the design of internal space of the offices ensuring windows do not directly afford any views into any habitable space. Whilst a small number of the student rooms adjacent may result in some loss of light, there is sufficient gaps between the buildings to ensure that this is not significant. Further, the buildings are considered to be sited appropriately to ensure that there will be no significant harm to the other surrounding dwellings including those on the other side of Lower Bristol Road. The units will also be located close to an existing former church building, but it is not considered that the development will adversely harm the users of this building to a level that would warrant a refusal of the planning application.

Future occupiers:

The proposed residential development will be affected by noise from road traffic. The impact of this noise has been identified and assessed by the noise consultant in the Environmental Noise Report. Any future development should therefore demonstrate that sound attenuation measures are included to safeguard against external noise. This can be secured through the inclusion of a condition.

There will be plant associated with the local needs food store and office buildings which will create potential for noise disturbance. The Environmental Noise Report has identified appropriate plant noise criteria which will afford a reasonable degree of protection from noise to nearby residents. A condition can also be included on any permission to ensure that this is adhered to.

The general operation of the local needs food store, in particular the deliveries which will take place in the service yard area, will have the potential to cause noise disturbance. In order to mitigate this potential disturbance, the timing of deliveries and the opening hours of the shop, should be controlled a planning condition.

The facing windows of block 3 and 2 are in relatively close proximity to one another. However, it is considered that the internal layout could be design to avoid any issues with regards to overlooking or lack of privacy.

Overall therefore, the proposed development is not considered to result in any undue harm to the residential amenity of the neighbouring occupiers and will result in satisfactory living conditions for the future occupiers of the development.

Affordable Housing

The scheme will trigger the needs of 30% affordable housing and the agent has agreed to this requirement. However, the make up of this has not been determined but this can be fully considered during the preparation of any S106 agreement. The developer has put forward a basic model for delivery which whilst not following the traditional model is supported in principle by the Council's Housing Team. In summary the model offers the

affordable units at a range of discount market rentals, with rents set at 65%, 75% and 85% of the market value. It has been confirmed that all homes will be built 'tenure blind'. The affordable residents will not be segregated as in many private sale developments and all residents will have full access to all communal facilities.

It is therefore recommended to grant outline consent for the proposed development subject to the agent to entering into a S106 to secure the following:

- A contribution towards the cost of delivering a local Targeted Recruitment and Training (TR&T) package and participation in a TR&T Management Board;
- Marketing and Delivery Strategy for delivery of office space
- 30% affordable housing provision
- Highways Works including financial contributions for the delivery and implementation of junction and crossing improvements; on-site measures such as City car club subsidy, electric car charging facility
 - Residential Parking Zones - monitoring and establishment of need for mitigation and contribution if necessary to implement the RPZ
- Improvements to the Windsor Bridge Road bus stop
- Mitigation for loss of bat habitat
- Fire Hydrants where necessary
- Leases arrangements to further discourage car usage

Conclusion

The outline application has demonstrated that the development as described could be accommodated on this site in an acceptable manner, details of which will be confirmed through the reserved matters process. The development will transform the identity of this site, providing much needed housing and high quality office accommodation, as well as a complementary small scale shop. The development will meet a key aim of the Core Strategy regenerating a large brownfield site within the city. Whilst concerns have been raised in the assessment with regards to the potential height of a small element of the scheme, the benefits brought about by the regeneration of this derelict site ensure that overall the visual amenities of the area are preserved. The level of parking proposed is below that of BWR for the residential units, but this is considered to be appropriate given the sustainable location of the site and the type of accommodation offered. Further measures will be introduced to change habits and help ensure low car ownership within this destination. The impact upon surrounding junctions will be modest. The impacts upon protected species will be mitigated through acceptable measures and light spill will be at an acceptable level. The air quality of the local environment will not be significantly worsened as a result of the proposal.

Third party comments and consultee responses have been fully considered but for the reasons as stated above, the application is recommended for approval.

RECOMMENDATION

CONSENT

CONDITIONS

0 A Authorise the Head of Legal and Democratic Services to enter a Section 106 Agreement to secure the secure the terms outlined in this report, and

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

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

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

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

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

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

4 No development shall commence until a Phasing Plan for the order of the phases of the development hereby permitted is submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development is delivered in accordance with a pre-approved phasing plan.

5 Prior to the commencement of the development, a Construction Management Plan for the enabling works (comprising removal of the existing stone setts, works of demolition, archaeological investigations, site remediation, site levelling, development platform works, and asbestos removal works) 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. Development shall thereafter proceed in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in order to protect neighbouring amenity.

6 Prior to the commencement of the development (excluding the enabling works as defined in Condition 5, a Construction Management Plan for the main construction works 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. Development shall thereafter proceed in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in order to protect neighbouring amenity.

7 No construction works shall commence on building 1 until details of the finished floor levels relating to building 1 have been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be built in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority

Reason To reduce the risk of flooding to the development and its occupants.

8 For each phase of the development, no development shall commence until details of flood resilience measures in the construction of the relevant phase of development have been submitted to, and agreed in writing by, the local planning authority. The development shall be constructed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority

Reason To reduce the risk of flooding to the development and its occupants.

9 For each phase of the development hereby approved, prior to that part of the development being brought into operation, an Emergency Planning and Escape Strategy in relation to flooding should be prepared and submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with this approved Strategy.

Reason: In the interests of public safety

10 Prior to each phase of development approved by this planning permission, no development on that phase shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

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

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason The preliminary risk assessment report does not appear to have been submitted as part of the planning application however based on the information provided in the Phase II Report we are satisfied that the identified potential risks to controlled waters can be adequately addressed apart of the proposed development provided the above condition is in place.

11 No occupation of any part of the development hereby approved shall take place until, for each phase of the development, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons

To ensure that the measures proposed to mitigate potential risks to controlled waters which are required to be provided in the Verification Plan, have been conducted satisfactorily. Protection of controlled waters.

12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

Although a site investigation has been conducted as with any SI it samples a very small portion of the overall site soils. Given the existence of made ground on the site, and potentially contaminative former uses of the site vigilance should be maintained during site clearance and construction, in case any previously unexpected contamination is encountered.

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

Reason: to protect residential amenity.

14 Noise from plant associated with the development shall not exceed the limits specified in Table 8 of Environmental Noise Report, reference 5711/DO/pw, dated April 2015, at the nearest noise sensitive premises.

Reason: to protect residential amenity.

15 The operation of the retail unit of the development hereby approved shall not commence until an operational statement has been submitted and approved in writing by the Local Planning Authority. This shall include such matters as operational hours, delivery times and refuse collection.

Reason: In the interests of residential amenity and highway safety

16 No phase of the development hereby approved shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, for that phase, which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council wish to protect and record the archaeological remains.

17 No development shall commence until a detailed Arboricultural Method Statement in relation to retained riverside trees has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved details.

Reason: To safeguard the retained trees. Any works could harm trees and this should therefore be submitted prior to commencement

18 For each phase of development, prior to the commencement of the development on that phase, 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), temporary site access arrangements, contractor parking, traffic management.

Reason: To ensure the safe operation of the highway and the interests of residential amenity

19 Prior to each phase of the development hereby approved being occupied an allocation plan for the associated parking spaces shall be submitted to and approved in writing by the Planning Authority. The parking spaces shall be laid out in accordance with these details and the parking spaces shall thereafter be retained for their approved allocation. A total of at least 172 parking spaces shall be provided within the curtilage of the site.

Reason: In the interests of highway safety.

20 The development hereby permitted shall not be occupied until the access proposals shown in Drawing IMA-13-125-054-B have been implemented.

Reason: In the interests of highway safety

21 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which 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., together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

22 Prior to the occupation of each phase of the development Interim Travel Plans for each land use shall have been submitted to and approved in writing by the Local Planning Authority, with Full Travel Plans to be submitted and approved within 6 months of occupation. The development shall thereafter be operated in accordance with the Travel Plans.

Reason: In the interests of sustainable development.

23 Prior to approval of reserved matters, full detail of the proposed bat mitigation scheme, to be produced by a suitably experienced ecologist, shall be submitted to and approved in writing by the Local Planning Authority. This may, if appropriate, take the form of a draft EPS licence application

Method Statement. Details shall be in accordance with the proposed and recommended mitigation, compensation and enhancement measures contained in the approved Bat Report dated March 2015 (Nicholas Pearson Associates), and shall include full details of the proposed stand-alone replacement bat house roost, including details of design, dimensions, materials and means of permanent fixing to the ground. Such details shall demonstrate appropriate "like for like" compensatory provision with the design providing robust and vandal resistant structure, securely and permanently fixed. The design of the structure will be in accordance with mitigation requirements and best practice guidance. All necessary measures shall be fully incorporated into the scheme, and shown on all relevant plans and drawings, and implemented thereafter fully in accordance with approved details.

Reason: to avoid harm to bats and their roost and provide replacement roost features to adequately compensate for the impacts of the development on bats

24 Prior to approval of reserved matters, full details of proposed lighting design and specification shall be submitted to the LPA for approval in writing. The scheme shall:

1. provide a revised lighting assessment, to include plans showing predicted light spill levels onto the River Avon and adjacent bankside habitats, the proposed bat house and adjacent habitats, arising from proposed external and internal lighting. Predicted light spill levels will need to demonstrate sufficient levels of darkness to avoid harm to bat activity and to the ecology of the River Avon SNCI, with levels of between 0 and 1 lux onto and above the river, the bat house, the connecting zone between the bat house and the river.

2. The lighting design scheme will provide details and plans showing numbers, specifications, positions, heights and heights of lamps; details of all necessary measures that shall be incorporated into the scheme to minimise impacts 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, use of specialist glazing, 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

25 For each phase of the development, no development shall take place until full details of a Landscape and Ecology Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) All necessary ecological protection measures to be implemented prior to and during construction phase
- (ii) Details of all ecological mitigation and compensation features and habitat provision
- (iii) Proposed conservation management objectives for all bat features, wildlife habitat and biodiversity features at the site and details and prescriptions for future conservation management operations
- (iv) Proposed future monitoring reporting and remedial measures

Reason; To safeguard local species and their habitats. This must be done prior to development as any works have the potential to harm wildlife

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

Reason: to provide long term ecological benefit and habitat provision

27 Prior to the occupation of the retail unit hereby approved, a plan shall be submitted to the Local Planning Authority for approval detailing the internal layout and window display (including the amount of window space to be left permanently open). The development shall thereafter be carried out in accordance with these approved details unless otherwise approved in writing by the Local Planning Authority

Reason: In the interest of the visual amenities of the area

28 A detailed surface water drainage strategy should be submitted to, and approved by the Local Planning Authority prior to construction. The development shall thereafter be carried out in accordance with the approved details

Reason: In the interests of flood risk management.

29 Prior to construction works to buildings 1 and 6, details of the mechanical ventilation system to draw air in from the rear of the building from a height above ground level to be fitted to all ground floor units in building 6 whose façade is on Lower Bristol Road and all first floor units of building 1 whose façade is on Lower Bristol Road or Windsor Bridge Road and a schedule of maintenance should be submitted to the Council for approval before work begins. The development shall be carried out in accordance with these approved details.

Reason: To protect the amenities of the occupants of residential properties

30 Details of the electric vehicle charging points, secure cycle storage and city car club parking shall be included within any reserve matters application. The development must be thereafter carried out in full accordance with these approved plans and these facilities retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest in interest of air quality and highway safety

31 Site Characterisation

No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

32 Submission of Remediation Scheme

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

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

33 Implementation of Approved Remediation Scheme

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

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

Reason; 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.

34 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 31, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 32, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 33.

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.

35 Long Term Monitoring and Maintenance

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

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

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

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

36 No construction works shall commence until, for each phase of development a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been 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 unless otherwise approved in writing by the Local Planning Authority

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

37 No part of the development shall 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.

38 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.

39 For each phase of the development, the development shall not be occupied until the refuse storage has been provided in accordance with the details which have first been submitted to and approved in writing by the Local Planning Authority, and thereafter shall be retained solely for this purpose. No refuse shall be stored outside the building(s) other than in the approved refuse store(s).

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

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

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

PLANS LIST:

0 Plans

0 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the main river (River Avon). Please email bridgwater.fdcs@environment-agency.gov.uk for further information.

0 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

0 **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.

Item No: 02
Application No: 15/03742/FUL
Site Location: 151 - 152 High Street Twerton Bath Bath And North East Somerset BA2 1BY



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Colin Blackburn Councillor June Player
Application Type: Full Application
Proposal: Erection of seven residential units following demolition of existing building (Revised proposal).
Constraints: Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Stonecraft Of Bath Ltd

Expiry Date:	13th October 2015
Case Officer:	Laura Batham

REPORT

The Chair of Committee has agreed to the request of Cllr Player that the application be considered by Committee due to concerns with parking, design, scale, massing and impact upon amenity and the Conservation Area.

Site Description:

The application site is located on High Street in the Twerton area of Bath. The site is within the Conservation Area and World Heritage Site. Access to the site is currently gained from the main road to the north of the site with a pedestrian access at the rear. The application site is surrounded by further residential development.

Proposal:

The application seeks consent for the erection of seven residential units following demolition of existing building.

History:

DC - 14/05812/FUL - RF - 10 July 2015 - Erection of new building to provide 8 no. dwellings and an open courtyard space following demolition of derelict second-hand office furniture store.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Player:

Request for the proposal to be decided by committee for the following reasons:

- The site is over-developed regarding its scale and massing for the site.
- The site is over-dominant and will have a detrimental impact upon the properties adjacent.
- There will be up to 14 people living on site with no suitable outdoor amenities.
- Parking is an issue in the vicinity and the development will increase this issue.
- Parking is very different when it is not term time.
- Concern with the assumption from that the proposal would generate a parking demand on 4-6 vehicles.
- The back entrance point where there is a gate for emergency access will be a well-used route along the back gardens of adjacent properties and it will become noisier.
- Agree with the development of the site; however, it should be more harmonious with the location rather than to cram too much and ruin the overall look of the area.
- This is a sensitive site in the Conservation Area and should fit in accordingly. The frontage should be the same with adjacent buildings.

Conservation Officer:

I have no objections to this revised scheme in the conservation area with the rear wing now reduced to single storey. The contemporary design reflects the local built form and character, and use of Bath ashlar will further reinforce this connection.

If you are minded to grant permission I would suggest including conditions to cover:

- Windows, including the roof lights - large scale details including method(s) of opening)
- External doors and surrounds - large scale details

- Details of the treatment for the front and rear boundary walls
- Details/positions of any extractor flue covers on the elevations
- Sample panel of the stone work to be kept on site for reference during the works

Drainage:

The proposal does not adversely affect drainage or flood risk.

