

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **29th July 2015**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

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

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

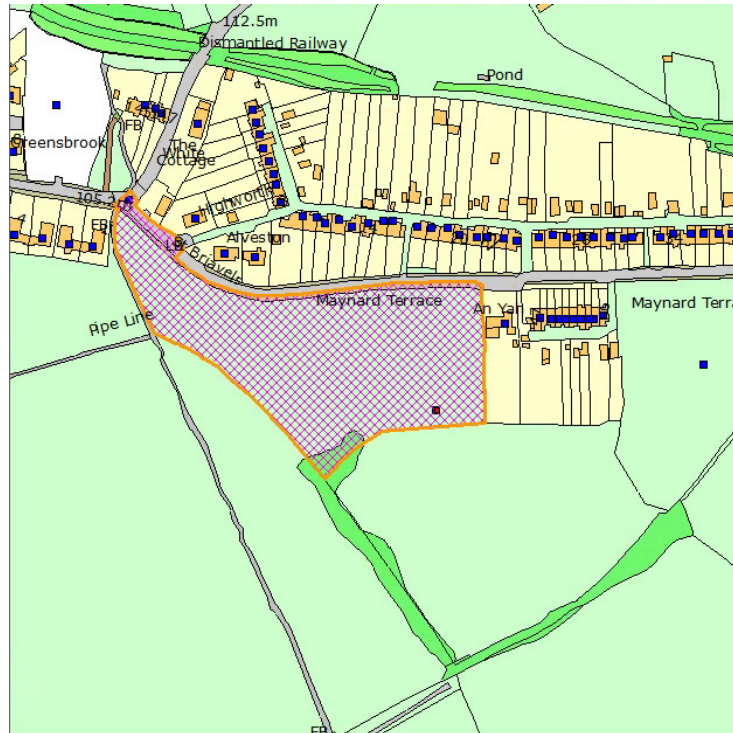
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
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02	14/05836/FUL 17 February 2015	John Sainesbury & Co. Land Rear Of Yearten House, Water Street, East Harptree, Bristol, Erection of 8 dwellings and access.	Mendip	Christine Moorfield	Delegate to PERMIT
03	15/00741/MRES 8 June 2015	Waste Recycling At Bath Ltd Fosseway Environment Park, Fosseway, Englishcombe, Bath, Bath And North East Somerset Approval of Reserved Matters in relation to application 14/00839/EMINW for the proposed erection of residual waste facility including a materials recovery facility, anaerobic digestion plant, reception building, weighbridge, outdoor storage areas and other ancillary development.	Bathavon West	Chris Herbert	APPROVE
04	15/01226/FUL 7 August 2015	Ms Amy Fry 153 Newbridge Hill, Newbridge, Bath, BA1 3PX, Provision of additional 5 parking spaces at the rear of 153/155 Newbridge Hill	Newbridge	Martin Almond	REFUSE
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08	15/01996/FUL 4 August 2015	Mrs R Simcox 11 Holloway, Widcombe, Bath, BA2 4PS, Extension of kitchen into existing balcony with provision of roof and glazing to cover balcony.	Widcombe	Nicola Little	PERMIT
09	15/01757/FUL 17 June 2015	Dr William Fulton Joseph House, Church Lane, Englishcombe, Bath, Bath And North East Somerset Erection of a wooden garden pagoda.	Bathavon West	Sasha Berezina	REFUSE
10	15/00006/CONSLT 12 June 2015	Bloor Homes And Persimmon Homes Parcel 3100, Charlton Road, Keynsham, , Comprehensive Masterplan and Design Principles for the proposed redevelopment of the site at Charlton Road, Keynsham pursuant to Policy KE4 of the Bath & North East Somerset Core Strategy 2014.	Keynsham South	Rachel Tadman	APPROVE

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

Item No: 01
Application No: 15/02435/MDOBL
Site Location: Parcel 0006 Maynard Terrace Clutton Bristol Bath And North East Somerset



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

REPORT

Reason for Reporting the Application to Committee

The previous application (reference 12/01882/OUT) was determined by the Development Control Committee and the Group Manager called this item to Committee. Furthermore, the Parish Council has objected to the proposal, which is contrary to Officer recommendation.

Description of proposal

This application seeks to modify the legal agreement, which accompanies planning permission reference 12/01882/OUT. The original application was an outline application for the erection of 36 dwellings and associated works, and was allowed on Appeal on the 11th July 2013. This application had provision for 53% affordable dwellings and a legal agreement was signed to this effect. This application seeks to reduce the level of affordable housing to 33% and modify the legal agreement accordingly.

Relevant History

11/04300/OUT - Erection of 43no. dwellings and associated works. - Withdrawn 14th December 2011

12/01882/OUT - Erection of 36no. dwellings and associated works (revised resubmission) - Refused 17th December 2012. Allowed on appeal 11th July 2013

14/00039/OUT - Outline planning application for a residential development of up to 36 dwellings and associated infrastructure. - Refused 14th April 2014

14/05692/RES - Approval of Reserved Matters (appearance, landscaping, layout and scale) with regard to outline application 12/01882/OUT for erection of 36no. dwellings and associated infrastructure. - Pending consideration

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Planning Policy: Any comments that are received from Planning Policy will be reported at the meeting.

Housing Services: Object to the proposal, raising the following points;

- The scheme has been through various stages and Curo have maintained an agreement to deliver a 53% affordable housing contribution as a nil grant, optimised cross subsidy scheme with local connection restrictions.

- The Planning Inspectors conclusions of the appeal are implicit `the 53% affordable Housing contribution will be secured via the associated Section 106 document`.

- Curo for reasons of scheme viability `which to this date remain undemonstrated` now request the affordable housing contribution to be significantly reduced to a 33% level.

- Strategic Housing Services cannot support this request, until such time as Curo submit a detailed viability report to the Planning Authority for independent testing in the usual manner.

- Should testing (on the basis of a cross subsidy approach) confirm viability is a real issue; Strategic Housing Services request the option to examine a range of alternatives to maintain the 53% affordable housing delivery prior to agreeing to the modification of the s106

Further comments have been received, making the following points;

- The Section 106 restricts Affordable Rent Tenure to HCA Target Rent (social rent) level plus service charge. This will be retained.
- The applicant to submit a comprehensive affordable housing schedule for consideration, including, but not limited to, identification of the affordable dwellings on plan and by plot, design standards, rent levels, affordability of intermediate products etc. as soon as practically possible.
- The remaining 33% affordable housing contribution will be split 75% Social rent / 25% intermediate tenure there will be no countenance of the provision being pro-ratad from the current 53% mix. The applicant is asked to submit an affordable housing mix for consideration as soon as practicably possible.
- The applicant to confirm that in the event the site is sold; the 4 bed wheelchair bungalow (designed to meet an identified local need) will be secured and incorporated within the affordable housing mix.

Cllr Karen Warrington (Ward Member): Has requested the application be considered by Committee as the application is controversial and there appears to have been a policy change.

Clutton Parish Council: Object to the proposal, raising the following points

- The amount of affordable housing must have been a material consideration in the appeal
- The loss of a local tie will remove another key benefit
- Concern that the increase in market housing will result in an increase in cars using the junction and this will increase the harm of the development to the village
- No viability assessment has been submitted to support the claim that it is unviable
- Curo has subsequently released a statement saying they intend to sell the site and the purpose of this application appears to be about maximising value of the site
- Curo still does not own the land and it is still registered with the previous owners.

Representations: At the time of drafting the report, 53 objections have been received. Any further objections will be reported to Committee as part of the update report. The following points have been raised;

- Inspector determined that the harm from the development was outweighed by the benefit of 53% affordable housing
- Guaranteed local tie may be lost with a new developer
- Less affordable housing available
- Other cost saving measures may be sought e.g. design or lower contributions to bus service
- Identified lack of affordable housing in Clutton
- No viability assessment provided
- Is the ground unsuitable for housing_
- Curo have misled the Planning Department
- The site is outside the housing development boundary and was only granted due to amount of affordable housing
- Land may be developed piecemeal and there will be no obligation for any consideration being given to the provision of local services
- Additional housing will put a strain on the school
- Destruction of a greenfield site is inappropriate
- Access and flooding is still a concern
- Further bigger developments are unnecessary

- Drainage issues are still outstanding
- Increase in traffic from this and adjacent proposals
- No coal report has been submitted
- Residents don't want the development
- Appear to be led by commercial concern and not good quality design
- A new planning application should be submitted
- Site has never been viable
- Contrary to Core Strategy
- No letters of support have been sent
- Less consideration may be given to design, road safety etc to save money
- Since the granting of permission, other houses are being built elsewhere in Clutton
- A number of conditions were imposed before permission should be granted and these should be adhered to
- Surely viability is developer specific and if the site is sold, it may be viable for another developer

POLICIES/LEGISLATION

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

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

- DW1 - District wide spatial strategy
- RA1 - Development in the villages meeting the listed criteria
- CP2 - Sustainable construction
- CP5 - Flood risk management
- CP6 - Environmental quality
- CP7 - Green infrastructure
- CP9 - Affordable housing
- CP10 - Housing mix
- CP11 - Infrastructure provision

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

- D.2 - General design and public realm considerations
- D.4 - Townscape Considerations
- 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
- T7 - Cycling strategy strategic.
- T8 - Bus strategy
- T.24 General development control and access policy
- T25 - Transport assessment and travel plans
- T.26 On-site parking and servicing provision

NE.1 Landscape character
NE4 - Trees and Woodland Conservation
NE9 - Nature conservation
NE10 - Nationally important species
NE.11 - Locally important species & habitats
NE.12 - Natural features: retention, new provision and management
NE15 - Watercourse
IMP.1 - Planning obligations
SC1 - Settlement classification
SR.3: Provision of recreational facilities to meet the needs of new developments
CF.3: Contributions from new development to community facilities
ES.2: Energy conservation and protection of environmental resources
ES5 - Foul and surface water drainage
ES9 - Pollution and nuisance
ES10 - Air Quality
ES12 - Noise and vibration
ES.14: Unstable land
ES15 - Contaminated Land
HG10 - New dwellings outside settlements.
BH12 - Archaeology
BH15 - Visually important open spaces
BH16 - Village buffers

Supplementary Planning Documents

B&NES Rural Landscapes of B&NES; A Landscape Character Assessment
Supplementary Planning Guidance
Green Infrastructure Strategy
Planning Obligations Supplementary Planning Document - Adopted July 2009

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

OFFICER ASSESSMENT

This application seeks to reduce the number of affordable units provided on the site so the resultant development will provide 33% affordable housing. All other aspects of the scheme as approved will remain the same. There is a pending reserved matters application on the site (reference 14/05692/RES) and matters relating to design, layout and landscaping will be considered as part of this application. It is noted that there are comments with regards to the suitability of the site, in terms of previous mining use, and the Local Planning Authority is awaiting the submission of a Coal Report. This however does not preclude the consideration and determination of this application, which relates solely to the reduction of affordable housing.

The previous application (ref: 12/01882/OUT) was allowed on appeal and when it was submitted, the applicants stated that there would be 53% affordable housing provision on the site. The application was considered to be unacceptable by the Local Planning Authority and was refused by the Development Control Committee in December 2012. The Public Inquiry was held during June 2013 and the appeal allowed in July 2013. At the time of the appeal, the Council's Core Strategy was at examination stage and it was agreed by the parties (the LPA, the applicant and the two Rule 6 parties, Clutton Parish

Council and Campaign for the Protection of Rural Clutton) that the Council could not demonstrate a five year land supply, as such this invoked Paragraph 14 of the NPPF. The Inspector then had to consider whether the adverse impacts of the scheme significantly and demonstrably outweigh the benefits.

