

Bath & North East Somerset Council

MEETING:	Development Management Committee	AGENDA ITEM NUMBER	
MEETING DATE:	26th August 2015		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
TITLE:	APPLICATIONS FOR PLANNING PERMISSION		
WARDS:	ALL		
BACKGROUND PAPERS:			
AN OPEN PUBLIC ITEM			

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

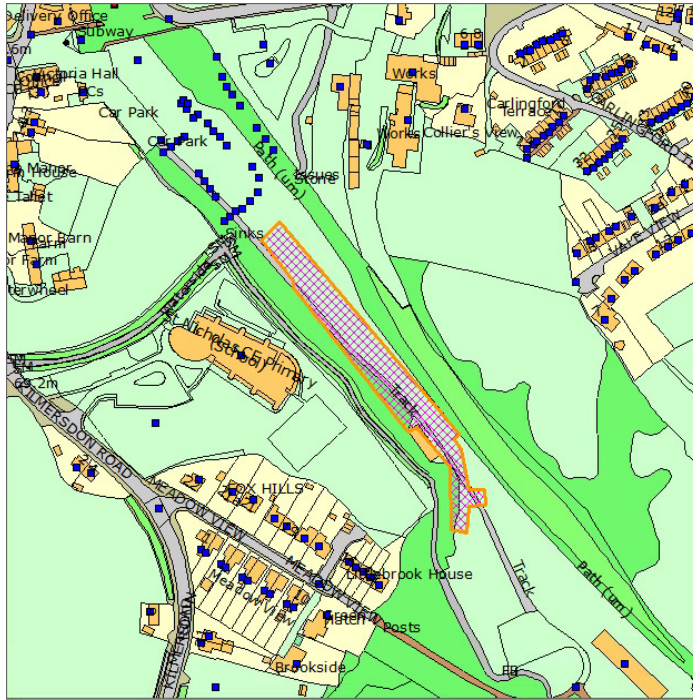
INDEX

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

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

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

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



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

Application Type: PI Permission (Approval Reserved Matters)

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

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

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

REPORT REASON FOR REPORTING APPLICATION

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

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

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

SCOPE OF PLANNING APPLICATION:

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

BACKGROUND TO THIS APPLICATION

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

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

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

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

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

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

The Outline scheme divided the site into three character areas:

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

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

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

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

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

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

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT OFFICER: No objections subject to conditions

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

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

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

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

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

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

URBAN DESIGN : No Objection

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

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

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

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

LOCAL RESIDENTS

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

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

POLICIES/LEGISLATION

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

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

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

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

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

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

GDS1 : Site allocation

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

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

Other material Local and National Guidance

NATIONAL POLICY

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

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

B&NES Council's Biodiversity Action Plan

LEGISLATION

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

OFFICER ASSESSMENT

Policy Background

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

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

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

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

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

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

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

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

Principle of Development and Land Use

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

Highways

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

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

Design, landscape, trees.

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

Conservation area

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

Ecology

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

Other matters

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

RECOMMENDATION

PERMIT

CONDITIONS

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

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

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

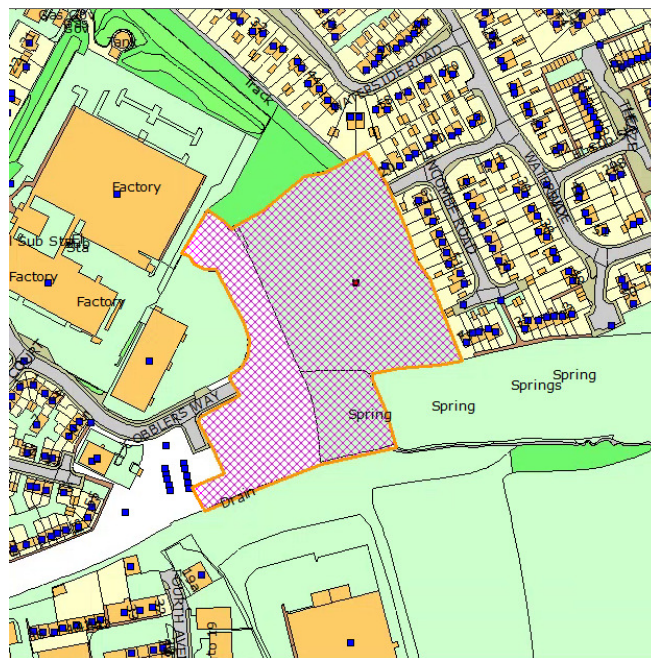
Reason: To define the terms and extent of the permission.