As stated in the Planning Statement, application should be conditioned for the requirement of permission to be obtained from Wessex Water to allow the surface water of the site to connect into the public surface water sewer.

Highways:

Having visited the site on several occasions, I am confident that the parking surveys are reflective of the typical conditions on the local roads. I have no other evidence to suggest that the surveys are an overestimate of the parking availability.

In relation to the potential impact of student parking from nearby developments, the highway authority has proposed measures to restrict these students from bringing cars to the development.

The cycle stands and refuse are accessed from the rear, so access cannot be restricted.

This proposal is similar, although of a slightly small scale, to the scheme considered as application 14/05812/FUL. The potential impact of the proposal was comprehensively reviewed at that time, and additional survey information was provided by the applicant's consultant. This included additional surveys that were undertaken in the University semester period (surveys completed 20 - 22 May 2015). Having reviewed this additional survey information, and the potential impacts associated with the permitted site use, it was previously not considered that a highway objection could be sustained for safety or operational reasons. Recommend not objection subject to conditions.

Archaeologist:

The above proposed development site lies within the historic settlement area of Twerton (B&NES Historic Environment Record: MBN11294), where evidence of former medieval buildings and occupation may survive. I would therefore recommend that a watching brief condition is attached to any planning consent

Affordable Housing:

This application triggers Planning Policy CP.9. (Small site threshold)

The application requires a 15 % affordable housing contribution to be secured should planning approval be granted.

The following affordable housing contribution is sought:

Based upon a scheme of 7 x 1 bed dwellings the affordable housing contribution amounts to 1.05 or one (1) on site affordable dwelling.

There is a presumption towards the on- site provision of affordable housing.

However given the peculiarities of this scheme the applicant may find it problematic to partner with a Registered Housing Provider.

Housing Services therefore & without prejudice, suggest and support the commuted sum approach in this particular case.

Third Parties/Neighbours:

Twelve letters of objection received raising the following points:

- There is no provision for off road parking. Parking is at a premium. New occupants will want to park as close to the site as possible, affecting residents of Albany Road.
- The surrounding streets are full with cars and there is no capacity for more cars. Workers park in the area during the day.
- The submitted parking survey is incorrect and undertaken at the end of the term period. The survey does not reflect the amount of parking.
- The façade of the proposal does not fit in with the rank of houses adjacent. The design is ugly and not in keeping.
- The number of HMO's and student properties have changed the area out of all proportion.
- Twerton has too many flats in the area. The nearby development of student flats will exacerbate the parking in the area.
- The rear access would result in an unacceptable level of noise and disturbance and loss of privacy. The current access was a means of escape only.
- The building is close to 150 High Street and would block light to the flats and garden area. The sloped roof of the building does not line up with flat 3 and flat 1's windows and the plans have not addressed this. A shadow fall analysis has not been undertaken.
- The proposal will overlook gardens in the area.
- The number of flats should be reduced.

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:

- B1 - Bath spatial strategy
- B4 - The World Heritage Site and its Setting
- CP6 - Environmental Quality
- CP9 - Affordable Housing
- CP10 - Housing mix

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

D.2 General design and public realm considerations
D4 - Townscape considerations
BH.6 - Development within or affection conservation areas.
T.19 - On street parking in and close to central Bath
T.25 - Transport assessments and travel plans
T.26 On-site parking and servicing provision

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

There is a duty placed on the Council under Section 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 is for the demolition of an existing former furniture shop and erection of seven one bed flats. The application has been submitted following a refusal of a previous scheme for 9 units which was reduced to 8 units during the application process. The site is within the settlement boundary of Bath and therefore the principle of residential development in this location is supported providing the scheme is considered acceptable. The previous application was refused due to the impact upon residential amenity of the adjacent flats at 150 High Street. The applicants have amended the design to take account of these concerns and reduced the rear projection to a single storey element. Within the previous application the applicants also amended the design of the proposal to overcome conservation area impact concerns.

Design:

Concerns have been raised by local residents that the design is out of keeping with the row of terraced properties to the east and requests were made that the development should consist of further terraced properties to match the row. The site is within the conservation area and is in a sensitive location being in a prominent location on High Street. The conservation officer has provided comments confirming that the design of the facade fronting High Street is acceptable and will not have a detrimental impact upon the character of the area. The design is a modern approach which has used local materials and taken reference to local features including bay widows. The windows have a similar scale and design to that seen either side of the development. The use of bath stone ashlar walls, natural slate and painted render is considered to be in keeping with the local palette of materials and are considered acceptable. The application has proposed to retain the front boundary wall and in fill the current gated entrance and allow a pedestrian entrance fronting High Street. The retention of this positive boundary treatment is supported.

Highways:

Parking is a key issue raised by local residents who have concerns regarding the level of parking in the area being severely restricted. The proposed increase in flats and HMOs in the area are also a concern of local residents. The parking provision was previously raised as an issue in the last application and the applicants undertook amendments to the survey to address objections raised by the Highways Team. The Highways Team have assessed the site in detail and concluded that the level of survey submitted is acceptable and that

there is no evidence to suggest that the survey has over-estimated the number of parking spaces available.

There have been several concerns raised regarding the method of parking survey undertaken and the information submitted. Concern has also been raised that a number of parking spaces included in the survey are within the ownership of Curo who could restrict parking on Albany Road and in the vicinity. However, following further investigation by the Highways Team, these spaces in question are also adopted highway and there is a right of parking/access which could not be removed by Curo without applying to a court to remove these rights. It is highly unlikely that this would be permitted as the proposal would not be supported by the Highways Authority.

Concerns have been raised that the nearby student development on the Lower Bristol Road will further reduce the amount of parking in the vicinity; however, as part of the student development parking will be restricted and occupants not permitted to park. The proposed flats are not considered to contribute to the over provision of HMO's in the area.

The application site is considered to be in a sustainable location with easy access to bus routes, local amenities and the city centre. The evidence provided and analysis undertaken by the highways engineer is considered to demonstrate that the site does not need to provide on-site parking provision. The site will provide cycle parking for the occupants within the rear courtyard of the property. The current use permitted on site (furniture shop) would also generate vehicle movements and given this use it is not considered that the change in use and parking would have so severe an impact upon the vicinity as to warrant a refusal.

Amenity:

There has been a number of representations received raising concerns with impact upon amenity upon the neighbouring dwellings. To the west of the site is 150 High Street, a large building which has been extended and converted into flats. In the eastern elevation of this building there are two windows for two separate flats. These windows both serve kitchens. Access was gained to the first floor flat kitchen and this window is the only opening to serve this room. A serving hatch was present through to the adjacent living room and this provided little additional light to the room. Policy D.2 advises in part (f) that the proposed development will only be permitted where it does not cause significant harm to the amenities of existing or proposed occupiers of or visitors to residential premises by reason of loss of light, or other disturbance. Previously, owing to the two storey projection of the proposed flats these windows would have been entirely blocked by a wall set just 2m from the windows and over 5m in height. The first floor of this projection has now been removed to overcome this concern. The ground floor window is currently obscured by the perimeter wall of the existing site and the increase in scale is not considered to exacerbate his situation given the alterations to the design. With regards to the first floor, whilst some of the new building will be visible for the window, it is not considered to cause so significant an impact on amenity to warrant a refusal. The proposed reduction in scale of the proposal to a single storey projection has removed the previous reason for refusal.

Concern has also been raised regarding impact upon properties in Shophouse Road and Albany Road to the south of the site. The properties along Shophouse Road are sited at a right angle to the proposal with gardens extending to the east. Given the separation distance between the sites and the level of mutual overlooking which existing between the

site and 150 High Street, it is not considered that the proposal will significantly impact upon the amenity of these dwellings.

There are further properties immediately to the east of the site which would be attached to the building with gardens extending to the south and immediately adjacent to the proposal. These courtyard gardens are at varying distances from the single storey rear projection of the proposal. The level of overlooking is not considered to have a significant impact upon these dwellings.

Concern has been raised in representations with the use of the rear access for the cycle parking and access to the flats causing loss of amenity and increase in noise for nearby residents. The rear of these properties already experience overlooking by the dwellings at Albany Road and there is an existing now public access along the rear of the dwellings. It is not considered that the rear access use will significantly exacerbate the existing situation.

The individual flats do not have allocated outdoor space and this has been raised as a concern. However, many flats do not have outdoor space provided and this is not an unusual arrangement. The site has accommodated space for bin storage and cycle parking for the flats and this amount of amenity is considered acceptable.

Affordable Housing:

Following a recent change in government policy the site is liable for affordable housing contributions. The affordable housing team have requested that rather than an onsite flat be provided, an off-site contribution is made. The applicants have agreed to this and should the application be acceptable this would be secured through a section 106 agreement.

Conclusion:

The benefits of the proposal are acknowledged and given the currently dilapidated appearance of the site within the conservation area, development is encouraged. The design and scale of the proposal is considered acceptable. The level of amenity for neighbouring dwellings is considered acceptable. The initial highways and amenity concerns in the previous application have been overcome and the proposal is recommended for approval.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A. Authorise the Head of Legal and Democratic Services, to enter into a section 106 agreement to secure a financial contribution for off-site affordable housing provision, and

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

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

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

2 The proposed windows in the west elevation; shall be non-opening and glazed with obscure glass and permanently retained as such.

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

3 Prior to the occupation of the flats hereby approved, the cycle stands shall be fully implemented. The area allocated for cycle parking on the submitted plan shall 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.

4 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, cycle hire, car share, car club information etc., together with complimentary bus tickets for each household to encourage residents to try public transport. The packs shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

5 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.

Reason: To ensure the safe operation and on-going condition of the highway.

6 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

7 Prior to the application of external wall finishes a sample panel of all external walling 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.

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

8 Prior to the application of any external surfaces 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.

9 Prior to the installation of any extractor/flue, full details including position and design of any extractor flue covers shall be submitted to and approved in writing by the Local Planning Authority. Once approved the details shall be fully adhered to.

Reason: to ensure the appropriate design of extractor/flues.

10 Prior to the alteration of any boundary wall, full details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Once approved the details shall be fully implemented and retained thereafter.

Reason: To ensure the appropriate boundary treatment in the Conservation Area.

11 Prior to the installation of any windows, including the roof lights or doors, large scale details including method(s) of opening and door surrounds shall be submitted to and approved in writing by the Local Planning Authority. Once approved, these details shall be fully implemented and retained thereafter.

Reason: To ensure the appropriate detail in this sensitive location in the conservation area.

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 This decision relates to drawings AP(0) 01, AP(0) 10, AP(0) 11, AP(0) 12 and AP(0) 13 received on 18th August 2015.

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

3 ADVICE NOTE:

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

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

Item No: 03
Application No: 15/02859/OUT
Site Location: Garage Blocks Between 60 And 100 Greenvale Drive Timsbury Bath
Bath And North East Somerset



Ward: Timsbury **Parish:** Timsbury **LB Grade:** N/A
Ward Members: Councillor Douglas Deacon
Application Type: Outline Application
Proposal: Erection of 2no. three bedroom semi-detached houses with parking spaces following demolition of 8no. single garages (2 blocks of 4). (Outline application with access and layout to be determined and all other matters reserved)
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant: Mr Iftakhar Ahmed
Expiry Date: 20th November 2015
Case Officer: Alice Barnes

REPORT
Reason for reporting the application to committee

The application is being referred as the parish council have objected to the application contrary to the case officers recommendation to permit. The parish council have objected as they consider the development will result in a loss of parking and the houses are considered to be unsympathetic.

The application has been referred to the chair who has agreed that the application will be considered by the committee.

Description of site and application

Greenvale Drive is located on the south western edge of Timsbury village. The existing garage block occupies a corner plot within the estate.

This is an outline application for the construction of two dwellings following the demolition of eight existing garages. This is an outline application with only access and layout being considered at this time.

Greenvale Drive is characterised by two storey and single storey properties. Adjacent to the site are four two storey properties with pitched roofs and gable ends. The application site is a corner plot currently occupied by eight garages which would be removed.

The applicant has provided an indicative elevation and a block plan. The proposed plans indicate the provision of two storey properties with pitched roofs and gable ends. Parking will be provided towards the front of the properties.

Relevant History

DC - 02/01087/FUL - PERMIT - 29 January 2003 - Erection of 28 dwellings with associated roads, car parking and landscaping as amended by letters received 12 September 2002, 16 and 18 October 2002 and plans received 12 September, 16 and 18 October 2002 and 19 November 2002

DC - 02/02009/FUL - PERMIT - 29 January 2003 - Erection of 12 garages and 5 no. parking spaces as amended by letter and plans received 18.10.02

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Timsbury Parish Council: Object.

We are extremely concerned about the loss of parking in what is already a built-up area, which regularly requires police intervention to remove obstructions, leading to difficulties with access for emergency and other service vehicles. We also believe that this proposal conflicts with the 106 Agreement put in place with the construction of Pheasant's Chase in 2002. The current indication of the design of the houses is also felt to be unsympathetic and unattractive, detracting from the overall appearance of the area, especially in comparison to houses in Pheasant's Chase. The Parish Council ask that this decision be referred as an item for the Development Control Committee.

Highways: Objection. The proposed development has the potential to result in the loss of off-street parking and will encourage parking on the highway. Adequate provision has not been made on site for the parking of vehicles.

Councillor Shaun McGall: The site is on a 90 degree bend and the parking of construction vehicles would need to be controlled.

There is the potential for a collision during the construction period.

Parking spaces are at a premium. Additional parking on the drive could result in the loss of sightlines and the increased risk of collisions.

23 representations have been received objecting to the application for the following reasons;

The garages were completed in 2002 and until recently owned by the council.

When the dwellings were originally built the access road had to pass between 12 garages which were demolished. The provision of the existing garages was part of the section 106 agreement that accompanied the application.

The garages should not have been sold to a developer.

The vacant garages should have been sold to residents.

The local residents suffered hardship during the previous construction period.

Parking in the drive is a problem, there is little on street parking.

More garages are needed not less.

The construction process would be disruptive, resulting in heavy lorries accessing the site.

The additional traffic would be a safety hazard.

Children play in the street and the new development will cause further traffic and a safety hazard.

Further dwellings will put pressure on the existing drainage infrastructure.

There will be an increased in roadside parking.

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

RA.1 - Development in the villages meeting the listed criteria

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

T.24: General development control and access policy

T.26: On-site parking and servicing provision

OFFICER ASSESSMENT

This is an outline application for the construction of two dwellings following the demolition of eight existing garages. The applicant has applied to have access and layout considered at this time.

Principle

The application site is located within the housing development boundary where the principle of residential development is accepted subject to compliance with all other policies within the local plan.