In her decision, the Inspector gives considerable weight to the acknowledged need for housing, both affordable and op-market and she notes that even 36 dwellings will be beneficial in terms of redressing the shortfall. She restates this in her conclusion (paragraph 34 of the decision). Whilst she gives weight to the provision of affordable housing, she does not, any point in the decision, state that provision above the threshold (35% at the time of the appeal) is the determining factor. Rather it appears that it is the lack of a demonstrable five year housing land supply, and the contribution of the development towards this figure was the determining factor. In view of this, Officers do not consider that the proposal to reduce the provision of affordable housing is unacceptable in principle.

Policy CP9 requires the provision of 30% affordable housing in this area and the application proposes the provision of 33% affordable housing. In view of this, the application is considered to be policy compliant and there is no basis to refuse the application in the context of the affordable housing. As the resultant proposal will comply with policies relating to affordable housing, it is not considered reasonable to require the applicant to submit a full viability assessment and to put them to the expense of an independent viability assessment. However, Officers are in discussions with the applicant in terms of providing further details in relation to the viability to allow an understanding of the issues and Members will be advised of this should it become available.

Since the determination of the appeal, the application site has been allocated through the Core Strategy process and is included with the Strategic Housing Land Availability Assessment (SHLAA) and therefore it counts towards the Council's five year supply. There is a risk that requiring the provision of a level of affordable housing above the policy requirement, that the site will not be developed. The site is included within the housing trajectory for the next five years. Members may wish to consider that the wider implications on strategic housing provisions that may arise should they be minded to refuse the application.

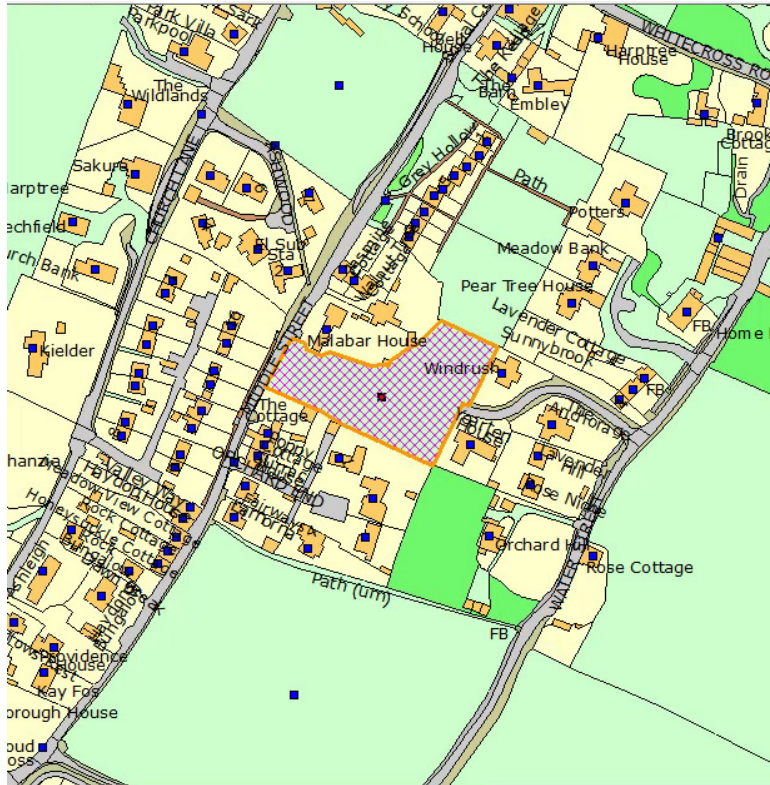
RECOMMENDATION

APPROVE

CONDITIONS

1 The proposed reduction in the level of affordable housing to 33% would comply with Core Strategy Policy CP9, and as such, the s106 Agreement should be modified accordingly.

Item No: 02
Application No: 14/05836/FUL
Site Location: Land Rear Of Yearthen House Water Street East Harptree Bristol



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

REPORT

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

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

SITE DESCRIPTION AND PROPOSAL

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

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

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

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

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS

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

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

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

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

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

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

ARCHAEOLOGY

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

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

PARKS OFFICER

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

EDUCATION

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

The contribution for Early Years provision would be £0 as Sufficient provision in the area.

The total for school places would be £10,991.58

And the Total for Youth provision would be £1,600.80

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

ARBORICULTURAL

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

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

PARISH COUNCIL

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

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

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

Access parking and highway safety must be fully considered.

FLOOD RISK MANAGEMENT AND DRAINAGE

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

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

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

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

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

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

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

PLANNING POLICY

In the adopted B&NES Core Strategy (2011-2029), East Harptree has been identified as a RA2 settlement as it has not got three key facilities and only has a limited daily public

transport service. RA2 settlements will receive approximately 10-15 dwellings over the Plan period of 2011-2029.

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

It should be noted that as this site is for 8 dwellings then this development will not contribute towards the 10-15 dwellings required through Policy RA1 of the Core Strategy.

AFFORDABLE HOUSING

Through Policy CP9 of the Adopted Core Strategy the Council seek 15% affordable housing if the combined gross floorspace is over 1,000m². It should be noted that this application has a combined floor space below the 1,000m² threshold.

URBAN DESIGN

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

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

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

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

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

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

PUBLIC OPEN SPACE

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

It was stated that the quantum of development results in an occupancy of 23 persons creating demand for formal green space and allotments of 345m² and 69m² respectively. The Council's data shows that there is a surplus in respect of formal green space provision within the East Harptree Parish of 0.80ha and a deficit of allotments in East Harptree of 0.21ha. At the time the comments were made a S106 contribution would have been required .

The submission proposes 286m² of formal green space to the west of the site, in accordance with the Council's 'Planning Obligations' SPD 2014 the developer would be required to maintain the on-site provision to the satisfaction of the Council for at least 12 months.

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

ECOLOGY

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

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

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

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

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

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

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

NEIGHBOUR RESPONSES

A petition signed by 23 residents has been received as well as 25 individual letters of objection. Following amendments to the layout of the scheme interested parties were reconsulted and the total number of individual letters received in relation to this proposed development is 30.

The main issues raised are

Density of the development

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

Footpath link is unnecessary.

Ecology in particular badgers

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

Trees loss of vegetation on the site.

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

Drainage

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

Archaeology

Placemaking plan not adopted still in draft.

Lack of neighbour consultation.

Inaccuracy of comments/ information.

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

lack of garages will create onstreet parking

Wessex Water must agree to the scheme
Bristol Water Comments needed.
Although some improvements some plots still too tall..
Plot 6 only 2 car parking spaces?
Development should incorporate green initiatives.

POLICIES/LEGISLATION

The following policies are material considerations:

Saved Local Plan Policies:

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

Bath and North East Somerset Core Strategy

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

- DW1 District Wide Spatial Strategy
- RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
- CP2 - Sustainable Construction
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP9 - Affordable Housing
- CP10 - Housing Mix
- CP13 - Infrastructure Provision

- Planning Obligations Supplementary Planning Document - Adopted July 2009
- Mendip Hills AONB Management Plan 2009 -2014

- National Planning Policy Framework 2012
- National Planning Practice Guidance 2014

OFFICER ASSESSMENT

MAIN ISSUES TO BE CONSIDERED

Principle of residential development and density of development.

Access and parking

Ecology and Landscape

Design layout and impact on residential amenity

Drainage

Archaeology

Other matters

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

Principle of residential development and density of development.

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

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

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

East Harptree meets the adopted Core Strategy's criteria for an RA2 settlement, which allows for residential development of around 10-15 dwellings, in addition to small scale windfall sites within the Housing Development Boundary (HBD). As this site is below 0.5ha (0.44ha) and for less than 10 dwellings (8 dwellings proposed), and within the current HDB, it counts as a small site under the GPDO definition and must therefore be considered as a windfall site. As such it should be noted that this scheme will not contribute towards the 10-15 dwellings which will be allowed at East Harptree under policy RA2 of the adopted Core Strategy.

Access and parking

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

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

Initial comments from the highway engineer stated that no paving across the carriageway should be provided and a proposed access with a shared surface is acceptable with a new footpath being provided from the site onto Middle Street which will provide pedestrian access between the site and the shops and facilities in the village. The footpath to Middle Street has been provided and simplified in its design which is seen as a benefit as it will improve permeability within the locality. The simplified design is in keeping with the general character and appearance of the locality. Whilst precise details of the entrance

into the site have not been provided the entrance is relatively small and requires a section of the existing stone wall to be removed. It is considered acceptable for the details to be the subject of a condition.

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

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

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

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

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

Ecology and landscape

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

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

The original proposed layout indicated an artificial badger sett within the "communal open space" in a western portion of the site. The provision of open space and an artificial sett was very welcome, although the proposed badger sett was not considered to be in the best location to maximise the chance of success, and might not be required. The further revision therefore removed the proposed sett from this location, based on ecological advice. The provision of the north-south "badger run" and the boundary fences shown on

the layout plans along the north-west and southern boundaries, beyond which existing vegetation will be retained and can be strengthened or enhanced, are also considered to be acceptable.

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

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

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

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

Design and layout

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed communal green space due to the realignment of the footpath and reorientated plot 8 now forms part of a coherent landscape design. Furthermore, it is overlooked and is now considered to relate well to the proposed development form. Initially it was considered that the open space should be located more centrally within the

scheme with a clear role and function. The amended layout is considered acceptable although it is considered that the open space could have played a more significant role in this scheme. However, this matter would not justify refusal of this scheme.

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

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

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

The original scheme indicated plot number 4 in close proximity to the boundary with Yearten House. Given the height difference and the close proximity of the two dwellings it was considered plot 4 would cause harm to the amenity at present enjoyed by the residents. The plan has been amended and number 4 now sits over 14 m from Yearten house being 8m from the boundary. No first floor windows are proposed on the east elevation of number 4 and only a ground floor toilet window is proposed . Therefore, there is not considered to be an issue with overlooking between these properties. The finished floor level of number 4 is shown to be 119.75m . The section through the site indicates that plot 4 will sit at a height of 8m high which is 1.75m above the maximum height of the adjacent house, Yearten House.

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

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

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

The applicant has specified the houses will be built in natural stone which is strongly supported in principle as a requirement for this site. However, the natural stone specified

by the applicant (Dolomitic Breccia), is not evidenced to match the local Mendip character/existing natural stone which predominates within the village and its sourcing/origin is not specified. A condition is required to specify and approve the final natural stone to be used in construction to make sure that it is in keeping with the local vernacular - in terms of colour palette and stone size etc. Retaining walls are specified in natural stone, but the material is not specified, again this should be subject to condition.

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

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

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

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

Archaeology

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

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

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

Other matters

Neighbour notification

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

Affordable Housing

The proposed development has a gross floor area of under 1,000m² and therefore, under Policy CP9 of the Adopted Core Strategy the Council will not be seeking 15% affordable housing.

CIL

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

106 Agreement

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

CONCLUSION

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

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

- i) The provision and maintenance of the public footpath
- ii) Provision and maintenance of the public open space and ecological corridors

iii) Provisin of a management company to ensure the maintenance and protection of the landscaped areas in perpetuity..