PLANS LIST:

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

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

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



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

REPORT

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

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

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

Description of development:

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

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

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

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

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

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

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

Relevant History:

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

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

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

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Planning Policy: Support the principle of development.

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

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

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

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

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

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

Ecology: No objections subject to conditions.

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

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

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

Arboriculture: No objections subject to conditions.

Economic Development: Not acceptable in its current form.

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

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

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

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

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

Landscape: No objection subject to conditions.

Environmental Health: No objection subject to conditions.

Affordable Housing: Not acceptable in its current form.

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

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

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

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

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

Education: No objections.

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

Archaeology: No objections subject to conditions.

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

Environment Agency: No objections subject to conditions.

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

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

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

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

POLICIES/LEGISLATION

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

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

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

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

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

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

National Planning Policy Framework

Planning Obligations SPD

OFFICER ASSESSMENT

Principle of the Use:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Design of the development:

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

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

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

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

Impact on the Landscape:

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

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

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

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

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

With regard to the planting scheme:

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

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

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

Impact on Trees:

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

Impact on Ecology:

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

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

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

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

Impact on residential amenity:

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

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

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

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

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

Impact on highway safety:

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

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

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

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

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

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

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

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

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

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

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

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

Parks and Open Space:

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

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

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

Affordable Housing:

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

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

Conclusion:

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

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

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

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

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

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

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

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

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

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

1. Highways

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

2. Affordable Housing

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

3. Open Space and Landscape

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

4. Cycle Path

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

5. Economic Development

Targeted Recruitment and Training and contributions comprising:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. A desk study identifying:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PLANS LIST:

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

2 Planning Informative(s):

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

Advice to Applicant:

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover:

- the use machinery
- storage of oils/chemicals and materials
- the routing of heavy vehicles
- the location of work and storage areas
- the control and removal of spoil and wastes

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

3 Decision making statement:

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

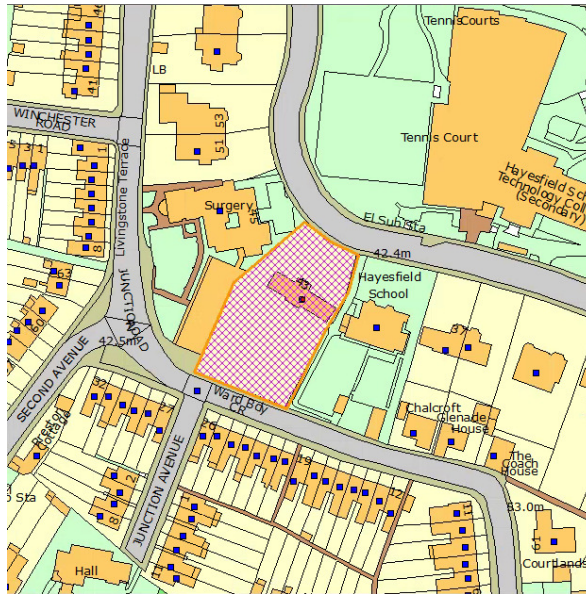
4 ADVICE NOTE:

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

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

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

Item No: 03
Application No: 15/02931/FUL
Site Location: 43 Upper Oldfield Park Oldfield Park Bath



Ward: Widcombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor I A Gilchrist Councillor Jasper Martin Becker
Application Type: Full Application
Proposal: Erection of 14no residential apartments with parking and shared grounds (Revised Proposal)(Retrospective)
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Landmark Developments Limited
Expiry Date: 28th September 2015
Case Officer: Rachel Tadman

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

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

DESCRIPTION OF SITE AND APPLICATION:

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

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

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

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

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

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

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

The changes include:

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

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

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

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

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

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

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

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

BACKGROUND HISTORY:

REFUSED APPLICATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED APPLICATIONS

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

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

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

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

COMMENCEMENT OF DEVELOPMENT

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

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

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

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

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

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

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

ENFORCEMENT ACTION

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

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

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

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

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

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

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

OTHER RELEVANT PLANNING HISTORY:

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

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

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

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

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

Conservation Officer: No objections with the following comments:

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

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

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

Although some concerns over the appearance of the roof top remain, the enhanced (revised) treatment of the 'paraphernalia' in this current submission will be an improvement on any longer distance views from higher vantage points in the Conservation Area.