Design and layout

The applicant has applied for access and layout but has provided indicative drawings of the proposed elevations. The proposed dwelling would be sited adjacent to number 60 so would continue the existing line of development. The indicative elevations would complement the appearance of the existing dwellings. The layout of the proposed development is considered to respond to the character of the surrounding area

Highways

The highways officer has objected to the application as the development will result in the loss of off-street parking spaces. However the applicant has stated that six of the existing garages are currently not in use. The two garages that are in use are currently used for storage. Therefore the existing garages are not used for the parking of cars so that the loss of the garages would not result in the loss of off-street parking. Therefore the proposed development is not considered to result in a loss of off-street parking and the loss of the garages does not warrant refusal of the application.

The proposed development would provide one space per dwelling. Maximum parking standards can require the provision of two spaces for a three bedroom dwelling. However parking has been provided by way of a space within the front garden and a further space would result in the loss of the majority of the front garden which would be visually harmful to the proposed development. There are no restrictions preventing parking on the street and on balance the provision of one space per dwelling is considered to be acceptable.

Amenity

The proposed dwelling would primarily look over the front and rear gardens of the properties therefore the development would be unlikely to result in increased overlooking of neighbouring properties and the proposed development is not considered harmful on these grounds. As this is an outline application the positioning of the windows would be considered at reserve matters stage. The proposed dwellings would be located adjacent to the side wall of number 60 therefore the proposed dwellings would not appear to be overbearing to the neighbouring occupiers.

Other matters

Comments have been made within the representations that the existing garages formed part of a section 106 agreement when the additional dwellings on Greenvale Drive were constructed under application 02/01087/FUL. When the dwellings under 02/01087/FUL were constructed this involved the demolition of some existing garages. The developer at the time was required to provide new garages to compensate for the loss of the original garages which was required by condition 10 of permission 02/01087/FUL. These were constructed under application 02/02009/FUL which includes the eight garages being proposed to be demolished under this current application. The original permission required the construction of the garages. It does not prevent the sale of the garages or their removal in the future. The application is therefore considered on its merits.

The highways officer has advised that condition 10 from application 02/01087/FUL would need to be removed. This is not considered to be necessary. The construction of the garages resulted in compliance with the condition and there is not a condition or legal agreement which protects from their demolition.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

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

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

3 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.

4 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 highway safety.

5 The development hereby permitted shall not be occupied or the use hereby permitted commence until the parking [and turning] area(s) have been surfaced in a consolidated material in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to avoid lose material on the highway

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

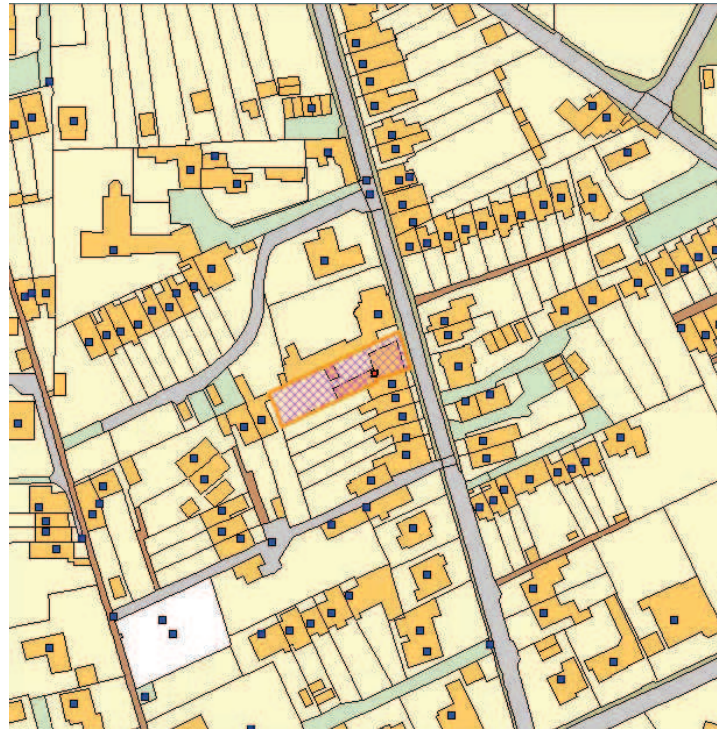
Reason: To define the terms and extent of the permission.

PLANS LIST:

- 1 Plans List:
 - Site location plan
 - Block plan
 - Proposed front elevation

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: 15/03402/FUL
Site Location: 1 Sydenham Terrace Tyning Road Combe Down Bath Bath And North East Somerset



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor Bob Goodman

Application Type: Full Application

Proposal: Erection of 1 no three bed dwelling and single storey rear extension to existing house following demolition of single storey side extension and some outbuildings.

Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,

Applicant: Ms Olga Fladmark

Expiry Date: 23rd September 2015

Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The Group Manager of Development Management considers that the application should be determined by Committee as it is raising highways issues.

DESCRIPTION

The application site comprises a two storey end of terrace dwelling with a single storey side extension location within Combe Down. Sydenham terrace is a row of Victorian terrace houses situated about half way along Tyning Road, which is a very narrow residential street off North Road.

The site falls within the Bath World Heritage Site and Conservation Area.

The application proposes the erection of a new three bed dwelling and a single storey rear extension to the existing house following demolition of single storey side extension and some outbuildings.

The site has no relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS OFFICER: It has been noted that the garage proposed to the front of the proposed development has been omitted thus resulting in a shortfall of 2 no. parking spaces.

Highways acknowledge that the proposed development is located in a sustainable location near the centre of Combe. There is also a bus service located nearby along North Road. While the close proximity of such services will likely encourage future residents to walk rather than drive, the concern regarding parking still remains. Any increase in demand for parking will only intensify the existing demand for on-street parking along Tynning Road.

1. The proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point.

2. The traffic generated from this proposal would use a road which, by virtue of its function in the highway network and its inadequate width, is considered unsuitable to accommodate the increase in traffic from this development and that for which it would set a precedent.

ECOLOGIST: No objection

COUNCILLOR BOB GOODMAN: Objection

Lack of parking will result in even more congestion

Additional on-street parking will cause fundamental difficulties with trying to get along the road

Parents cut through Tynning Road to go to Monkton Combe and Combe Down School

This road was never designed for traffic and parking

Many have to park in Church Road or even North Road

There should be two spaces per dwelling and the result will be an increase of three cars

The site should be visited at school drop off/pick up times to see the danger to pedestrians

COUNCILLOR CHERRY BEATH: Comments only

Concerns about the tightness of the proposed ground floor plan abutting Granville House

Possibly compromising the off-street parking at Granville House

Tynning Road is a narrow residential street and off-street parking should not be compromised or lost.

Concern about the bulk of development proposed, spreading across the back in relation to the existing building.

THIRD PARTIES/NEIGHBOURS: 5 letters of objection have been received. The main points raised were:

The development is too big for the site

The development is not in keeping with the area

The development would inevitably generate more traffic

Tyning Road is already overloaded with parked vehicles, many parked on the pavement

Traffic regularly damages parked cars and endangers pedestrians

Construction traffic will be dangerous

Older properties will be rendered unstable by building work at such close proximity

Lack of access to boundary wall for maintenance or air circulation

Concern about stability of boundary wall

Loss of light to Granville House kitchen, particularly in the morning

Loss of light reaching garden of Granville House

Development would limit ability to park at Granville House

Concern about demolition of outbuildings and effect on Conservation area

All parking provision would fall on-street

Proposed development would be cramped

East End House and West Cottages would be utterly overwhelmed by the size of the development

POLICIES/LEGISLATION

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

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

CORE STRATEGY

B1 Bath Spatial Strategy

B4 Bath World Heritage Site

CP6 Environmental Quality

LOCAL PLAN

D.2 General design and public realm considerations

D.4 Townscape considerations

BH.6 Conservation areas

NE.10 Nationally important habitats and species

NE.11 Locally important habitats and species

T.1 Overarching access policy

T.24 General development control and access policy

T.26 On-site Parking and servicing

NATIONAL POLICY

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

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design
Section 12 Conserving and enhancing the historic environment

LEGISLATION

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

OFFICER ASSESSMENT

The main issues to consider are therefore:

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

PRINCIPLE OF DEVELOPMENT: The site falls within the built up area of Bath where the principle of new housing is acceptable in accordance with policy B1 of the Core Strategy. The principle of development in this location is therefore considered acceptable.

CHARACTER AND APPEARANCE: The lean-to at the side of the existing building contains a redundant shop front which looks out of place within this primarily residential street. The removal of this lean-to is therefore considered acceptable.

The proposed development would extend the existing terrace with an additional dwelling of similar scale, form and appearance. The proposed development is therefore considered to respect the appearance of the existing terrace. The fenestration on the front elevation of the proposed dwelling has been designed to reflect the pattern and rhythm of fenestration along the rest of the terrace. The use of natural bath stone ashlar, double roman roof tiles and timber framed sash windows will ensure that the materials match the rest of the terrace and respect the character and appearance of the surrounding area.

The original scheme included a large garage door on the front elevation. This appeared out of place within the street scene and dominated the front elevation of the proposed dwelling. Following negotiations, this was removed from the scheme and replaced with a ground floor window more in keeping with the pattern and style of fenestration along the rest of the terrace.

The width of the existing plot to the rear of 1 Sydenham Terrace is approximately double that of the other gardens in the terrace. The proposals to the rear of the site include the removal of a number of existing outbuildings. The outbuilding along the southern boundary is a corrugated structure of limited merit and its removal is accepted. The outbuilding along the north boundary of the site is a small stone built structure and has been described as a 'cottage' by third parties. It is similar in size to a large domestic shed and, although more permanent in its nature and appearance, it holds limited merit and its removal is acceptable.

The proposals include a combination of two storey and single storey rear extensions. The first floor elements to the rear of the proposed new dwelling reflect the scale, appearance and design of the existing two storey projection to the rear of 1 Sydenham Terrace.

The proposed single storey extensions cover the entire width of both the existing dwelling and the proposed dwelling and project rearward into the garden. Although the proposed single storey extensions cover a substantial footprint, the removal of the existing outbuildings means that the overall site coverage is not significantly increased. Furthermore, the line of the proposed extensions is set back approximately 3.8m from the line of the existing structures to be removed.

The original scheme proposed extensions which projected up to 8m from the rear of the two storey element of the building. Following negotiations, this has been reduced to 6m and the revised scheme is now considered to be a more acceptable scale and amount of development. Furthermore, the rear of the site is not visible from public vantage points and therefore has a limited impact upon the character and appearance of the area.

The proposed development also includes dormer windows to the rear of both the existing and proposed dwellings. Originally proposed as large 'box' dormers which joined along the party line of the existing and proposed dwelling, these have been revised to smaller pitched roof dormers located centrally within each roof slope. There are other examples of similar dormers on the rear of this terrace including a similar scale dormer on the adjoining property 2 Sydenham Terrace.

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.

In light of the above, it is considered that the proposed development will preserve the character and appearance of the Conservation Area.

RESIDENTIAL AMENITY: The proposed dwelling is located approximately 2.9m from the side of the adjoining property to the north, Granville House. There is a single small window within the side elevation of Granville House which faces the application site and which serves a kitchen. The proposed dwelling will result in a greater mass of building close to this window. The existing outlook and light from this window is already partially affected by the existing lean-to. Given the size of this window and the gap retained between it and the proposed dwelling, it is considered that the proposals will not have any significantly greater impact upon the amenity of this window.

There is a large 3.5m high stone wall which runs along the boundary with Granville House. The proposed single storey extensions to the rear of the site will be screened by this retained wall and will not result in any overbearing or overlooking impacts. The proposed first floor element to the rear of the proposed new dwelling contains a single window which would face towards the rear garden of Granville House. This window has the potential to overlook the neighbouring garden in a harmful manner. This window only serves the landing of the proposed dwelling and it is therefore considered appropriate to require this window to be obscurely glazed and fixed shut to prevent any overlooking from occurring. This can be secured by condition.

To the south, the adjoining property, 2 Sydenham Terrace, benefits from the removal of the existing corrugated structure which abuts the boundary with a mono-pitched roof. This will be replaced by a random rubble stone wall at a slightly lower height and which does not project as far along the boundary. The proposed development will therefore appear less overbearing and will allow for a greater outlook and light into the garden of 2 Sydenham Terrace.

In light of the above, it is considered that the proposed development will not harm the amenities of any adjoining occupiers.

HIGHWAYS AND PARKING: Tynning Road is a very narrow residential street which is subject to a significant amount of on-street parking. The width of the road is such that there is only room for a single car to pass in areas where on-street parking occurs. A number of comments from third parties have also been received emphasising this point.

The proposal originally included an integral garage to provide an off-street parking space. However, the Highways Officer had concerns about whether the necessary access to this could be adequately achieved whilst parked cars were located opposite the garage. Furthermore, as discussed above, there were concerns about the impact of this garage upon the character and appearance of the scheme. Following negotiations, the garage was removed from the scheme and the application is now promoted without any off-street parking.

The Highways Officer has raised an objection on the grounds that any increase in demand for parking will only intensify the existing demand for on-street parking along Tynning Road. Their concern is that this would lead to parking of vehicles on the public highway in a manner which would interrupt the free flow of traffic and prejudice the safety of road users.

On-street parking is undoubtedly an issue on Tynning Road and it is clear that there is not much space for additional on-street parking. However, as acknowledged by the Highways Officer the proposed development is located in a sustainable location near the centre of Combe Down. There is also a bus service located nearby along North Road. The close proximity of such services will likely encourage future residents to walk rather than drive.

The LPA cannot control whether the future occupiers of the proposed dwelling own a vehicle or not. It is therefore a possibility that additional on-street parking will occur, replicating and reinforcing a situation on Tynning Road which is already undesirable. However, the impacts of this potential increase in on-street parking must be carefully considered and weighed against the benefits of the scheme.

The NPPF advises that the development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'.

The existing high level of on-street parking on Tynning Road will act to discourage potential occupiers from owning or keeping a vehicle at the property. As the parking in Tynning Road is not restricted or part of a residential parking zone, any vehicles owned by the occupiers of the proposed dwelling would have to park in the same manner as existing residents. This may mean some displaced parking onto surrounding street where more on-street parking is available.

The existing parking along Tynning Road is already relatively obstructive, in that it forces traffic to slow down significantly. The additional parking associated with one dwelling will not significantly alter this situation. In this respect, it is unlikely that there will be any additional adverse impact upon the free flow of traffic or the safety of road users along Tynning Road.

In light of the existing situation on Tynning Road, the possibility of the development remaining car-free and the availability of on-street parking in surrounding streets, it is considered that the lack of off-street parking provided will not have a 'severe' impact upon highways safety.

Any potential harm must also be balanced against the benefits of the development of providing any additional dwelling in a sustainable location.

In light of the above, it is considered that the Highways Officer's objections can be set aside and it is concluded that the proposal will not have any significant adverse impact upon highways safety.