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

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

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

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

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

3 The areas allocated for parking on the submitted plan , to include a third car parking space within plot 6 shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

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

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

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

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

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

deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

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

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

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

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

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

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

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

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

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

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

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

12 No part of the development shall be occupied or brought into use until a Scheme for the identification of landscaped and protected areas including the establishment of an exclusion zone around the sett(s) from which all building, engineering and other operations and personnel working on the site shall be excluded, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

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

13 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

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

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

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

PLANS LIST:

1 CA/14048/P1	Existing Site Layout
CA/14048/P2A	Proposed House Type A Plans and Elevations
CA/14048/P3A	Proposed House Type B and C Plans and Elevations
CA/14048/P4A	Proposed Details

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

14013/01 Topographical Survey

SP01A Swept Path Analysis for a large refuse vehicle

Surface Water Drainage Strategy Technical Note (Cole Easdon)
Archaeological Desk Based Assessment (LP Archaeology, December 2014)
Ecological Survey (MWA, May 2014)
Further Ecological Surveys (MWA, February 2015)
Planning, Design and Access Statement (0210-01.RPT, TKP, December 2014)

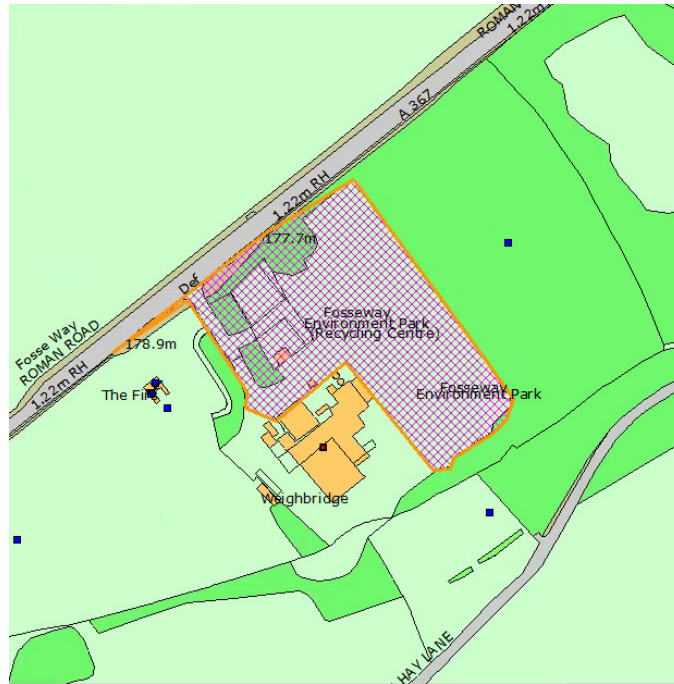
2 ADVICE NOTE:

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

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

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

Item No: 03
Application No: 15/00741/MRES
Site Location: Fosseway Environment Park Fosseway Englishcombe Bath Bath And North East Somerset



Ward: Bathavon West **Parish:** Combe Hay **LB Grade:** N/A

Ward Members: Councillor David Veale

Application Type: Minerals and Waste Reserved Matters App

Proposal: Approval of Reserved Matters in relation to application 14/00839/EMINW for the proposed erection of residual waste facility including a materials recovery facility, anaerobic digestion plant, reception building, weighbridge, outdoor storage areas and other ancillary development.

Constraints: Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, MOD Safeguarded Areas, Regionally Important Geological Site RIG, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, Tree Preservation Order,

Applicant: Waste Recycling At Bath Ltd

Expiry Date: 8th June 2015

Case Officer: Chris Herbert

REPORT

Reason for Referring Application to Committee

Due to the planning history of this site and the previous involvement of Committee the Group manager has decided that this application should also be considered by Members.

This is an application for the approval of reserved matters (appearance, landscaping, layout and scale) relating to outline permission 14/00839/MINW, for a residual waste facility (RWF) at the former Fullers Earth Works site, Odd Down, Bath.

Outline permission 14/00839/MINW was granted on the 4 August 2014 and the Judicial Review of this permission by Protect Bath.org and Victims of Fullers Earth Ltd was dismissed on the 3 March 2015.

At their meeting on the 8 April 2015, Members of committee will recall that they resolved that it was not expedient to take enforcement action at this site provided that the RWF permission is implemented within 18 months of that meeting (i.e. by 8 October 2016).

This application for the approval reserved matters is the first step by the applicant in seeking to comply with the above resolution.

Details of Location and Proposal

The application site is approximately 700m from the urban edge of Bath and 250m from the Odd Down park and ride site on the south western side of Bath. The A367 forms the northern boundary of the application site and to the south-east is woodland which runs down to Combe Hay Lane. Immediately to the south-west is the remainder of the former fullers earth works site (i.e. the existing buildings are not included in the application site) and beyond that there is agricultural land which is currently the subject of an improvement scheme. To the north-east there is open land which is currently overgrown and separates the application site from the park and ride facility.

Designations close to the application site include the Cotswold AONB to the south and the Bath World Heritage to the north-east. Designations on the application site itself include Green Belt, a site of nature conservation importance, a regionally important geological site and a Tree Preservation Order. In addition the application site and the area of the former fullers earth works buildings are all allocated in the West of England Joint Waste Core Strategy as a site for a residual waste management facility.

The application site proposes the use of the existing site access on to the A367 and access details were approved as part of the outline permission (14/00839/MINW).

The approval of reserved matters is for is for a residual waste treatment facility capable of processing up to 70,000 tonnes per annum of non hazardous waste. The proposed facility would consist of the following elements:

- o A site reception building and associated weighbridge;
- o A materials recovery facility;
- o Outside storage bays and hardstanding;
- o Structural landscaping; and
- o Other ancillary development including fencing, drainage and access improvements.

The anaerobic digestion plant, which formed part of the outline permission, is not included in this submission of reserved matters as the applicant is still identifying food waste streams for this element of the development.

The materials recycling facility (MRF) would be a grey steel portal framed building with a 3m high concrete wall provided to its rear and sides above which timber cladding would enclose the 3 sides. The front of the building, facing the internal yard area would be open. The building has a maximum height of 12m and floorspace of 1918m². The existing ground level would be lowered by between 1m and 1.5m to reduce the height of the buildings.

There would be a two storey site reception building adjacent to the weighbridge. This building would be 5.85m high and provide 138m² of floorspace. It would be finished in grey box profile sheeting.

In addition to the built waste management facilities an area of hardstanding and storage bays for the outside storage of processed/recycled materials is proposed with a maximum stockpile height of 4m. The storage bays would be constructed of interlocking concrete blocks to provide a flexible storage space. In addition areas of HGV and car parking are proposed.

Vehicle movements into and out of the application site are restricted by condition to a maximum of 128 HGV movements (64 in and 64 out) per day.

A planning condition also states that no waste deliveries, export of waste or recycled/processed materials or any external activities shall take place on the application site except between the hours of 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturdays. No works shall be undertaken on Sundays, Bank and Public Holidays.)

A lighting scheme has been proposed providing for floodlighting with appropriate shielding to prevent the escape of upward light on either the proposed buildings or lighting columns of up to 10m for which it is stated that these would only operate during the main opening hours for the site of 0700 to 1800 hours.

A landscape masterplan is proposed for the site which includes tree and shrub planting and low level bunding on the northern, eastern and southern sides of the application site. In addition it is proposed to extend the landscaping on land under the control of the applicant to the north- west of the application site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

HIGHWAYS: No objections.

ENVIRONMENTAL PROTECTION: No objections.

ENVIRONMENTAL PROTECTION (Contaminated Land): No objections subject to previous conditions and no objections from the Environment Agency.

LANDSCAPE: No objections.

ECOLOGY: The Council's Ecologist has confirmed that the lighting plan is acceptable subject to a condition securing it. A condition relating to wildlife protection and enhancement is also requested.

ENVIRONMENT AGENCY: No objections.

ARCHAEOLOGY: No objections.

ABORICULTURE: No objections subject to conditions.

COMBE HAY PARISH COUNCIL: No comments received.

SOUTH STOKE PARISH COUNCIL: Object unless comprehensive and appropriate landscaping and lighting plans are submitted and landscaping works are completed in the first growing season before other works commence. Note that the AD facility is not shown. There must be proper monitoring and control of the site.

ENGLISHCOMBE PARISH COUNCIL: No objections as long as landscaping and tree planting is undertaken as soon as possible.

DUNKERTON PARISH COUNCIL: Support the application subject to it being strictly in line with policies of the Core Strategy and landscaping scheme is adhered to.

REPRESENTATIONS: At the time of writing this report 3 letters objecting to this application have been received. The objections relate to the impact of the proposals on the Green Belt, the impact on the AONB and the impact on the gateway to the World Heritage Site. Also, there should be a proper landscape management plan in place before further permissions are granted.

POLICIES/LEGISLATION

Relevant National and Local Policies:

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF confirms that it does not contain specific policies on waste but advises that local authorities should have regard to it so far as it is relevant. Key policies considered relevant to this application include: Green Belt, landscape and visual, flood risk, cultural heritage, land contamination, traffic and design.

Due consideration has been given to the recently published National Planning Practice Guidance, March 2014

BATH AND NORTH EAST SOMERSET CORE STRATEGY 2014:

Policies SD1 sustainable development; CP2 sustainable construction; CP5 flood risk; CP6 environmental quality, CP8 Green Belt and B4 World Heritage site

WEST OF ENGLAND JOINT WASTE CORE STRATEGY 2011 (JWCS):

Policies 5, 6, 11, 12 and 13 on Residual Waste Treatment Facilities, Planning Designations, General Considerations and Safeguarding

BATH AND NORTH EAST SOMERSET LOCAL PLAN, INCLUDING MINERAL AND WASTE POLICIES, 2007 (the Local Plan):

ES5 on Drainage; ES 9, 10 and 12 on pollution, nuisance, health and noise; ES14 on stability; NE1 and NE2 on landscape; NE9 and NE10 on ecology; NE14 on flooding; BH1 on World Heritage Sites; GB2 on Green Belt; M9 and T24 on highways.

OFFICER ASSESSMENT

Officer Assessment:

The main considerations in the determination of this application are considered to be whether the details submitted with regard to appearance, landscaping, layout and scale are acceptable and consistent with National and Development Plan policy. The principle of the development and the maximum parameters of it have already been established by the outline planning permission which imposes limits on floorspace, building heights, tonnage throughputs and hours of operation.

APPEARANCE: The appearance of the proposed development is broadly similar to that submitted and approved at the Outline permission stage. The processed and recyclable storage area bays, HGV and staff parking areas remain located at the front of the site adjacent to the A367. This will enable the existing areas of hardstanding already in these parts of the site to be incorporated in to the RWF development. The use of interlocking concrete blocks to provide flexible storage bays within this area will not affect the appearance as the proposed landscaping scheme and existing controls on stockpile heights within this area will ensure that storage of materials in this area is contained and controlled in an acceptable manner.

The proposed material recycling facility remains in the same location as that considered in the outline permission and the floorspace and building heights are in accordance with the parameters set in the outline permission. One change from the outline stage is that the orientation of the roof has changed so that there is now a single ridge line rather than 3 gables to the front elevation. It is considered that this minor alteration has no adverse impact on the appearance of the building and it is therefore considered acceptable. Materials and colour have been discussed with the Council's landscape advisers and the use of grey concrete retaining walls and timber cladding painted grey on the three sides of the building and a grey box profile steel sheeted roof are considered the most appropriate for the area. The front of the building will remain open as previously proposed at the outline permission stage.

The weighbridge and site office again are in the same location as approved at the outline stage but the proposed site office is now proposed to be a two storey building. The proposed height and floorspace are still within the overall parameters set by the outline permission and are significantly lower than that proposed for the adjacent Materials Recovery Facility building so no adverse effects on appearance have been identified and this change is considered acceptable.