Overall much of the fabric of the Conservation Area would remain unaltered by the development, so any harm caused to its character by the revised roof top treatment is in my view outweighed by the development in its totality which is considered to be acceptable.

English Heritage: No objections with the following comments:

The reduction in the overall height and number of different roof top features has helped to reduce the overall amount of paraphernalia at this level, providing a cleaner finish to the development.

The upper storey on each of the projecting wings has been reduced in width with more glazing introduced to provide a more translucent appearance.

The combination of these changes does help to reduce the harm caused to the Conservation Area by the unauthorised works. Although these changes are a compromise and are not replicating the original approved scheme, we no longer consider that this proposal is sufficiently harmful to justify an objection.

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Waste Services: Not acceptable in its current form.

The proposed waste and recycling store cannot be serviced for collections from its current location within the plans. It is positioned within the further corner of the lower ground floor, the adjacent access point appears to be steps to the outside ground level.

The position of the bin storage area should be a maximum distance of 8m from the highway, ideally outside. Any slope the bins will need to be taken up must not exceed 1:12.

Affordable Housing: No objection subject to contributions.

Policy CP9 of the adopted core strategy requires 30% provision on large development schemes in this postcode area, however no affordable housing has been proposed and therefore the application is not policy compliant.

However if an affordable housing contribution is sought in line with the Planning Obligations SPD, no objections.

Bath Preservation Trust: Object making the following comments:

1. The proposed revisions are not sufficient to address the original reasons for refusal and remains harmful to the character and appearance of this part of the Conservation Area and World Heritage Site.
2. The raised central roof area has a dominating and damaging impact on the streetscape, the topography of the hillside, longer views and this part of the Bath.
3. The revised proposals do not illustrate in clear format the 'approved', 'as built' and 'new scheme' and it is therefore difficult to assess the changes and their impact.
4. The fourth floor side wings (reduction of 600mm each) now appear less solid in appearance
5. There is no discernible change to the overall impact or height of the building, particularly in views from the lower Oldfield Park area and in long views from vantage points across Bath.

Local Representations: A total of 2 letters of objection have been received raising the following concerns:

1. No material change to the overall scale and bulk
2. The oversized roof form with various extrusions remain, and which do not represent a high quality design
3. The scheme remains incongruous and harmful to the Conservation Area

A total of 25 letters of support have been received with the following comments:

1. The building is a magnificent piece of architecture.
2. Its form and proportions is a 21st Century version of the neighbouring Victorian buildings.
3. It sits sympathetically with the neighbouring buildings.
4. The loss of 14 new homes is unacceptable given it is a brownfield site and in line with the Core Strategy.

The City Car Club have also commented on the proposed development:

1. The car club section 106 was agreed before a car club bay was established on street at Upper Oldfield Park.
2. The location is popular but one car club vehicle in the area is sufficient at this time.
3. An additional space at Upper Oldfield Park is not considered necessary in the short term but may be in the medium to long term future.

POLICIES/LEGISLATION

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

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

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

- o Policy DW1 - District Wide Spatial Strategy
- o Policy SD1 - Sustainable Development
- o Policy B1 - Bath Spatial Strategy
- o Policy B4 - World Heritage Site and its setting
- o Policy CP6 - Environmental Quality
- o Policy CP9 - Affordable Housing
- o Policy CP10 - Housing Mix
- o Policy CP2 - Sustainable Construction
- o Policy CP3 - Renewable Energy
- o Policy CP6 - Environmental Quality
- o Policy CP7 - Green Infrastructure
- o Policy CP13 - Infrastructure Provision