Given the existing parking and access situation along Tynning Road, it is considered necessary and reasonable to require a construction management plan as a condition of any permission granted.

ECOLOGY: The proposal will affect a building that has some potential to be used by wildlife such as bats and nesting birds. The main loft space of the existing house has already been converted to living space and the majority of the existing building and its roof would not be affected by the proposal, and the outbuildings appear (from submitted photos) small and not to support features or conditions indicating a reasonable likelihood of use by bats. The Council's Ecologist considers that the risk of bats being affected by the proposals, even if present at the property, to be sufficiently low as to not require a protected species survey in this case.

CONCLUSION: The proposals accord with policies D.2, D.4, BH.6, NE.10, NE.11, T.1, T.24 and T.26 of the Bath and North East Somerset Local Plan and policy 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 materials to be used has 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 The first floor window in the north elevation of the dwelling hereby approved shall be obscurely glazed and fixed shut unless the parts of the window which can be opened are more than 1.7m above the level of the floor in the room in which it is installed. The window shall be retained permanently as such thereafter.

Reason: In the interests of residential amenity and preventing overlooking towards Granville House.

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 and residential amenity. This condition needs to be prior to commencement to prevent initial site works being undertaken which might harm highways safety or residential amenity.

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 P_00_001 P2	PROPOSED SITE PLAN & STREET ELEVATION
P_10_00 P2	PROPOSED GROUND FLOOR PLAN
P_10_01 P2	PROPOSED FIRST FLOOR PLAN
P_10_02 P2	PROPOSED SECOND FLOOR PLAN
P_10_03 P2	PROPOSED ROOF PLAN
P_20_01 P2	PROPOSED SECTION 1-1 AND ELEVATION A-A
P_20_02 P2	PROPOSED SECTION 2-2 AND ELEVATION B-B
P_20_03 P2	PROPOSED ELEVATIONS C-C AND D-D
E_00_00-P1	SITE LOCATION PLAN
E_00_01	EXISTING SITE PLAN
E_10_00	EXISTING GROUND FLOOR PLAN
E_10_01	EXISTING FIRST FLOOR PLAN
E_10_02	EXISTING SECOND FLOOR PLAN
E_10_03	EXISTING SECOND FLOOR 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.

3 All species of bats and their roosts are legally protected. Demolition works to the roof should be carried out by hand, lifting tiles (not sliding) to remove. If bats are encountered all work should cease and the Bat Conservation Trust (Tel 0845 1300 228) or a licenced bat worker should be consulted for advice.

Item No: 05
Application No: 15/03976/FUL
Site Location: 2 Southstoke Road Combe Down Bath Bath And North East Somerset BA2 5SJ



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor Bob Goodman
Application Type: Full Application
Proposal: Installation of side and rear dormers to create loft conversion (Resubmission).

Constraints:	Agric Land Class 1,2,3a, Article 4, Forest of Avon, Housing Action Area, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, Water Source Areas, World Heritage Site,
Applicant:	Mr James Calvert-Jones
Expiry Date:	20th November 2015
Case Officer:	Jessica Robinson

REPORT

This application has been referred to the Development Control Committee at the request of Cllr C Beath, Cllr P Crossley and Cllr B Goodman for the application to be determined at Development Control Committee if the Officers recommendation is to refuse. These comments are summarised within the Representation Section of this report.

This application seeks consent for the implementation of 1 no. rear dormer and 1 no. side dormer within the existing hipped roof of 2 Southstoke Road. This is a re-submission of a previously refused scheme (15/00189/FUL). The previous scheme was refused on the basis that the proposed side dormer, by reason of its size and prominence, was considered harmful to the character and appearance of the dwellinghouse, and due to the prominence of the dwellinghouse, the proposal would detract from the character of this part of Southstoke Road and the immediate locality.

No. 2 Southstoke Road is positioned within a prominent location at the cross road junction between Southstoke road/lane and Bradford road. Due to the typography of Southstoke road, which rises gradually towards Bradford road, the application site sits in an elevated position. Furthermore due to the orientation of the property the side of the dwelling is prominent within both the streetscene of Southstoke road and Bradford road.

Relevant planning history:

15/00189/FUL - REFUSE - 27 March 2015 - Loft conversion with side and rear hipped dormer windows.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr C Beath requested that the application be considered by the Development Committee for determination in the event that the case Officer is minded to refuse. The grounds being that in the re submission the size of the side Dormer has been significantly reduced, and that given the context of the nearby mixture of styles and properties, with various dormers including side dormers, this would not constitute harm to the public realm! Street scene, and can be argued does not contravene Planning Policies.

Cllr P Crossley has also requested that this application be referred to committee if the officer is minded to refuse the application. The grounds for Cllr Crossley's referral are that the extension fits in with the line and style of the roofscape, there are a number of other dormers in this area of Bath and it does not constitute any harm to the WHS.

Cllr B Goodman has also requested that this application be considered at committee if the officer is minded to recommend refusal. Cllr Goodman's grounds for referral are that the majority of the houses in the street have similar loft conversions which are designed in a similar fashion most with a side dormer. It is important to have this side dormer to give

good access to the upper floors otherwise you have to redesign the interior - somewhat rendering the loft conversion pointless. As such I support this application.

Ecology - No response.

No thirdparty objections or representations have been 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:

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

The following Core Strategy policies should be considered:

CP6 - Environmental Quality

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

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

- B4 The World Heritage Site and its Setting
- D.2 General design and public realm considerations
- D.4 Townscape considerations
- T.24 General development control and access policy

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

OFFICER ASSESSMENT

Planning permission is sought for the implementation of 1 no. side dormer and 1 no. rear dormer to allow for the conversion of the existing loft space into a habitable room.

The existing property is a large semidetached dwelling which is of an identical symmetrical design to the attached dwelling. Together the pair of semis occupies a very prominent site within a corner plot between Southstoke Road and Bradford Road. From the front of the properties the semis retain their original character with traditional detailing and design.

During the application process revised plans were submitted to the Council which propose to reduce the side dormer in width and also set it down from the properties main ridge.

Withstanding the amended plans, it is still considered that the proposed side dormer would appear as an intrusive and unsympathetic alteration to existing dwellinghouse in

regards to visual amenity. This is because the design of the proposed dormer to the side of the dwellinghouse by virtue of its prominence, scale, massing, and proportions does not integrate successfully with, and does not respect the character of the existing dwelling, attached and neighbouring properties, or the character of the area. Further consideration has also been given to the symmetrical nature of the dwelling when considered in context to the pair of semis. As previously discussed the pair of semis to which the application dwelling relates is of a highly symmetrical, unaltered principal elevation to which the hipped roofs at either side directly relate to. It is considered that the implementation of a side dormer to the side hipped roof would be detrimental to the character of the symmetrical nature of the semis. This in turn would cause a detrimental impact upon the street scene. Furthermore due to the location of the application site being prominent within a busy area of public realm and an adjacent to a busy main road and crossroads, this will further highlight the development. In conclusion it is considered that a proposed side dormer in this location is unsupportable.

Furthermore due to the location of the dwellinghouse it is considered that the implementation of a side dormer window in this particular location would be undesirably apparent in both the streetscene of Southstoke Road and Bradford road and would therefore be detrimental to not only the character of the property, but also the immediate streetscene and wider locality.

It is acknowledged that there is a similar example of the proposed dormer on a property within Southstoke road. However it is considered that the prominence of this dormer addition is not as significant as the proposed dormer to no. 2 Southstoke road. This is due to the adequate screening provided by the typography, location and setting of the property within a linear streetscene which protects the character of the property and street to a sufficient level. Furthermore it should be noted that each site is assessed individually in terms of impact upon amenity and design and due to the location and setting of the application site a side dormer is deemed as inappropriate development.

It is however considered that the implementation of a rear dormer would not be detrimental to the character of the dwellinghouse or the streetscene due to it being located to the rear of the property. As such, this element of the proposal would be considered acceptable.

The application will not result in a loss of amenity in terms of overlooking or loss of daylight or sunlight due to the nature of the development and the adequate distance or orientation of neighbouring properties.

Having regard to the location of the property and the relatively minor scale of the development in relation to the World Heritage Site as a whole, it is deemed that it will not be detrimental to the significance of Bath's setting as a World Heritage Site.

Overall it is considered that the propose side dormer will result in a significant loss of character to the original building for the reasons set out above. As such it is considered that an approval would be contrary to Local Plan Policies D.2 and D.4, which require development to maintain the character of the public realm and to respond to the local context in terms of appearance. Therefore this application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed side dormer by virtue of its prominence, scale, massing, and proportions would have a significant and unacceptable impact on the character and appearance of the dwelling itself and the character and appearance of the surrounding area and as such the proposal is contrary to Saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals & waste policies) adopted 2007.

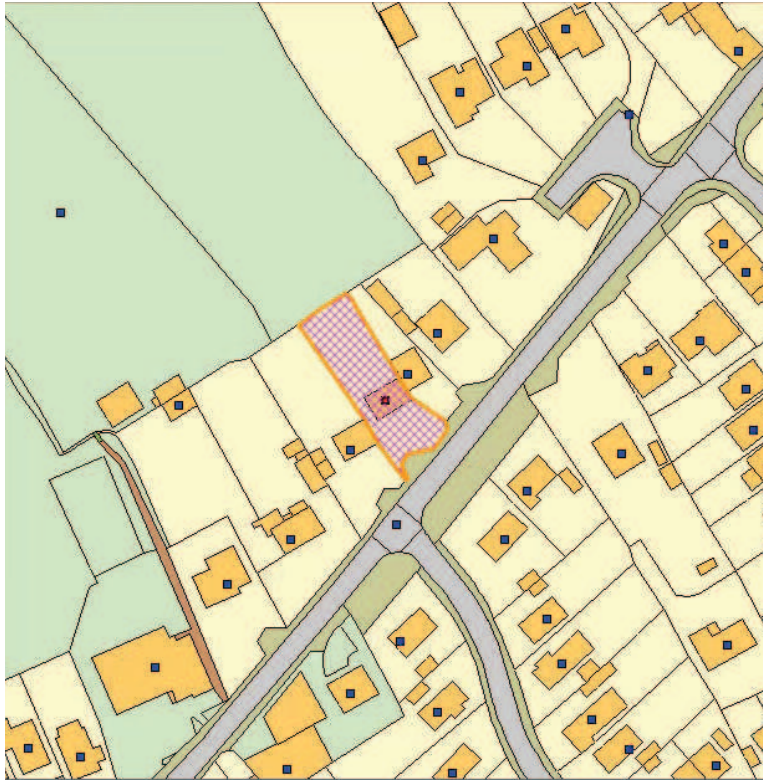
2 The proposed side dormer will result in an incongruous addition to the existing dwelling which will increase the bulk of the property and will result in the loss of character to the existing dwelling and as such the proposal is contrary to Saved Policy D.4 of the Bath and North East Somerset Local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

PLANS LIST:

1 This decision relates to:
033. 02. 05 PROPOSED ELEVATIONS
033. 02. 06 PROPOSED PLANS

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. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant 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.

Item No: 06
Application No: 15/04027/FUL
Site Location: Pantiles Wick Road Bishop Sutton Bristol Bath And North East Somerset



Ward: Chew Valley South **Parish:** Stowey Sutton **LB Grade:** N/A

Ward Members: Councillor Vic Pritchard

Application Type: Full Application

Proposal: Erection of two storey rear extension and internal alteration to existing dwelling. (resubmission)

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones, Water Source Areas,

Applicant: Mr A Wilkes

Expiry Date: 3rd November 2015

Case Officer: Corey Smith

REPORT

The application site is located on the western side of Wick Road within the housing development boundary but not within a Conservation Area. The subject site includes a detached dormer bungalow set back off the roadside with independent access off Wick Road for parking and turning on site. The surrounding built form includes a mix of dormer bungalows and two storey detached dwellings. The prevailing design characteristics include traditional pitched roofs with dormer windows and the material use predominantly consists of rendered walls and tiled roofs.

The application proposes the erection of a two storey rear extension and dormer window alterations to the front elevation.

Reason for application being referred to Committee:

In accordance with the Scheme of Delegation, this application has been referred to the Development Control Committee as the Parish Council support the application which is contrary to the Officers recommendation for a refusal.

Property History:

DC - 15/01675/CLEU - LAWFUL - 5 June 2015 - Use of land as garden (Certificate of Lawfulness for an Existing Use)

DC - 15/02727/FUL - WD - 14 September 2015 - Extensions and alterations to existing dwelling.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation:

N/A

Stowey Sutton Parish Council:

The Parish Council supports this application

Third Parties:

None received.

POLICIES/LEGISLATION

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

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

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

- o D2 - General Design and public realm considerations
- o D4 - Townscape considerations
- o T24 - General development control and access policy
- o NE.1 - Landscape Character

CP6 - Environmental Quality

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

OFFICER ASSESSMENT

This is a resubmission following feedback provided regarding the original withdrawn application (15/02727/FUL). The following concerns were raised in relation to the original proposal:

Front Elevation

The contemporary gable extension is incongruous to the principal elevation of the host dwelling (disproportionate and congested).

Rear Elevation

Concerns regarding the scale and design of this extension:

- It is not considered that a contemporary extension of this nature integrates well with the traditional appearance of the existing dwelling, with particular reference to how the existing and proposed roofs integrate (West elevation).
- The modern roof design is not reflective of the roof designs within the immediate area, nor is it compatible with the existing pitched roof of the main dwelling.
- It is not considered that the use of cedar cladding to this scale is an appropriate material in relation to the appearance of the existing dwelling.

The new proposal has made the following amendments:

Front Elevation:

- Removal of the proposed two storey porch extension.
- Re-positioning of existing dormers and incorporation of a more traditional hipped roof.

Rear Elevation:

- Rear extension retains its mono-pitched roof.
- Removal of the 'daylight reflectors' projecting beyond the face of the extension.
- Change in material use to match that of the host dwelling (matching render/roof tiles).

Whilst it is acknowledged that the applicants have made positive changes to reflect the initial feedback, the scale and design issues of the rear extension are not considered to have been addressed.

Character and Appearance

The Stowey Sutton Neighbourhood Development Plan has been 'made' by B&NES and is now a part of the Council's development plan which is in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004. Reference is made to the character assessment (Appendix E) of the chapter entitled 'The Street, Wick Road, A368' which highlights the design and material characteristics of the area (page 47).

"Buildings & Details

A. Predominant Building Shape & Height

Variety of housing styles and ages. Ranging from rows of old terraced mining cottages to large detached houses and business premises. Lots of older stone built buildings. Mixture of houses and bungalows - ranging from 2 bed up to 5 bed properties. Business properties are all in old stone buildings converted to current use.

B. Roofs

Predominantly pitched roofs with occasional flat roof section to some bungalows.

