

# Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **9th April 2014**

AGENDA  
ITEM  
NUMBER

RESPONSIBLE OFFICER: Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)

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 Development Manager, Planning and Transport Development 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	13/02728/OUT 21 August 2013	Keynsham Property Developments Ltd Milford Head, Stitchings Shord Lane, Bishop Sutton, Bristol, Bath And North East Somerset Demolition of existing buildings and redevelopment of the site to provide 9no. dwellings (Outline with all matters reserved except access). (Resubmission of 12/05599/OUT)	Chew Valley South	Daniel Stone	Delegate to PERMIT
02	14/00217/FUL 19 March 2014	Mrs K Lewis 40 Bryant Avenue, Westfield, Radstock, Bath And North East Somerset, BA3 3SR Construction of new dwelling	Westfield	Heather Faulkner	REFUSE
03	14/00140/FUL 18 March 2014	Park Farm LTD Bath Soft Cheese Park Farm, Church Lane, Kelston, Bath, Bath And North East Somerset Erection of extension to existing agricultural building to create a cheese dairy.	Bathavon North	Sasha Coombs	REFUSE
04	13/05504/FUL 13 February 2014	Mr David Walsh 60 Ringwood Road, Twerton, Bath, Bath And North East Somerset, BA2 3JL Erection of single storey rear extension, new dormer to rear roof slope, and alterations to form 6 bedroom HMO	Westmorela nd	Sasha Coombs	PERMIT
05	14/00194/FUL 13 March 2014	Mrs Helen Martin 66 Upper East Hayes, Walcot, Bath, Bath And North East Somerset, BA1 6LR Change of use from a House in Multiple Occupation (HMO) (Use Class C4) to Use Class Sui Generis for up to 9 persons	Walcot	Alice Barnes	PERMIT

06	14/00406/FUL 26 March 2014	Mr Johnny Kidney 61 Lorne Road, Westmoreland, Bath, Bath And North East Somerset, BA2 3BZ Change of use from dwelling (Use Class C3) to HMO (Use Class C4) house of multiple occupation.	Widcombe	Jonathan Fletcher	REFUSE
07	14/00793/FUL 16 April 2014	Mr Bain 3 Stirlingale Road, Southdown, Bath, Bath And North East Somerset, BA2 2NF Provision of loft conversion to include side and rear dormer and rooflights to front elevation roof slope.	Oldfield	Chris Griggs- Trevarthen	REFUSE
08	14/00535/LBA 10 April 2014	Mr Chris Watt Land And Buildings To Rear Of 1-7 High Street, Mill Hill, Wellow, Bath, Bath And North East Somerset External alterations to include changes to glazed screen to kitchen and roof materials on barn to approved scheme 13/02813/LBA	Bathavon South	John Davey	CONSENT

**REPORT OF THE DEVELOPMENT MANAGER OF PLANNING AND TRANSPORT  
DEVELOPMENT ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 01  
**Application No:** 13/02728/OUT  
**Site Location:** Milford Head Stitchings Shord Lane Bishop Sutton Bristol Bath And North East Somerset



**Ward:** Chew Valley South      **Parish:** Stowey Sutton      **LB Grade:** N/A  
**Ward Members:** Councillor V L Pritchard  
**Application Type:** Outline Application  
**Proposal:** Demolition of existing buildings and redevelopment of the site to provide 9no. dwellings (Outline with all matters reserved except access). (Resubmission of 12/05599/OUT)

<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Coal - Referral Area, Forest of Avon, Greenbelt, Public Right of Way, Water Source Areas,
<b>Applicant:</b>	Keynsham Property Developments Ltd
<b>Expiry Date:</b>	21st August 2013
<b>Case Officer:</b>	Daniel Stone

## REPORT

At the request of Councillor Vic Pritchard and with the agreement of the Chair the application is to be considered by Committee as the site is located outside the Housing Development Boundary. This application was deferred from the committee meeting held on 12th March to clarify the position of the site in relationship to the Area of Outstanding Natural Beauty.

## SITE CONTEXT + PROPOSALS

The application site comprises land and buildings at Milford Head, Stitchings Shord Lane, on the north western edge of Bishop Sutton. The site extends to approximately 0.6 hectares of land and comprises a substantial residential garden and tennis court and the drive leading up to an existing dwelling, and an area of hardstanding and collection of storage buildings and a single storey office building, previously serving a fresh and frozen meat wholesale business which is currently not in operation. The applicants advise that this business was in operation on the site since the 1960's. Planning permission was granted for the erection of a cold store in 1996 and this served the use, as well as two mobile refrigeration containers, which received temporary consent retrospectively in 2004. There appears to be no planning consent for the office, but this structure has become lawful through the passage of time. It is understood that this use ceased some time ago with residents reporting the site last in commercial use in 2007.

The site is located on the northern side of Stitchings Shord Lane, a narrow unadopted lane, lacking pavements. To the north the site is bounded by the existing caravan park and to the south by Stitchings Shord Lane itself. To the west the site backs onto open countryside. To the south is Milford Head House.

The boundaries of the site are predominantly formed by mature hedgerows, and the hedgerow dividing the eastern part of the site from Stitchings Shord Lane is particularly prominent. There are also a number of trees within the site, predominantly forming an avenue along the access road. An existing public footpath crosses the site from the existing access point where it follows the line of the existing drive and then runs along the north eastern boundary of the site towards Chew Valley Lake.

In terms of planning designations, the site is located outside the Housing Development Boundary, which runs along Stitchings Shord lane to the south. The site falls within the Chew Valley Water Source Protection Area, and within Flood Zone 1. The land to the west of the site and to the north of Bishop Sutton generally is designated as Green Belt and the western half of the site (comprising Milford Head House and its hardstandings) falls within the Mendips Area of Outstanding Natural Beauty.

Outline consent is sought for the erection of 9 dwellings. The application seeks consent for the means of access, but the proposed layout, appearance, Landscaping and Scale of development proposed are reserved matters. This means that the council is considering the principle of 9 dwellings being erected on the site, and issues connected with the proposed access arrangements, but all other issues to be considered by means of a subsequent planning application for the "reserved matters".

Issues connected with planning obligations do however need to be considered at this stage.

#### RELEVANT PLANNING HISTORY:

##### Within Site

12/05599/OUT - Erection of 9 Dwellings - withdrawn

WC 002750 F - Detached Building to form coldstore, Kay Small (Wholesale) - Approved 1996

04/02521/FUL - Temporary siting of 2no. mobile refrigerated containers - Approved 2004

##### Within Bishop Sutton

12/04238/OUT - Erection of 35no. dwellings and associated infrastructure - Parcel 3567, Stitchings Shord - Approved, subject to Legal Agreement being signed.

12/05279/FUL- Erection of 41 no. two, three, four and five bedroom dwellings including 14 no. affordable housing units along with the provision of informal public open space, vehicular access from the A368, landscaping and drainage - Refused 11.04.13 - Appeal Allowed 20.09.13

13/04975/OUT - Erection of 32 dwellings - Parcel 3567 Stitchings Shord Lane, Bishop Sutton - Pending

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

HIGHWAYS DEVELOPMENT CONTROL - No objection subject to conditions and transport contributions.

The site currently accommodates a residential dwelling, with the Design & Access Statement stating that other buildings on the site have previously been used under use class B8 in association with a frozen meat wholesale and distribution business.

The site falls outside of the defined Housing Development Boundary, but the village does meet the requirements of the Draft Core Strategy with regard to the provision of at least three key facilities.

The submitted Transport Statement is the same as previously submitted, and my colleague has previously provided comments on its content, concluding that the trip generation of the former use and the proposed residential development for 9 dwellings are acceptable.

The Transport Statement demonstrates that local facilities are within a reasonable and convenient distance of the site, however the access to such facilities by walking and cycling is poor, particularly with regard to the lack of footways and lighting on Stitchings Shord Lane and Ham Lane, and this is likely to discourage access by the more sustainable modes of travel.

It has previously been suggested that pedestrian access to the village centre could be improved by the introduction of a direct link from the development through to Lovell Drive via a Public Right of Way, and this has been shown on the submitted plan, across the open space. This would negate the need to walk along Stitchings Shord Lane to get to the village centre facilities, and to bus-stops, or at least offer choices to pedestrians.

It has also been identified that there is a lack of pedestrian crossing facilities in the centre of the village to provide safe access to the school, and contribution towards appropriate provision would be necessary.

With regard to bus services running through the village, it has been considered that a contribution to improve facilities at local bus stops should be sought, to encourage the use of public transport.

The junction of the site access with Stitchings Shord Lane is substandard in visibility terms, but the site has sufficient frontage to enable the appropriate splays advised in Manual for Streets to be achieved. Spays of a minimum of 2m by 17m will therefore be required in both directions.

Whilst the internal layout is not for detailed approval at this stage, the applicants should be aware that the level of development would require the access road to be designed to adoptable standards, and the current layout is not considered to be acceptable.

However, improvements to pedestrian facilities would be required, and in line with the comments on other applications in the vicinity (namely 12-05279-FUL Parcel 9181 Wick Road & 12-04238-OUT Parcel 3567 Stitchings Shord Lane), contributions of £4,000 towards a pedestrian crossing facility and £16,000 towards public transport improvements would be required.

Whilst the location for development is far from ideal, the development could secure improvements to pedestrian facilities, and on that basis I feel an objection would be difficult to defend.

On that basis the proposed development is unlikely to result in any increase in traffic movements compared to the previous use of the site, but would result in the reduction in the potential for larger vehicle movements if the site were to be brought back into a similar B8 use, it would be difficult to raise an objection on the grounds of the use of the access roads. However, if it were to be found that the former use could not be reasonably

considered as a fall-back position for the site, the proposed development would have to be considered in a different light.

Having regard to the information submitted with the application, and on the basis that there is a legitimate fall-back position for a B8 use on the site, I would recommend that any permission be withheld pending the completion of a legal agreement to secure the contributions of £4,000 and £16,000 as indicated above, and subject to appropriate conditions.

CONTAMINATED LAND OFFICER - No objections subject to relevant conditions being applied.

HIGHWAYS DRAINAGE - no objections subject to conditions

I am happy with the FRA for the purposes of an outline application and the principle of managing surface water that they are proposing. They will obviously need to supply a detailed drainage design with the full application. This should include the details and calculations (attenuation volume) of the proposed system. In particular this should include:

- Details of pre- and post-development discharge rates. The proposed surface water system should seek the betterment of existing surface water discharge rates.
- Discharge points will need to be agreed with the relevant authorities.
- A drawing showing the size, type and location of drainage features (SuDS and attenuation) with their connection points and discharge rates.
- Simulations of the performance of the system up to the 1 in 100 year (+30% for climate change) return period event showing that no flood water will leave the site and there will be no unsafe flood depths on site.

EDUCATION - No objection subject to educational contributions being provided as follows:

- Youth Services provision places - 1.35 places at a cost of £1,800.90
- Primary age pupil places - 2.36 places at a cost of £30,662.11

Projections for the school indicate that by 2016, all places in Primary School year groups Year 1, Year 2, Year 3, Year 5 and Year 6 will be full with no surplus capacity available. There is projected to be sufficient available capacity in the other two primary year groups to accommodate the pupils generated by the development. We are therefore seeking a contribution for five year groups of primary age pupils. The total number of primary age pupils generated by the development is calculated to be 3.308.  $3.308 / 7 \text{ year groups} = 0.472 \text{ per year group}$ .  $0.472 \times 5 \text{ year groups} = 2.36 \text{ places required}$ .

The calculation given above is based on the indicative layout shown. The exact contribution would differ according to the housing mix put forward at reserved matters stage.

PARKS MANAGER - contributions will be required towards the provision / enhancement of public open space.



As this is an Outline application I would recommend that any S106 agreement include a formula to enable the correct level of contributions to be calculated at Reserved Matters stage in accordance with the submitted layout, dependent on the housing layout, mix and amount of on-site provision.

#### URBAN DESIGN OFFICER -

This is an outline application with only access for resolution. All design/ layout matters are indicative. Urban design comments relating to the previous withdrawn pre-application proposals for the site were given in February. The key issues remain the same, in addition to the site lying outside the Housing Development Boundary.

The exclusion of the central avenue from development is welcomed. However, it is noted that the highway officer considers this route not suitable for adoption. Necessary improvements may risk the avenue of trees. The retention of important frontage boundary hedges is welcomed. Plots 6, 7 and 9 put pressure on the important boundary hedge to the open countryside AONB. The indicative fence is not a long term safeguard within rear gardens. The site plan / management regime needs to secure the ongoing maintenance and management of the hedges. This may necessitate a reconsideration of the size / distribution of unit sizes within the site.

Should the principle of the scheme be considered appropriate it should be on the basis of an indicative site plan that delivers safeguards of the boundary landscape and internal trees. At present, I do not consider the indicative layout achieves this in its current form.

ARBORICULTURE - No Objection subject to conditions requiring a detailed Arboricultural Method Statement and Tree Protection Plan to be submitted prior to the commencement of development.

The layout improves the relationship of the new dwellings with the more important trees on the site. The creation of the open space beside the access drive has provided sufficient space for the realistic retention of the mixed row of Hornbeam and Lime which should provide an attractive entrance into the site.

The application includes an Arboricultural Impact Assessment; Arboricultural Method Statement and Tree Protection Plan. The latter two will require updating once details relating to services including soakaways (if appropriate) are considered and to accommodate the revised Proposed Site Layout (drawing 2293/101 rev 1 ) and construction methods.

The arboricultural report includes the removal of T9; T7, T8, T25 and T32, however, the Proposed Site Layout indicates the retention of these trees (by position of tree symbols but not labelled). Since it likely to be impractical to retain these trees it has been assumed that the Tree Protection Plan is the definitive plan with regards to tree retention. No objection is raised to the loss of these trees, however, the applicant is advised to revise the Proposed Layout Plan accordingly.

The Highways consultation comments have been noted and arboricultural input would potentially be necessary with regards to any improvement to the access road to ensure that it is to adoptable standards.

ARCHAEOLOGY - No objections

ECOLOGY - Development is Not acceptable in the current form.

The ecological issues for this proposal remain the same. The ecological report finds that the northern and southern boundary hedgerows (which would qualify as "important" under the hedgerow regulations) are the key features of ecological value at the site. Other issues that should also be addressed (and this should be required by condition if consented) include consideration to badgers to allow their continued passage around / across the site; measures to remove the non-native plant (variegated yellow archangel) noted in the ecological report.

The proposal needs to demonstrate the ability to retain and protect the northern and southern boundary hedgerows. I welcome that their retention is shown on the indicative drawings however my concerns remain, especially given that the drawings are indicative, regarding the amount of space that will be provided for the retained hedgerows; their future management; the feasibility of their retention in their entirety. Greater confidence is needed that these hedgerows can be retained and also that sufficient space will be allowed to enable them to be managed appropriately and not reduced in eg width, height, species diversity and overall ecological value. I note the inclusion of a fence between residential gardens and the hedgerows but this alone does not provide sufficient assurance that the above can be addressed.

It may assist if the application were to provide clear written detail of the commitment to retain the hedgerows in their entirety, in addition to the indicative drawings to state minimum widths of retained hedgerows (based on existing widths and canopy spreads) and exclusion zone widths that will be provided alongside the hedgerows. I note however the concerns raised by the urban design officer and agree that reconsideration may be necessary to unit sizes and distribution to enable sufficient retention of the hedgerows. I do not otherwise have any objection in principle to the proposed development.