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

- o Policy SC.1: Settlement classification
- o Policy SR.3: Provision of recreational facilities to meet the needs of new development
- o CF.3 Contributions from new development to community facilities
- o IMP.1 Planning Obligations
- o Policy D.2: General design and public realm considerations
- o Policy D.4: Townscape considerations
- o Policy NE.4: Trees and woodlands
- o Policy BH6: Development within the Conservation Area
- o Policy T.24: General development control and access policy
- o Policy T.26: On-site parking provision

SUPPLEMENTARY PLANNING GUIDANCE

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

LEGAL FRAMEWORK

Town and Country Planning Act, 1990 (as amended)

Development Management Procedure Order, 2010 (as amended)

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

NATIONAL PLANNING POLICY

Full consideration has been given to the National Planning Policy Framework (NPPF) including, but not limited to, Chapter 6 Delivering a wide choice of high quality homes, 7 Requiring good design and 8 Promoting healthy communities.

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

Full consideration has also been given to the Government Guidance set out in the National Planning Practice Guidance (NPPG) 2014

OFFICER ASSESSMENT

PRINCIPLE OF THE DEVELOPMENT:

The proposed development is within the defined urban area of Bath where residential development is acceptable in principle and is in accordance with Policy B1 of the Core Strategy.

Furthermore the principle of a building of a similar scale, height and width in this location has also been established by the granting of planning permission in 2009 ref: 07/02461/FUL. This is a material consideration that has some weight. The policy position has not significantly changed since the grant of planning permission in 2009.

Notwithstanding the history of the site, this application has to be considered on its merits.

DESIGN, LAYOUT AND IMPACT ON THE BATH CONSERVATION AREA AND WORLD HERITAGE SITE:

The character of Upper Oldfield Park and this part of the Bath Conservation Area and World Heritage Site is relatively mixed with terraces of modest two storey dwellings on Junction Road to large Victorian villas on Upper Oldfield Park. This is also interspersed with more modern low level buildings such as the Doctor's surgery adjacent to the site and the contemporary Hayesfield School development opposite that uses a high proportion of flat roofs.

Within this context the overall design of the proposed building appears as a contemporary representation of the more historic villas that form part of the character of Upper Oldfield Park and particularly with regard to the adjacent building of Hayesfield School.

The Hayesfield School building to the east is the largest building in this part of the street scene and the overall width of the proposed building, when measured at first floor level, at 18.9m is only marginally wider than Hayesfield School which is 18m wide. Furthermore the gaps between the proposed building and its neighbours are considered to reflect that found between buildings immediately adjacent to the site.

The ridge of the development is 60.06 AOD whereas the ridge of the adjacent Hayesfield School building is 60.49 AOD. The development as built is therefore approx 0.4m lower than the adjoining Hayesfield School building.

In terms of the overall height, size and bulk of the proposed development, the building is considered to relate well to its immediate context and compares favourably to the adjacent Hayesfield building and would not have a significant detrimental impact on the street scene. The building is highly visible and somewhat prominent in some medium range views of the site, particularly from the south, due to its location on a ridge within Upper Oldfield Park where the land slopes gently away to the south and more steeply to the north. However the fact that it is visible/prominent in these views does not necessarily make it incongruous or unacceptable.

It has always been accepted that in terms of comparative scale the building relates poorly to the adjacent doctor's surgery to the west, as this building itself is out of context, which is especially noticeable when viewed from Junction Road. However the surgery is very clearly an anomaly producing a visual gap in what is otherwise a street of a fairly uniform pattern and as such the relationship between the proposed development and the Doctor's is considered to be acceptable.

Turning to more detailed design matters, the building's main elevation is that of a double gabled front elevation with wider additions at lower ground and upper ground level culminating in an outdoor terrace at first floor level. The lower ground level, providing the parking for the development, is located partially below ground with a sloping driveway leading down and would not be overly visible in the street scene as it would be screen by planting and the front boundary wall.

Running up the building from first floor level, on each side, and set back from the main front elevation, is a side projection which culminates at fourth floor level with a slate hung flat roofed element.

In comparison with the recently refused scheme (ref: 14/04547/FUL) the design of the building has been amended at the fourth floor and roof level to reduce the width of the side projections and to simplify the roof.