The anaerobic digestion element of the outline permission is not proposed at this stage so this reduces the overall built development proposed on the site and this area of the site will remain as temporary hardstanding. If this element is proposed at a later stage it will need to be the subject of a separate reserved matters application.

In respect of the details submitted on colour and materials these are considered to be acceptable and appropriate to the area in accordance with Core Strategy policy CP2 sustainable construction.

ECOLOGY: A lighting scheme designed to prevent light spill and avoid bat corridors has been submitted and the Council's ecologist has no objection to the proposals subject to conditions ensuring that the light levels are achieved and the submission of a Wildlife Protection and Enhancement Scheme.

LANDSCAPING: Landscaping details have been submitted to detail how the site will be enclosed with a combination of low bunds, tree planting and structure planting. The proposed low bunds will be formed on the northern and eastern boundaries of the site to assist in enclosing and screening the proposed development. The proposed planting scheme proposed includes native species trees in groups of between 8-15 and with a height of between 3 to 4.5m. Between these groups of trees will be structure planting of native plants planted at a density of 2.5 plants per 1m².

The landscaping details are the same as those considered at the outline permission stage and are therefore considered to be acceptable and represent a substantial improvement in the screening and enclosure of the site. The combined use of bunds, semi-mature trees and structural planting will ensure that the proposed scheme will have short term as well as long term benefits in screening the proposed development and existing conditions on the outline permission will secure its delivery before the buildings can be occupied and used for waste management purposes and the longer term management of the planting.

The provision of a comprehensive landscaping plan for the site is welcome and will help integrate the site into its surroundings and screen the proposed development so there will be no unacceptable visual effects on the Green Belt and its openness, the AONB and World Heritage designations.

LAYOUT: The layout of the proposed development is identical to that considered and approved at the outline permission stage. The layout does not compromise or prevent the delivery of the anaerobic digestion facility at a later stage once appropriate food waste streams have been identified for this element of the outline permission. The layout is therefore considered to be acceptable and does not raise any issues that have not been previously considered at the outline permission stage.

SCALE: The scale of the proposed development in the submitted details is slightly reduced from that considered at the outline permission stage. The quantity of new floorspace (2076m²) and the proposed tonnage (70,000 tpa) throughput are both below the maximum parameters established by the outline permission. This is because the anaerobic digestion element of the outline permission is not included in this submission as the applicant is still identifying food waste streams for this element of the development. The reduced scale of the submitted details will mean that the proposed development

would generate less traffic and there would be a reduction in the number of waste management processes operating on the site which would mean that the overall impact of the development would be reduced from that previously considered and found to be acceptable. There are therefore considered to be no adverse impacts as a result of the reduced scale of the proposals which continue to comply with the environmental protection policies contained within the Development Plan as follows: Saved Local Plan policies - ES5 on Drainage; ES 9, 10 and 12 on pollution, nuisance, health and noise; ES14 on stability; NE14 on flooding; M9 and T24 on highways and Joint Waste Core Strategy policies 11 and 12.

CONCLUSION: The proposed details are very similar to those considered and approved at the outline stage where the impacts on the AONB, Green Belt and World Heritage designations were all considered and found to be acceptable. It is therefore considered that the proposed details raise no new issues that have not already been considered and that they comply with Core Strategy policies SD1 sustainable development, CP6 environmental quality, CP8 Green Belt and B4 World Heritage site, Joint Waste Core Strategy policies 11 and 12 and saved Local Plan policies NE1 and NE2 on landscape; BH1 on World Heritage Sites and GB2 on Green Belt

It is therefore considered that the proposed development complies with the policies of the Core Strategy, Local Plan and the JWCS as well as national planning policy. It is recommended that the application is therefore approved subject to conditions.

Recommendation:

APPROVE subject to the following conditions:

1 The details 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.

2 No more than 70,000 tonnes of waste per annum shall be imported to the application site. Records of the amounts of imports of waste for each calendar month shall be taken and shall be made available to the Local Planning Authority within 10 working days of receiving such a request.

Reason: In the interests of highway safety.

3 No development shall take place until full details of both the hard and soft landscaping works, in accordance with Drawing No. 12-14-29 Rev C dated 28/01/2014 and Drawing No. 12-14-40 Rev C have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: In the interest of the visual amenities and the landscape character of this part of the Green Belt.

4 All bunding, planting and seeding comprised in the approved landscaping works shall be carried out prior to the occupation of any of the buildings or the use of the

processed/recyclable material storage area. Any plants or trees which within a period of five years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure the successful establishment of the approved landscaping scheme.

5 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. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion.

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

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

- o Details of protective measures for reptiles, nesting birds and other wildlife as applicable including seasonal timing of works, as appropriate; and
- o Details of habitat creation, native planting and long term management of habitat areas.

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

Reason: to avoid harm to wildlife including protected species

7 No external lighting or floodlighting, other than in accordance with Drawing SP1016/3 dated 13/07/2015, shall be installed without the prior written approval of the Local Planning Authority. A report confirming and demonstrating compliance with predicted light spill level and achievement of the necessary dark zones, to include light level readings from the site during operational hours, shall be submitted to the local planning authority within one year of the lights being brought into use and approved in writing. The lighting shall thereafter be maintained in accordance with the approved details.

Reason: In the interest of visual amenities and the landscape character of this part of the Green Belt and to avoid harm to bats and their habitat

RECOMMENDATION

APPROVE

CONDITIONS

1 1 The details 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.

2 2 No more than 70,000 tonnes of waste per annum shall be imported to the application site. Records of the amounts of imports of waste for each calendar month shall be taken and shall be made available to the Local Planning Authority within 10 working days of receiving such a request.

Reason: In the interests of highway safety.

3 3 No development shall take place until full details of both the hard and soft landscaping works, in accordance with Drawing No. 12-14-29 Rev C dated 28/01/2014 and Drawing No. 12-14-40 Rev C have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: In the interest of the visual amenities and the landscape character of this part of the Green Belt.

4 4 All bunding, planting and seeding comprised in the approved landscaping works shall be carried out prior to the occupation of any of the buildings or the use of the processed/recyclable material storage area. Any plants or trees which within a period of five years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure the successful establishment of the approved landscaping scheme.

5 5 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. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion.

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

6 6 No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- o Details of protective measures for reptiles, nesting birds and other wildlife as applicable including seasonal timing of works, as appropriate; and
- o Details of habitat creation, native planting and long term management of habitat areas.

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

Reason: to avoid harm to wildlife including protected species

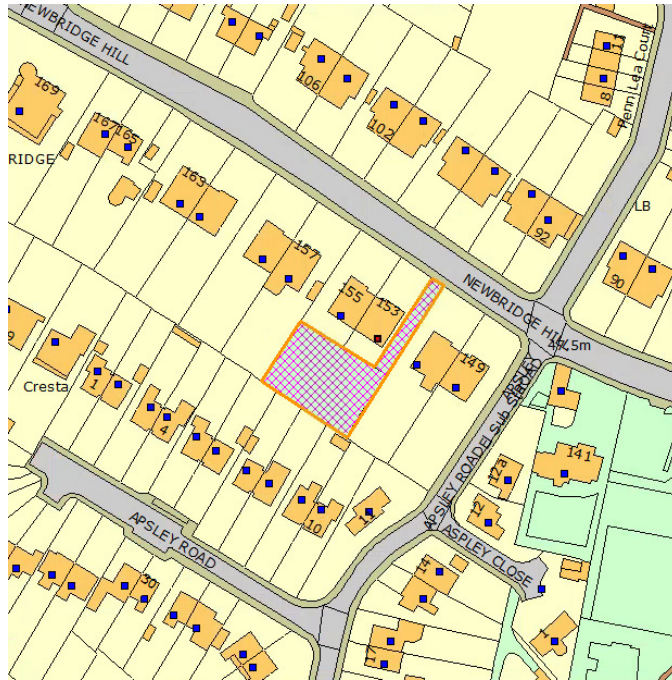
7 No external lighting or floodlighting, other than in accordance with Drawing SP1016/3 dated 13/07/2015, shall be installed without the prior written approval of the Local Planning Authority. A report confirming and demonstrating compliance with predicted light spill level and achievement of the necessary dark zones, to include light level readings from the site during operational hours, shall be submitted to the local planning authority within one year of the lights being brought into use and approved in writing. The lighting shall thereafter be maintained in accordance with the approved details.

Reason: In the interest of visual amenities and the landscape character of this part of the Green Belt and to avoid harm to bats and their habitat

PLANS LIST:

1 PLANS LIST: Application Boundary Plan, Drawing No. 214.17; Proposed Site Plan, Drawing No. 214.9A received 28/04/2015; Lighting Plan, Drawing SP1016/3; Landscape Planting Plan, Drawing No. 12-14-40 Rev C; Access Design, Drawing No. 8262-GA-001 Rev B; Catchpit Chamber Design Drawing No. 8262-SD-002 Rev B; Drainage Strategy, Drawing No. 8262-D-001 Rev C; Highway Construction detail - kerb design Drawing No. 8262-SD-005 Rev B; Highway Construction detail - road pavement cross section, Drawing No. 8262-SD-004 rev B; Inspection Chamber Detail, Drawing No. 8262-SD-003 Rev B; Soakaway Detail, Drawing No. 8262-SD-001 Rev B; Proposed Floor Plan section elevations, Drawing No. 214.11 Rev B; Proposed Site Plan and sections, Drawing No. 214.10 Rev A; Site Reception Office floor plan and elevations, Drawing No. 214.12.

Item No: 04
Application No: 15/01226/FUL
Site Location: 153 Newbridge Hill Newbridge Bath BA1 3PX



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Donal Hassett Councillor Caroline Roberts
Application Type: Full Application
Proposal: Provision of additional 5 parking spaces at the rear of 153/155 Newbridge Hill
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Ms Amy Fry
Expiry Date: 7th August 2015
Case Officer: Martin Almond

REPORT

This application has been referred to the Development Control Committee due to the support of Cllr Lorraine Morgan-Brinkhurst which is contrary to the Officer recommendation. Lorraine Morgan-Brinkhurst was a Councillor at the time the application was submitted until the recent election. These comments are summarised within the Representation Section of this report.

Planning permission is sought for the provision of an additional 5 car parking spaces to the rear of 153 and 155 Newbridge Hill. The proposal also intends to re-develop half of the site back to a garden area. The site already provides 3 parking spaces granted permission in 1988 and therefore the site will provided a total of 8 parking spaces as well as a parking and turning area. The application site is located within the City of Bath Conservation Area and is within the World Heritage Site. The site has been subject to a number of unsuccessful planning applications for a detached dwelling over recent years.

Relevant planning history:

13445-2 - construction of vehicular access and provision of 3 hardstanding spaces - approved 15.06.88

DC - 08/03352/FUL - RF - 10 November 2008 - Erection of new three bedroom bungalow on existing vacant plot of no 153A

DC - 11/03393/FUL - RF - 24 November 2011 - Erection of new single family dwelling on land at the rear of 153/155 Newbridge Hill

DC - 13/05531/FUL - RF - 13 March 2014 - Erection of new dwelling on land at the rear of 153/155 Newbridge Hill (resubmission)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Lorraine Morgan-Brinkhurst: Increasing the number of spaces is a great use of the land and the land is also in need of being landscaped and brought back into use. The spaces will be offered to local residents which will take pressure off on-street parking on Newbridge Hill. The lack on on-street parking will soon be exacerbated when the new dementia care home is built and there are also problems with parking from RUH staff and visitors. The bus stop has been moved away from the site entrance which has improved visibility for cars leaving and entering the site.