PUBLIC RIGHTS OF WAY - No objections

Following receipt of an amended plan showing the route of the PROW unaffected:

I've spoken to the Field Officer for the area and Public Rights of Way is happy for the path alignment to remain on the definitive line and unaffected by the developments. If any alterations to the definitive line are required, a diversion order must be applied for.

REPRESENTATIONS:

To date 17 letters of objection have been received. The responses can be summarised as follows:

Principle Issues / Housing Policy

- The development would vastly exceed the Parish Council's target of 2 - 3 homes per year.

- No need for additional housing in Bishop Sutton.
- Other planning applications should be taken into consideration e.g. the field opposite Ham Lane, where an additional 41 dwellings are proposed.
- The site is an unsustainable and car dependent location for additional development. There are minimal jobs in the Chew Valley; most jobs are in Bristol or Bath.
- Object to opportunistic housing applications outside the development boundary
- The application is premature, pending the adoption of the Core Strategy and Place-making Plan

#### Landscape Impact

- Impact on the setting of the AONB and the rural character of the village
- Harm to open countryside and setting of Bishop Sutton

#### Highway Safety / Transport

- There is no pavement or safe route for pedestrians on Stitching Shord Lane or Ham Lane. The lane has many public footpaths coming off it, and therefore high pedestrian flows. The development would endanger them.
- Cars drive too fast along the lane and many drivers do not realise it is a two-way road.
- The 90-degree bend at the junction of Ham Lane and Stinchings Shord Lane is also dangerous.
- Stitching Shord Lane is a narrow single track road and is unsuitable for accepting more traffic
- There is little employment within the village and poor public transport provision, with no daily bus to Bath.
- Planning permission was refused for a dwelling on Stinchings Shord Lane (08/03823/FUL) due to it being a car dependent, unsustainable location for development.
- The commercial business that was there 5 years ago caused traffic chaos. The suggestion that this site could revert to its former use should not be considered.
- Visibility onto A368 from Ham Lane is poor due to parked cars.
- The application relies heavily on the former commercial use. Highways consider the access sub-standard but accept it due to this fallback position. Whilst some of the buildings on the Milford Head site had planning permission, the site operated without formal planning consent for the business and the business has not operated since 2007. The site could not be used for commercial purposes without a fresh planning application, and therefore Highways should be asked to re-consider their comments.

#### Flood Risk

- During recent heavy rain Stitching Shord Lane, Ham Lane and the caravan park were heavily flooded for several days. Building more houses on Greenfield sites will exacerbate this.

#### Other

- The primary school has inadequate capacity.

## STOWEY SUTTON PARISH COUNCIL - Object in principle

The following is a summary of the Parish Council comments. The full response can be found on the website.

The application is not compliant with the Parish residential planning policy which supports infill developments, within the existing village housing development boundary, of two to three houses per year and to avoid large developments, particularly those which are outside the existing development boundary. This will allow us to reach the target of 30 to 35 new dwellings over the life of the core strategy. Over 80 percent of households in Bishop Sutton are in support of this.

There is sufficient land supply within the existing housing development boundary to support the number of additional dwelling units required by the draft core strategy.

Permission has already been given for 35 new homes on the Cappards Farm development and there is an appeal outstanding (now allowed) for a further 41 new homes adjacent to the Batch in the village.

Whilst the applicant relies heavily on the "presumption in favour of sustainable development" contained in the NPPF, the authority must also consider whether such applications are premature and would prejudice the development of the Core Strategy.

The level of development already permitted in Bishop Sutton comprises a 20 percent increase in dwellings, which is disproportional to the size of the existing community and infrastructure and result in a disproportionately prejudicial effect on the village landscape development over the outstanding 15 years of the core strategy cycle.

The B&NES Highways Dept. response to the application on their website says that the current internal access road layout is sub-standard as it is not to adoptable standards.

The application relies heavily on the sites former commercial use. We have received evidence indicating B&NES development control wrote to a parishioner in Dec 2010 confirming that whilst some of the buildings on the Milford Head site had planning permission, the site operated without formal planning consent for the business and vehicular access, relying purely on grandfather rights. The site has not operated since 2007 and an application for commercial use would be rejected on the grounds of inadequate access.

Stitchings Shord Lane is a narrow, single track road and is unsuitable for handling the demand created by this number of properties. It lacks quality passing-points, and the junction with Ham Lane is often busy with mobile and parked cars already, making access challenging. It is unlit and lacking pavement is unsafe for pedestrians. The development would increase traffic, both in the short term from construction and in the long term.

Precedent exists for Planning Officers to recognise that Stitchings Shord Lane is unsuitable for supporting further development, for example application 08-03823-FUL relating to a parcel of land on the Lane, which was refused as being an unsustainable, car dependent development.

Both Stitchings Shord Lane and Ham Lane are prone to flooding, often becoming impassable for several hours. It would not seem reasonable to build new properties that will be vulnerable either to flooding or becoming inaccessible due to flooding, particularly as there is no alternative access for emergency vehicles to this site.

Whilst the proposed development may include sufficient on site drainage and sewerage, the impact on the wider network has not been considered and we are concerned that the existing infrastructure is inadequate for such a significant increase in demand.

Increasing the area covered by hard surfaces will exacerbate the problem of surface water runoff to adjacent properties; during November 2012 two of the adjacent properties were flooded throughout the ground floor due to surface water which could not be accommodated by the existing drainage infrastructure.

The proposed housing mix will bring many families with school age children to the village and no provision has been made for the impact that this will have on our already full school and limited pre-school provision.

The size of the development, which is purely residential, with no provision for employment, will inevitably lead to a significant increase in traffic as the new residents commute to Bath, Bristol or other destinations in order to find work. However no provision has been made to improve the local road network, in particular Bonhill Road already becomes congested at peak times, with no provision for passing when two large vehicles approach from different directions, causing safety issues for pedestrians and cyclists as well as delays for motorists.

Stowey Sutton Parish Council raised concerns about information revealed in the Flood Risk Assessment submitted for the adjoining site, land to the East of Chew Valley Caravan Park 14/00336/OUT. This FRA comments that a surface water infiltration system (soakaway) will not work in our area due to impermeable ground conditions, but the drainage strategy for the Milford Head development relies on maximising on-site infiltration for drainage.

## **POLICIES/LEGISLATION**

### **POLICIES**

Adopted Local Plan:

- D.2 - General design and public realm considerations
- D.4 - Townscape Considerations
- BH.6 - Development affecting Conservation Areas
- BH.8 Improvement work in Conservation Areas
- BH.12 Important archaeological remains
- HG.7 Minimum residential density
- T.1 Overarching access policy
- T.3 Promotion of walking and use of public transport
- T.6 Cycling Strategy: cycle parking
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision

- NE.1 Landscape character
- NE.2 Areas of Outstanding Natural Beauty
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.12 Natural features: retention, new provision and management
- NE.13 - Water Source Protection Area
- IMP.1 Planning obligations

Bath and North East, Somerset, Bristol, North Somerset, South Gloucestershire Joint Replacement Structure Plan (Adopted September 2002)

- Policy 1 - Sustainable Development
- Policy 17 - Landscape Character
- Policy 54 - Car Parking

### Emerging Core Strategy

- RA1 - Development in the Villages meeting the listed criteria
- RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
- CP2 - Sustainable Construction
- CP6 Environmental Quality
- CP9 - Affordable Housing
- CP10 - Housing Mix
- CP13 - Infrastructure Provision
- ET.4 Employment development in and adjoining rural settlements
- ET.5 Employment development in the 'countryside'
- Planning Obligations Supplementary Planning Document - Adopted July 2009
- Mendip Hills AONB Management Plan 2009 -2014
- Landscape - Character Assessment - Rural Landscapes of Bath and North East Somerset
- National Planning Policy Framework

### **OFFICER ASSESSMENT**

#### KEY ISSUES:

#### PRINCIPLE OF RESIDENTIAL DEVELOPMENT

The site is located outside the adopted development and officers note the weight of objections raised to the scheme on this basis. Ordinarily therefore, the proposals would be recommended for refusal as being contrary to the Local Plan policies SC.1 and HG.4 and to draft Core Strategy policy RA1.

As part of its work on the emerging Core Strategy the Council considers that it has a 5 year supply of deliverable housing land against the emerging Core Strategy requirement of around 13,000 homes. The Core Strategy Examination Inspector has agreed, through his note ID/44, that the strategic housing requirement is around 13,000 homes or less. However, the Inspector has not yet considered 5 year land supply issues which remain subject to significant unresolved objections. In accordance with NPPF, para 216 only

limited weight can be attached to the 5 year land supply position. The Council has also accepted that the Adopted Local Plan is out of date and the Core Strategy has yet to be adopted.

Taking into account the guidance in the National Planning Policy Framework (that LPA's should meet the housing needs in their areas, and have up-to-date plans) at present housing applications are to be considered against the guidance in the National Planning Policy Framework, with a presumption being applied in favour of sustainable development, the assumption being that such applications should be approved unless the adverse impacts of development significantly and demonstrably outweigh the benefits. Taking this into account, the adopted Housing Development Boundary carries little weight in the determination of the application.

Objectors have commented that with the approved housing application at Cappards Road (35 houses) and the (now allowed) appeal at Wick Road (41 houses) the Core Strategy housing allowance for Bishop Sutton (of up to an additional 50 dwellings within the plan period) would be exceeded prior to the Core Strategy even being adopted. This is of course correct, however as discussed above there is a presumption in favour of sustainable development, and the Core Strategy is only capable of being given limited weight at present, and therefore this cannot be defended as a reason for refusal.

The planning application at Wick Road for 41 dwellings was refused by committee, with the primary reason for refusal being that together with other development, the development would set an unsustainable trajectory of growth for a small village with relatively few facilities. The Appeal was allowed and the Inspector gave the following commentary in respect of the Parish Council's position on the Wick Road application:

"The Parish Council consulted locally on development and the outcome was a desire for infill development to provide some 30 dwellings over the plan period which could be accommodated. Its Residential Planning Policy was adopted in March 2012 but does not form part of the development plan. Reason for refusal 1 sought to raise an in principle objection to more than 50 houses in Bishop Sutton relying on emerging CS Policy RA.1. Given the continuing concerns of the Local Plan Inspector, and the significant number of objections, that policy can only be given limited weight, as confirmed in the recent Clutton decision (APP/F0114/A/2189953)...

Although a number of houses have been permitted at Cappards Road, I conclude that there is no in principle policy objection to the development of the appeal site for housing. Indeed, there is a pressing need for housing given the Council's failure by a significant degree to provide for its objectively judged housing need..."

Clearly the proposed 9 dwellings at Milford Head would further add to the number of dwellings permitted in Bishop Sutton and would further exceed the scale of growth envisaged in the Core Strategy, however given the Inspector's reasoning on the Wick Road appeal, it is clear that the refusal of this application on similar grounds to the Wick Road scheme could not be defended.

## FLOOD RISK

Whilst the application is in outline, approval is sought for the proposed layout of the development, and this would include the proposed drainage strategy.

Whilst the application site lies in Flood Zone 1, public comments have been received that this part of Stitchings Lane (presumably including the application site) experiences regular flooding problems, with severe flooding being experienced in December 2012, and these reports are corroborated by press cuttings. At the case officers' request, the applicants have submitted a Flood Risk Assessment and drainage strategy.

The Flood Risk Assessment attributes the localised flooding that has been reported to poor surface water drainage in the area and to surface water runoff. It comments that the general levels of the land in this area fall from Ham lane along Stitchings Shord Lane down towards Chew Valley Lake, and that when such events happen, the waters drain along Stitchings Shord Lane towards the lake, and therefore would be unlikely to reach such a depth that would prevent vehicles from passing into and along the Lane.

The drainage strategy proposes that all of the roads and driveways within the development would be constructed with permeable surfaces with a layer of free draining stone below. The intention is that this would act as a soakaway with a very large surface area, allowing the maximum amount of infiltration to take place and the depth of stone under the road at its western end would be increased to provide additional attenuation and flood storage. The underlying surface slopes entirely in a westerly direction, which will stop and prevent any overspill onto the lane at the east end. The design includes a series of baffles designed to hold back and slow the flow of water as much as possible.

Highways Drainage confirmed that the drainage strategy was acceptable for the purposes of an outline application, subject to a more detailed strategy being submitted with any subsequent application. The Council's drainage team have reviewed the concerns raised by the Parish Council and the Flood Risk Assessment for the adjoining planning application adjoining the caravan park (14/00336/OUT). They comment that it would be preferable to get some quantitative values for depths of water and risk of occurrence for flooding along Stitching Shord Lane, but maintain their recommendation that the application can be approved subject to conditions.

Whilst residents have raised concerns about drainage and flooding issues on Stitching Shord Lane, the site lies within Flood Zone 1 and there is no evidence (or support from the Council's Highways Drainage team) to support a refusal on these grounds. However as recommended by Highways Drainage, a condition should be applied to any consent requiring the submission of a detailed drainage strategy for the site. This should also include the finished floor levels of the proposed dwellings in relation to the 1 in 100 year (plus climate change) flood event to ensure the proposed dwellings would be unaffected in the event of possible surface water flooding.

## HIGHWAY SAFETY AND ACCESS CONSIDERATIONS

Stitching Shord Lane, which provides access to the site is narrow, unlit and without pavements and is not ideal in terms of pedestrian safety, however as detailed in the comments from Highways Development Control, the site is in relatively close proximity to



the village centre and is served by a public right of way passing through the field to the north and on to Wick road. This (currently un-surfaced) route would be improved as part of the planning obligation requirements negotiated for the consented Cappards Road development (12/04238/OUT).

Highways Development Control advise that whilst the location for development is far from ideal, the development could secure improvements to pedestrian facilities, and on that basis an objection would be difficult to defend. Another significant consideration in accepting the principle of the proposed development in highway terms is the "fallback" position of the B8 storage use, which would have a greater trip generation than the proposed residential use.

This begs the question as to whether the fallback position of an unrestricted B8 (Storage and Distribution) use is genuine; whether this business (or a similar B8 use) could start up again without the need for planning permission, and whether finally, there is a reasonable prospect of the fallback use being taken up.

The application and the Council's records record a 1996 consent for a cold store in association with a wholesale meat company, subsequently followed by a temporary consent for the placement of refrigerated shipping containers. Full details of the nature of the use are not available, but it would appear that this established a B8 use within the hardstandings at the western end of the site. An established B8 use would allow this land to be used for a wide variety of storage and distribution uses without the need for a further planning permission, and it is noted that there are no planning conditions restricting hours of operation of a possible B8 use or preventing outside storage.

The question arises as to whether the established use has been abandoned, which would necessitate planning permission being sought for a B8 use to re-commence on the site.

The issue of "abandonment" has much case law however, the basic rules which have emerged are that abandonment may occur where a use has ceased

- a. due to leaving premises vacant for a considerable period or by allowing the building/s on which the use relies to deteriorate to the extent that re-use would involve what would be tantamount to rebuilding
- b. by the introduction of a different use (whether with or without planning permission) supplanting that which went before.

The single storey cold store which received the original planning consent is still in existence adjacent to Stitching Shord Lane, as is a shipping container and a single storey office building. The hardstandings and access are also fully intact and able to be used. The internal condition of the cold store and shipping container are unknown, however there is little doubt that a storage and distribution use could utilise the hardstandings and office with little or no work.

There is no evidence of the land and buildings being used for other purposes since 2007 / 2008. Taking these factors into account against the above criteria, officers do not consider the established B8 use to be abandoned, and therefore the hardstandings and commercial buildings still have established use rights within Use Class B8.