Dealing with the side projections first, each projection has been reduced in width by approx. 0.5m. This has been achieved by structural changes at both third and fourth floor level to provide the necessary loading on which to sit the amended side projection. Furthermore the windows to the front and rear elevations of the projection have been made larger, and now wrap around the corner onto the side elevation, which has helped to reduce the visual bulk at this level.

The side projections remain set back from the front and rear of the side projection to form a small balcony at the front and rear.

These side projections remain reflective of the character of the adjoining Victorian villas, albeit in a contemporary style, and the provision of the slate clad flat roof addition at fourth floor level is still considered to add an interesting and not incongruous element that improves the architectural legibility of the building.

Turning to the roof of the building, a mixture of flat and pitched roofs are used in a mix of materials including natural slate and slate grey glass fibre.

The upper roof level was previously very cluttered with ventilation stacks, rooflights, air vents and flue's and as a result of the previous refusal the proposed plans now show that the clutter has been significantly reduced by lowering the rooflights, vents and flues. The satellite dish has been moved to the rear of the main front chimney so it will no longer be as prominent or readily visible.

On the north eastern sloping roofslope the solar PV panels have been removed from the scheme which has also reduced the clutter and simplified the appearance of the development at roof level.

Some solar panels will remain, laid flat against the flat roofs of the side projections meaning that they will be hardly visible.

The amendments to the size of the side projections is considered to reduce the bulk of the building at the top floor level. Furthermore the reduction in the clutter at the roof level has significantly improved its appearance in both short, medium and long range views of the site and are, overall considered sufficient to overcome the reason for refusal of the previous application ref: 14/04547/FUL.

With regard to materials the building uses a high level of glazing, particularly on the rear corners where wrap around windows are provided. The main external walling material is natural Bath Ashlar stone, quarried in Limpley Stoke, and slate are used on the elevations of the fourth floor side projection. These materials are reflective of the character of the surrounding area and are considered to be acceptable.

Overall the size, design and massing of the proposed building is considered to be acceptable and would not have a harmful impact on the street scene. The overall height is also considered to relate well with respect to the context and the addition of a building of

this design is deemed to add an appropriate addition in the streetscene to form a group of buildings of similar design and size in this part of the street.

The site is within the Bath Conservation Area and therefore there is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. The development also needs to be considered under Para 132 of the NPPF which states that "great weight" should be given to the conservation of the Conservation Area as a heritage asset.

Furthermore the location of the site within the World Heritage Site requires that the wider setting issues in this part of the city, particularly as they might affect the Outstanding Universal Values of the World Heritage Site are taken into consideration.

As part of the consideration of this revised proposal the Conservation Officer has taken the opportunity to view the existing development from a number of viewpoints and is of the view that the prominence of the development in views is primarily due to the fresh colour of the stonework.

Historic England have also made comments and agree with the Conservation Officer in that the harm caused by the building has been reduced by the amendments. Therefore, although some concerns still remain about the appearance of the rooftop, it is considered, overall, that the harm to the heritage assets is now minimal. Furthermore it is considered that the harm, albeit minimal, is in any case outweighed by the public benefits of providing a total of 14 dwellings on a brownfield site that will add to the housing supply in the City of Bath thus contributing to the overall supply of housing in the district reducing the need to develop greenfield sites. The development would introduce a building which, overall, is of a high quality, contemporary design that makes a positive contribution to local character and distinctiveness. Finally the development is considered to represent the optimum viable use of the site by maximising the available land to deliver an appropriate number of residential units.

Overall the design is considered to be of a high standard and the building is constructed out of high quality materials which is considered to closely reflect and interpret the siting, form, scale, symmetry and front building line of the imposing pair of semi-detached C19 villas of Hayesfield School to the east. Furthermore the overall form of the building proposed will satisfactorily group with and reflect the appearance of these prominent structures in this part of the Conservation Area street scene.

Whilst the proposal is within a Conservation Area, this does not preclude modern architecture or large buildings, subject to them being of a high standard of design. The UNESCO Mission Report of 2009 stated that high quality contemporary styles are desirable in Bath as it adds a new layer of quality to complement the existing excellence. It is considered that this proposal is in line with these recommendations and would preserve the character and appearance of the Conservation Area and would not have a harmful impact on the Outstanding Universal Values of the World Heritage Site.