Highways Development Control: The current proposal to create additional parking for the residents of the properties is therefore acceptable and I would recommend no highway objection be raised subject to conditions.

Wales and West Utilities: No objection.

Third party representations: 7 letters of support, 3 letters of objection and 2 letters of comment have been received summarised as follows:

- It is essential to agree and source off road parking
- The development will improve the site and easing parking congestion for the residents.
- The application will tidy the site up and ease bad traffic on Newbridge Hill.

- It is a good gesture to give over half of the site to a garden.
 - The proposal makes good use of the land which would otherwise remain as wasteland.
 - I have no objection provided that the spaces are limited to 153 and 155 Newbridge Road and the Newbridge Surgery.
 - The proposal is acceptable provided the spaces are not used for general parking.
 - Additional screening is proposed which will rectify our previous concerns regarding privacy.
-
- Previous applications have been refused because the site lies within a conservation area and a settled residential area and is surrounded by housing and other gardens.
 - Developing the site into a commercial car park is a change of use that will damage the local character and create noise, nuisance, pollution, loss of amenity and environmental damage.
 - The proposal does not preserve or enhance the conservation area.
 - To allow the conversion of gardens into a car park will damage a green corridor which does not comply with Council policy.
 - The recent appeal decision suggests that any development of the land would be detrimental.
 - Landscaping is proposed but the land is already a green space and should be maintained.
 - The existing spaces have been underused for many years.
 - The applicant has not demonstrated that there is a genuine need for additional parking for the residents of 153/155 Newbridge Hill and parking should only be for these residents.
 - Traffic problems in the area will not be solved by this development and is against the Council policy of reducing the use of cars for travel within the city which takes place for new developments.
 - It has been stated that the spaces would be used for residents and staff of the Newbridge Surgery which would allow for an expansion of the surgery with increased traffic.
 - This development would set a precedent for other similar developments.
 - The car park will result in the loss of the whole back garden even though half will be a garden.
 - The site is not wasteland, just neglected.
 - It is not clear what the final total of spaces will be.
 - There are no references on how the spaces will be allocated and at what cost to residents and the surgery.
 - All previous issues regarding conservation of the green corridor appear to have been ignored.
 - The site may require lighting and there are no details of controls to manage to on-site parking.

POLICIES/LEGISLATION

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

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

alterations to listed buildings, development in conservation areas and world heritage sites.) The National Planning Policy Framework can be awarded significant weight.

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

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

The following Core Strategy policies should be considered:

- CP6 - Environmental Quality
- DW1 - District-wide spatial Strategy
- B1 - Bath Spatial Strategy
- B4 - The World Heritage Site and its Setting

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

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

- D.2 General design and public realm considerations
- D.4 Townscape considerations
- BH.6 Development within/affecting Conservation Areas
- NE.5 Forest of Avon
- NE.13A Bath Hot Springs
- T.1 Overarching access policy
- T.20 Loss and provision of off-street parking and servicing
- T.24 General development control and access policy
- T.26 On-site parking and service provision

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

OFFICER ASSESSMENT

The land subject of this application has been separated from 153 and 155 Newbridge Hill for a number of years with a small area granted planning permission in 1988 for 3 parking spaces. Planning permission has been refused and dismissed at appeal twice in the past four years for the erection of a detached dwelling.

CHARACTER OF SURROUNDING AREA

The application site and surrounding area is characterised by large semi-detached properties either split into flats or retained as single dwellings with large rear gardens and

the character of the land between Apsley Road to the rear of the properties and Newbridge Hill remains largely undeveloped and open.

Whilst the application site has not formed the gardens of 153/155 Newbridge Hill for a significant period of time, visually the open space relates closely to these dwellings. Whilst the site is untidy through lack of maintenance to the grassed area this is not readily visible from public vantage points and the site remains undeveloped except for the driveway and the existing small parking area for 3 vehicles. This current arrangement allows for the majority of the area to remain open and undeveloped with the existing parking located to the front of the application site adjacent to the existing boundary. The use proposed would be more intensive than the present arrangement and more intensive than could be expected to maintain the existing character of the area.

Whilst the proposal consists of an increased area of hardstanding with a landscaped area and a re-instated garden it would introduce activity in the form of vehicle movements over and above what would be expected in such a residential area and as such would detract from the existing character of the area. Parking for the residential properties on Newbridge Hill is provided either through on-road parking and a number of properties also benefit from driveways. The driveways are limited to the side of the properties and do not extend beyond the rear of the property which further preserves the existing character of the area. Whilst the small parking area already exists this has already detracted from the openness and character of the area and any further extension of this area would result in harm as the parking area would extend to cover almost all of the width of the land.

The re-instated garden would be provided for the residents of the three flats owned by the applicant's father at 155 Newbridge Hill. No direct access from 155 Newbridge Hill into the new garden area is proposed which will mean that in order for residents to use the re-instated garden they would have to exit the property via the front of the property, walk along Newbridge Hill then down the access drive, across the car parking area and then into the garden area which makes the use of the garden impractical.

IMPACT UPON CONSERVATION AREA

The Planning Inspector's decision from the last refusal states that "in the vicinity of the appeal site, the character and appearance of the conservation area is largely distinguished by the substantial buildings, the reasonably rigid nature and pattern of development and the adaptation of local buildings and their forms to the topography of the land". In addition, the Inspector identified that "although not visible from many vantage points, this area of land, and the pattern of development which has created it, contributes to the character and appearance of the conservation area".

It is considered that taking into account the Inspector's comments as well as the provisions of saved policy BH.6 of the local plan and Policy CP6 of the Core Strategy, the formation of an enlarged parking area would introduce a new pattern and form of development in the locality which would adversely affect the strong character and appearance of the area which would not preserve or enhance the conservation area. Whilst the harm caused to the Conservation Area's significance as a heritage asset would be less than substantial in terms of paragraph 134 of the Framework, no significant public benefits arise from the proposal to justify the application being granted.

PROVISION OF OFF-STREET PARKING

Policy T.20 of the Local Plan states that "additional or enhanced parking facilities will only be permitted if the need for any additional parking spaces has been demonstrated and that such provision will not create further reliance on private car use". This is furthered by the provisions of paragraph 30 of the NPPF which states "encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport".

No significant justification has been provided to identify that there is a need to provide additional off-street car parking in this location and there are no details relating to how the parking spaces are currently used. The applicant's father owns 3 out of 4 flats within 155 Newbridge Hill (adjoining the site) and the existing parking area already offers 1 car parking space per flat which in this sustainable location is considered to be acceptable.

In addition the proposal seeks to provide an additional 5 spaces for the parking of vehicles in a location which is already highly sustainable. The site is within walking distance of bus stops on Newbridge Hill and offers good access into Newbridge and Bath city centre by walking or cycling and is also close to local amenities.

RESIDENTIAL AMENITY

The parking area and access drive is separated from 153 Newbridge Hill by a 1.8m close boarded timber fence. Whilst some disturbance to the residents of the garden flat of 153 Newbridge Hill will already exist from the three parking spaces it is anticipated that the increase in the number of vehicles using the site for parking from 3 to 8 will lead to an increase in disturbance to the current and future occupiers of 153 Newbridge Hill in particular the garden flat through increased vehicular movements.

HIGHWAY SAFETY

The Council's Highway's team have raised no objection to the proposal subject to condition. The recent works to create the bus stop have improved visibility for cars exiting the site.

OTHER ISSUES

Comments received during the consultation period expressed concerns that the additional spaces would be provided for use in association with the Newbridge Doctors Surgery at 129 Newbridge Hill which would lead to an increased number of traffic movements per day. Correspondence from the applicant's agent identifies that the parking will be residential only and the application has been considered on this basis.

CONCLUSION

Whilst it is noted that the reinstatement of the formal garden area and increased landscaping of the site would positively contribute to the area it is considered that this does not outweigh the harm to the character and appearance of the surrounding area or

conservation area and does not contribute to the principles of sustainable development by encouraging the use of private motor vehicles.

For the reasons above the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development due to its intended use, location and size would result in development which does not respect the existing character and appearance of the locality and as such is contrary to the provision of saved policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

2 The proposal development by virtue of its size, scale and siting in this backland location would detract from the open and regular pattern of the existing built environment which would harm the character and appearance of the City of Bath Conservation Area. The development is therefore contrary to saved policy CP6 of the Core Strategy and policy BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

3 The increase in the number of parking spaces will result in an increased number of vehicle movements which will result in increased disturbance to the existing residential properties and as such the proposal is contrary to saved policy D.2 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

PLANS LIST:

1 This decision relates to drawings 1102 P40, 1102 P41 and 1102 P51 dated as received 16th March 2015 and 1102 P19C dated as received 20th March 2015.

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the reasons outlined above and the applicant was advised that the application was to be recommended for refusal unless amendments to the scheme were supplied. The applicant did not submit revisions and did not choose to withdraw the application. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 05
Application No: 15/01425/OUT
Site Location: Wansdyke House Claverton Down Road Claverton Down Bath Bath
And North East Somerset



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Matt Cochrane Councillor Steve Jeffries
Application Type: Outline Application
Proposal: Outline application with all matters reserved for the erection of a new house in the rear garden of Wansdyke House. (Resubmission)
Constraints: Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mrs Sharon Jackson
Expiry Date: 21st May 2015
Case Officer: Alice Barnes

REPORT

Reason for reporting the application to committee

The application is being referred to the committee at request of Councillor David Martin. Whilst David Martin is no longer a member of the council this request was made prior to the recent election when David Martin was a member of the council.

The application has been referred to Councillor Sally Davis who has agreed that the application should be considered by the committee.

Description of site and application

Wansdyke House is located on the south eastern edge of Bath. It is a detached property located outside of the Conservation Area but within the World Heritage Site. The existing dwelling includes a large rear garden the rear boundary of which borders an access lane to nearby Beech Avenue. To the rear of the site is a residential annexe which is proposed to be demolished.

This is an outline application with all matters reserved for the erection of a new house within the rear garden with access from Beech Avenue. As all matters are reserved the applicant has not submitted drawings of the proposal but a block plan has been submitted showing the proposed position of the dwelling. The proposed development includes the provision of a double garage.

Relevant History

DC - 00/00153/FUL - RF - 12 April 2000 - Erection of an extension to separate annex and erection of additional garage block, plus extension of existing drive

DC - 00/01653/FUL - PERMIT - 3 September 2001 - Erection of an extension to existing rear annex and addition of garage block plus extension of existing drive (Re-submission application)

DC - 04/00667/FUL - PERMIT - 26 April 2004 - Single storey extension

DC - 99/00384/FUL - PERMIT - 6 July 1999 - Change of use of two bedrooms from residential (Use Class C3) to bed and breakfast accommodation (Use Class C1)

DC - 05/03548/OUT - APP - 20 February 2006 - Erection of replacement two-storey dwelling and new access

DC - 08/01003/OUT - APP - 27 May 2008 - Erection of a two storey dwelling with access to rear following demolition of existing cottage

DC - 09/00560/RES - RF - 16 April 2009 - Approval of reserved matters with regard to outline application 05/03548/FUL for the erection of replacement two-storey dwelling and new access

DC - 09/00680/FUL - PERMIT - 7 May 2009 - Erection of conservatory and detached garage

DC - 09/01607/RES - PERMIT - 3 July 2009 - Approval of reserved matters with regard to outline application 05/03548/OUT for the erection of replacement two-storey dwelling and new access (resubmission)

DC - 14/05649/OUT - WD - 18 March 2015 - Outline application for the erection of 2no houses in the rear garden of Wansdyke House.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Contaminated Land: A condition should be attached requiring the reporting of unexpected contamination.