C. Predominant Materials

Stone walls. Slate and tile roofs. Mixture of hedges and boundary walls. Tarmac pavement."

Front Elevation

The revised dormer positions and roof designs are considered to relate positively to the existing front elevation. The roof plane is no longer congested and the inclusion of a traditional hipped roof design is considered an improvement to the existing appearance. These are important amendments given the exposed position of the front elevation in relation to the streetscape. The dormers include the use of matching concrete tiles both to the roof and cheeks and triple glazed aluminium windows, all of which are considered acceptable in allowing the dormers to blend in with the existing roofscape.

Rear Elevation

The rear extension is positioned behind the host dwelling and it is therefore not visible from a street perspective. There are however vacant fields to the rear of the site, as well as a public right of way. From this perspective, the dwelling sits amongst a row of dwellings within an open area of landscape. In addition, there are views through to the open hillside beyond.

The extension stretches 5.3m from the existing rear building line of the main dwelling; however the mono pitched roof continues past this line and abuts the existing tiled roof of the detached dwelling. The highest point of the roof is set slightly below the ridgeline of the main dwelling and both side elevation wall lines have been set in from the main dwelling. Policy D.4 states that development will only be permitted where it responds to the local context in terms of appearance, materials, siting, spacing and layout. Despite the attempts at making the extension appear subservient to the host dwelling, the overall size and design of this two storey extension is not considered to respect the appearance of the host dwelling. The scale and massing of the proposed rear extension is considered to over dominate the existing built form, with particular reference to the proposed length (5.3m) and height (6m). The use of render and concrete roof tiles is considered to add to the overall massing of this extension.

Policy D.4 states that development will only be permitted where the appearance of extensions respect and complement their host building. The proposed roof design is not considered to provide an acceptable relationship with the existing roof scape of the detached bungalow. The extension proposes rendered walls on both side elevations which run past the eave height of the main dwelling and this is considered to create an awkward interface with the tiled roof. A mono-pitched roof design is considered to work well when positioned against an entire square wall line, not at the integration point of a wall and pitched roof which is the case in this instance. To this effect, the appearance of the extension is not considered to respect and complement the host building.

Residential Amenity

The subject dwelling is setback from the neighbouring boundary of 'Homefields' by approximately 3.5m. The proposed roofline is at its highest point along this boundary, however due to the setback distance and existing boundary treatment it is not considered to have an overbearing impact on the residential amenity of this property. The proposed upper storey window is obscurely glazed and this is important in preventing the opportunity for overlooking.

The separation distance on the opposite boundary line ('Stone Thro') is approximately 1m. The proposed extension is setback by a further 500mm, giving a total setback distance of 1.5m. The proposed extension runs all the way to the existing rear elevation of 'Stone Thro'. The mono-pitched roof design is at its lowest point along this boundary with an eave height of 3.5m above natural ground level. The neighbouring dwelling abuts this boundary with a gable end wall with no ground floor windows, therefore the exposed building mass of this extension is not considered to be negatively affecting the residential amenity of this property.

Conclusion

Overall, the applicants have made significant improvements to the front elevation, however the scale and design of the rear extension continues to conflict with the appearance of the host dwelling. For this reason the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

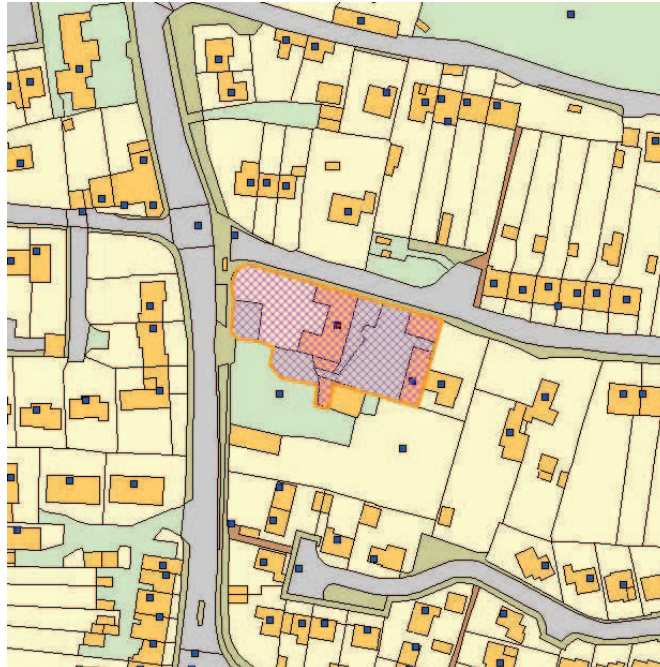
1 The proposed rear extension by virtue of its size, siting, scale and design would result in an incongruous and visually dominant form of development, which detracts from the appearance of the host building. It is therefore contrary to saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan including minerals and wastes policies adopted October 2007.

PLANS LIST:

1 This decision relates to Drawing No.s A00, A01, A02, and A04 received on the 8th September 2015, and revised Drawing A03 received on the 29th October 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. 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.

Item No: 07
Application No: 15/03574/FUL
Site Location: The Old Parsonage Main Street Farrington Gurney Bristol Bath And North East Somerset



Ward: High Littleton **Parish:** Farrington Gurney **LB Grade:** IISTAR
Ward Members: Councillor L J Kew
Application Type: Full Application
Proposal: Erection of single storey lean-to extension (resubmission)
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones,
Applicant: Mr And Mrs B.T. Murray
Expiry Date: 5th October 2015
Case Officer: Victoria Griffin

REPORT

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

PROPOSAL: The application is a resubmission and seeks permission for the erection of single storey lean-to extension.

DESCRIPTION OF SITE AND APPLICATION: The application seeks consent for internal and external alterations to include erection of single storey lean-to extension (resubmission).

This revised application has omitted an internal opening however retains the single storey lean to extension as the previous proposal in 15/02424/FUL and 15/02425/LBA.

The site falls within the Housing Development Boundary and is a grade II star listed building. The building itself is a former house presently in use as a bed and breakfast that is understood to date from late C17.

The applications are supported by a Historical Statement and a Design & Access Statement.

RELEVANT PLANNING HISTORY:

DC - 11/01196/AR - RF - 1 June 2011 - Display of 1no. hanging sign on timber post.

DC - 11/04074/AR - RF - 11 November 2011 - Display of 1no. hanging sign on timber post. (Revised proposal)

DC - 13/01369/LBA - CON - 23 May 2013 - Internal alterations and retention of existing first floor en-suite shower room.

DC - 15/02424/FUL - WD - 29 July 2015 - Alteration and extension of existing kitchen

DC - 15/02425/LBA - WD - 29 July 2015 - Internal and external alterations for the alteration and extension of existing kitchen.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Conservation Team: Objection (The Senior Conservation officer has confirmed that his original comments on 15/02425/LBA & 15/02424 stand in respect of this proposal:

The protected building is an outstanding example of a high status, multi-phase domestic historic building with much of its architectural interest and significance resulting from its later English Baroque detailing and character and the excellent submitted historic building report enables a good understanding of its history and development. The proposals are for the construction of a new single storey extension located to the side elevation to augment the current provision for kitchen space. Whilst I am aware that due to the building being used predominantly as a guest house the owners require alterations to be made to the building that relate to their own private use I am concerned that this will cause unacceptable visual and physical harm. It is clear that attempts have been made to minimise the impact of the proposed extension however I am not convinced that this would be successful and the location for the extension will cause visual harm to the principal elevation, which is balanced and unimpeded by the existing historic extension that is set well back and at an oblique angle contained behind the garden, boundary wall. I am also mindful that the new extension does not 'sit' comfortably with the existing, historic extension and it lacks unity.

I am unable to offer support to the proposed alterations to the protected building however there may be an acceptable solution. I suggest that a new extension could be located in the same area that the historic extension currently occupies and, subject to detail, it is more likely that this would be more subservient to the principal building and would provide for a more unified solution. The historic extension appears to possess limited heritage value, not least because it has been subject to significant alteration and therefore there may be scope for further alteration and enlargement without detriment to the principal building.

Historic England:

The Old Parsonage is a highly significant building and one of the most prominent in Farrington Gurney. It is notable for its two facades, the older to the east and the slightly later, early C18 to the west and for its survival as a substantial house within the locality, with much historic character and fabric retained.

The proposal involves an extension to the kitchen (itself housed in a later extension), which would sit and be visible adjacent to the principal western elevation, with new openings formed to provide access. We consider that this extension would cause considerable harm to the striking and symmetrical western elevation, in addition to the harm caused by the new opening into the principal building. Although we have not been able to visit the site, having viewed the plans it would seem that there may be scope to extend the existing kitchen, remaining behind the high garden wall and within the rear courtyard. While the now rear elevation of the house is also of high significance, we would advise that this area has more scope for extension due to the existing outbuildings and its courtyard nature. We would hope that an amended design which achieves the applicants' desires would be possible here.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to have special regard to the desirability of preserving listed buildings and their settings. Furthermore, the National Planning Policy Framework requires that 'great weight' be given to the conservation of heritage assets and their settings. In our view, this proposal would be contrary to national policy and legislation.

Recommendation

We are unable to support this application in its current form due to the harm caused to the significance of the listed building, and would recommend that the application be withdrawn or amended to take account of the issues raised and seek an alternative design.

Farrington Gurney Parish Council: Support comments (summarised) will best enable the property to survive as a business and a home and preserve it for the future.

Representations: 1 x letter of support from neighbour (summarised):

- support for the on-going operation of the business
- viable use and operation of the existing business

POLICIES/LEGISLATION

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

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

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

- CP6 - Environmental Quality

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

- D.2: General design and public realm considerations
- D.4: Townscape considerations
- T.24: Access
- T.26: Parking
- BH.2: Listed buildings and their settings

National Policy

- The National Planning Policy Framework adopted March 2012
- National Planning Practice Guidance, 2014

OFFICER ASSESSMENT

IMPACT ON THE LISTED BUILDING:

The protected building is an outstanding example of a high status, multi-phase domestic historic building with much of its architectural interest and significance. The proposals are for the construction of a new single storey extension located to the side elevation. The application is the resubmission of an earlier proposal (29/07/15) which was withdrawn that has now omitted an internal opening.

Unfortunately the proposal still continues to raise significant objections in respect of the proposed siting of the extension which would cause an unacceptable level of visual harm to the principal elevation, the symmetry of which is particularly important and unimpeded by alterations. The proposal is therefore considered to fail to preserve the special architectural interest of listed building and as such would fail to accord with national and local planning policy.

Suggestions have been made to consider the re-siting of the extension to the rear to enable the additional kitchen space to be provided but at the same time to preserve the building's principal elevation. However this has not been pursued and the resubmission of essentially the earlier proposal has been made.

Where there is less than substantial harm to the significance of a designated heritage asset, paragraph 134 of the National Planning Policy Framework requires the harm to be balanced against the public benefits of the proposal, including securing its optimum viable use. Recent Inspector decisions provide many examples where a proposal may be considered to be less than substantial harm which in itself is enough to resist development proposals. In addition, the Local Planning Authority does not consider that the proposal offers any wider public benefit and the existing use of the building will continue.

There is a duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant listed building consent for any works 'to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' The siting of the proposed extension is considered to fail to preserve the special architectural interest of the building and is recommended for refusal.

RESIDENTIAL AMENITY:

The position and design of the extension would not be sited near residential properties so as to raise any residential amenity issues.

HIGHWAY SAFETY:

The proposal is not considered to represent any significant highway safety issues to justify a refusal on this basis.

OTHER ISSUES:

The proposal does not raise any other significant issues.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed location of the single storey extension would cause unacceptable visual harm to the principal elevation which is symmetrical and unimpeded by the existing historic extension. The proposed extension would therefore unacceptably harm the significance of the designated heritage asset and this would be contrary to the Planning (Listed Buildings and Conservation Areas Act) 1990, Section 12 of the National Planning Policy Framework (NPPF), policies CP6 of the B&NES Core Strategy and saved policies D4 and BH2 of the B&NES Local Plan.

PLANS LIST:

1 This decision relates to drawing nos/titled:

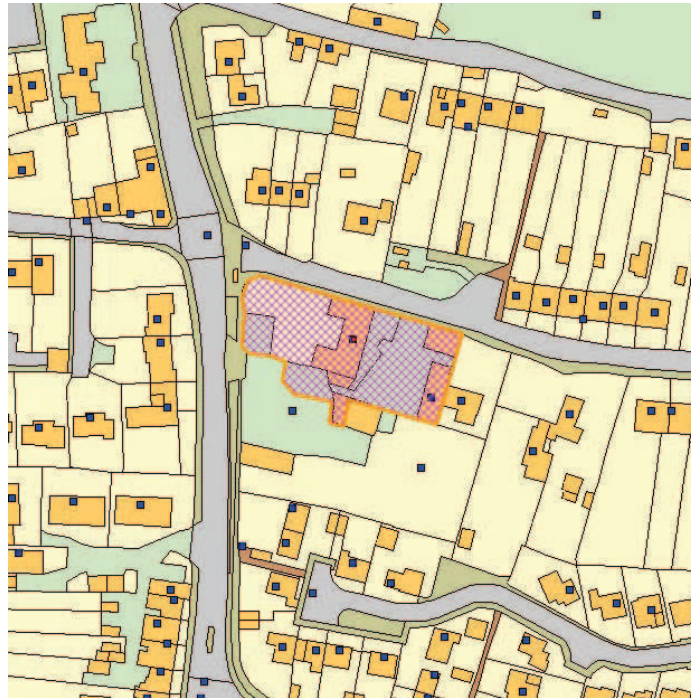
Location plan, 3153-P11A, 3158-P01A, 3153-P09A, 3153-P10A, 3153-P05A, 3153-P03, 3153-P06, 3153-P04 and 3153-P02A

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning

Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 08
Application No: 15/03632/LBA
Site Location: The Old Parsonage Main Street Farrington Gurney Bristol Bath And North East Somerset



Ward: High Littleton **Parish:** Farrington Gurney **LB Grade:** IISTAR
Ward Members: Councillor L J Kew
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal and external alterations to include erection of single storey lean-to extension (resubmission)
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones,
Applicant: Mr And Mrs B.T. Murray
Expiry Date: 5th October 2015
Case Officer: Victoria Griffin

REPORT

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

PROPOSAL: The application is a resubmission and seeks permission for the erection of single storey lean-to extension.

DESCRIPTION OF SITE AND APPLICATION: The application seeks consent for internal and external alterations to include erection of single storey lean-to extension (resubmission).

This revised application has omitted an internal opening however retains the single storey lean to extension as the previous proposal in 15/02425/LBA.

The site falls within the Housing Development Boundary and is a grade II star listed building. The building itself is a former house presently in use as a bed and breakfast that is understood to date from late C17.