Furthermore when a comparison is made against the original two storey inter war dwelling the overall design of the proposed building is considered to represent an enhancement to

this part of the Bath Conservation Area and World Heritage Site through the introduction of a high quality building into the area.

Whilst this application is judged on its own merits, as previously discussed, the history of the site is a material consideration. In comparison with permission 07/02461/FUL the design of the proposed building is largely unchanged apart from some minor changes to windows. The main area of amendment is to the side projections at fourth floor level and the roof design.

The refused permission ref: 14/04547/FUL sought to make a number of amendments to the building including extension of the side projections at fourth floor level and the extension of the roof upwards in order to accommodate a plant room etc. at fifth floor level. These changes were found to be unacceptable which was reflected in the reason for refusal.

This planning application now seeks to reduce the width of the fourth floor side projections in order to reduce the bulk of the building at this level and also significantly reduce the level of clutter at roof level to provide a much simpler roofscape.

The side projections at roof level were considered very carefully when planning permission (07/00653/FUL) was originally granted and it was considered that they were acceptable. The projections are still larger than originally approved but are smaller than refused and, overall, the proposed amendments are considered to overcome the previous reason for refusal.

IMPACT ON RESIDENTIAL AMENITY:

The impact on residential amenity is unchanged from the consideration of planning application ref: 14/04547/FUL however it still remains to be considered as below:

The directly adjoining properties to the north, east and west of the site are not in residential use, but instead are occupied by a medical centre and Hayesfield School. Whilst there are residential dwellings to the rear of the site, on Junction Road, there is approx. 40m distance elevation to elevation.

In light of this, with regard to the impact of the development on residential amenity, this proposal is not considered to have an unacceptable impact on the amenities of the neighbouring occupiers.

With specific regard to residential amenity, the previous proposals to redevelop this site, including the permission in 2009 and the refusal in 2007, also concluded that the proposals would not have an unacceptable detrimental impact on the residential amenity of neighbouring occupiers.

There is the potential for overlooking from the large roof terraces at first floor level, however the proposed planted beds along the shared side boundaries, in conjunction with a suitable landscaping scheme, would ensure that views out of the site are restricted by a planting screen.

It is acknowledged that there would be some overlooking from the balconies, although this would be at an oblique angle, and given that the neighbouring properties to the north, east and west are not in residential use this is considered acceptable.

The impact on the existing residential properties in Junction Road to the rear of the site has been considered and assessed in detail. The proposal includes two small rear balconies at fourth floor level along with habitable rooms located at the rear of the upper floors of the proposed building and it is acknowledged that some overlooking would inevitably occur. The terraces at fourth floor level were proposed, within the extant scheme, to wrap around the projection at fourth floor level allowing future residents the ability to overlook neighbouring dwellings from a high level. The removal of a significant part of the terrace by expanding the side projections to increase the internal living accommodation is considered to reduce the incidence of overlooking to the benefit of residential amenity.

However, due to the significant distance of approx. 40m between the front elevations of junction Road and the rear elevation of the proposed development, it is concluded that there would not be a significant or unacceptable detrimental impact in terms of loss of privacy or amenity as a result of direct overlooking or overshadowing from the proposal.

In comparison with the previous permission 07/02461/FUL, the number of windows and their proximity to neighbouring dwellings have not changed to such a degree as to have any further impact on residential amenity. The overall increase in size of the building is also not considered to have any further impact on amenity by reason of overbearing impact or overshadowing.

The terrace at first floor level is proposed to be 0.45m lower and the impact of this on the level of overlooking caused is marginal and would in any case still be adequately overcome by planting. The terrace at third floor is substantially unchanged.

Overall it is considered that impact of the development on the residential amenity of surrounding occupiers would be largely unchanged, reduced in specific areas and therefore would remain acceptable.