The final consideration is the weight the Council should give to this fallback position in the consideration of the housing application.

In recent appeal decisions on planning applications, Inspectors have commented that the prospect of a fall back does not have to be probable, or even have a high chance of occurring in order to be a material consideration in the determination of applications.

In this case, the applicants advise that should planning permission be refused for the redevelopment of the site for housing there is a real prospect of the commercial use of the site recommencing and that there has already been a commercial interest expressed from a ground contractor company for use of the site as a depot. The fact that the site appears not to have been in B8 use since approximately 2008 suggests that the resumption of such a use would be less likely than asserted, however given the case law, the impact of the possible fallback consideration (of an unconstrained B8) still needs to be taken into account in considering the impact of the proposed residential use.

On this basis, considering that an unrestrained B8 use would be likely to be able to use the site without the need for planning permission, involving larger vehicles and higher traffic flows, the proposals are considered to be acceptable in highway terms, subject to contributions of £4,000 and £16,000 being secured, respectively towards a pedestrian crossing facility and public transport improvements.

## RESIDENTIAL AMENITY

An objection has been received that proposed plots 1 - 4 would result in the overlooking of the caravan park to the rear of the site, resulting in loss of trade.

The application is in outline, with siting as a reserved matter, so the question is whether it would be possible in principle to accommodate this number of dwellings within the site without unacceptably harming the amenity of surrounding residents. The caravan site is separated from the application site by a substantial boundary hedge, and it seems reasonable that the proposed dwellings could be arranged in a way as to not unduly overlook it. In any event, as with all caravan parks and camp grounds, campers do not have the same expectations of privacy as homeowners do, with effectively all their activities outside their caravan being visible to other guests.

The proposed dwellings could be arranged within the site without giving rise to unacceptable overlooking or overshadowing conflicts with adjoining dwellings.

A possible B8 (Storage and Distribution) Use, which would be likely to be able to occupy the site without the need for planning permission, would have the potential to give rise to significantly higher levels of disruption and loss of amenity than the proposed residents use.

## TREE AND HEDGEROW RETENTION

The Councils Tree Officer has no objection to the proposed development, which provides sufficient space for the realistic retention of the mixed row of Hornbeam and Lime on either side of the entrance road.

The applicants have carried out trial inspection pits which confirm that the proposed surface water drainage works would not threaten the retention of the row of trees either side of the access road and this is confirmed by our tree officer.

The Council's urban design and ecologist have raised concerns in respect of the retention of hedgerows on the northern and southern boundaries of the site, which qualify as important under the hedgerow regulations, and are also important in landscape terms.

Whilst the concerns are valid, the current application is in outline and the layout plan submitted is only illustrative, and these issues would properly be addressed through a subsequent reserved matters application. The applicants have however agreed to clauses within the legal agreement for the development requiring covenants to be put on each of the dwellings abutting the hedgerows requiring the householders to maintain and protect the hedgerows. These provisions should also be placed into the Section 106 itself so that the Council is able to take enforcement action if necessary to protect the hedgerows.

Highways Development Control recommend a planning condition which would require minimum visibility splays to be created onto Stitching Shord Lane. The achievement of these visibility standards would be unlikely to have a significant effect on the hedgerow to the east of the access but would be likely to require the removal of approximately 15 - 17 metres of hedgerow to the west of the access. A condition should be applied requiring the reinstatement or translocation of the hedge behind this visibility splay prior to the occupation of the completed development.

## LANDSCAPE IMPACT

Whilst on the very edge of the village and partially within the AONB, the site is not a Greenfield site, instead comprising in part, the extended residential curtilage of the property known as Milford Head House and the hardstandings and buildings serving the former storage and distribution use, which can be considered as previously developed land. The site is also visually well contained from the wider landscape, and the illustrative plan suggests that there is potential to develop the site as proposed whilst retaining the prominent avenue of trees leading through the site and protecting the boundary hedges. As a consequence, whilst outside the Housing Development Boundary, the proposals would not give rise to significant landscape harm. It is not considered that the proposals would harm the character or appearance of the Area of Outstanding Natural Beauty.

## CONCLUSIONS

As stated earlier in the report, due to the policy situation in BANES and the lack of an agreed 5-year housing supply, the application is to be considered against national guidance set out in the National Planning Policy Framework, with a presumption that the local authority should grant permission unless there are any adverse impacts in doing so that would significantly or demonstrably outweigh the benefits of the scheme. This is the key policy test against which the proposals must be considered.

Taking into account the fallback position of the storage and distribution use, the proposals are considered to be acceptable in highway safety considerations, and would have a

convenient pedestrian link through the adjoining Cappards Road development to Wick Road, the primary school and bus stops.

The development would not result in significant harm to the landscape or setting of the Area of Outstanding Natural Beauty and the proposals are consistent with the preservation and retention of the majority of the trees within the site.

Whilst there is anecdotal evidence of flooding in Wick Road and the vicinity of the site, the site is within Flood Zone 1, and a Flood Risk Assessment has been submitted which has the support of Highways drainage Team. The Environment Agency do not object to the application.

Whilst the Parish Council object to the application in principle, particularly in regard of the excessive growth of the village due to recent speculative housing applications, it is clear from the recent allowed appeal decision in respect of application 12/05279/FUL (41 dwellings at Wick Road) that such a stance cannot be defended at appeal.

Taking these considerations together, the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of additional housing deliver, and therefore the application must be recommended for approval, subject to a Section 106 agreement being signed.

## **RECOMMENDATION**

Authorise the Development Manager of Planning and Transport Development to PERMIT subject to condition(s)

## **CONDITIONS**

A. Authorise the Development Manager to permit the application subject to the applicant entering into a legal agreement to secure:

### Education

1. Contributions to fund the need for primary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be provided prior to the commencement of development.

### Open Space and Recreational Facilities

2. Contributions to fund the provision of formal open space and allotments off-site to serve the population, and fund the maintenance of any open space provided within the development, the amount of the contribution to be calculated prior to reserved matters consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development.

## Transport

3. £4,000 towards a pedestrian crossing facility
4. £16,000 towards public transport improvements

## Protection of boundary Hedgerows

5. The applicant and subsequent house owners backing onto the hedges on the perimeter of the site shall commit:

- a. To not cut back the hedgerow on the north-eastern boundary of the site beyond the line of the post and wire fence forming the boundary of the Property and not to reduce the height of such hedgerow below [ x ] nor the width of it below [ x ].
- b. To maintain the hedgerow [shown [ ] on the Plan] in so far as it forms the boundary of the Property and carry out such pruning or cutting as may be necessary (subject always to the covenants in clause [ ] above) and where within a period of five years from the date of the development being completed such hedgerow dies, is removed, becomes seriously damaged or diseased to replace the same within 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.

These commitments are to be written into covenants to be placed on each of the plots abutting the hedgerows.

B. subject to the prior completion of the above agreement, authorise the head of Planning Services to PERMIT subject to the following conditions (or such conditions as he may determine):

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 appearance, landscaping, layout and scale 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 Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

3 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 also 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 and a remediation validation report submitted for the approval of the Local Planning Authority.

#### Reason

To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4 In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported 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

To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5 Before the dwellings hereby permitted are first occupied the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and points on the carriageway edge 17 metres from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

6 Prior to the occupation of the development the existing vehicular accesses to the west of the proposed access shall be closed and their use permanently abandoned, and the verge/bank 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.

7 Full details of the pedestrian route from the centre of the site to Stitching Shord Lane and joining up with public footpath, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This route shall be provided prior to the occupation of any part of the development.

Reasons: To ensure a convenient and direct pedestrian route is provided to Wick Road, the primary school and bus stops.

8 No demolition or development activities shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals

9 The local planning authority is to be advised in writing two weeks prior to demolition or development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

10 Prior to the commencement of development, a detailed strategy or the disposal of surface water indicating the size, type and location of the proposed sustainable drainage scheme should be submitted to and approved in writing by the Local Planning Authority prior to construction. The Drainage Strategy should include:

- Details of pre- and post-development discharge rates. The proposed surface water system should seek the betterment of existing surface water discharge rates.
- Discharge points will need to be agreed with the relevant authorities.
- A drawing showing the size, type and location of drainage features (SuDS and attenuation) with their connection points and discharge rates.
- Details of how the proposed hydrobrake and connection with the existing drainage ditch will be constructed.
- Simulations of the performance of the system up to the 1 in 100 year (+30% for climate change) return period event showing that no flood water will leave the site and there will be no unsafe flood depths on site.
- details of the Finished Floor Levels in relation to the 1 in 100 year (+ climate change) flood event.

Reason: In the interests of flood risk management.

Condition information: The applicant has indicated that surface water will be disposed of via SuDS. Prior to construction, a drainage strategy indicating the size, type and location of the proposed SuDS should be submitted.

11 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, construction access, wheel wash arrangements and traffic management procedures. The development shall thereafter be

carried out in full accordance with the physical and procedural measures set out in the approved Construction Management Plan.

Reason: To ensure the safe operation and ongoing condition of the highway.

12 Prior to the commencement of works to achieve minimum visibility splays onto Stitching Shord Lane (as required by condition 5) a method statement and landscaping plan shall be submitted to and approved in writing by the Local Planning Authority showing the translocation and / or reinstatement of the removed section of native species hedgerow behind the required visibility splay, which shall follow any hedgerow removal. The landscaping plan shall show the alignment of the new length of native species hedgerow and shall include a planting specification to include numbers, density, size, species and positions of all new trees and shrubs.

The agreed soft landscape works shall be carried out in accordance with the approved details. The works (including hedgerow reinstatement) 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 maintain the appearance of Stitching Shord Lane and maintain habitat provision.

13 Prior to the commencement of development, details of a Scheme for the accommodation of badgers on site and safeguarding or provision of badger runs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

Reason: To protect badgers and badger activity.

14 Prior to the commencement of development, a scheme and timetable for the removal of the non-native plant variegated yellow archangel shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable.

Reason: To secure the removal of invasive species.

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

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

#### **PLANS LIST:**

This decision relates to drawing nos



- SITE LOCATION PLAN
- Flood Risk Assessment - Ref 3702 Revision A
- site drainage - SW drainage layout
- Proposed SITE LOCATION PLAN - PERMEABLE AREAS
- Site Survey - drawing 2293/100
- Site Survey - drawing - 29/12
- Tree Protection Plan - 130619-MH-TPP- Re A
- SUSTAINABLE CONSTRUCTION CHECKLIST
- Transport assessment
- TREE report
- WESSEX WATER PLAN
- TRIAL PIT EXCAVATION. SITE INSPECTION RE...

## 2 Decision Taking Statement

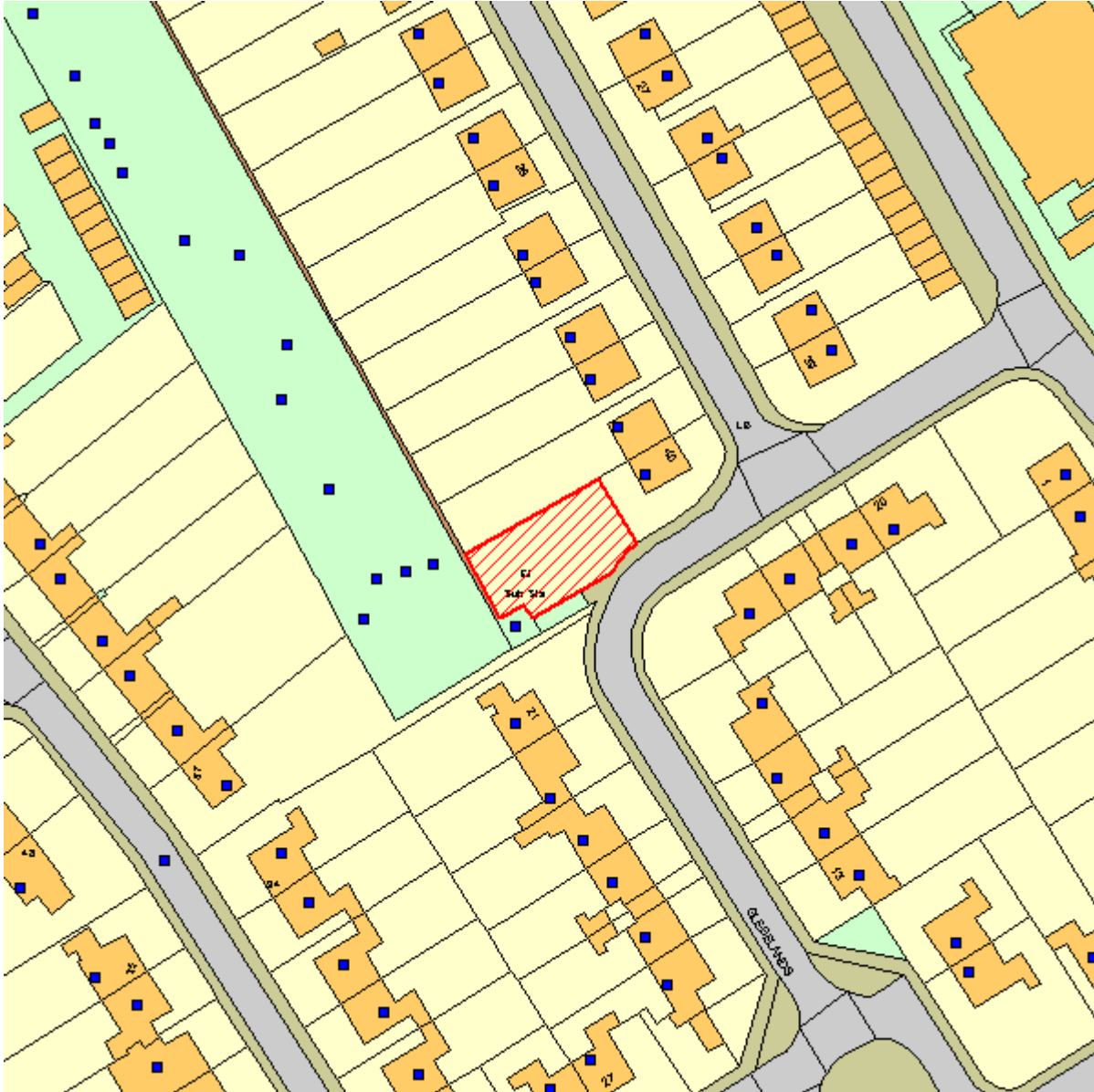
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Informal advice offered by the Local Planning Authority the submitted application was taken into account by the applicant in the design and layout of the scheme. Taking into account these changes and the proposed flood Risk Assessment the proposals were considered to be acceptable.

## 3 Need for Watercourse Consent to Discharge to Ditch

The proposals indicate discharging flows to an existing drainage ditch at the west end of the site. Any discharges to this watercourse will require Ordinary Watercourse Consent from this office. Details about how to apply for Ordinary Watercourse Consent can be obtained by emailing [engineering\\_design\\_land\\_drainage@bathnes.go.uk](mailto:engineering_design_land_drainage@bathnes.go.uk)

The developer should also be aware that the Council's Highway Authority does not adopt roads that include permeable paving.