The applications are supported by a Historical Statement and a Design & Access Statement.

RELEVANT PLANNING HISTORY:

DC - 11/01196/AR - RF - 1 June 2011 - Display of 1no. hanging sign on timber post.

DC - 11/04074/AR - RF - 11 November 2011 - Display of 1no. hanging sign on timber post. (Revised proposal)

DC - 13/01369/LBA - CON - 23 May 2013 - Internal alterations and retention of existing first floor en-suite shower room.

DC - 15/02424/FUL - WD - 29 July 2015 - Alteration and extension of existing kitchen

DC - 15/02425/LBA - WD - 29 July 2015 - Internal and external alterations for the alteration and extension of existing kitchen.

DC - 15/03574/FUL - PCO - - Erection of single storey lean-to extension (resubmission)

DC - 15/03632/LBA - PCO - - Internal and external alterations to include erection of single storey lean-to extension (resubmission)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Conservation Team: Objection (The Senior Conservation officer has confirmed that his original comments on 15/02425/LBA & 15/02424 stand in respect of this proposal:

The protected building is an outstanding example of a high status, multi-phase domestic historic building with much of its architectural interest and significance resulting from its later English Baroque detailing and character and the excellent submitted historic building report enables a good understanding of its history and development. The proposals are for the construction of a new single storey extension located to the side elevation to augment the current provision for kitchen space. Whilst I am aware that due to the building being used predominantly as a guest house the owners require alterations to be made to the building that relate to their own private use I am concerned that this will cause unacceptable visual and physical harm. It is clear that attempts have been made to minimise the impact of the proposed extension however I am not convinced that this would be successful and the location for the extension will cause visual harm to the principal elevation, which is balanced and unimpeded by the existing historic extension

that is set well back and at an oblique angle contained behind the garden, boundary wall. I am also mindful that the new extension does not 'sit' comfortably with the existing, historic extension and it lacks unity.

I am unable to offer support to the proposed alterations to the protected building however there may be an acceptable solution. I suggest that a new extension could be located in the same area that the historic extension currently occupies and, subject to detail, it is more likely that this would be more subservient to the principal building and would provide for a more unified solution. The historic extension appears to possess limited heritage value, not least because it has been subject to significant alteration and therefore there may be scope for further alteration and enlargement without detriment to the principal building.

Historic England:

The Old Parsonage is a highly significant building and one of the most prominent in Farrington Gurney. It is notable for its two facades, the older to the east and the slightly later, early C18 to the west and for its survival as a substantial house within the locality, with much historic character and fabric retained.

The proposal involves an extension to the kitchen (itself housed in a later extension), which would sit and be visible adjacent to the principal western elevation, with new openings formed to provide access. We consider that this extension would cause considerable harm to the striking and symmetrical western elevation, in addition to the harm caused by the new opening into the principal building. Although we have not been able to visit the site, having viewed the plans it would seem that there may be scope to extend the existing kitchen, remaining behind the high garden wall and within the rear courtyard. While the now rear elevation of the house is also of high significance, we would advise that this area has more scope for extension due to the existing outbuildings and its courtyard nature. We would hope that an amended design which achieves the applicants' desires would be possible here.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to have special regard to the desirability of preserving listed buildings and their settings. Furthermore, the National Planning Policy Framework requires that 'great weight' be given to the conservation of heritage assets and their settings. In our view, this proposal would be contrary to national policy and legislation.

Recommendation

We are unable to support this application in its current form due to the harm caused to the significance of the listed building, and would recommend that the application be withdrawn or amended to take account of the issues raised and seek an alternative design.

Farrington Gurney Parish Council: Support comments (summarised) will best enable the property to survive as a business and a home and preserve it for the future.

Representations: 1 x letter of support from neighbour (summarised):

- support for the ongoing operation of the business

- viable use and operation of the existing business

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works. The Council's development plan comprises:

Bath & North East Somerset Adopted Core Strategy
Saved policies in the Bath and North East Somerset Local Plan (2007)
West of England Joint Waste Core Strategy (2011)

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

CP6 - Environmental quality

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

BH.2 - Listed buildings and their settings
D2 - General design and public realm considerations
D4 - Townscape considerations

OFFICER ASSESSMENT

The protected building is an outstanding example of a high status, multi-phase domestic historic building with much of its architectural interest and significance. The proposals are for the construction of a new single storey extension located to the side elevation. The application is the resubmission of an earlier proposal (29/07/15) which was withdrawn that has now omitted an internal opening.

Unfortunately the proposal still continues to raise significant objections in respect of the proposed siting of the extension which would cause an unacceptable level of visual harm to the principal elevation, the symmetry of which is particularly important and unimpeded by alterations. The proposal is therefore considered to fail to preserve the special architectural interest of listed building and as such would fail to accord with national and local planning policy.

Suggestions have been made to consider the re-siting of the extension to the rear to enable the additional kitchen space to be provided but at the same time to preserve the building's principal elevation. However this has not been pursued and the resubmission of essentially the earlier proposal has been made.

Where there is less than substantial harm to the significance of a designated heritage asset, paragraph 134 of the National Planning Policy Framework requires the harm to be balanced against the public benefits of the proposal, including securing its optimum viable use. Recent Inspector decisions provide many examples where a proposal may be considered to be less than substantial harm which in itself is enough to resist development proposals. In addition, the Local Planning Authority does not consider that the proposal offers any wider public benefit and the existing use of the building will continue.

There is a duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant listed building consent for any works 'to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' The siting of the proposed extension is considered to fail to preserve the special architectural interest of the building and is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed location of the single storey extension would cause unacceptable visual harm to the principal elevation which is symmetrical and unimpeded by the existing historic extension. The proposed extension would therefore unacceptably harm the significance of the designated heritage asset and this would be contrary to the Planning (Listed Buildings and Conservation Areas Act) 1990, Section 12 of the National Planning Policy Framework (NPPF), policies CP6 of the B&NES Core Strategy and saved policies D4 and BH2 of the B&NES Local Plan.

PLANS LIST:

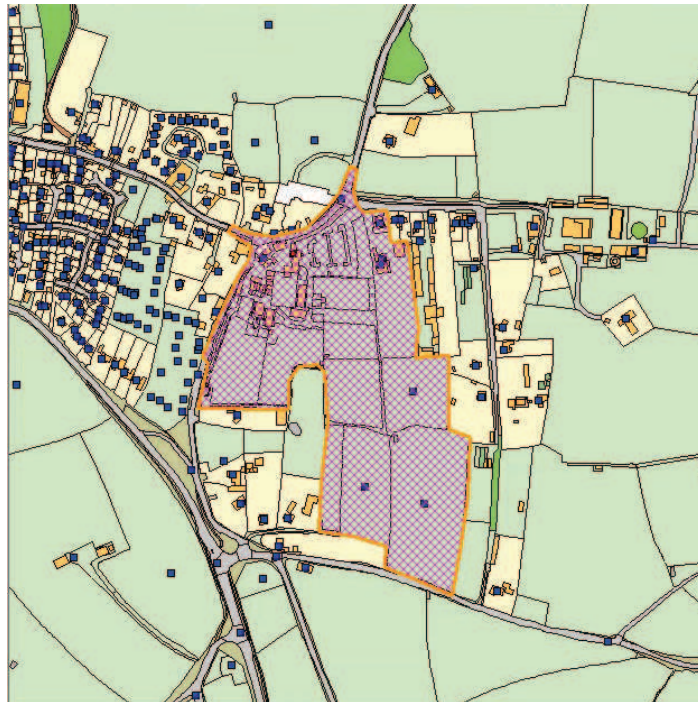
1 This decision relates to drawing nos/titled:

Location plan, 3153-P11A, 3158-P01A, 3153-P09A, 3153-P10A, 3153-P05A, 3153-P03, 3153-P06, 3153-P04 and 3153-P02A

DECISION TAKING STATEMENT:

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

Item No: 09
Application No: 15/03406/CONSLT
Site Location: Horseworld Staunton Lane Whitchurch Bristol Bath And North East Somerset



Ward: Publow And Whitchurch **Parish:** Whitchurch **LB Grade:** II
Ward Members: Councillor Paul May
Application Type: Consultation
Proposal: Comprehensive Masterplan and Design Principles for the proposed redevelopment of the land at Whitchurch pursuant to Policy RA5 of the Bath & North East Somerset Core Strategy 2014.
Constraints: Greenbelt,
Applicant: Barratt Homes, Bellway Homes Ltd & Whitecroft Developments
Expiry Date: 18th August 2015
Case Officer: Rachel Tadman

RECOMMENDATION

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

SITE DESCRIPTION

The Site is approx 7.65 ha in size and located to the South East of Whitchurch and is bound by existing residential development as well as Queen Charlton Lane, Staunton Lane and Sleep Plan. The site includes land associated with the former HorseWorld visitor centre together with adjacent land to the East and South East. At the North Western extent of the site are the historic buildings of Staunton Manor Farm, a Grade II listed building, along with various farm outbuildings. The site also includes an area of industrial units off Staunton Lane at the North Eastern extent of the site.

The site is generally open with relatively few trees but does have a number of hedgerows running across the site. Public Footpath BA26/9 runs through the site from Staunton Lane in a southerly direction and then branches off to the East.

The proposal forms the submission of a concept masterplan for the residential development of the former Horseworld site, Staunton Lane, Whitchurch but described under Policy RA5 of the Core Strategy as Land at Whitchurch.

As explained above, the masterplan area includes the former HorseWorld visitor centre and surrounding fields and agricultural buildings. The site also includes the industrial units at the North East. The masterplan proposal would result in the demolition of a number of modern buildings including part of the former visitor centre and agricultural buildings.

The masterplan proposal would include the provision of an early years education facility, around 200 dwellings with 40% affordable housing accessed by three new vehicular access points, off Staunton Lane (to replace the existing), Queen Charlton Lane and Sleep lane.

Cycle and pedestrian connections are also proposed from these access points as well as existing public right of way BA26/9.

The development will include open space, landscaping and drainage attenuation and will require minimal hedgerow and tree loss to facilitate vehicular, pedestrian and cycle connectivity.

RELEVANT HISTORY

DC - 13/02121/LBA - Refuse - 12 December 2013 - Conversion of curtilage listed buildings to residential including selective demolition, extensions, internal and external works

DC - 13/02164/OUT - Refuse - 12 December 2013 - Hybrid planning application for enabling residential development of up to 125 dwellings and associated demolition, highways infrastructure and landscaping works:

The outline component comprises up to 118 dwellings including associated demolition, highways infrastructure and landscaping works; and the detailed component comprises the redevelopment of 6 curtilage listed dwellings including associated demolition, highways infrastructure and landscaping works adjacent to the Grade II Listed Staunton Manor Farmhouse.

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:

- Policy DW1 - District Wide Spatial Strategy
- Policy SD1 - Sustainable Development
- Policy RA5 – Land at Whitchurch Strategic Site Allocation
- Policy CP2 - Sustainable Construction
- Policy CP3 - Renewable Energy
- Policy CP6 - Environmental Quality
- Policy CP7 - Green Infrastructure
- Policy CP9 - Affordable Housing
- Policy CP10 - Housing Mix
- Policy CP13 - Infrastructure Provision

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

- Policy SC.1: Settlement classification
- Policy SR.3: Provision of recreational facilities to meet the needs of new development
- Policy CF.3 Contributions from new development to community facilities
- Policy IMP.1 Planning Obligations
- Policy D.2: General design and public realm considerations
- Policy D.4: Townscape considerations
- Policy BH.2: Development affecting a listed building
- Policy NE.4: Trees and woodlands
- Policy NE.10: Impact on Protected Species
- Policy NE.12: Impact on Natural Features
- Policy T.1: General Transport Policy
- Policy T.24: General development control and access policy

SUPPLEMENTARY PLANNING GUIDANCE

- Planning Obligations SPD
- Sustainable Construction & Retrofitting SPD
- Bath & North East Somerset Council Green Space Strategy adopted March 2007
- Bath & North East Somerset Council Green Infrastructure Strategy adopted March 2013

LEGAL FRAMEWORK

- Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990

NATIONAL PLANNING POLICY FRAMEWORK, 2012

Full consideration has been given to the provisions and guidance set out in the NPPF particularly in respect of the provision of housing.

NATIONAL PLANNING PRACTICE GUIDANCE, 2015

Full consideration has been given to the guidance set out in the NPPG.

CONSULTATIONS AND REPRESENTATIONS:

Planning Policy: No objections in principle

Highway Layout: The North-South through access has the potential to remove pressure from the narrow section of Sleep Lane, and would mean that in future there would be the potential for a bus route through the development. It would increase the permeability of the layout which is positive in urban design terms.

Green Infrastructure (GI) Corridor: The refocusing of the GI corridor to the north/south route around the existing north/south hedgerow is supported and addresses previous concerns. The scheme now complies with the policy requirements in terms of the quantum of green space and the requirement for a north-south corridor.

The new east/west GI route from the farm complex to the main north/west GI route is supported in GI terms as it presents a better linkage between the green spaces and it better connects the Bellway and the Whitecroft scheme.

The inclusion of an updated Green Infrastructure plan and the provision of the sections for the main GI spine is helpful.

Connectivity: The additional access into the southern part of the farm complex is supported as it improves north/south connectivity for pedestrians within the development and addresses previous objections.

The provision of safe walking routes to connect the site into the village is a key element of the scheme – the issues with providing a route along Sleep Lane (inadequate dimensions, loss of hedgerow etc.) and the limited additional distance that it would be to walk within the new development along a similar desire line are noted. There is a lack of detail around the pedestrian crossing points shown at the mini-roundabouts.

Illustrative material: There is a lack of detail in relation the build elements of the scheme (e.g. some of the key streets).

Outstanding Concerns –

- There is still no SUDs Proof of Concept so the Masterplan cannot demonstrate that the proposed SUD elements are adequate or functional at a high level
- There is still no information about indicative built form and density, this should be provided as part of a Masterplan submission – illustrative sections of some key streets would achieve this
- Lack of information about car parking strategy at a high level

Highways Development Officer:

Number of Access Points - three points of vehicular access are proposed, including a junction with Queen Charlton Lane to service development in the southern part of the site. This is accepted.

North-South Access Road - the north-south vehicle route formerly proposed through the site is now shown as broken to deter its use as a potential 'rat-run'. This is welcomed and will serve to address concerns raised by Queen Charlton residents about the potential for introducing extraneous traffic through the village.

The location and 'treatment' of the break is of concern however it is accepted that these are points of detail which can be addressed at detailed design stage.