LANDSCAPING AND TREES:

The impact on landscaping and trees is unchanged from the consideration of planning application ref: 14/04547/FUL however it still remains to be considered as below:

The proposed development would not have an adverse impact on trees as the necessary tree protection fencing is already in place. Therefore, subject to conditions to retain the tree protection fencing during construction, it is considered that the impact on the tree within the adjacent Hayesfield Girls School site is acceptable.

With regard to landscaping of the site, the submitted plans show that the communal garden areas are to be laid out in a formal style and, whilst there is a limited amount of detail at this stage, this can be dealt with by condition.

It is therefore considered that the proposal will preserve this part of the Conservation Area, subject to appropriate conditions and the submission of a high quality landscaping scheme.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The impact on highway safety is unchanged from the consideration of planning application ref: 14/04547/FUL however it still remains to be considered as below:

The provision for vehicular access and parking to serve the proposal is considered acceptable in the context of the site's location and accessibility by non-car modes. The access on to Upper Oldfield Park is also considered acceptable, the access onto Junction Road is intended for use only for service and maintenance, and, subject to a condition to control this, the proposal is considered acceptable in this regard.

The application includes the provision of membership of the local car share club for future residents on a lifetime basis at a ratio of two memberships per flat and a parking space for a car club vehicle. Upper Oldfield Park already has a Car Club space on street which is well used and at this time, a further space is not considered necessary. However it is considered that the provision of a further space on the development site for use in the long term is necessary. This is considered to be acceptable and will form an obligation within a S106 legal agreement.

The proposed development is therefore considered to be acceptable in terms of highway safety subject to an obligation in a S106 legal agreement and conditions.

SUSTAINABILITY AND RENEWABLE ENERGY:

The development is proposed to be constructed to Code for Sustainable Homes Level 4 and includes the following measures to achieve energy efficiency and sustainability including:

- o Sustainable urban drainage systems to reduce water run off rates
- o Sustainable building materials, in conjunction with solar passive gain, to reduce energy needs of the buildings
- o Energy high performance windows
- o Energy efficient lighting design
- o Use of renewable technology including solar PV panels

The incorporation of sustainable construction features is considered to be in accordance with Core Strategy policy CP2 and the Sustainable Construction & Retrofitting SPD.

REFUSE COLLECTION:

A bin storage area is proposed at basement level with refuse collection taking place from Upper Oldfield Park, the same as the existing dwelling.

The Waste Services Section of the Council has raised concerns that the proposed bin storage area could not be serviced for collection and that its adjacent access point appears to use steps to the outside ground level.

Whilst these concerns have been considered, the specific location of the bins and the ease in which they can be moved to a kerbside location for collection, relates more to the operation of the building and is a matter to be overcome through the day to day management of the building.

PROVISION OF AFFORDABLE HOUSING AND DEVELOPER CONTRIBUTIONS:

The development was initially designed when a scheme of 14 dwellings would have been below the relevant thresholds over which an affordable housing provision would have been required. However due to the intervening adoption of the Core Strategy, the proposal is within the Bath area where, under Policy CP9 of the adopted core strategy, 30% provision of affordable housing is required. The scheme does not include the provision of any affordable housing on site nor are contributions being offered.

The lack of on site affordable housing provision has been met with concern by Housing Services with the view expressed that a contribution should instead be provided to ensure that the scheme is in accordance with Policy CP9 of the Core Strategy. Housing Services are of the view, in this instance, that on site provision is not absolutely necessary to make the scheme acceptable as the layout does not lend itself to its provision nor are the appropriate affordable housing standards going to be met, part of which is due to the high service charges that a scheme like this would demand.

In response application ref: 14/04547/FUL, and again to this current application, it has been stated that the provision of affordable housing on site or contributions towards affordable housing would make the scheme unviable. Therefore application ref: 14/04547/FUL was accompanied by a Viability Assessment Report which, following independent assessment, was found to demonstrate that the development is unviable even before the seeking of any on site affordable housing provision or contributions.

A new viability assessment report has not been submitted, or requested, as part of this application as very little time has passed since the original viability report was independently assessed. In light of this Officers have relied on the previously submitted report in relation to viability.

Para 016 (Reference ID: 10-016-20140306) of the NPPG states 'where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary.'

Para 019 (Reference ID: 10-019-20140306) goes on further to state 'where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.'