**Item No:** 02  
**Application No:** 14/00217/FUL  
**Site Location:** 40 Bryant Avenue Westfield Radstock Bath And North East Somerset  
BA3 3SR



**Ward:** Westfield                      **Parish:** Westfield                      **LB Grade:** N/A  
**Ward Members:** Councillor R Appleyard      Councillor Robin Moss  
**Application Type:** Full Application  
**Proposal:** Construction of new dwelling  
**Constraints:** Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,  
**Applicant:** Mrs K Lewis  
**Expiry Date:** 19th March 2014  
**Case Officer:** Heather Faulkner

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

The application is being referred to the committee at the request of Councillor Appleyard who is in support of the application and considers it to provide a useful solution to the development of this piece of vacant land. There is good visibility and the height is subservient to the properties on Perry Close.

The Parish Council also requested the application to be determined by the Committee.

The application has been referred to the Chairman of the Development Control Committee (DCC) who has agreed that the application should be considered by the DCC as there are a lot of concerns regarding the application.

### **DESCRIPTION OF SITE AND APPLICATION**

The application relates to land to the rear of 40 Bryant Avenue, the site itself is accessed from Glebelands and is situated on a bend in the road. To the east of the site is a new housing development, Perry Close.

The application proposes the erection of a detached dwelling on the site broadly facing towards Glebelands. The drawings show the house having three bedrooms. A driveway is proposed to the side of the house.

The application was submitted follows the submission of a previous application which was refused for the following reasons:

1 The proposed dwelling due to its scale, bulk, siting and design within close proximity of the neighbouring boundaries is considered to result an overbearing impact. The windows on the rear elevation would also result in loss of privacy and a greater perception of being overlooked. The residential amenity currently enjoyed by these neighbouring occupiers is therefore considered to be significantly harmed. This would be contrary to policy D2 of the Bath and North East Somerset Local Plan (including minerals and waste) 2007 and the National Planning Policy Framework (March 2012).

2 The proposed development by reason of its scale, siting and design would result in the overdevelopment of the site and would result in a cramped form of development which fails to respond positively to the built form of this locality and is considered detrimental to the character and appearance of the streetscene and surrounding area contrary to policy D.2 and D.4 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007 and the Nation Planning Policy Framework (March 2012).

In terms of alterations to the proposals from the previous application the only significant change is that the height has been reduced by 700mm. There have also been alterations to the materials, previously proposed as reconstructed stone and now proposed as render.

## Planning History

13/03590/FUL - REFUSED - 25 October 2013 - Erection of detached three bedroom dwelling (Resubmission)

13/00717/FUL - Withdrawn - 30 April 2013 - Erection of a detached three bedroom dwelling

12/05085/FUL - PERMIT - 14 January 2013 - Erection of a single storey side extension/conservatory.

## Pre-application Information

A pre-application enquiry was submitted in April 2012 for the development of this site. A similar proposal was put forward at this time although the proposed dwelling had a slightly smaller footprint and the building faced towards the rear of 40 Bryant Avenue. The response to this enquiry was of the view that the site could be developed but made the following comments:

"Although I am of the opinion that the site identified in your plan could be suitable for the development of a single detached dwelling, I am concerned that the proposals that accompany your letter do not represent high quality design or have sufficient regard to the amenity of existing occupiers. In particular, I am concerned about the main outlook of the property being back towards 40 Bryant Avenue and the impact on the amenity of the neighbour's garden to the north. I think that it would be preferable to develop proposals that front Glebelands to the south and that are of a scale and siting/layout that will have a lesser impact on the neighbour's garden to the north.

Please contact me if you would like to discuss your proposals further. Please also note that the advice in this e-mail is provided on the basis of the information that you have provided to us and that it should not be interpreted as prejudicing the Council's decision on any future planning application for the site's development".

Relevant points to note here are that the concerns were raised about the buildings design and impact on neighbouring properties. The proposed scheme also had no windows in the elevation facing towards the gardens of the properties on Bryant Avenue.

Following this enquiry no further pre-application advice was sought. An initially application was submitted with a design similar to what is now proposed and concerns were raised. This application was withdrawn and the case officer then met the agent on site to further discuss the proposals. A further application was submitted with limited alterations and this was refused, no appeal was made and this current application was then submitted with limited alterations.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Westfield Parish Council - no objection - request application determined by committee.

Highways - There is no objection to the erection of dwelling at this location which is sustainable in travel/transportation terms, being close to key residential facilities and

public transport. The access is proposed at a location where visibility is at a maximum, and appropriate vehicle parking and manoeuvring is available. Conditions recommended in respect of parking.

Councillor Appleyard supports the application and requested that the application be referred to the Planning Committee.

In terms of objections from local residents one objection was received raising the following concerns:

- Concerns regarding overlooking
- The building would be out of character with the surrounding area.
- Would appear cramped.
- Access unsuitable due to bend in the narrow road
- Concerns regarding parking
- Minimal changes of the previously refused application.

### **POLICIES/LEGISLATION**

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations:

D2 - General design and public realm considerations

D4 - Townscape considerations

HG.4 Residential development in the urban areas and R.1 settlements

T.24 - General Development control and access policy

of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies should be considered:

SV1 - Somer Valley Spatial Strategy (replaces HG.4)

D.2, D.4, BH.6 and T.24 of the local plan are proposed as saved policies within the submission core strategy.

National Planning Policy Framework (March 2012) can be awarded significant weight however this proposes little change to the aspects of local policy that are relevant to this decision.

The recently published National Planning Policy Guidance raises no conflict with this application.

### **OFFICER ASSESSMENT**

Principle of development

The site is within the housing development boundary. Therefore, in policy terms, there is a favourable presumption towards development providing it complies with other policies including, design and amenity.

The site is garden land and as such is no longer designated brown field site, and development is not encouraged as stated within the National Planning Policy Framework (NPPF) whereby residential gardens are excluded from the definition of previously developed land. Furthermore the NPPF suggests Local Authorities should set out policies to resist inappropriate development of residential gardens.

## Design and Layout

Whilst the plot itself is of a reasonable size its relationship to the road and the adjacent dwellings makes it difficult to develop. The siting of the house would be in front of the side elevation of 40 Bryant Avenue and beyond the rear elevations of the new properties on Parry Close. Due to the bend in the road it is also difficult for the proposed house to fully address the street and it will therefore be out of keeping with the other houses in the area. The size of the property and its siting make it appear rather at odds with the character of the surrounding area. The depth of the house would also fill a significant proportion of the depth of the plot and is also rather close to the rear of 40 Bryant Avenue as well as the properties on Parry Close. The proposed development therefore will appear cramped and over developed. Whilst the height of the building has been reduced this from the previous application this does not outweigh the concerns in respect of the building.

## Impact on Neighbouring properties

In terms of impact on neighbouring properties there are a number of properties to consider. The proposed house would be around 11 metres from the rear of 40 Bryant Avenue and would also reduce the size of the garden so that it would only be round 4 metres deep which is uncharacteristically small for the area. The building would also be located only 1.8 metres from the side boundary of the adjoining property. It is considered that due to the height of the building and its siting it would cause an overbearing impact to the gardens adjacent to the site.

The issue of overlooking is also a concern. The windows to the front elevation are considered to be an acceptable distance from surrounding properties and would only overlook areas which are already in public view. There are no first floor windows in the side elevations to create any harmful overlooking. The windows on the rear elevation are the ones which cause concern. Although the ones closest to the houses are obscurely glazed there would be one clear window. This would result in a loss of privacy for the adjacent properties as well as a greater perception of being overlooked.

## Highways

In terms of parking and highway safety there have been no objections from the Highways Team. The proposed dwelling is in a sustainable location in travel/transportation terms, being close to key residential facilities and public transport.

The access is proposed at a location where visibility is at a maximum, and appropriate vehicle parking and manoeuvring is available. If approved a condition would be recommended in respect of the parking and turning area being kept clear.

## Other matters

If approval were recommended conditions would be required in respect of drainage, materials and a landscaping plan including details of boundary treatments.

## Conclusion

Overall the siting of the proposed house, its size and the cramped nature of the site would result in a development which would have a harmful impact on the character and appearance of the area and would also cause harm to the living conditions of neighbouring properties.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed dwelling due to its scale, bulk, siting and design within close proximity of the neighbouring boundaries is considered to have an overbearing impact. The windows on the rear elevation would also result in loss of privacy and a greater perception of being overlooked. The residential amenity currently enjoyed by these neighbouring occupiers is therefore considered to be significantly harmed. This would be contrary to policy D2 of the Bath and North East Somerset Local Plan (including minerals and waste) 2007 and the National Planning Policy Framework (March 2012).

2 The proposed development by reason of its scale, siting and design would result in the overdevelopment of the site and would result in a cramped form of development which fails to respond positively to the built form of this locality and is considered detrimental to the character and appearance of the streetscene and surrounding area contrary to policy D.2 and D.4 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007 and the Nation Planning Policy Framework (March 2012).

## **PLANS LIST:**

1 Drawings received 17th January 2014

Site Location Plan

1

2

3

4

## DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Further advice was sought following the previous application being withdrawn however no changes were made to the proposals. The proposal was considered unacceptable for the reasons given and the agent 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 this the Local Planning Authority moved forward and issued its decision.



**Item No:** 03  
**Application No:** 14/00140/FUL  
**Site Location:** Bath Soft Cheese Park Farm Church Lane Kelston Bath Bath And North East Somerset



**Ward:** Bathavon North      **Parish:** Kelston      **LB Grade:** N/A  
**Ward Members:** Councillor M Veal    Councillor Gabriel Batt    Councillor Geoff Ward

**Application Type:** Full Application  
**Proposal:** Erection of extension to existing agricultural building to create a cheese dairy.  
**Constraints:** Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas,  
**Applicant:** Park Farm LTD

<b>Expiry Date:</b>	18th March 2014
<b>Case Officer:</b>	Sasha Coombs

## **REPORT**

### **REASONS FOR REFERRING TO COMMITTEE**

Kelston Parish Council, Cllr Geoff Ward and Cllr Martin Veal expressed support for this application and requested for it to go before the Committee if the officers are minded to refuse.

The application was then referred to the Chairman who decided that the application will need to be presented to the Committee for the following reasons:

"This is an unusual application which has the support of local members".

### **APPLICATION**

Park Farm is situated on the south and west side of the village of Kelston and runs up to the A431 Bristol-Bath Road. This agricultural holding is a well-established dairy unit, which also produces a range of cheeses ('Bath Soft Cheese' business has been expanding for the past decade or so). The farm occupies the area of about 256.57 hectares and consists of a Grade II listed stone farmhouse with adjoining traditional buildings arranged around a farmyard, grazing land and a number of large farm buildings set some 250m to the north-west of the main house. There is also an additional dwelling currently under construction to the north-west of the house. Many outbuildings in the farmyard have been converted to cheese-making and storage use; there is also a small farm shop.

The application site is located within the Green Belt and Cotswolds Area of Outstanding Natural Beauty.

In March 2013, permission was granted for change of use of an existing agricultural building next to the milking dairy into a new cheese dairy.

This application seeks to extend this building to provide a larger cheese-making facility. A number of extensions are proposed to be added to this agricultural building, which would result in volume increase from approximately 1147m<sup>3</sup> to 3018.2m<sup>3</sup> (gain of 1871.2m<sup>3</sup>). The applicant states that this would allow the cheese to be ripened, stored, packed and dispatched on the same site.

### **PLANNING HISTORY**

The farm has a very extensive planning history. Below are the extracts which exclude pre-2000 applications, any non-material amendments and discharge of conditions applications:

DC - 00/00678/FUL - PERMIT - 24 May 2000 - New farm access as clarified by plans received 23.5.00

DC - 00/01072/FUL - PERMIT - 4 December 2000 - Conversion of 2 barns into 3 dwellings

DC - 00/01253/LBA - CON - 1 December 2000 - Conversion of 2 No. barns into 3 No. dwellings

DC - 01/00712/AGRN - PAPNRQ - 19 April 2001 - New building for crop storage

DC - 01/01681/FUL - PERMIT - 19 September 2001 - Two clear span steel frame barns for agricultural use and extension to existing barn.

DC - 99/01185/FUL - PERMIT - 16 March 2000 - Conversion of barn into farm manager's accommodation

DC - 05/01179/FUL - PERMIT - 13 June 2005 - 4no. temporary wooden storage sheds and 2no. steel container boxes of cheese storage.

DC - 05/03875/OUT - CON - 8 February 2007 - Erection of agricultural workers dwelling

DC - 09/00687/FUL - RF - 22 May 2009 - Provision of temporary storage unit and relocation of existing tennis court

DC - 09/03108/FUL - PERMIT - 10 November 2009 - Provision of temporary storage units and relocation of existing tennis court (Resubmission)

DC - 10/00315/RES - PERMIT - 30 April 2010 - Approval of reserved matters regarding planning application 05/03875/OUT permitted on 8th February 2007 for the erection of agricultural workers dwelling

DC - 10/00482/AGRN - Agricultural Prior Approval Required - 2 March 2010 - Erection of timber clad dairy building with grass covered roof

DC - 12/04598/FUL - PERMIT - 18 February 2013 - Installation of 2no. refrigerated containers and 1no. ambient storage container (Retrospective).

DC - 13/03585/AGRN - AP - 11 September 2013 - Erection of a new building and erection of an extension

DC - 13/04293/AGRN - AN - 5 November 2013 - Erection of a new building and erection of an extension

DC - 13/00323/FUL - PERMIT - 22 March 2013 - Conversion of an existing agricultural building to create a cheese dairy.

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

Highways - no objections, subject to Site Management Plan, including Traffic Management, submitted and approved prior to commencement of development. (Full comments available on file)

Environmental Services (Food Safety) - support. Bath Soft Cheese has outgrown its existing buildings, this application if approved, will ensure the business can continue to

meet Food Safety Legislation in the future by reducing the number of potential risks posed by the current cheese dairy. (Full comments available on file)

Environmental Protection (Pollution) - no objections, providing conditions are imposed to control the noise rating level at the façade of the nearest noise sensitive premises. (Full comments available on file)

Kelston Parish Council - support. This would concentrate the cheese activities on one site and satisfy all planning issues.

Cllr Martin Veal and Cllr Geoff Ward - support. This business is important to the local rural economy and should be encouraged to grow in order to support jobs and enterprise. (Full comments available on file)

Third Party Letters - none received

### **POLICIES/LEGISLATION**

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED OCTOBER 2007

D.2 - Residential Amenity Consideration

D.4 - Design Consideration

T.24 - Highways safety

ES.12 - Noise and Vibration

GB.1- Control of development in the Green Belt

GB.2 - Visual amenities of the Green Belt

ET.7 - Use of agricultural land

ET.8 - Farm diversification

ET.9 - Re-use of rural buildings

BH.6 - Development within/affecting conservation areas

NE.1 - Landscape character

NE.2 - Areas of Outstanding Natural beauty

NE.10 - Protected species and habitats

BATH AND NORTH EAST SOMERSET SUBMISSION CORE STRATEGY (MAY 2011)

The following policies should be considered as they correspond with the national policy approach on the relevant matters:

CP6 - Environmental Quality

CP8 - Green Belt

NATIONAL PLANNING POLICY FRAMEWORK ADOPTED MARCH 2012

Section 3: Supporting a prosperous rural economy

Section 9: Protecting Green Belt Land

### **OFFICER ASSESSMENT**

#### **BACKGROUND**

Kelston lies within the Bath-Bristol Green Belt, which is intended primarily to prevent the urban sprawl by retaining the open character of land, defined largely by freedom from development. The village is in an area of countryside designated as the Area of Outstanding Natural Beauty. Park Farm lies off Church Lane on the western edge of the

village, on lower land which eventually slopes down to the River Avon. The listed farmhouse is set about 300m to the south-east of the site. The site itself is relatively open and can be viewed from a number of public rights of way that criss-cross the fields, as well as in longer views across the valley.