Highways: No objection;

Given the location of the site and access to public transport connections, there is no objection to the principle of a residential development. The application site would be accessed from Beech Avenue to the rear of the existing property. The local road network is residential in nature and it is not considered that a single additional dwelling would result in a material impact on existing traffic conditions.

Part of the access route has been recently upgraded to an adoptable standard (as part of a condition attached to application 11/02547/REN) and this overcomes potential concerns relating to the standard of road surface leading to the properties accessed from this section of Beech Avenue.

The width of the access is considered to be adequate to access a private dwelling in this position, and it is noted that this lane already serves a pair of properties. There is a distance of approximately 30 metres between the site and Beech Avenue where vehicles could not pass each other, and motorists would be required to wait. The impact of this is considered against background traffic flows and how often this occurrence may happen in this development scenario. Having visited the site on more than one occasion and witnessed existing traffic flows (Beech Avenue is a cul-de-sac and there is no through traffic), it is not expected that waiting vehicles would cause significant disruption at this location.

It is noted that access for refuse collection and the fire service has been considered, however, the applicant will need to ensure that the proposal accords with the Building Regulation requirements for refuse collection and emergency vehicle access.

Although parking will need to be considered at the reserved matters stage, the applicant has noted that the standard for a four bedroom dwelling is three parking spaces. A double garage and single parking space is shown in the site layout, and this is considered to be acceptable.

Should there be damage to the site access through the construction period, as the access is not adopted highway, it is considered that this would be a private matter.

Representations: 21 representations have been received objecting to the application for the following reasons:

The access to the site in an unadopted access which currently provides access to three dwellings. The additional dwelling will result in additional vehicle movements on this track. The access track has poor sightlines and a difficult entry.

There are no passing places on the access track and no room for HGVs.

Construction traffic has the potential to block the entrance to other properties.

Beech Avenue and The Avenue are narrow roads with restricted parking.

The access from Woodland Grove onto Oakley is busy and dangerous.

The dwelling should be accessed from Claverton Down Road.

Construction traffic should enter from Claverton Down Road.

The last time a dwelling was built within Beech Avenue this caused inconvenience and distress.

Driveways were blocked on a number of occasions.

The lane is too narrow to accommodate another house.

Existing electricity supplies are barely adequate for the existing houses and may require an upgrade of cabling to the whole street. This would be costly and disruptive to existing residents.

The capacity of the sewage services is barely adequate.

Previous permitted dwellings at this site were accessed from Claverton Down Road.

The comments from the highways officer are inaccurate.

A fence has been erected directly opposite the entrance to the private lane making it impossible for HGVs to access the site.

Moderately sized vehicles have already caused delay to and disruption to residents.

Large vehicles have caused damage trying to access the lane.

The proposed dwelling will generate more traffic.

Sightlines at the access to the lane are poor.

The proposal will not contribute to the housing supply as it will involve the demolition of a cottage.

Walls and trees do not provide adequate screening from adjacent houses.

The development will cause harm to highway safety.

There was disruption when number 22 was constructed.

Permission has not been sought for vehicles to access the private lane from other residents

Large vehicles will park for long periods of time in Beech Avenue.

Vehicles from the construction phase will damage the surface of the lane.

The proposed dwelling does not respond to the local context and is contrary to policy.

The siting of the dwelling will result in increased overlooking and loss of light to neighbouring dwellings.

The dwelling will result in overdevelopment of the site.

The dwelling will be out of scale with the surrounding properties and will result in the loss of the open aspect of the surrounding properties.

The proposed dwelling is larger than previously permitted developments.

The existing cottage will be demolished which provides screening to number 22.

The proposed garage will be sited close to the boundary of number 22 and will result in unwanted noise and disturbance from vehicle movements.

The proposed development will harm the amenity of the neighbouring occupiers at number 24 Beech Avenue. There is potential for overlooking.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan

and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

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

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

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

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

D.2: General design and public realm considerations
D.4: Townscape considerations
T.24: General development control and access policy

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

OFFICER ASSESSMENT

This is an outline application with all matters reserved for the erection of a new house within the rear garden with access from Beech Avenue. The existing dwelling is a large detached dwelling with an extensive rear garden. The property is accessed from Claverton Down Road and includes a residential annexe within the rear garden.

The proposed dwelling would be accessed from an access lane on Beech Avenue. The existing annexe would be removed to allow access to the proposed dwelling.

Planning history

There are a number of permissions that have been granted for a dwelling within the rear garden of the property. Both permissions 05/03548/OUT and 09/01607/RES were accessed from Claverton Down Road. Permission 08/01003/OUT included access from Beech Avenue.

Number 22 Beech Avenue has recently been constructed adjacent to the application site with access from the existing lane.

Principle

The existing site is located within the built up area of Bath so the principle of development is accepted subject to compliance with all other policies within the local plan.

Design

The appearance and scale of the development would be considered at the reserved matters stage. The applicant has submitted a proposed location plan indicating the proposed position of the dwelling. The proposed dwelling will be in line with the existing adjacent dwelling of number 24. The dwelling would be sited within a generous garden retaining a large garden to Wansdyke House. The proposed dwelling is considered to respond to the context of the surrounding area.

Highways

The highways officer has not raised an objection to the application. They have advised that this is a residential area where the provision of a further dwelling would not be considered to result in a material impact on the traffic in the surrounding area.

The highways officer has advised that the width of the access is considered to be adequate to access a private dwelling. There is a distance of approximately 30 metres between the site and Beech Avenue where vehicles could not pass each other, and motorists would be required to wait.

It is noted that access for refuse collection and the fire service has been considered, however, the applicant will need to ensure that the proposal accords with the Building Regulation requirement for refuse collection and emergency vehicle access.

Although parking will need to be considered at the reserved matters stage, the applicant has noted that the standard for a four bedroom dwelling is three parking spaces. A double garage and single parking space is shown in the site layout, and this is considered to be acceptable parking provision.

Whilst the concerns of residents are noted the provision of one further dwelling within Beech Avenue is not considered to pose a significant threat to highway safety.

Concern has been raised with regards to the impact of the construction traffic and photographic evidence has been provided to show that construction traffic has the potential to cause disruption to the surrounding area. A condition can be attached to any permission requiring the submission of a construction management plan prior to the commencement of the development. Wansdyke House has ample garden space which could accommodate the construction vehicles and storage of materials.

Concern has been raised within the representations with regards to the ownership of the access and this has also been raised by the highways officer. The applicant has extended the red line of the application site along the existing access lane. Certificate B has been signed and notice has been served on all interested parties and therefore this is a civil matter.

Amenity

As this is an outline application the appearance and height of the dwelling is not yet known. Therefore the impact on overlooking and overbearing impact on the neighbouring occupiers cannot yet fully be judged. However the dwelling has been positioned away

from the boundary with number 22 and is 10m from the elevations of number 24. It would be possible to develop in this location without harm to amenity if appropriately designed.

The proposed garage has been sited adjacent to the boundary with number 22. Vehicles will need to pass along the rear boundary of the garden of number 22 to access the garage and parking area. Whilst this would result in some noise from passing vehicles this would be over a small section of the rear boundary and could be mitigated against with appropriate boundary treatments such as an acoustic fence. Therefore on balance this does not warrant refusal of the application.

Other matters

The contaminated land officer has requested that a condition is attached to any permission requiring the reporting to any unexpected contamination.

The representations state that the proposed development will result in the removal of a cottage. The planning history shows that this is a residential annexe and is incidental to the enjoyment of the dwellinghouse. It is not a separate dwelling.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

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

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

4 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management. A programme of condition surveys of the local highway network shall be included, and all damage resulting from development made good.

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

5 Prior to any occupation of the dwelling a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

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

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

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

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

Reason: In the interests of amenity and highway safety.

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

Reason: To retain adequate off-street parking provision.

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

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

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

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

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

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

PLANS LIST:

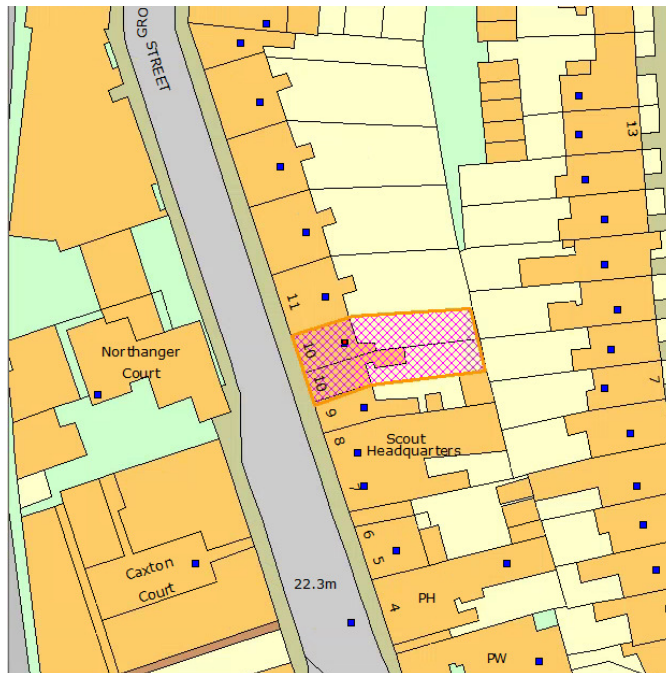
1 Existing location plan 01A
Proposed location plan 01B
Existing site plan 02
Proposed site plan 08A

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

Advice Note

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

Item No: 06
Application No: 15/01872/FUL
Site Location: 10 Grove Street Bathwick Bath BA2 6PJ



Ward: Abbey **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Jonathan Carr Councillor Peter Turner

Application Type: Full Application

Proposal: Change of use from 4no student flats to 4no cohesive self-contained residential flats, openings in existing partition walls, additions of new doors and creation of en-suite shower rooms.

Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, HotSpring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,

Applicant: Mr Tony Merkin

Expiry Date: 30th July 2015

Case Officer: Laura Batham

REPORT

Reason for Referring Application To Committee:

The agent for this application is Cllr Goodman who, as a Cllr for the Authority, has a connection to the application and the proposal is therefore required to be determined by Committee.

Site Description:

10 Grove Street is a mid-terraced property located close to the centre of Bath. The property is Grade II listed and set within the conservation area and world heritage site. The property is listed as part of a group listed row of properties built in the 1880's. However, the planform relates to an earlier Georgian building.

Proposal:

The application seeks consent for Change of use from 4no student flats to 4no cohesive self-contained residential flats.

History:

DC - 00/00372/FUL - Permit - 25 August 2000 - Change of use to form 2 no. maisonettes

DC - 00/00458/LBA - Consent - 15 November 2000 - Internal and external alterations to convert ground and basement floors into maisonettes

DC - 09/04854/FUL - Refused - 31 March 2010 - Alterations and erection of rear extension to building, following demolition of existing rear extension

DC - 09/04855/LBA - Refused - 1 April 2010 - Internal and external alterations to include erection of rear extension following demolition of existing rear extension

DC - 15/01873/LBA - Recommended for Consent - Internal alterations for the creation of 2no cohesive self-contained residential flats and openings in existing partition walls, additions of new doors and creation of en-suite shower rooms.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Conservation Officer:

No 10 Grove Street is a grade II listed tenement building circa 1880s. The strong diagonal wall line relates to earlier 18th century buildings on the site and is well explained in the the Historic Survey report which accompanied the 2009 application. I have put a hard copy on the paper file along with my delegated report at the time. The building is plain in character with a very good set of simple stone fireplaces.