Staunton Lane Junction/Alterations - The location of the proposed junction on Staunton Lane is accepted. The principle of using a priority junction type as noted in the Masterplan is not

unacceptable, subject to all relevant layout and visibility standards being met and modelling analyses confirming satisfactory operation. The consideration of a mini-roundabout should however remain an option, with refuge islands on one or both of the Staunton Lane arms to assist pedestrians and would provide improvements for both right turners and pedestrians.

The existing footway along the north side of Staunton Lane between Sleep Lane and the proposed new access is narrow and substandard, with two particular 'pinch-points' at the corners of the long building abutting it directly. The works to Staunton will need to include width improvements along this length because the development can be expected to significantly increase footfall along this length of footway, as all the proposed pedestrian routes towards Staunton Lane are directed to a new crossing point close to the new junction, which is east of the said building where these particular footway 'pinch-points' exist.

Sleep Lane Junction - the principle of a mini-roundabout here is accepted. However, an associated introduction of a 30mph limit or lower (Ref: TD 54/07 'Design of Mini-Roundabouts'- paragraph 2.1) is required along with additional physical traffic management measures along Sleep Lane in order to 'ensure' that speeds are reduced to an acceptable level for this type of junction.

Sleep Lane: Extension of Pedestrian Route – whilst there was never a suggestion by Highways that an extended pedestrian route along this part of Sleep Lane should serve to further reduce the existing carriageway width, which is already substandard, there was an aim to try to incorporate a route as close as possible to the Sleep Lane alignment, so more correctly a footpath linkage rather than a footway. The need to avoid removing the established hedgerow is also accepted.

The Masterplan shows the continuation of the route, firstly accommodated by the footway on the west side of the internal access road running north from the proposed Sleep Lane junction. Thereafter, there are two linkages created through the courtyard area associated with the former farm buildings, both directing pedestrians to the east and towards the proposed crossing near the new Staunton Lane access.

The part-use of the access road is accepted, however, in considering the routes through the courtyard, there would seem to be an opportunity to extend the route more directly northwards by utilising the gap between the two buildings fronting Staunton Lane. This would direct pedestrians to a potential crossing point just east of the existing Sleep Lane mini-roundabout, where the gated alleyway emerges now. It needs to be understood why such a means of extending the northbound route on what might be considered more of a desire line for people walking to/from the village centre has been dismissed and excluded.

Queen Charlton Lane Junction and Treatment - The principle of vehicular access is accepted, and is now essential to service the dwellings in the southern part of the site. The proposed concept of the access and ancillary traffic calming measures, including the 'virtual pavement', is acceptable.

However, I would re-iterate the point about the existing access track running east-west from the Sleep Lane/Woollard Lane junction to the corner of the site just south of the proposed LEAP. It does seem to me that this would offer a safer and potentially more convenient pedestrian route between the south part of the site and the bus stops on the A37 than walking along the carriageway in Queen Charlton Lane. In other words, it would be preferable to remove any need for pedestrians to walk along this section if avoidable. It would thus be helpful if the applicant could investigate and comment as to practicality.

Internal Highway Layout - The general arrangement of the main access roads serving the proposed housing layout is acceptable in principle.

Parking Requirements - Driveway or parking provision has not been confirmed but will in any case need to comply with the current B&NES parking standards. There will also need to be allowance made in the highway layout for visitor parking.

Transport Assessment - It is noted that the CMDP document (Placemaking Principle &) refers to a Transport Assessment being submitted with any subsequent application(s). This should cover the full development of the site, movement patterns associated with the existing rat-running traffic using Sleep Lane is provided and the assessment of off-site junctions in capacity terms.

Conservation Officer: Not acceptable in its current form.

The importance of conserving the settings of the adjacent heritage assets at Staunton Manor Farm is not clearly recognised in the Masterplan which is unacceptable.

Landscape: Not acceptable in its current form.

The Masterplan has gone a significant way to resolving concerns over the earlier iterations however there are still a number of unresolved concerns as follows:

1 The revised masterplan gives flexibility to redesign the layout to provide a more satisfactory interface with the Sleep Lane hedge by houses fronting the hedge and open space.

2 The north south link pedestrian route needs to be an integral part of the GI and not tagged on along the roads. This particularly is a concern at the southern end where it completely leaves the GI corridor and needs to continue along the existing hedges to the proposed Queen Charlton Lane access.

3 The additional pedestrian route through the farm complex is welcomed however the farm buildings still appear to be designed to be separate from the rest of the masterplan site.

Urban Design Officer: Not acceptable in its current format.

Amount and Use - In principle the amount and mix of housing accords with CS requirements (subject to detailed applications).

Layout - the layout is much improved in relation to the legibility and continuity of the GI spine running through the site (and ownerships).

The detailed arrangement for connecting the spine at Queen Charlton Lane needs resolution. At present it risks being obscured and squeezed within the southern development blocks.

Sleep Lane remains as a landscape boundary needing further consideration. The legibility and emerging definition of streets and spaces is improved.

Access and Movement - Improvements to legible routes are acknowledged and welcomed. Clarification of GI routes and detailed design of frontages and streets will need to deliver the intended quality.

The lack of pedestrian footway along Sleep Lane remains disappointing. Sleep Lane is recognised as an unsatisfactory environment for pedestrians and cyclists and it seems reasonable that transport interventions should be made to meaningfully improve safety for sustainable transport within the urban road network.

The improvement of footways and zebra crossing at Staunton Lane are welcomed.

The introduction of pedestrian links into and through Staunton Manor is welcomed. It is unfortunate that (for safety reasons) pedestrian access onto Sleep Lane is not offered.

Form and Appearance Supporting material describes traditionally designed 2 and 2.5 storey housing. The latest master plan appears not to specify where greater height would be proposed.

Ecology: Not acceptable in its current form.

Written confirmation has been received that wording on the Green Infrastructure Plan can be revised to state that the necessary measures “will” be, and not “would” be, in place, thus providing a commitment to providing dark corridors and avoiding excessive light spill onto habitats and boundary vegetation.

Subject to the above revisions to the text of the Green Infrastructure Plan, there are no objections to the proposed masterplan on ecological grounds.

Arboricultural Officer: No objections

Archaeology: No objections.

Given the results of the previously submitted desk-based assessment (CGMS, May 2013) and geophysical survey (Stratascan, July 2013) of Horseworld site, I am content that any further archaeological evaluation/mitigation in this part of the site could be dealt by way of planning conditions.

Parks and Open Spaces: No objections.

Public Rights of Way Team: The definitive line of public footpath BA26/9 is now incorporated into the overall masterplan. The PROW objection is withdrawn.

Affordable Housing: No objections.

Flooding and Drainage: Not acceptable in its current form.

Greater emphasis on the implementation of Sustainable Drainage Systems (SuDS) as part of the GI is needed. The master planning process makes reference to the use of SuDS but other than identifying two attenuation ponds does not appear to have identified or reserved any land for use as part of a SuDS.

Site contours and the Environment Agency’s surface water flood mapping suggest that there is a natural overland flow path (blue corridor) running east west across the site which in line with the West of England Sustainable Drainage Developers Guide should be reserved from development and utilised as part of the SuDS. Urban development should accommodate overland flow paths to minimise urban flood risk.

Education Services: The following comments are provided:

Early Years: An Early Years Facility is shown although the need for an on-site Early Years facility will continue to be kept under review.

Primary School: There is a requirement for a capital contribution for the expansion of the school buildings at Whitchurch Primary school (off site). Based on the information submitted this would be in the region of £791,000.

There is also a requirement for a capital contribution to cover all costs associated with the purchase and provision of additional adjacent land to expand the existing school site. This will be confirmed at application stage.

A pro rata allocation of both of the above capital contributions to be allotted to each developer, based on the number of children generated by each development within the masterplan area. The number of children generated will be determined by the number and type and size (number of bedrooms) of dwellings being delivered.

General: Footpath and cycle links to Whitchurch Primary school – these should be good, safe routes with approved crossing points and continuous pavements.

Contaminated Land: No objections subject to conditions at application stage.

Whitchurch Parish Council: The Parish Council makes the following comments:

1. The Masterplan is very light on detail and does not give much information other than the three access points to the site. The Parish Council welcomes the three access points, as it will disperse the traffic three ways from the site.
2. The Masterplan does not demonstrate how the site is well integrated with the existing village, how it encourages walking and cycling, or how it provides links to South Bristol, as set out in the Core Strategy document.
3. Construction vehicles traffic & parking - a comprehensive joint Construction Management Plan needs to be drawn up.
4. Affordable housing - there is no detail regarding this, Policy CP10 should be adhered to. We agree with the Core Strategy CP9 40% affordable housing on this site, which should be for local people, affordable, adaptable, safe & sustainable as per B&NES SPD 2015. The recent Neighbourhood Plan survey indicates people would like to see mostly 2/3 bedroom dwellings built.
5. Parking facilities – there should be sufficient parking facilities on the site for residents and visitors, as there is no capacity on local roads in the vicinity for any additional parking.
6. Safe walking and cycling routes - A new pedestrian crossing needs to be installed in Staunton Lane and safe pedestrian routes are required to encourage residents to walk and cycle around the village, including safe road crossings, wider footpaths, and slowing traffic on all local roads. Safe routes and crossings at the opposite end of the site, to enable people to access the Play Park, allotments, cycle network and sports facilities in Norton Lane.
7. Local road network - the road network needs to be updated to cope with the additional traffic from the development, including Sleep Lane, Staunton Lane, Woollard Lane & A37 junction.
 - The developers need to demonstrate how they will mitigate the impact the increase in traffic from the development will have on the surrounding highway network.
 - Sanctions need to be implemented to reduce speed, provide safe walking/cycling routes.
 - Sleep Lane already becomes congested at peak times, traffic is too fast and new residents' complaints have already received.
 - Woollard Lane, problems with access to A37, traffic travelling too fast past Whitchurch Cemetery from Keynsham.
 - The new developments in Keynsham will also add to a significant increase in the volume of traffic along this road to the A37.
 - Staunton & Stockwood Lane will see an increase in traffic, concerns re Staunton Lane entrance the footpath is too narrow and speed of traffic along Staunton/Stockwood Lane needs to be addressed.

8. Education - there are proposals to increase capacity in Whitchurch Primary School, this will bring an increase in parking problems in the village surrounding the school. Safe routes to encourage walking to school need to be implemented.
9. Community facilities - medical facilities should be provided for 500+ residents of the new development and the existing 1050 population of Whitchurch Village who at present do not have any supplied by B&NES and are forced to use the facilities provided by Bristol.
10. Walking or cycling to the nearest doctor's surgery and shops in Stockwood is hazardous, due to the speed and volume of traffic and very narrow footpath.
11. Public Transport - funds are required to increase the frequency of the bus services on the A37, as buses are quite often full at peak times so do not stop. Local bus services, such as the 637 should be diverted through the site to encourage usage.

Compton Dando Parish Council: The Parish Council objects to the Master Plan for the following reason:

1. The new access being made on to Queen Charlton Lane is unacceptable. The impact on the Green Belt could be limited by retaining the present access points for Queen Charlton Lane as recommended by the Inspector. Queen Charlton Village has conservation status, and Queen Charlton Lane is narrow lane with blind bends and zones of restricted passing making it unsuitable for any substantial volume of traffic.
2. Traffic measures as mitigation are mentioned but no details are given. Any junction will bring urbanisation both visually and physically closer to Queen Charlton and into the Greenbelt and countryside.
3. The Inspector for the Core Strategy noted that it was undesirable to make any new access point for traffic onto Queen Charlton Lane and there seems no reason why his recommendation has not been adopted.
4. The exit from Queen Charlton Lane onto Charlton Road has reasonable width however the road beyond that and through Queen Charlton is quite unsuitable for any increase in traffic. The same goes for the extension to Queen Charlton Lane via Redlynch Lane through Chewton Keynsham. Under the present plans, an access into Queen Charlton Lane will immediately cause a dangerous increase in traffic along these minor roads and through the villages.
5. Rat-running is already experienced through the villages of Queen Charlton, Chewton Keynsham and Compton Dando, and also to a lesser extent (at the moment) Woollard and Burnett. It is inevitable that the proposed development will materially increase the opportunity for Rat-Running from South Bristol, Whitchurch and Stockwood, compounded with the housing developments at South Keynsham.
6. Notwithstanding the above concerns, the access to Queen Charlton Lane should be 'right turn only' out of the site and 'no right turn' into the new residential site from the Queen Charlton village direction.
7. Furthermore, in order to minimise the potential for rat-running, a lifting bollard system for emergency vehicles only should be included at the point where the different developers' access joins together in the centre of the site.
8. A further suggested alternative is to close the Queen Charlton road at the point of the new entrance, with access only to bicycles, pedestrians and horses.

OTHER REPRESENTATIONS / THIRD PARTIES

As the masterplan is not an application for planning permission there is no formal consultation process to be followed and therefore local residents have not been consulted. Notwithstanding this we have received 39 letters of objection, which includes a letter from Whitchurch Village Neighbourhood Plan Group, making the following points:

1. Affordable housing – no mix is indicated
2. No off site proposals for highway infrastructure is included
3. Extension to Whitchurch School should be secured before development commences.
4. The site has been known to flood and the attenuation pond should therefore be in place before approval.
5. The design should include permeable surfaces.
6. Ecology should be covered at this stage.
7. The Queen Charlton Lane vehicle access is unacceptable and would create a 'rat run' through Queen Charlton village which would have a harmful impact on highway safety with particular regard to pedestrians and horses using Queen Charlton Lane. It is also contrary to the Core Strategy Inspectors views.
8. The Queen Charlton Lane access, by creating a 'rat run' through Queen Charlton Village will have an adverse impact on its character.
9. Harmful impact on highway safety generally on the surrounding roads

One letter of support has been received welcoming the submission of the masterplan with its inclusion of an early year's facility.

OFFICER ASSESSMENT

Policy background for the Proposed Masterplan:

The site is allocated under Policy RA5 of the Core Strategy as a strategic site allocation for residential led development and which seeks the provision of around 200 dwellings in the plan period.

Policy RA5 includes a concept diagram and a comprehensive list of key Placemaking Principles that need to be met in order for the development of the site to be considered acceptable. Crucially Policy RA5 requires the preparation of a comprehensive masterplan, through public consultation, and agreed by the Council, ensuring that the development is well integrated with neighbouring areas and reflects best practice in urban design.

The masterplan is being brought forward by the three main landowners, Barratt Homes, Bellway Homes and Whitecroft Developments, although the site also includes the industrial units off Staunton Lane, on the North East of the masterplan area, that is owned by a third party. Although the owners of this site do not form parties to the submission of the masterplan, it nevertheless includes this land, with an indicative access, in order to ensure that the masterplan is comprehensive and complies with Policy RA5, and the concept Plan, of the Core Strategy.

A Statement of Community Involvement has been submitted which has acceptably demonstrated that a public consultation process has been carried out and that the resulting masterplan has been designed to reflect the responses received.