Park Farm started its operations as a dairy farm, but over the years, the cheese-making has been enlarged in a piecemeal manner and now, according to the applicant, the business employs 15 full time staff and several more part-time staff.

The production is mainly taking place in a number of converted outbuildings, near the farmhouse, however a number of permissions have been recently granted to disperse/relocate this activity:

- Most recently, the Council has dealt with regularisation of two additional refrigeration containers for storage/ripening of cheese (ref. 12/04598/FUL), which were placed on land to the north of the farmhouse. Whilst it was found that the containers were inappropriate development in the Green Belt, on balance of issues it was considered that the loss of these containers would result in a contraction of business and a loss of employment and this would outweigh the resulting harm and impact on openness of Green Belt.

- This permission was followed by another application (ref 13/00323/FUL) to change the use of one of the existing agricultural buildings on farm to a cheese-making dairy. This application was linked to a grant to assist in building costs. It was assessed that the re-use of existing buildings is not inappropriate, providing such developments preserve the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

The current proposal duplicates the proposal to change the use of the building, but also seeks to provide a sizable extension to facilitate creation of a much larger cheese-making facility.

## KEY ISSUE

NPPF states that planning should support economic growth in rural areas in order to create jobs and prosperity. It requires LPAs to take a positive approach to sustainable new development. National policy supports the expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. NPPF promotes the development and diversification of agricultural and other land based rural businesses.

However, specifically within Green Belts, NPPF does not provide concessions to any form of business or commercial development and any proposal must be assessed with regards to key protection rules within the national and local policies. The special role of Green Belts has been re-emphasised in the recent ministerial letter of 3 March 2014.

The re-use of buildings that are of "permanent and substantial construction" are not inappropriate in a Green Belt provided they preserve its openness and do not conflict with the purposes of including land in Green Belt.

The principle of change of use of an existing building to industrial use had been explored in the preceding application 13/00323/FUL, and the overriding issue here is the proposed extension to this building.

The site is in the Green Belt, and the proposed extension of the building would result in over 2.6 times expansion in volume (from approximately 1147m<sup>3</sup> to 3018.2m<sup>3</sup>) or, to put in another way - 163% volume addition in relation to existing.

This clearly would constitute a disproportionate addition, well over and above the original building which would have a significant impact on the openness of Green Belt and therefore is considered as inappropriate development within Green Belt (NPPF paragraphs 89 and 90 and local policy GB.1).

Para.87 of the NPPF explains that inappropriate development is inherently harmful to the Green Belt and should not be approved except in very special circumstances.

The overriding issue is therefore whether there are other considerations which clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm, resulting in very special circumstances sufficient to justify the grant of planning permission.

The principal matters to be considered in this respect relate to the effect the enlargement of the building would have on the openness of the green belt; the impact of the extended building on the character and appearance of the area; the need for compliance with food hygiene; the effect on the living conditions of local residents, with particular regard to noise; the effect on the surrounding highway network; the sustainability of the development in terms of its location and accessibility; and the implications for further farm diversification.

#### THE EFFECT THE ENLARGEMENT OF THE BUILDING WOULD HAVE ON THE OPENNESS OF THE GREEN BELT

The extensions would be wrapped around all four sides of the existing building and would triple its footprint from about 220 to 660 square metres; in terms of volume, the increase would be approx. 163%. The extended building would be about 33.7 metres long and 25.5 metres wide. The highest part of the existing roof is about 5.2 metres above ground level, and part of the roof of the new extended building would be at the higher level (6.5m). Thus, in aggregate, this would be a very significant increase in building size.

It is noted that the building is set away from the farmhouse, amongst other agricultural farm buildings, however in consideration of disproportionate enlargements and their effect on openness of the Green Belts NPPF makes no concession for the presence of other buildings (visual effects are discussed below).

Overall it is considered that the impact of the enlarged building on the openness of the Green Belt would be obvious and would lead to significant aggrandisement of development on site.

#### THE IMPACT OF THE EXTENDED BUILDING ON THE CHARACTER AND APPEARANCE OF THE AREA

Most of the village is designated as a conservation area with many of the fine buildings clustered along the main road, listed for their special architectural and historic interest. The compact built form of this small nucleated village, in its hill-side location, is a key feature of the landscape and contributes significantly to the particular character of the AONB. Part of the holding, which includes the historic farmhouse, lies within the conservation area. Because of the topography and screening vegetation, the dairy would not be readily visible from the centre of the village. It can however be seen from edges of the conservation area and the public footpaths which criss-cross the fields beyond, as well as longer views towards the village.

The design of the building seeks to mimic the external appearance of an agricultural building using timber cladding and metal sheet profile roofs. It is nevertheless considered that the building is likely to appear more industrial rather than agricultural in its character due to the fully enclosed sides, use of doors/windows and delivery hatches. However, on balance, it is considered that the setting of the conservation area and the wider visual impacts within the landscape would be mitigated by the topography and the presence of other large scale agricultural buildings on site.

As such there would be no seriously adverse effect on the character and appearance of the surrounding area.

## NATURAL ENVIRONMENT

There would be some impact on the root protection areas of trees to the east of the existing building, but it is likely to be modest and is unlikely to lead to significant loss of trees on site. Some replanting could always be requested via a condition. Consideration should also be given in any case to providing additional or replacement nesting sites in suitable locations elsewhere around the site for birds through installation of nest boxes swallow cups and native shrub planting. There are bat roost and activity records in close proximity to the site, including records for lesser horseshoe bats (known to be sensitive to lighting levels). The proposal has not provided a detailed assessment, but like with the previous application a condition could be imposed in relation to future installation of new lighting.

## THE NEED FOR COMPLIANCE WITH FOOD HYGIENE REGULATIONS

The Council's Senior Environmental Health Officer has advised that the original Cheese Rooms which have been operational on the site continue to be operated in a very safe way meeting the enhanced hygiene requirements for the production of dairy products. The size of the rooms and available facilities do however present a number of challenges, and the relocation would remove these challenges.

The layout of the conversion approved under 13/00323/FUL presented issues in relation to approval under the EU Regulation 853/2004, and the current revised plan meets all these requirements within one building.

Yet, it was also pointed out that EU Regs approval may still be granted with separately located storage facilities as long as they meet Food Safety requirements.

## THE EFFECT ON THE LIVING CONDITIONS OF LOCAL RESIDENTS

A number of residential amenity concerns were expressed during the late 2012 application for the refrigeration containers to the north of the farmhouse. They mainly related to the noise nuisance caused by these units. To the east of the site there are several dwellings, which do not form part of the farm and their gardens are located some 20m away from the containers. At the time it was negotiated that the desired noise attenuation could be achieved through the imposition of conditions for mitigation measures, the restrictions on overall noise rating levels and the operational hours.

There are no guarantees within this application that these or other units would be made redundant, even though the supporting statement alludes that the refrigeration may be turned off on the other containers, next to the listed buildings.

Notwithstanding the above, the new dairy building on its own would be set away from the houses and therefore the noise levels could be lesser an issue. The bottling and refrigeration could produce noise, but the comments received from Environmental Health suggest that, just like with the previous application, it could be controlled via a condition.

The officers are nevertheless mindful that a much bigger building would make possible a considerable increase in the overall operations on site, and their effect on the neighbouring residents could be much more complex. The supporting statement envisages that the increase in the size of the dairy would allow the business to grow to double the production of cheese on site. This would increase comings and goings, the amount of liquid and solid waste produced, and intensify the use of chilling and other equipment on site.

## THE EFFECT ON THE SURROUNDING HIGHWAY NETWORK

These matters were considered during the previous application, when some concerns were voiced over the resulting intensification in use of the existing access from the A431 north of Kelston village. The proposed access is currently used in connection with agricultural activities on the farm.

In this instance Highways Officer commented that the current proposals are significantly larger and this may result in an intensification of the site access and parking on the site itself. The previous permission required that a Site Management Plan be agreed before the occupation of the development, and the same condition was required in this instance.

The increase in production capacity could potentially result in more frequent vehicle movements to and from the site. It is anticipated that the number of dispatches of cheese would increase with the expansion of business: at the moment the deliveries of cheese are already made to farmers markets across the South West and London; it is also apparent from the company's website that Bath Cheese supplies a number of wholesalers with distributions as far as Midlands.

Furthermore, whilst it is still envisaged that the cheese would be produced from the farm's milk (hence no need for deliveries of milk from other farms), it is also anticipated that the growing business could double the employment. No account has been so far taken of staff travel and more employees would mean more individual trips to and from the site.



## THE IMPLICATIONS FOR FARM DIVERSIFICATION

While Bath Soft Cheese is still a farm-based business, there is a concern that it is gradually developing into an industrial scale use and could become the primary enterprise at Park Farm.

In the past it has been considered that the processing of farm produce at a farm was not an agricultural use, rather an industrial one (the judgment in *Salvatore Cumbo v SOS & Dacorum* DC 16/5/1991), and therefore was not an activity that could be used to justify exceptions to Green Belt policies.

This was confirmed by *Millington v SOS & Another* 25/6/1999 case, when the Court of Appeal considered that farm foods manufacturing cannot be deemed as an agricultural use even if it involves the processing of produce from the farm in question.

Another court case, which is of particular relevance is *Summers Poultry Products Ltd v SoS* 17/2/2009. Here, the court ruled that the inspector was right in assessing that the need to comply with the Food Hygiene regulations did not enable any building to be built without due regard to Green Belt policy. The inspector recognised that failure to modernise could result in closure and the loss of jobs. However, he heard no convincing evidence to show why the building could not be refurbished to meet current regulations without major extension, albeit with a loss of capacity. He acknowledged that this might affect viability but held that closure, refurbishment or relocation was ultimately a business decision for the owners and operators.

At the moment, the cheese-making activity at the farm, whilst being industrial in its nature, is still considered ancillary to the primary agricultural function. Currently 40% of farm's milk is processed to create cheese. The envisaged increase in operations seeks to double this figure, simultaneously increasing the levels of employment, storing and packing.

There appears to be a capacity to provide some growth by utilizing the extant permissions and the already existing premises. Such approach would not be inappropriate within the Green Belt and would not harm it.

## CONSIDERATION OF WHETHER VERY SPECIAL CIRCUMSTANCES EXIST

The currently proposed increase in volume would result in a disproportionate addition over and above the original building which would have an considerable impact on the openness of Green Belt and therefore is considered as inappropriate development within Green Belt (NPPF paragraphs 89 and 90 and local policy GB.1).

Para.87 of the NPPF explains that inappropriate development is inherently harmful to the Green Belt and should not be approved except in very special circumstances.

The applicant has not expressly stated what these very special circumstances are, but the supporting statement argues that the scheme would have a number of benefits providing bigger and better facilities to allow the cheese production on site to grow and reach its full potential, in addition to gaining maximum benefit from the rural development grant that has been awarded to the farm.

Indeed, the proposal would result in financial benefits for the well-established local dairy farm business and potentially increase the level of employment within Kelston. These factors weigh in favour of the proposal.

It would not detrimentally affect the visual amenities of the area and its impact on natural environment and residential amenity to an extent could be controlled via conditions. These are the neutral impacts of the scheme.

Against this, almost tripling the size of the building on the site would significantly decrease the openness of the Green Belt, its most important attribute. It would harm the rural character of the Green Belt and the purposes of including land in it, particularly in safeguarding the countryside from encroachment. The significant enlargement of the building for creation of industrial premises would not meet the objectives for the use of land in the Green Belt.

It is fully recognised that the cheese-making business has to be modernised, especially in view of the financial grant opportunity, and that there is a potential to grow. However, this proposal is a somewhat simplistic approach to meeting the above requirements by just vastly enlarging the building without reference to the restrictions of its Green Belt location. The need for compliance with regulations and desire to grow are a normal requirement of the business and cannot be seen as in any way special, sufficient to justify such an approach.

The officers heard no convincing evidence to show why the existing building (or a combination of buildings) could not be successfully refurbished to meet current regulations without major extension. This might affect the anticipated ambitious dynamics of growth, but expansion through refurbishment or relocation is ultimately a business decision for the owners and operators. While lesser operations mean lesser jobs and income, this would have a limited effect on the rural economy since the dairy farm is currently successfully operating being supported by the existing level of production.

The applicant has stressed that this is one of very few remaining dairy farms in the locality and, if the majority of the milk was to be processed and sold as cheese, the milk-producing function would be effectively lost to the local community. Furthermore it has not been demonstrated that the majority of employees would live locally.

It is therefore not considered that the applicant has demonstrated very special circumstances to outweigh the harm to the Green Belt and other harm. Whilst planning supports economic growth in rural areas in order to create jobs and prosperity, it is very important that full weight is given to the proposition that inappropriate development is by definition harmful to the Green Belt.

Relevant policy and case law indicate that, just like in this case, there may be many applications in the Green Belt where it could be argued that the proposal would be more workable in terms of the appellant's personal financial needs, but if such arguments were to be repeated the cumulative effect of many permissions would destroy the very qualities that underlie Green Belt designation

It is therefore considered that, based on all the above balanced issues, there are no very special circumstances individually or cumulatively sufficient to justify the grant of planning permission. For that reason it is recommended that the application should be refused.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposal, by reason of its scale, bulk and the resulting volume increase above the original building, would represent a disproportionate addition over and above the original building, leading to a reduction of openness within the Green Belt. This represents inappropriate development in the Green Belt which is harmful by definition and, in absence of very special circumstances to clearly outweigh the harm, is contrary to Policies GB.1 of the Bath and North East Somerset Local Plan, including minerals and waste policies (2007), as well as advice contained in National Planning Policy Framework (2012).