The application relates only to the first and second floors of the building and proposes alterations to create four small self contained flats. What would be flats 2 and 3 are able to take advantage of the existing layout. We would still need to see kitchen layouts to ensure they respect the character of the rooms.

However flats 1 and 4 as proposed would entail inserting a partition wall that collides with the stone fireplaces (noted above) and compromises the size and shape of the original rooms. In my view this would harm the fabric, character and significance of the listed building. The existing layout could be utilized although it would be a squeeze fitting kitchen units into the livingroom.

Following revised drawings:

The alterations are now considered acceptable and the proposal is supported.

No third party representations received.

POLICIES/LEGISLATION

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

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

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

B4 - The World Heritage Site and its Setting
CP6 - Environmental Quality

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

BH.6 - Development within or affection conservation areas.
HG.4 Residential development in urban 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

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

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

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

OFFICER ASSESSMENT

The application seeks consent for the conversion of the building to create four self-contained flats. There is an accompanying listed building application (15/01872/FUL) which is recommended for approval which has assessed the impact upon the character and significance of the listed building.

Change of use:

The application relates only to the first and second floor of the building which is currently used for student accommodation. At present the flats are not completely self-contained with four bedrooms on each floor sharing a kitchen, bathroom and living area. The alterations propose to create four separate flats over the two floors which would all be accessed via the main staircase through the building.

Policy HG.12 Advises that the conversion of buildings for residential development will be supported providing that the use is compatible with the character and amenities of the adjacent uses and that it will not affect amenity for adjoining residents. The development should also not be detrimental for the amenities of the future occupants and the new use should not have a detrimental effect on the mix of size, type and affordability of accommodation locally.

The use of the building is currently a mix of flats with the area subject of this application student letting rooms with communal facilities. The application site has previously operated as flats. The predominant use in the vicinity is residential and the re-organisation of the building to create four self-contained units will not have a detrimental effect on the mix of units locally either in isolation or cumulatively with adjacent uses. The application is therefore considered to comply with policy HG.12.

Amenity:

The change of use from student letting rooms to four self-contained units is not considered to have a detrimental impact upon the amenities of the adjacent properties through loss of privacy or noise. The units would not increase the level of over-looking for any neighbouring units. The units offer an acceptable level of residential amenity for the future occupants and the scheme includes a storage room for use by all the occupants of the flats.

Design:

Following negotiations, the internal layout has been altered to address concerns. The only external changes relate to the addition of a soil pipe on the front elevation of the property. This addition is considered to be acceptable.

Conclusion

The proposal is not considered to have a detrimental impact upon the amenity of any neighbouring dwelling and the proposed change of use is considered to be compatible with the uses of the area without detrimentally affecting the mix of units in the area. There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the minor internal alterations are considered acceptable and are no longer considered to harm the fabric, character and significance of the listed building. The external pipe proposed would be of an appropriate material and size that would also not have a significant impact upon the special architectural or historic interest of the building.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the very small changes to the exterior of the building will not have an impact upon the character of the conservation area.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

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

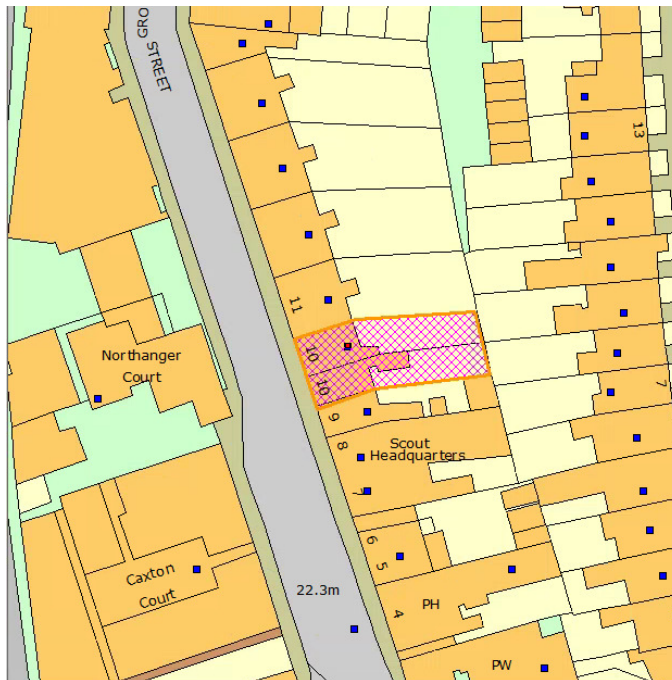
Reason: To define the terms and extent of the permission.

PLANS LIST:

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

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

Item No: 07
Application No: 15/01873/LBA
Site Location: 10 Grove Street Bathwick Bath BA2 6PJ



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

REPORT

Reason for Referring Application To Committee:

The agent for this application is Cllr Goodman who, as a Cllr for the Authority, has a connection to the application and the proposal is therefore required to be determined by Committee.

Site Description:

10 Grove Street is a mid-terraced property located close to the centre of Bath. The property is Grade II listed and set within the conservation area and world heritage site. The property is listed as part of a group listed row of properties built in the 1880's. However, the planform relates to an earlier Georgian building.

Proposal:

The application seeks consent for internal alterations for the creation of two cohesive self-contained residential flats and openings in existing partition walls, additions of new doors and creation of en-suite shower rooms.

History:

DC - 00/00372/FUL - Permit - 25 August 2000 - Change of use to form 2 no. maisonettes

DC - 00/00458/LBA - Consent - 15 November 2000 - Internal and external alterations to convert ground and basement floors into maisonettes

DC - 09/04854/FUL - Refused - 31 March 2010 - Alterations and erection of rear extension to building, following demolition of existing rear extension

DC - 09/04855/LBA - Refused - 1 April 2010 - Internal and external alterations to include erection of rear extension following demolition of existing rear extension

DC - 15/01872/FUL - Recommended for Approval - Change of use from 4no student flats to 4no cohesive self-contained residential flats, openings in existing partition walls, additions of new doors and creation of en-suite shower rooms.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Conservation Officer:

No 10 Grove Street is a grade II listed tenement building circa 1880s. The strong diagonal wall line relates to earlier 18th century buildings on the site and is well explained in the the Historic Survey report which accompanied the 2009 application. I have put a hard copy on the paper file along with my delegated report at the time. The building is plain in character with a very good set of simple stone fireplaces.

The application relates only to the first and second floors of the building and proposes alterations to create four small self contained flats. What would be flats 2 and 3 are able to take advantage of the existing layout. We would still need to see kitchen layouts to ensure they respect the character of the rooms.

However flats 1 and 4 as proposed would entail inserting a partition wall that collides with the stone fireplaces (noted above) and compromises the size and shape of the original rooms. In my view this would harm the fabric, character and significance of the listed

building. The existing layout could be utilized although it would be a squeeze fitting kitchen units into the livingroom.

Following revised drawings:

The alterations are now considered acceptable and the proposal is supported.

No third party representations 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 'In considering whether to grant listed building consent for any works...to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' Also, the duty placed on the Council under Section 66 of the same Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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

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

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

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

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

- o CP6 - Environmental quality
- o B4 - The World Heritage Site (where applicable)

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

- o BH.2 - Listed buildings and their settings
- o BH.6 - Development within or affecting conservation areas

OFFICER ASSESSMENT

The application seeks consent for the conversion of the building to create four self-contained flats. There is an accompanying planning application (15/01872/FUL) which will assess the planning considerations of this change of use. The application relates only to the first and second floor of the building which is currently used for student accommodation. At present the flats are not completely self-contained with four bedrooms on each floor sharing a kitchen, bathroom and living area. The alterations propose to create four separate flats over the two floors. The building is Grade II listed and has an unusual planform owing to the fact that behind the façade are remnants of an earlier Georgian building.

Internal Works

Flats 1 and 3 are able to utilise existing facilities and rooms to create separate units without requiring works. Flats 2 and 4 on the first and second floor require the addition of a bathroom and kitchen facilities to allow the creation of self-contained units. Initial designs proposed to install en-suites within the existing room layout; however, concerns were raised regarding the subdivision of the planform which had been part of the historical layout and an unacceptable impact upon the fireplaces within the rooms. Following negotiations, the agent has provided updates to overcome these concerns. The en-suite has been removed from both floors and the application now proposes to use the existing layout of rooms with the bathroom, kitchen/living and bedroom in separate rooms. A new doorway is required to connect the bedroom with the kitchen/living space on both floors. This minor alteration to enable the connection between the rooms within the flat is considered acceptable and the specific design of the new doors proposed is in keeping with the age and character of the building.

External Works

In order to utilise the existing planform and avoid have an impact upon the historical significance of the building the bathrooms have been moved to the front of the building. As such there are no existing services to connect to. The applicants have proposed to install a soil pipe on the front elevation. This cast iron pipe would site immediately alongside the existing rain water down pipe and would be of a similar size and finish to the existing. Therefore the impact of this pipe is considered limited and an acceptable solution to achieve the conversions.

Conclusion

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the minor internal alterations are considered acceptable and are no longer considered to harm the fabric, character and significance of the listed building. The external pipe proposed would be of an appropriate material and size that would also not have a significant impact upon the special architectural or historical interest of the building. No other external works are proposed.

RECOMMENDATION

CONSENT

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

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

PLANS LIST:

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

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

Item No: 08
Application No: 15/01996/FUL
Site Location: 11 Holloway Widcombe Bath BA2 4PS



Ward: Widcombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor I A Gilchrist Councillor Jasper Martin Becker
Application Type: Full Application
Proposal: Extension of kitchen into existing balcony with provision of roof and glazing to cover balcony.
Constraints: Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, British Waterways Major and EIA, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mrs R Simcox
Expiry Date: 4th August 2015
Case Officer: Nicola Little

REPORT

Reason for Referring Application To Committee:

The Development Management Scheme of Delegation requires applications to be determined at committee where the applicant is a Councillor for Bath and North East Somerset.

Site Description:

This application relates to property 11 Holloway, Widcombe, Bath. The property is located as one of the lower rank of modern terrace houses forming part of the Calton Gardens Estate.

The property is located within the Bath Conservation Area and City of Bath World Heritage Site.

Proposal:

The application seeks to infill an existing balcony on the first floor of the terrace with a glazed extension.

Relevant History:

None

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

One objection has been received, which is summarised below. Copies of full comments can be found on the Council's website.

- There is insufficient information explaining the development proposal.
- Queries over additional occupants in the existing HMO as a result of the development.
- Concerns over materials originally proposed, referencing the harm at number 1.
- The development proposal would be detrimental to the symmetry of the terrace.
- Party wall queries

POLICIES/LEGISLATION

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

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

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

- B4 - The World Heritage site and its setting
- CP6 - Environmental Quality

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

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.6: Development within or affecting Conservation Areas

The City of Bath World Heritage Site Setting Supplementary Planning Document (2013) is also relevant in the determination of this planning application.

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

OFFICER ASSESSMENT

Proposal:

Planning permission is sought to infill an existing balcony on the first floor of terrace property at 11 Holloway with a fully glazed extension with the result of enlarging the living space of the existing first floor of the dwelling house.

The application as originally submitted incorporated new white UPVC windows and roof coverings for the balcony extension. Following discussions with the applicant, revised drawings have been submitted incorporating windows with dark grey casing and opaque window panels.