Design and Layout

The masterplan proposes that the site is laid out in a number of clusters in order that the existing GI is, as far as possible, retained.

Overall the design and layout of the development has been improved, in particular in relation to the legibility, access and continuity of the GI spine running north south through the site.

The introduction of pedestrian links into and through the Staunton Manor Farm area of the development is welcomed and is an improvement on the permeability of this area of the site.

The Masterplan includes a site for the provision of an Early Years facility which is in accordance with Policy RA5 of the Core Strategy.

Throughout the consideration of the proposed Masterplan the lack of a pedestrian footway along Sleep Lane, either on the Lane itself or within the boundary of the site has always been raised as a concern. In some respects it is disappointing that the final Masterplan has failed to address this point however it is acknowledged that the same layout in relation to Sleep Lane was accepted by Officers in the previous planning application ref: 13/02164/OUT. In light of the overall improvements that have been made to the layout and design of the site it is considered that the lack of pedestrian facilities along Sleep Lane is not sufficient to make the scheme unacceptable.

The proposed building heights of 2 - 2.5 storeys is considered acceptable and whilst there is very limited information regarding indicative built form and density, which should ideally be provided, its absence is not considered to make the overall Masterplan unacceptable.

When judged against the placemaking principles within Policy RA5, whilst there are still areas of the development that could benefit from improvement, overall the proposed masterplan is considered to be acceptable and forms a satisfactory basis upon which the detailed design and development of the site can go forward.

Landscape and Green Infrastructure

On the whole the revisions to the Masterplan have improved the level and quality of the GI significantly and many initial concerns have been overcome.

The Masterplan incorporates a number of GI features throughout the site achieved both through the retention and improvement of existing hedgerows, ponds and trees but also the introduction of a new green corridor leading from Staunton Manor Farm to the north-south GI corridor.

The GI corridor running north-south has, in the main, been widened to ensure that the existing hedgerow now forms a feature of the development and represents an area of good quality public realm. The provision of pedestrian routes following this corridor also adds to this quality.

However the space given to the GI corridor towards the southern end of the site loses some of its quality although pedestrian access remains shown until close to its southernmost point at which point pedestrians would be redirected onto the estate roads. This is an outstanding concern but, given the overall level of improvements made to the Masterplan, and the overall level of GI now provided, it is not considered to be significant.

The attenuation pond located adjacent to the Sleep Lane junction is proposed to both incorporate an existing pond alongside and form an area of native wetland marginal planting which is welcomed.

The final area of outstanding concern surrounds the fact that the hedgerow along Sleep Lane is bound by the back of houses and their gardens. As explained above, this is an outstanding issue that is not considered to be so significant as to make the overall scheme unacceptable.

Whilst the Landscape Officer is concerned about the accuracy of some of the plans within the Masterplan document it appears that these are printing errors which will be resolved prior to the Development Management Meeting.

Therefore, whilst there are still some outstanding concerns, overall it is considered that the landscape approach to the site and the GI is much improved and is, on the whole, considered to be acceptable.

Impact on Heritage Assets

Staunton Manor Farm and its surrounding farm buildings form the main heritage assets both within and surrounding the site. Staunton Manor Farmhouse is Grade II listed.

Whilst there is limited detail on the development of this area of the site it is understood that all historic buildings will be retained and converted into dwellings with all modern buildings being removed. Parking is to be provided close to the Staunton Lane junction.

The Conservation Officer has expressed concern that the importance of conserving the settings of the adjacent heritage assets at Staunton Manor Farm is not clearly recognised in the Masterplan.

He is also concerned that the importance of using sensitive design and landscape treatment for the vehicle entrance to the Staunton Manor farm development, recognising their historic rural character. Any suburbanising effect must be avoided.

These are issues that have been raised with the Agent and it is anticipated that they will be resolved prior to the Development Management Meeting and addressed in an update report.

Arboriculture

The Masterplan has been revised to improve the relationship of the development with the most important trees and landscape features and the proposed layout is considered acceptable with respect to the impact on trees and hedgerows.

Ecology:

The improvements to the layout and the GI are also supported in relation to ecology and further ecological information has now been provided and shown to have been used to underpin the masterplan.

The central green infrastructure and wildlife corridor has been strengthened, with a reduction in the number of breaks, and increased width which has significantly increased its potential for maximising ecological value and for providing a resource of benefit both to wildlife and residents.

Finally sufficient detail has been provided with regard to avoidance of light spill onto wildlife habitats, and provision of “dark corridors” along habitats suitable for use by bats, to also connect to the farm complex, which supports roosts for pipistrelle and brown long eared bats in a number of buildings.

Whilst there are still some outstanding concerns with regard to the precise wording within the Masterplan it is anticipated that this will be addressed prior to the Development Management Meeting. On this basis, from an ecological point of view, the proposed Masterplan is considered to be acceptable.

Parks and Open Spaces

The masterplan includes a number of areas of formal open space with the main area being located within the south westernmost area of the site and includes a Local Equipped Area of Play (LEAP) and allotments. The location of this open space provides linkages to the wider site using both pavements within the development and also other GI linkages.

On-site play provision is considered to be acceptable and the provision and location of on-site allotments at the southern point of the site is supported and will satisfy demand generated from the development.

An attenuation pond is to be located within the south western corner of the site, adjacent to the Sleep Lane junction, which will incorporate natural wetland planting is considered to be acceptable.

The north-south corridor has been widened and now has a minimum width of 15m along its full length. This is the minimum width acceptable for formal green space meeting the local standards in the Green Space Strategy 2007 and would provide an effective multi-functional greenspace for use by residents.

On the whole the open spaces have the potential for good surveillance and are integrated well into the overall development. Overall the area comprises approximately 8500m² which, overall, is acceptable and forms a positive feature of the development.

Affordable Housing

Policy RA5 of the Core Strategy expects that the overall site will provide 40% affordable housing. As the site includes the redevelopment of the historic former Horseworld buildings, which is in the ownership of Whitecroft Developments, it is not expected that this element will make an affordable housing provision on site. However it is expected that this shortfall will be accommodated on the remaining parts of the masterplan area.

The masterplan appears to support this approach but does not confirm explicitly. However as the masterplan includes a commitment to provide 40% affordable housing it is considered acceptable at this stage.

Highways, Access and Circulation

The proposed Masterplan shows three points of vehicular access to the Masterplan site, including a junction with Queen Charlton Lane to service development in the southern part of the site.

Staunton Lane junction: This access is located in the general vicinity of the existing access to the Horseworld site. It is proposed to be laid out as a priority junction type with pedestrian crossing which is considered to be acceptable. Whilst the Highways Development Officer is of the view that a roundabout would be preferable this is something that can be agreed at detailed design level.

Sleep Lane junction: A new access is proposed off Sleep Lane which is proposed to be laid out as a roundabout, again with a pedestrian crossing. Whilst this is considered to be acceptable the Highways Development Officer is clear that this should be brought forward in conjunction with the introduction of a reduced speed limit of 30mph or lower.

Sleep Lane pedestrian route: The Highways Development Officer has also raised concerns regarding the lack of a pedestrian route along Sleep Lane. Whilst he acknowledges that a route along the lane itself was never going to be achievable, and accepts the on-road route proposed, he is nevertheless disappointed that the proposed route directs pedestrians towards the Staunton Lane access rather than a crossing point just east of the Sleep Lane mini-roundabout.

Queen Charlton Lane access:

The proposed Masterplan includes a new vehicular access off Queen Charlton Lane primarily giving access to the Barratts land to the south of the site. The inclusion of this access has raised significant concerns from local residents and Compton Parish Council who are concerned about a corresponding increase in traffic through Queen Charlton village which would be harmful to highway safety. Whitchurch Parish Council, however, welcome the provision of the access in this location as it would aid the dispersal of traffic.

Whilst the provision of a vehicular access onto Queen Charlton Lane is not included on the Concept Diagram of Policy RA5 of the Core Strategy and many representations received have commented that the provision of such an access goes against the advice of the Core Strategy Inspector, however in his final comments, the Inspector states that:

‘Protection of the rural character of Queen Charlton Lane weighs in favour of not identifying in the policy a vehicular access here, although the policy need not specifically exclude it.’

In light of this the proposed access can be considered on its merits.

Initially the Masterplan showed that cars could permeate the whole site, entering at Queen Charlton Lane, passing through the site and exiting at either Sleep Lane or Staunton Lane which raised concerns that the site could be used as a ‘short cut’ to miss Whitchurch village. In order to remove this possibility the Masterplan has been amended to sever the north –south vehicular links within the development.

This immediately limits the number of vehicles that would need use of the Queen Charlton Lane access and also reduces the attractiveness of cutting through Queen Charlton village to both access the Horseworld development and/or use the site as a short cut to miss Whitchurch Village.

The Queen Charlton Lane access will also form part of a range of measures to calm traffic in this area with the provision of a ‘virtual footway’ within the carriageway. The access itself along with these measures would not only further reduce the attractiveness of using Queen Charlton Lane as a rat run but also provide additional pedestrian and cycle links to the wider area.

Whilst the Core Strategy Inspector did not include this access into Policy RA5 he did nevertheless acknowledge that there would be benefits to its provision as it would speed up the deliverability of the southern part of the site by allowing independent access. This is considered to weigh heavily in support of the access.

There is a lack of information about car parking strategy at a high level however this is not considered to be a significant concern at this stage.

Although there are some outstanding concerns particularly in relation to the pedestrian route along Sleep Lane, the proposal is otherwise considered to be acceptable. It is disappointing that the pedestrian route does not exit onto Sleep Lane at its northern point however this issue is not considered to be so significant as to outweigh the overall acceptability of the scheme in highway terms.

Flooding and Drainage

The Masterplan proposes to use a drainage system based on SuDS principles incorporating the use of an attenuation pond.

The Flooding and Drainage Team have commented to state that there are some outstanding concerns however it is anticipated that these will be addressed before the Development Management meeting and will be explained in an update report.

CONCLUSION

Whilst there still some concerns outstanding, it is considered that, overall, the submitted masterplan is considered to be acceptable and forms a satisfactory basis upon which the detailed design and development of the site can move forward.

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	18th November 2015
RESPONSIBLE OFFICER:	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 14/04781/FUL
Location: 73 Thicket Mead Midsomer Norton Radstock Bath And North East Somerset BA3 2SL
Proposal: Erection of 1 no. 2 bed detached dwelling (Resubmission of 13/05565/FUL)
Decision: REFUSE
Decision Date: 10 April 2015
Decision Level: Delegated
Appeal Lodged: 1 October 2015

App. Ref: 15/00628/FUL
Location: Newhaven Chilcompton Road Midsomer Norton Radstock Bath And North East Somerset
Proposal: Erection of detached bungalow.
Decision: REFUSE
Decision Date: 8 July 2015
Decision Level: Delegated
Appeal Lodged: 20 October 2015

App. Ref: 15/00917/FUL
Location: Romway Wells Road Westfield Radstock Bath And North East Somerset
Proposal: Erection of detached house on unused overgrown land at Romway.
Decision: Non-determination
Decision Date: 20 October 2015
Decision Level:
Appeal Lodged: 20 October 2015

App. Ref: 15/02760/FUL
Location: 1 - 2 Union Street City Centre Bath Bath And North East Somerset BA1 1RP
Proposal: Change of use from storage/ancillary facilities related to ground floor retail unit to four self-contained flats (Use Class C3) with associated internal alterations
Decision: REFUSE
Decision Date: 28 August 2015
Decision Level: Delegated
Appeal Lodged: 27 October 2015

App. Ref: 15/02761/LBA
Location: 1 - 2 Union Street City Centre Bath Bath And North East Somerset BA1 1RP
Proposal: Internal alterations for change of use from storage/ancillary facilities related to ground floor retail unit to four self-contained flats (Use Class C3) with associated internal alterations
Decision: REFUSE
Decision Date: 28 August 2015
Decision Level: Delegated
Appeal Lodged: 27 October 2015

App. Ref: 14/04010/FUL
Location: Land Rear Of 18-25 Queenwood Avenue Fairfield Park Bath Bath And North East Somerset
Proposal: Erection of 1no four bedroom dwelling.
Decision: REFUSE
Decision Date: 27 February 2015
Decision Level: Delegated
Appeal Lodged: 29 October 2015

APPEALS DECIDED

App. Ref: 15/00167/FUL
Location: Hill View Summerfield Road Beacon Hill Bath Bath And North East Somerset
Proposal: Erection of a two storey side extension and associated works
Decision: REFUSE
Decision Date: 13 March 2015
Decision Level: Chair Referral
Appeal Lodged: 13 July 2015

Appeal Decision: Allowed on 07.10.2015

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

App. Ref: 15/00420/FUL
Location: Uphill The Lower Lane Combe Hay Bath Bath And North East Somerset
Proposal: Erection of single storey extension at rear
Decision: REFUSE
Decision Date: 23 April 2015
Decision Level: Chair Referral
Appeal Lodged: 12 August 2015

Appeal Decision: Allowed on 07.10.2015

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

App. Ref: 15/01930/FUL
Location: 6 Elmhurst Estate Batheaston Bath BA1 7NR
Proposal: Erection of a detached garage at the end of the garden.
Decision: REFUSE
Decision Date: 15 June 2015
Decision Level: Delegated
Appeal Lodged: 24 August 2015

Appeal Decision: Allowed on 07.10.2015

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

App. Ref: 14/02463/FUL
Location: Land West Of 2 Lansdown Heights Lansdown Bath
Proposal: Erection of a pair of semi-detached dwellings.
Decision: REFUSE
Decision Date: 4 February 2015
Decision Level: Delegated
Appeal Lodged: 24 July 2015

Appeal Decision: Dismissed on 12.10.2015

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

App. Ref: 14/02426/FUL
Location: The Poplars To Be Demolished Bath Road Farmborough Bath
Proposal: Erection of 12no. one and two storey dwellings (including 4no. affordable housing) and construction of vehicular and pedestrian access following demolition of existing bungalow.
Decision: REFUSE
Decision Date: 13 March 2015
Decision Level: Planning Committee
Appeal Lodged: 25 June 2015

Appeal Decision: Allowed on 14.10.2015

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

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

Appeal Decision: Dismissed on 19.10.2015

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

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

Appeal Decision: Dismissed on 19.10.2015

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

App. Ref: 14/04120/FUL
Location: Hazeldene Hazel Terrace Westfield Midsomer Norton Radstock
Proposal: Erection of 1no four bed dwelling.
Decision: REFUSE
Decision Date: 19 June 2015
Decision Level: Delegated
Appeal Lodged: 10 August 2015

Appeal Decision: Allowed on 28.10.2015

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

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

Appeal Decision: Dismissed on 28.10.2015

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

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