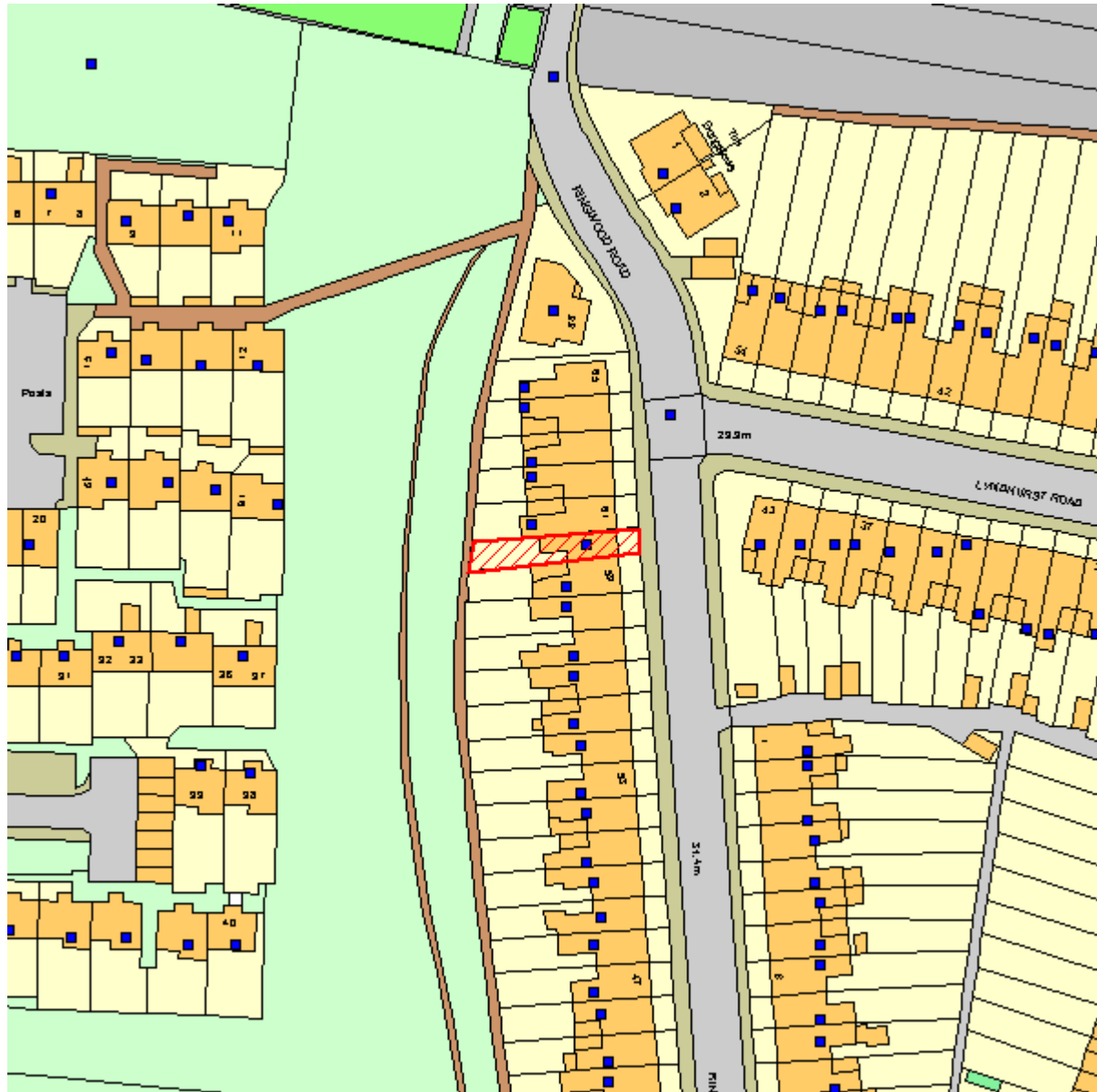
## **PLANS LIST:**

1	Drawing	20 Jan 2014	1876 100	REVISION B	SITE LAYOUT AS EXISTING
	Drawing	20 Jan 2014	1876 101	REVISION B	SITE LAYOUT AS PROPOSED
	Drawing	20 Jan 2014	1876 102	REVISION B	FLOOR/ROOF LAYOUT AS PROPOSED
	Drawing	20 Jan 2014	1876 103	REVISION B	ELEVATIONS AS PROPOSED
	Drawing	20 Jan 2014	1876 104	REVISION A	SECTIONS AS EXISTING
	Drawing	20 Jan 2014	1876 105	REVISION B	PROPOSED SECTIONS
	Drawing	20 Jan 2014	1876 106	REVISION A	ELEVATION AND ROOF PLAN AS EXISTING
	Drawing	21 Jan 2014	1876 - 107		EXISTING FLOOR PLANS
	Drawing	14 Jan 2014	1876 - 004		PERSPECTIVE VIEW
	OS Extract	20 Jan 2014	1876-008	REVISION A	LOCATION PLAN

### **Decision Taking Statement**

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

**Item No:** 04  
**Application No:** 13/05504/FUL  
**Site Location:** 60 Ringwood Road Twerton Bath Bath And North East Somerset BA2 3JL



**Ward:** Westmoreland      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor S Ball      Councillor June Player  
**Application Type:** Full Application  
**Proposal:** Erection of single storey rear extension, new dormer to rear roof slope, and alterations to form 6 bedroom HMO  
**Constraints:** Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,  
**Applicant:** Mr David Walsh

<b>Expiry Date:</b>	13th February 2014
<b>Case Officer:</b>	Sasha Coombs

## **REPORT**

### **REASONS FOR REFERRING TO COMMITTEE**

(Cllr) June Player objected to this proposal and requested that the Development Control Committee considers this application unless the officers are minded to refuse permission.

The Chair of Committee has decided that the application can be considered by Committee for the following reason:

"This is a very intensive use of this property, which has generated a lot of local objections".

### **DESCRIPTION OF SITE AND APPLICATION**

This application relates to a two-storey terraced property within predominantly residential area of Oldfield Park, to the south-west of the City Centre. This part of Bath falls within the extensive World Heritage Site designation and is also covered by an Article 4 direction which controls changes of use from C3 dwellings to C4 or sui generis (Houses in Multiple Occupancy) or the development of new houses as C4 dwellings or sui generis (HMOs).

The property is currently used as a three-bedroom HMO with shared bathroom/living room/kitchen facilities. The attic has been converted and could serve as an additional bedroom, albeit at the time of the site visit in February 2014 it did not appear to be in use.

The proposal seeks to carry out some external and internal alterations to the property in order to increase the number of HMO bedrooms to six.

External alterations would include erection of a single storey rear extension that would wrap around the existing kitchen and project about 3m from the rear wall of the two-storey half-width gable end part of the house. It is also proposed to erect a rear dormer window that would measure approx. 3.2m in width, 1.8m in height and would be up to 2.9m deep.

### **RELEVANT PLANNING HISTORY**

There is no planning history on the property in question, but other properties within the terrace have had similar external alterations:

No 37 Ringwood Road

DC - 13/01533/FUL - PERMIT - 7 June 2013 - Provision of dormer extension to rear

No 40 Ringwood Road

AP - 10/00007/HOUSE - ALLOW - 2 March 2010 - Provision of a rear dormer.

DC - 09/04174/FUL - RF - 23 December 2009 - Provision of a rear dormer.

No 34A Ringwood Road

DC - 08/04401/FUL - PERMIT - 11 February 2009 - Erection of a single storey rear extension and provision of rear dormer

No 43 Ringwood Road Bath BA2 3JL

DC - 02/02214/FUL - PERMIT - 30 October 2002 - Loft conversion with provision of rear dormer (Resubmission)

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

HIGHWAYS OFFICER - acknowledged the concerns raised in respect of the cumulative effect of HMO conversions on onstreet parking (particularly in areas such as Oldfield Park and Twerton), however was not in a position to object to this individual application on these grounds, because the increased parking demand generated is likely to be low, and there is a degree of onstreet parking capacity available to accommodate this. Recommended a condition for provision of sheltered cycle parking area for 6 cycles.

LOCAL MEMBER - (Cllr) June Player objected to this proposal for the reasons of impact on parking, dormer being too large, and impacts on amenity of the adjacent neighbours. (full comments on file)

THIRD PARTY COMMENTS - 29 letters of objection were received from the neighbouring properties and 2 letters from the local member.

The overwhelming majority of the letters refer specifically to the proposed increase in the size of the HMO. Main points raised are:

- Increased pressure on the on-street parking provisions in the area (28 letters);
- there are too many HMOs in the locality (17 letters);
- detrimental impact on residential amenities of the neighbours and the future occupiers of the HMO (17 letters);
- the proposal is contrary to (the spirit of) Article 4 Direction /landlords exploring loophole in the legislation (7 letters);
- overdevelopment of what was originally a modest 2-bedroom house (6 letters);
- permission to increase the number of bedrooms would create precedent for other HMOs in the area (5 letters);
- negative impact on the availability of family housing and services provision (4 letters);
- no description/purpose for the rear ground floor extension room, which could be a bedroom number 7.

### **POLICIES/LEGISLATION**

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED OCTOBER 2007

D.2 General Design and public realm considerations

D.4 Townscape considerations

BH.1 World Heritage Site

HG.4 Residential development in the urban areas  
HG.12 Residential development involving conversion/subdivision of buildings  
T.24 General development control and access policy  
T.26 On-site parking and servicing provision

The Houses in Multiple Occupation of Bath Supplementary Planning Document (adopted July 2013)

The Town and Country Planning Act 1990  
The Town and Country Planning (Use Classes) Order 1987 (as amended)  
The Town and Country Planning (General Permitted Development) Order 1995 (as amended)  
The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010

Communities and Local Government Circular 08/2010 'Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation'

### **OFFICER ASSESSMENT**

This application essentially relates to the external alterations to the property, to be precise - the rear extension and the dormer.

The main body of objections, however, relate to the impacts of the increase in the size of the HMO.

### **INCREASE IN HMO SIZE**

The house currently falls within a C4 Use Class (Houses in multiple occupation) with three unrelated occupants currently living there. The accommodation comprises: one bedroom and a communal lounge and kitchen on the ground floor; two bedrooms and a bathroom on the first floor; and the roof space that has been converted and could be utilised as a bedroom.

The applicant has indicated on the proposed plans that the dormer window and internal alterations would facilitate the increase in the number of bedrooms to six.

The function of the additional room created by virtue of the new rear extension has not been marked on the plans. The question of its function has been put to the agent who stated that this room is envisaged to be used as a utility/storage space. The officers have no reasons to doubt the need for such facility if the HMO was to go up to 6 residents, but it is considered that the proposed extension could easily facilitate an extra bedroom instead of a utility room. This could potentially increase the size of the HMO to 7 bedrooms.

According to the relevant legislation, the C4 class covers small shared houses or flats occupied by between three and six unrelated individuals who share basic amenities. To classify as a house in multiple occupation a property does not need to be physically converted or adapted in any way. To that end, the increase in the number of bedrooms within the existing HMO from 3 to 6 would not constitute development and therefore would not need planning permission from the Council.

HMOs with more than six unrelated individuals are unclassified by the Use Classes order and are therefore considered to be 'sui generis'.

However it doesn't always mean that by going from 6 to 7 bedrooms (C4 use to 'sui generis' use) a material change of use would always occur. The government circular advises that although the control limit of six persons defines the scope of the C4 houses in multiple occupation classes, this does not imply that any excess of that number (say, 7 occupiers) must always constitute a material change of use.

To this end, the question posed by the hypothetical creation of the 7th bedroom would be whether an extra bedroom would be materially different to the C4 use class fall-back position of up to six unrelated residents staying together at this house. The Circular also advises that the material change of use will occur only where the total number of residents has increased to the point where it can be said that the use has intensified so that it is now of a different character (compared to use within C4 remit). In any case, 7 bedrooms is not what is proposed within this application.

In other words, in planning law a dwelling remains within Use Class C4 regardless of whether it is occupied by three or six unrelated individuals, and its potential transition to 'sui generis' does not always constitute a material change of use.

## RESIDENTIAL AMENITY

The effect on neighbouring properties or the local environment is an important material consideration (e.g. additional noise, litter, car parking and general disturbance) and if there is demonstrable harm there may be a ground to refusal the planning application or grant subject to conditions which alleviate the planning objection in this regard.

The property is currently used as an HMO and the proposal would not alter the existing material land use. However, as the proposed external alterations to the property (other than the internal operations) require planning permission, the planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

The existence of the ability of the owner to carry out internal operations not to involve 'development' to physically create up to 5 bedrooms at the property is capable of being a material consideration.

In this regard the crucial question is the extent to which the site will be developed in accordance with the right, should the development be refused. In *Snowden v Secretary of State for the Environment and Bradford City Metropolitan Council* Lord Donaldson MR said that a comparison only had been made between the development in issue and the 'fall-back' rights if there was a real likelihood that the 'fall-back' position would be taken up. It is deemed that here is a real possibility that the property would be converted whether or not the dormer and extension are permitted so the fall-back is a valid planning consideration.

The issue is whether a difference of 1 bed/person would add harm to neighbouring properties or the local environment in demonstrable planning terms and if so, what weight that can be given in the planning balance. The officers consider that the difference



between the proposed 6 bedroom HMO as opposed to the 'fall-back' 5 bedroom HMO would not be significant enough in its residential amenity impacts as to warrant a refusal on these grounds.

In terms of extensions on their own, the dormer would be placed above the first floor windows, in place of a large rooflight, and would not lead to any greater levels of overlooking than existing. The rear extension is not excessive in its size and would not dominate the rear elevation. The next door neighbours have expressed concern over the loss of light they currently receive via the side glazing of their conservatory. Local Policy D.2 protects residential amenity of the neighbours, however the mere presence of a side window in a conservatory, which is largely glazed and would retain the light from the remaining fenestration, is not considered capable of constituting an actionable residential amenity nuisance.

It is also noted that there are already a number of dormers and extensions in the terrace similar to the ones proposed here.

## VISUAL IMPACT

The rear roofs of the terrace are visible from the public viewpoints offered from the footpath (formerly the railway line going to Green Park Station) that runs along the whole rear of the west side of Ringwood Road. Several properties on this side of the terrace already have dormers, predominantly flat roofed and finished in brown concrete tiles.

The majority of the houses within the terrace have been extended at the back, and a number of permissions have been granted to create extensions similar to the one proposed here. The dormer window is quite bulky, but it is noted that an appeal was allowed in 2010 on a much larger dormer at No 40, which makes it difficult to resist the proposed dormer.

## HIGHWAYS

One of the recurring objections received from the residents relates to the potential of the development to generate additional on-street parking.

In this regard, if an objection on these grounds is being considered, in accordance with national policy, it must be demonstrated that the highway implications of a development will have a "significant" and "severe" adverse impact. In respect of the Local Plan, "irresolvable implications for road safety" need to be demonstrated.

Officers accept that there are parking pressures in the area; the comments made about the parking demand created by the commuters, the railway station and by the recently opened cycle route have been duly noted. Highways Officer carried out several site visits (including weekends and evenings), and observed that there was a level of available on-street parking. This space is limited, but does exist.

It was therefore considered that it would be difficult to argue that this application in itself would sufficiently exacerbate problems in the area so as to result in a significantly increased adverse impact on highway safety. The property is located in a sustainable location, within walking distance to the City Centre, close to all the local amenities and a

number of public transport links. The increased parking demand generated is likely to be low, and there is a degree of on-street parking capacity available to accommodate this.

It is therefore concluded that the proposed development would not be contrary to the provisions of Policy T.24 of the adopted Local Plan or the guidance provided within the NPPF.

## CONCLUSION

In summary, the proposed external changes are acceptable. The internal alterations are outside of planning control. The increase in the number of bedrooms from three to six within the HMO does not amount to material change of use and therefore cannot be distinguished as a separate material consideration within the application. The potential increase in parking pressures is unlikely to be significant and severe enough as to create irresolvable implications for road safety in this location.

It is therefore recommended that planning permission should be granted.

## RECOMMENDATION

PERMIT with condition(s)

## CONDITIONS

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

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

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

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

## PLANS LIST:

1 OS Extract 19 Dec 2013 2032.3 SITE LOCATION PLAN & BLOCK PLAN  
Drawing 19 Dec 2013 2032.1 EXISTING SURVEY  
Drawing 19 Dec 2013 2032.2 PROPOSED REAR EXTENSION & DORMER WINDOW

## 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. 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:** 05  
**Application No:** 14/00194/FUL  
**Site Location:** 66 Upper East Hayes Walcot Bath Bath And North East Somerset  
BA1 6LR



**Ward:** Walcot                      **Parish:** N/A                      **LB Grade:**  
**Ward Members:** Councillor Lisa Brett Councillor Paul Fox  
**Application Type:** Full Application  
**Proposal:** Change of use from a House in Multiple Occupation (HMO) (Use Class C4) to Use Class Sui Generis for up to 9 persons  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, World Heritage Site,  
**Applicant:** Mrs Helen Martin

<b>Expiry Date:</b>	13th March 2014
<b>Case Officer:</b>	Alice Barnes

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

The application is being referred to the committee at the request of Councillor Lisa Brett for the following reasons;

Increasing the number of occupants will lead to a numbers of additional health and safety risks for tenants and residents. There is a current strain on local amenities. Parking is already under resourced in this area.