Application Site and Context:

The property is located as one of the lower rank of modern terrace houses which form part of the Calton Gardens Estate. The estate was constructed in the 1960's and was originally laid out as three long ranks of terrace housing along the lower slope of Beechen Cliff.

As the "front row" of the three terraces forming the Calton Gardens Estate, the terrace houses of which No 11 Holloway is part is visually prominent from the highway and along the well used footpaths leading into the city centre.

The design of the estate is of a simple modernist uniform style. Each terrace is built with the appearance of being three storeys high - consisting of first and second floor living quarters with integral garages located on the ground floor. Each property has a characteristic open balcony located on the first floor of the property with access gained from the principal internal living quarters. The individual terraces each step up and forward of the previous attached property - the height of the roof of each house increases 1m and projects forward 0.6m.

The property is located within the Bath Conservation Area and the City of Bath World Heritage Site. Therefore, the principal matter to consider as part of this application is the impact of the proposed development on the character and appearance of the Conservation Area and the integrity of the World Heritage Site as well as the effect on residential amenity.

Consideration:

Buildings of this period, style and design are not typical or predominantly characteristic within the Bath Conservation Area and World Heritage Site. Although the host dwelling is not listed or representative in character, balance must be applied to ensure this development proposal will not contribute to a gradual harm to the Conservation Area.

The open balconies are a characteristic feature of the collective design of this row of 1960's terrace houses and this feature is largely retained on the estate. However one other property located on this lower rank of terraces (No. 1 Holloway) has implemented a glazed extension with white uPVC, which is not considered to be a sympathetic addition to the building. Similar balcony extension development has taken place on the row of terrace houses located along Calton Gardens. Such schemes consist of varying design and materials. These are less prominent from the point of view of the immediate streetscape than the application site as they are located higher on the slope facing north towards the City and are not visible from the local highway.

The application as originally submitted was similar to that at number 1 using white upvc materials and due to the expanse and prominent position of the extension it would have represented a stark new addition to the terrace. Revisions were sought which include revised materials coloured grey. The use of grey windows complements the horizontal grey brickwork on the first floor elevation of the terraces. The extension would sit on the grey brick of the application site and would be less stark as a consequence relative to adjoining properties. The grey windows and opaque glazing represent a softer, more sympathetic development proposal. In addition some opaque panels have been used to break up light omissions from the glazed extension.

The proposal will not result in significant harm being caused to the occupiers of other properties within the terrace or wider area, and there are therefore no concerns in this regard. The balcony could already be used for sitting out and its impact in respect of noise or overlooking is not considered of increased harm and enclosing the space may reduce potential impact in this regard. The enclosure is not considered overbearing on the neighbour either. Objections relating to the use of the property as an HMO are not relevant to the application which relates to the extension and proposes no changes to the use.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case it is considered that the character of the surrounding Conservation Area would be preserved.

Conclusion:

On balance, it is considered that the proposed glazed extension, by reason of its massing, position, materials, and design would not have an adverse impact on the character and appearance of the host building or the character and appearance of the surrounding Conservation Area or adversely affect the amenity of adjoining residents.

No other significant issues have arisen as a result of this planning application and for the reasons stated above this application is recommended for approval, subject to the inclusion of conditions.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

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

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

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

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

PLANS LIST:

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

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

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

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

PROPOSED BALCONY SECTION - DRAWING 5643-2015-07 - received 01 May 2015

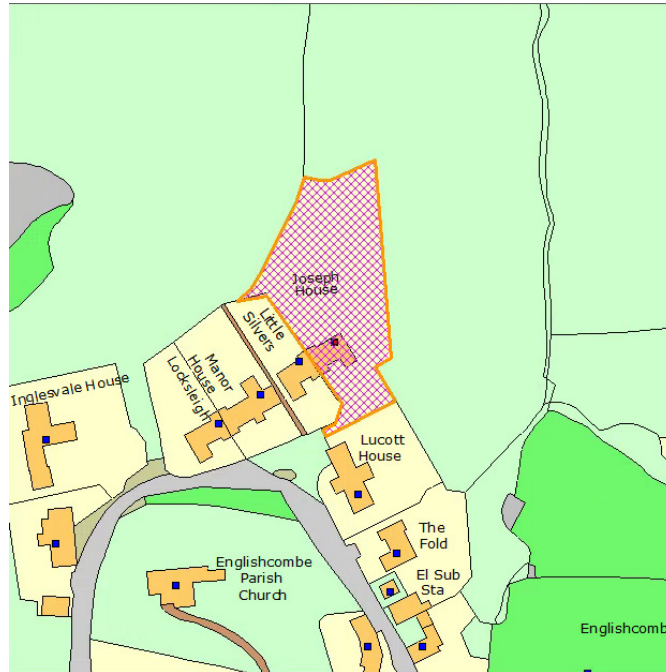
PROPOSED ELEVATION - DRAWING 5643-2005-05 A - received 10 July 2015

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

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

Item No: 09
Application No: 15/01757/FUL
Site Location: Joseph House Church Lane Englishcombe Bath Bath And North East Somerset



Ward: Bathavon West **Parish:** Englishcombe **LB Grade:** N/A

Ward Members: Councillor David Veale

Application Type: Full Application

Proposal: Erection of a wooden garden pagoda.

Constraints: Agric Land Class 1,2,3a, Conservation Area, Forest of Avon, Greenbelt, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

Applicant: Dr William Fulton

Expiry Date: 17th June 2015

Case Officer: Sasha Berezina

REPORT

REASON FOR REFERRING TO COMMITTEE

This application was supported by Englishcombe Parish Council and the officers are minded to refuse. The application was then referred to the Chair with recommendation to refuse. The Chair decided that the application will need to be presented to the Committee because: "This application is unusual and the Parish Council have clearly identified reason to support it while the officer has highlighted concerns relating to Green Belt policies. For this reason I feel the decision should be made by committee".

DESCRIPTION OF SITE AND APPLICATION:

The application relates to erection of a decorative wooden garden structure described by the applicant as a pagoda in the curtilage of a semi-detached dwelling on the northern outskirts of Englishcombe village. The building will be set outside Housing Development Boundary of the village and within Green Belt and Englishcombe Conservation Area.

The pagoda would be open-sided and erected above a tree stump which is set approx. 30m to the north of the house, at the bottom of the garden. It would be constructed in wood, would have 4m by 4m footprint and measure up to 5m in height.

PLANNING HISTORY

None

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Englishcombe Parish Council - support. The application complies with the adopted core strategy policies:

- o CP8 of the draft core strategy and GB.2 of the local plan saved to the core strategy as this application does not detract from the openness of the Green Belt and is not visually detrimental to the Green Belt;
- o BH.6 as it is not detrimental to the character of the area through its quality of design;
- o D.2 as through its use of materials and design the scheme is well connected to its surroundings and the character of the public realm is maintained;
- o D.4 as its design and use of materials means that the development responds to the local context

Third Party letters - none received.

POLICIES/LEGISLATION

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

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

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

CP6 - Environmental Quality

C8 - Green Belt

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

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.6: Conservation Areas

GB.2: Rural Qualities of Green Belt

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

Planning (Listed Buildings & Conservation Areas) Act 1990

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

OFFICER ASSESSMENT

The proposed scheme does not raise concerns in terms of residential or visual amenity of the area. It is considered that the character and appearance of the Conservation Area would be preserved, however the key material concern is in relation to Green Belt policies.

National Planning Policy Framework (NPPF) advises that the Government attaches great importance to protection of Green Belts, and that a local planning authority should regard construction of new buildings as inappropriate in Green Belt, although there are a limited number of exceptions such as proportionate extensions to existing buildings, outdoor recreation and sport facilities, replacement of existing buildings etc. Core Strategy policy CP8 (Green Belts) requires that the openness of the Green Belt should be protected from inappropriate development in accordance with NPPF. The saved Local Plan policy GB.2 states that permission will not be granted for development, which would be visually detrimental to the Green Belt by reason of its siting, design or materials.

The proposal entails a standalone permanent structure located away from the main dwelling, and as such it cannot be considered as an extension to an existing building for the purposes of Green Belt exceptions within paragraph 89 of the NPPF. Because it does not fall within one of the exception categories the proposal is considered inappropriate development within Green Belt and is harmful by definition.

Furthermore a lot of importance is also afforded to the protection of openness of Green Belt. The building, due to its design seeking to incorporate the tree stump, has sizable proportions and it has to be sited at a particular part of the garden. The plot of Joseph House stretches beyond the housing development boundary of the village into the fields beyond. As such the new building would be isolated from the built-up area and be particularly protuberant in views across the valley to the north and east, harming the openness of the area.

The NPPF advises in paragraph 88 that substantial weight should be given to protection of Green Belt, and that harm by inappropriateness and any other harm should be clearly outweighed by very special circumstances to make such development acceptable in policy terms. No such circumstances have been demonstrated. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

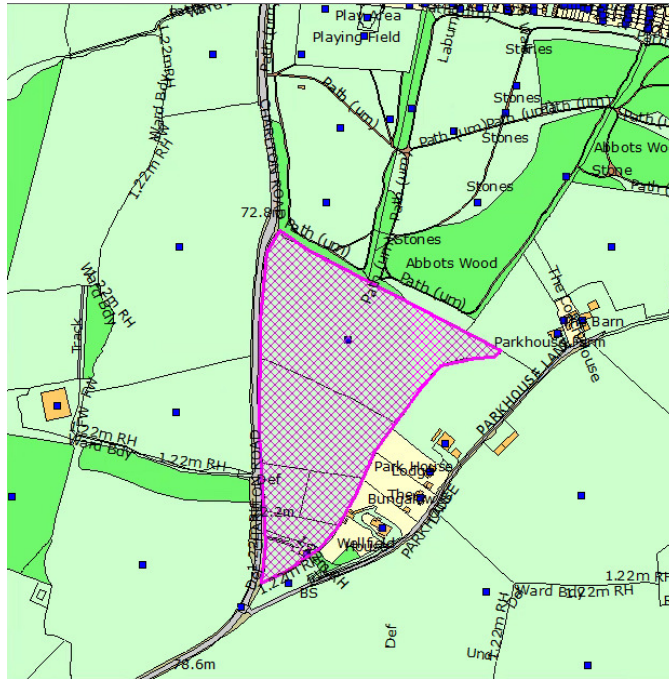
1 The proposal constitutes inappropriate development within Green Belt, which is harmful by definition. Furthermore, due to its size, bulk and location it would be harmful to the openness of the Green Belt. No very special circumstances have been demonstrated to clearly outweigh the harm, and as such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

PLANS LIST:

1 22 Apr 2015 OS Extract SITE LOCATION PLAN
22 Apr 2015 Drawing BLOCK PLAN
19 Apr 2015 Drawing 001 POSTS PLAN
19 Apr 2015 Drawing 002 PR'S PLAN
19 Apr 2015 Drawing 003 JACK PLAN
19 Apr 2015 Drawing 004 SPIRE PLAN
19 Apr 2015 Drawing 005 ROOF PLAN
19 Apr 2015 Drawing 007 WALLS B&D

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

Item No: 10
Application No: 15/00006/CONSLT
Site Location: Parcel 3100 Charlton Road Keynsham



Ward: Keynsham South **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Alan Hale Councillor Lisa O'Brien
Application Type: Consultation
Proposal: Comprehensive Masterplan and Design Principles for the proposed redevelopment of the site at Charlton Road, Keynsham pursuant to Policy KE4 of the Bath & North East Somerset Core Strategy 2014.
Constraints: ,
Applicant: Bloor Homes And Persimmon Homes
Expiry Date: 12th June 2015
Case Officer: Rachel Tadman