The application has been referred to the Chairman of the Development Control Committee (DCC) who has agreed that the application should be considered by the DCC as there are a lot of concerns regarding the application.

### **DESCRIPTION OF SITE AND APPLICATION**

Upper East Hayes is located on the eastern side of Bath in the London Road area. Number 66 is located within the Conservation Area and World Heritage Site. The property is a Grade II listed building.

The application relates to a change of use from a House in Multiple Occupation (HMO) (Use Class C4) to Use Class Sui Generis to allow for occupation of up to nine persons.

The existing property is accessed from Upper East Hayes but is partially located above the shops along the London Road. The proposed development would not result in any internal and external alterations. The existing building is a stone built property. It includes one garage providing off street parking.

The property has been used as an HMO for five occupants and this application will increase the number of occupants allowed to nine.

### **RELEVANT HISTORY**

DC - 02/02507/FUL - PERMIT - 3 March 2003 - Erection of a rear conservatory  
12044 - Erection of an additional storey and entrance lobby, permit 02/12/80  
12044/1 - Erection of partly one, partly two storey extension, permit 22/10/81  
12044/2 - Formation of a parking area for one vehicle, permit 10/08/94

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

Highways: No objection, the site is close to local shops and services and therefore residents would not have to rely on private cars for travel.

Councillor Lisa Brett: Object. Increasing the number of occupants will lead to a number of additional health and safety risks for tenants and residents. There is a current strain on local amenities. Parking is already under resourced in this area.

Representations: One representation has been received objecting to the application for the following reasons;  
The property is not suitable for the number of individuals suggested.  
There is limited parking space in the surrounding area.  
This would be more suitable for a family dwelling.

## **POLICIES/LEGISLATION**

D.2: General design and public realm considerations

D.4: Townscape considerations

Bh.1: Impact of development on World Heritage Site of Bath or its setting.

Bh.2: Listed Buildings and their settings

Bh.6: Development within or affecting Conservation Areas.

HG.12: Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings.

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

## **SUBMISSION CORE STRATEGY, MAY 2011**

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies should be considered:

CP6 - Environmental Quality

B4 The World Heritage Site and its Setting

National Policy

The National Planning Policy Framework adopted March 2012

## **OFFICER ASSESSMENT**

The proposal seeks to change the use of the property from a House in Multiple Occupation (HMO) (Use Class C4) currently occupied by five individuals to Use Class Sui Generis to allow for occupation for up to nine persons. The application site is located partly above an existing shop and partially fronts onto the London Road. The property is accessed from Upper East Hayes.

### **Principle of development**

The Use Class Order normally provides that the change of use between C3 and C4 classes is permitted development that does not require an application for planning permission. However on the 12th June 2013 the Cabinet of Bath and North East Somerset Council made the decision to confirm the Article 4 Direction on HMOs from 1st July 2013 and to adopt the Supplementary Planning Document.

The Article 4 Direction triggers a requirement for a planning application when someone wants to convert a home to an HMO, but the real impacts will be determined in the policy introduced via the Supplementary Planning Document. The Policy sets out a two stage test criteria for the assessment of such applications:

Applications for the change of use from C3 dwellings to C4 or sui generis (Houses in Multiple Occupancy) or the development of new houses as C4 dwellings or sui generis (HMOs) will not be permitted where;

Stage 1 Test: The application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 25% of households; and

Stage 2 Test: HMO properties represent more than 25% of households within a 100 metre radius of the application property.

If Stage 1 Test is passed, there is no requirement to proceed to Stage 2 Test. With regards to Stage 1 Test, the proposal site falls outside the areas with over 25% HMOs.

However in this case the existing dwelling is currently used as an HMO for five individuals and was occupied as such prior to the introduction of the article 4. This application seeks to increase the occupancy to 9 unrelated individuals (sui generis).

Policy HG.12 relates to the use of buildings for multiple occupation. The building is currently used as an HMO and this application will increase the occupancy to up to 9 individuals. Policy HG.12 precludes the granting of permission that will result in the loss of accommodation which would have a detrimental effect on the housing mix.

#### Housing Mix and residential character

There is a record of other HMOs in the immediate area but the majority of the houses are in use as single dwellings. Therefore there is not an over concentration of HMOs in the area. There is therefore no evidence to suggest that this area of Bath has a high concentration of HMO's that would contribute to any imbalance or significant concentration of properties in multiple occupation. It is considered that the proposed development would make an acceptable contribution to the mix of housing types in the area.

Policy HG.12 relates to the use of buildings for multiple occupation. The building is currently used as an HMO and this application will increase the occupancy to 9 individuals. Policy HG.12 precludes the granting of permission that will result in the loss of accommodation which would have a detrimental effect on the housing mix. As the building is currently being used as an HMO and the majority of properties remain in the C3 use class, the proposed development is not contrary to policy HG.12.

#### Residential Amenity

The property would be occupied by up to 9 unrelated individuals. Whilst they may have different patterns of behaviour to a single family unit there is no evidence to suggest that the proposed HMO would be used materially differently to that of a five bedroom dwellinghouse which would result in an increase in harm so significant as to warrant a refusal of this application. In addition the proposed conversion would provide a reasonable living environment for the proposed occupiers and adequate provision of facilities.

#### Highways

The highways officer has raised no objection to the application and the proposed development will not cause harm to highway safety. The application site is located close to local shops and services and is considered to occupy a sustainable location therefore occupants of the property would not need to rely on private cars for travel. There is a garage available on site which could provide a parking space or cycle storage.

## Conclusions

The proposed development will not have an adverse impact on the mix of dwelling types and will not cause harm to highway safety. Therefore permission is recommended.

## **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

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

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

2 The development hereby approved shall not be occupied by more than 9 unrelated occupants.

Reason: An increase in the number of occupants would need further consideration by the Local Planning Authority.

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

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

## **PLANS LIST:**

1 Site location plan  
Block plan  
Existing and proposed first floor layout plan  
First floor layout plan

**Item No:** 06  
**Application No:** 14/00406/FUL  
**Site Location:** 61 Lorne Road Westmoreland Bath Bath And North East Somerset  
BA2 3BZ



**Ward:** Widcombe                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor I A Gilchrist                      Councillor Ben Stevens  
**Application Type:** Full Application  
**Proposal:** Change of use from dwelling (Use Class C3) to HMO (Use Class C4) house of multiple occupation.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,  
**Applicant:** Mr Johnny Kidney  
**Expiry Date:** 26th March 2014  
**Case Officer:** Jonathan Fletcher



## **REPORT**

### **REASON FOR REPORTING THE APPLICATION TO COMMITTEE:**

A request has been received from Councillor Ben Stevens for the application to be referred to the Development Control Committee and the Chairman has agreed to this request.

### **DESCRIPTION OF SITE AND APPLICATION:**

The application relates to a mid-terrace property located within the Bath World Heritage. The application seeks planning permission for the change of use of the building from a dwelling falling within Use Class C3 to a house of multiple occupation (HMO) falling within Use Class C4. The existing layout of the property provides three bedrooms to the first floor with a fourth bedroom on the attic floor. The internal layout of the building would be altered through the addition of partition wall on the ground floor to provide an additional bedroom in place of the sitting room. The proposed HMO use would therefore accommodate 5 tenants within the building.

NB: Although this change of use would ordinarily constitute permitted development under the Town and Country Planning (General Permitted Development) Order 1995 - as amended, planning permission is required in this case as a result of an Article 4 Direction which removes permitted development rights for this change of use within the City of Bath.

### **RELEVANT HISTORY:**

None

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **SUMMARY OF CONSULTATION/REPRESENTATIONS:**

Highway Development Officer: No objection would be raised to this application providing that secure cycle storage is provided at the site.

Local Councillor: Cllr Stevens has requested that the application is referred to the Development Control Committee as there is a high percentage of HMOs in the area, the building has previously been used as a HMO and the applicants are struggling to sell the property as a result of the Article 4 Direction.

Third Party Representations: None received.

## **POLICIES/LEGISLATION**

### **POLICIES/LEGISLATION:**

Bath & North East Somerset Local Plan including minerals and waste policies - Adopted October 2007

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

BH.1 - World Heritage Site  
T.24 - General development control and access policy  
T.26 - On-site parking provision  
HG.12 - Residential development involving re-use of buildings for multiple occupation

Bath & North East Somerset Draft Core Strategy November 2013

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

Houses in Multiple Occupation in Bath Supplementary Planning Document (SPD) - Adopted June 2013

National Planning Policy Framework (NPPF) - March 2012

The NPPF guidance in respect of the issues which this particular application raises does not conflict with the Local Plan policies set out above.

### **OFFICER ASSESSMENT**

The primary issues to consider when determining this application relate to the principle of the change of use, the character and appearance of the area, residential amenity and highway safety.

#### **CHANGE OF USE:**

The proposal involves the loss of an existing four bedroom dwellinghouse and its replacement with a five bedroom HMO. The guidance within the SPD confirms the two tests which relate to applications for a change of use of a dwelling to a small HMO. The first test identifies whether the site falls within an area with an existing concentration of HMOs. In this case, the property is located within a census output area in which HMO properties represent at least 25% of households. The proposal for an HMO must therefore be subject to the stage 2 test set out in the SPD, which assesses whether more than 25% of households within a 100m radius of the application site are in HMO use. This stage 2 test has been undertaken and it is confirmed that 50% of properties within 100m of application site are currently in use as HMOs. The proposal therefore fails the stage 2 test set out in the SPD and as a result it is considered that the proposal would result in an overconcentration of HMOs within this area to the detriment of the mixture of size, type and affordability of accommodation.

Paragraph 50 of the NPPF relates to the delivery of high quality homes to, amongst other things, support inclusive and mixed communities. This guidance advises that local planning authorities should '...plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)'. The current application would further exacerbate an existing imbalance in the housing stock within the

Westmoreland area. The Local Planning Authority has planned to address this imbalance through the adoption of an Article 4 Direction and an associated SPD.

The proposal is therefore contrary to paragraph 50 of the NPPF, policy HG.12 of the Local Plan and the guidance set out within the SPD.

#### CHARACTER AND APPEARANCE:

No physical alterations would be required to the exterior of the building and so it is considered that the proposals will not adversely affect character and appearance of the building or the surrounding area.

#### RESIDENTIAL AMENITY:

The proposed use would be implemented through the conversion of the sitting room to provide a fifth bedroom. The internal layout would create a sufficient standard of accommodation for future occupiers of the property with a shared living area and kitchen being retained. The proposal is therefore considered to provide an acceptable level of residential amenity for future occupiers.

The proposal is also considered to preserve the residential amenity of adjacent occupiers. There have been no objections received from local residents in respect of this application. The occupation of the property by five tenants would be consistent with the mixture of residential uses in the area. Local residents would be able to report instances of disturbance if they arise once the HMO use is implemented and these investigated by the Environmental Health Team.

#### HIGHWAY SAFETY AND PARKING:

The Council's Highway Development Officer has no objection to the proposal subject to secure cycle storage provision being provided. It is noted that the property falls within a sustainable location with good access to local facilities and public transport. Moreover, surveys undertaken by the Department for Communities and Local Government indicate that rental properties have up to 0.5 fewer cars than owner-occupied properties. It is unlikely therefore that car ownership would be increased as a result of this change of use.

#### OTHER MATTERS:

It is noted that difficulties have arisen in marketing this property and Councillors may be concerned that this is as a result of the restrictions imposed by the Article 4 Direction. The following excerpt from the National Planning Policy Guidance should be considered in relation to this issue:

'The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.'

In this instance, officers have concluded that the market value of the property cannot be considered as a material consideration in support of the application. Whilst it is accepted that the market value may be decreased as a result of planning permission being refused, it would not be in the public interest to grant planning permission on this basis. The overriding material consideration in respect of this application is the maintenance of satisfactory mixture of housing in the area to meet the needs of the local community.

#### **CONCLUSION:**

In light of the point raised above, the proposal is considered to have an unacceptable impact on the mixture of housing in the area and is therefore recommended for refusal.

#### **RECOMMENDATION**

REFUSE

#### **REASON(S) FOR REFUSAL**

1 The proposal would result in an overconcentration of Houses in Multiple Occupation within this area, to the detriment of the mixture of size, type and affordability of accommodation available in the locality. The proposal is therefore contrary to paragraph 50 of the National Planning Policy Framework 2012, policy HG.12 of the Bath & North East Somerset Local Plan including minerals and waste policies - Adopted October 2007 and the guidance set out in the Houses in Multiple Occupation in Bath Supplementary Planning Document (SPD) - Adopted June 2013.

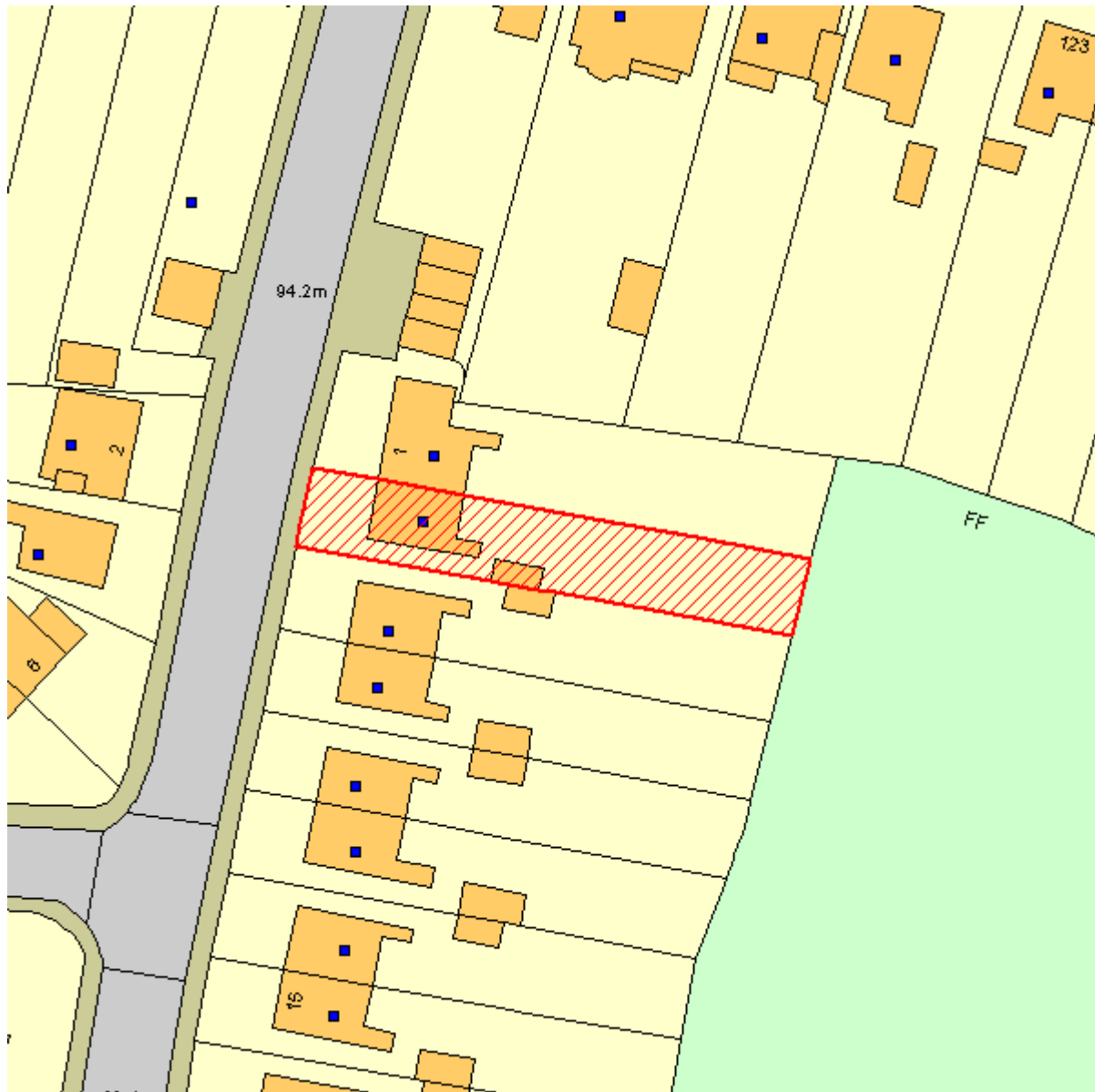
#### **PLANS LIST:**

1 This decision relates to the existing ground and first floor plan, proposed ground and first floor plan and site location plan all received 28th January 2014.

#### **DECISION MAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant was informed of the reasons why the proposal was unacceptable and offered the opportunity to withdraw the application. For the reasons given, and expanded upon in the committee report, the submitted proposals were unacceptable and permission was refused.

**Item No:** 07  
**Application No:** 14/00793/FUL  
**Site Location:** 3 Stirlingale Road Southdown Bath Bath And North East Somerset  
BA2 2NF



**Ward:** Oldfield                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor David Dixon      Councillor W Sandry  
**Application Type:** Full Application  
**Proposal:** Provision of loft conversion to include side and rear dormer and rooflights to front elevation roof slope.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,  
**Applicant:** Mr Bain  
**Expiry Date:** 16th April 2014  
**Case Officer:** Chris Griggs-Trevarthen

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

Councillor David Dixon has requested that the application be determined by committee for the following reasons:

- This is a modest alteration which enhances this family home;
- There are many properties with much larger extensions and dormers;
- There is a letter of support and no letters of objection.

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee.

### **DESCRIPTION**

3 Stirlingale Road is a two storey semi-detached property constructed from reconstituted Bath stone with double roman concrete roof tiles. The property is set back from the road with a long boundary wall along the pavement and a narrow driveway to the side.

The property falls within the Bath World Heritage Site.

The proposal is to provide a loft conversion with pitched roof dormers to the side and rear elevations of the roof and the insertion of two velux rooflights on the front elevation.

The application is a resubmission of the previously refused application 13/05235/FUL. The side and rear dormers have been slightly reduced in size.

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

Representations and consultation responses received are summarised below. Full details of responses are available on the Council's website.

### **THIRD PARTIES/NEIGHBOURS**

One letter of support has been received. The main points raised were:

- No. 1 Stirlingale Road fully supports the application.

### **POLICIES/LEGISLATION**

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations:

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

BH.1 - Bath World Heritage Site

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

Policies D.2 and D.4 of the local plan are proposed as saved policies within the submission core strategy. The weight to be attached to them will be determined in accordance with paragraph 215 of the NPPF.

National guidance in the National Planning Policy Framework (NPPF) is also a material consideration. The following sections and paragraphs are of particular relevance:

#### Section 7: Requiring good design

##### Paragraph 56

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

##### Paragraph 64

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

### **OFFICER ASSESSMENT**

The main issues to consider are:

- The impact upon the host building;
- The impact upon the character and appearance of the surrounding area;
- The impact upon the residential amenity of surrounding occupiers.

### **HOST DWELLING**

Policy D.4 states that development will only be permitted where the appearance of extensions respect and complement their host building.

The application proposes two large dormers on the side and rear elevation of the roof slope. This revised resubmission has slightly reduced the size of the dormers such that the rear dormer no longer projects beyond the plane of the existing side roof slope. However, both proposed dormers remain positioned close to the ridge line and the eaves of the existing roof form. The width of the rear dormer exceeds 50% of the overall width of the building. As a result, both dormers dominate large areas of their respective roof slopes and appear as bulky and incongruous additions which would be visible from the street scene. Furthermore, this upsets the proportions of the building by making it appear top heavy and unbalancing the appearance of the semi-detached pair.

The proposed dormers therefore represent excessive and bulky additions which would be out of scale with the existing roof and incompatible with the host building.

### **SURROUNDING AREA**

The east side of Stirlingale Road is characterised by regularly spaced semi-detached dwellings with hipped roof forms. Numbers 15 and 17 Stirlingale Road both have large, half-hipped, dormer windows on their side elevations. These dormer windows were constructed under permitted development rights prior to the 2008 amendments to the GPDO which added World Heritage Sites to the definition of article 1(5) land. Since 2008, all roof extensions, including dormers, within the World Heritage Site require planning permission.

It is considered that, rather than setting a precedent for the proposed development, these dormers are excessive and bulky and serve to illustrate the harm such inappropriate additions can have. It is considered that the harm created by these dormers should not be repeated.

Other dormers referred to by the applicant include a recently approved application for side and rear dormers at 99 Englishcombe Lane (13/03885/FUL). This property is located in a different street to the application proposal and is considered to be set within a different context. Furthermore, the officer's report notes that there special circumstances in that case (such as the returning of symmetry to the semi-detached building) which justified approval of these otherwise bulky and incongruous additions.

## RESIDENTIAL AMENITY

The proposed rear dormer faces towards the rear garden of no. 3 Stirtingale Road. Whilst views may be possible over adjoining properties, these will be indirect or at obtuse angles and will not result in any significant detriment to the privacy of adjoining neighbours. The proposed side dormer faces directly towards the roof of no. 5 Stirtingale Road and does not directly overlook any private areas or windows. The proposed dormers are therefore considered not to harm the amenities of adjoining occupiers.

## CONCLUSION

The proposed dormers are a bulky and incongruous addition, which is out of scale with the existing roof and incompatible with the host building. The proposed dormers would be visible in the street scene and would detract from the dwelling's positive contribution to the street scene, upsetting the rhythm of the hipped roof forms along Stirtingale Road, to the detriment of the surrounding area. The proposals are therefore contrary to policies D.2 and D.4 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

## RECOMMENDATION

REFUSE

## REASON(S) FOR REFUSAL

1 The proposed dormers would be a bulky, awkward and incongruous addition, out of scale with the existing roof and incompatible with the host building. The proposed dormers would be visible in the street scene and would detract from the dwelling's positive contribution to the street scene, upsetting the rhythm of the hipped roof forms along Stirtingale Road, to the detriment of the character and appearance of the surrounding area. The proposals are therefore contrary to policies D.2 and D.4 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

## PLANS LIST:

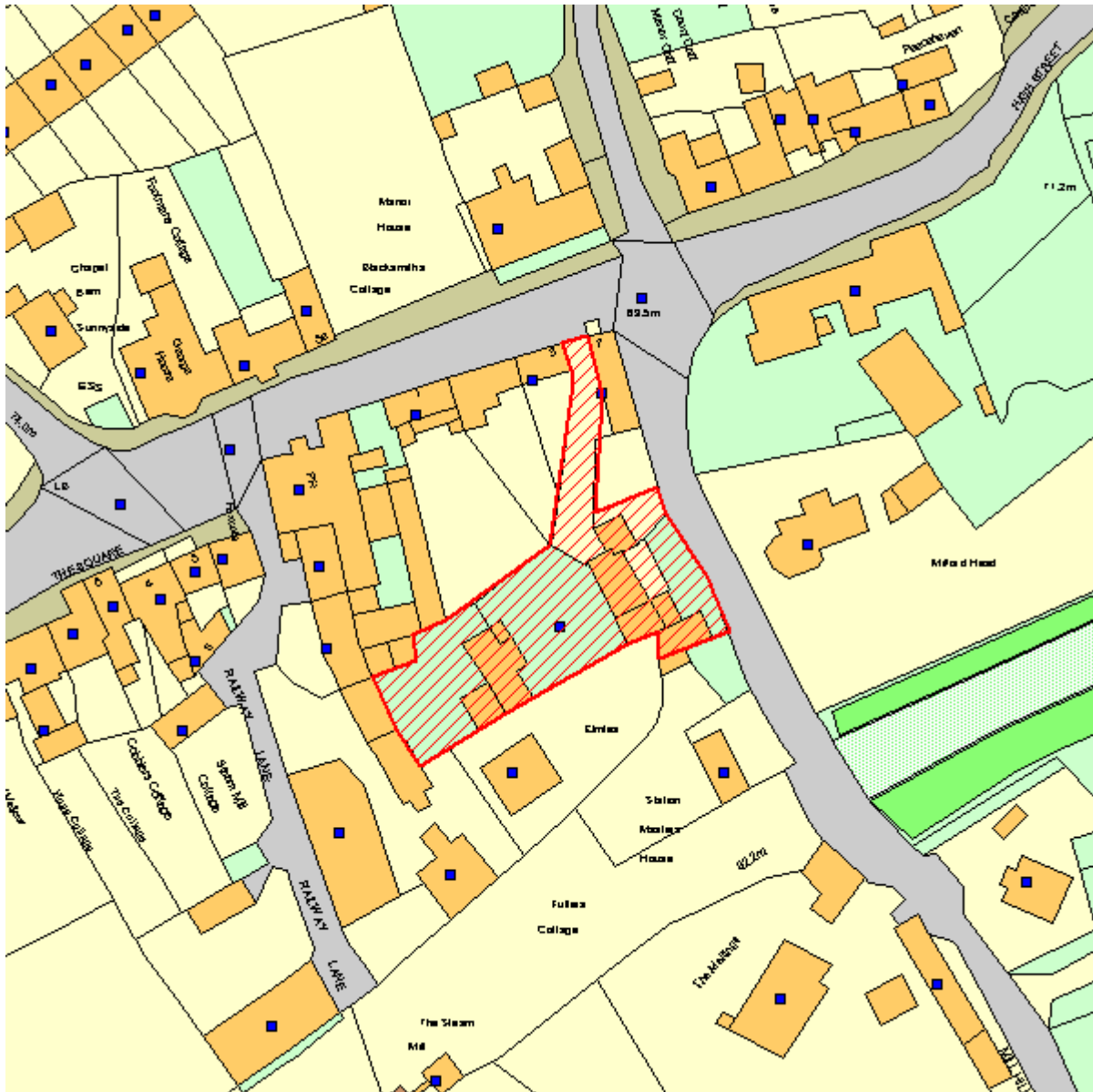
0 MT\_661 01

## DECISION MAKING STATEMENT



In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Negotiations were entered into with the applicant in an effort to resolve the issues discussed above. However, a solution was not found and the proposals remain unacceptable. The Local Planning Authority encourages the use of pre-application advice which was not sought in this case. Additionally, the applicant has been offered the opportunity to withdraw the application.

**Item No:** 08  
**Application No:** 14/00535/LBA  
**Site Location:** Land And Buildings To Rear Of 1-7 High Street Mill Hill Wellow Bath  
Bath And North East Somerset



**Ward:** Bathavon South      **Parish:** Wellow      **LB Grade:**  
**Ward Members:** Councillor Neil Butters  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** External alterations to include changes to glazed screen to kitchen and roof materials on barn to approved scheme 13/02813/LBA  
**Constraints:** Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,  
**Applicant:** Mr Chris Watt  
**Expiry Date:** 10th April 2014

<b>Case Officer:</b> John Davey
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## **REPORT**

This application is to be determined by the committee because the applicant is a Member of this Council.

The site is in the Wellow Conservation Area and the barn and stables are C18/C19 listed buildings of stone construction. These structures are on the Council's Building at Risk Register, and approved works are currently progressing on site to convert them to one dwelling.

Consent is sought for amendments to the approved scheme to convert them to one dwelling. These relate to a proposed change of roof cladding, a reduction in the number of posts in the kitchen link and the introduction of a horizontal rail to the glazed screen in the midstrey of the main barn.

### **Relevant History:**

09/03171/FUL - WD - 5 April 2011 - Conversion of barn, stables and forge to form 3 no dwelling

units (Resubmission)

09/03697/LBA - RF - 19 November 2009 - Internal and external alterations to include conversion of

Barn Stables and Forge to form 3 no dwelling units.

12/01928/FUL - WD - 24 July 2012 - Alterations and extension to barn, stables and forge to create

2no dwellings

12/01931/LBA - WD - 24 July 2012 - Internal and external alterations and extension to barn,

stables and forge to create 2no dwellings

12/03905/FUL - PER - 19 December 2012 - Alterations and extensions to barn, stables and forge

to create 2no dwellings (Resubmission)

12/03906/LBA - CON - 14 December 2012 - Internal and external alterations and extensions to

barn, stables and forge to create 2no dwellings (Resubmission). Related Listed Building proposals are for Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (resubmission of 12/03906/LBA).

13/02812/FUL - PER - 12 September 2013 - Internal and external alterations to facilitate conversion of former farm buildings to one dwelling.

13/02813/LBA - CON - 16 September 2014 - Conversion of farm buildings to form one dwelling.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Wellow Parish Council has written in support of the application. No other representations have been received.

## **POLICIES/LEGISLATION**

The primary consideration is the duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

From the historic environment aspect there is also a duty placed on the Council under Section 72 of the Act to pay special attention to the setting of the adjoining Conservation Area.

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

If the Council is minded to grant consent there is no requirement to notify the Secretary of State before a decision is issued.

### **OFFICER ASSESSMENT**

The approved scheme for the conversion of the barns includes the use of clay pantiles for the roof of the main barn, which was clad in corrugated iron at the time of its listing. The current proposal is to replace the pantiles with a metal corrugated sheeting. There is no documentary evidence for the original roofing material, which may have been thatch, but corrugated iron was widely used to clad roofs of agricultural buildings since the late C19 and is now part of the local vernacular. Use of a corrugated metal cladding is therefore considered to respect the vernacular character, albeit in the form of a modern interpretation. A sample of the material has been deposited at the site and is considered satisfactory. The barn is set to the rear of the High Street, from which there are glimpsed views of its roof. Consequently, it is considered that the proposed material will not cause any harm to the character and appearance of either the listed building or the conservation area.

Reducing the number of posts from four to three on the glazed link structure is not considered to have any detrimental visual impact. The introduction of a narrow horizontal rail in the midstreys glazing is not considered to cause any harm to the appearance and will not therefore detract from the character of the listed building.

Consent is recommended.

### **RECOMMENDATION**

CONSENT with condition(s)

### **CONDITIONS**

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

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

2 Prior to installing the corrugated metal roof cladding, a large scale section drawing shall be submitted to the local planning authority for approval in writing, indicating the cladding

to the roof profile and ceiling below, and the method of insulation. The roof cladding shall then only be installed in accordance with the approved drawings.

Reason: To safeguard the character and appearance of the listed building.

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

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

**PLANS LIST:**

0 Drawing numbers 2544-02 AB, 2544-03, 2544-04 ABCDE, 2544-05, 2544-07 ABC, 2544-13 ABC, 2544-14 AB, 2544-14 ABC and 2544-15, 2544-S-02, 2544-S-03 and 2544-S-04, D01, D04, D05, D06 and D08 and 12654-200-001, all received on 3 February 2014.

Drawing numbers E01 - E03 inclusive and D01 - D09 inclusive, and Infiniti Glazing Specification all received on 13 February 2014.

Statement of Significance received on 17 March 2014

Email confirmation of manufacturer dated 20 March 2014.

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 the Committee report a positive view of the proposals was taken and consent was granted.