'This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.'

The National Planning Policy Framework sets out a core planning principle that in decision-taking local planning authorities should encourage the effective use of land by re-using land that has been previously developed. To incentivise the bringing back into use of brownfield sites, the Government confirms (through the NPPG) that local planning authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.

As it has been demonstrated that the scheme is unviable even before taking into account affordable housing provision, Officers are of the view that, in line with the NPPF and NPPG, the Council is allowed to take a more flexible approach in not seeking commuted contributions.

The lack of affordable housing provision/contributions for reasons of viability make the application contrary to Policy CP9 of the Core Strategy and therefore the application has been advertised as a departure in line with the statutory requirements set out in the Development Management Procedure Order.

CONCLUSION:

The application has been submitted in order to gain planning permission for the existing building on site, with some amendments, and to overcome the reasons for refusal for planning application 14/04547/FUL. A building of a similar scale, height and width in this location has already been previously granted planning permission under application ref: 07/02461/FUL although now expired.

The amendments have included the decluttering of the building at roof level with the reduction in size of the ventilation stacks, rooflights and flue's at roof level as well as the removal of the solar panels on the north eastern sloping roof.

The fourth floor side projections have also been reduced in width by 0.5m each meaning that the fourth floor level has been reduced in width by 1m overall. This has reduced the bulk of the building at this level and improved its appearance.

The size, design and massing of the proposed building is now considered to be acceptable and has overcome the previous reason for refusal. The development is not considered to have a harmful impact on the street scene and the overall height relates well with respect to the context and the addition of a building of this design is deemed to add an appropriate addition in the streetscene to form a group of buildings of similar design and size in this part of the street.

It is the case that the building is marginally larger than the building permitted under 07/02461/FUL but, considering the overall size of the building, the principle issue is not whether one building is bigger than another, but instead whether or not a building of this scale is acceptable with the street scene and preserves the character and appearance of the Conservation Area. The height of the proposed building is considered to remain acceptable in terms of its relationship with its immediate neighbour (Hayesfield School), retains the step between building heights and maintains the gap between buildings which is characteristic of this part of the Conservation Area and World Heritage Site. In light of

this the height, bulk and mass of the development is considered to be acceptable and would sit in harmony with the surrounding buildings and streetscene.

Overall it is considered that would preserve the character and appearance of the Conservation Area and would not have a harmful impact on the Outstanding Universal Values of the World Heritage Site.

The proposed development is not considered to have an adversely harmful impact on the residential amenity of either the future occupiers or those neighbouring the site.

The proposed development is also not considered to have a harmful impact on highway safety subject to an obligation in a S106 legal agreement and conditions.

The proposed development, under Policy CP9 of the Core Strategy, has triggered a requirement for affordable housing provision. The previous application 14/04547/FUL was accompanied by a Viability Assessment Report which was independently assessed and demonstrated that the development was unviable even before affordable housing provision had been taken into account. As very little time has passed since planning application 14/04547/FUL was considered, a new viability assessment has not been requested and the findings of the previous assessment are also relied upon by this application.

Great care has been taken to not only consider the proposed development on its merits but also in light of the site's extensive planning history. Having carried out this careful assessment Officers are of the view that, in comparison, the amendments to the size and design of the building are acceptable and represent an improvement to the scheme which addresses the reasons for refusal of permission ref 14/04547/FUL.

In light of the above it is therefore recommended that permission is granted subject to the completion of a legal agreement and subject to conditions.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

The provision of a parking space for the local car share club and membership of the aforementioned club for future residents on a lifetime basis at a ratio of two memberships per flat

B Subject to the prior completion of the above agreement, authorise the Group Manager, Development Management, to PERMIT subject to the following conditions:

1 Within 6 months of the date of this permission a detailed programme for the implementation of the development, as shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The programme should

confirm the commencement of construction within 12 months of the date of this permission.

Reason: As the scheme is partially retrospective a programme is required to ensure that the building is amended on site to comply with the approved plans and in the interests of the character and appearance of this part of the Conservation Area.

2 Within 6 months of the date of this permission a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority; such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of new walls, fences and other boundary treatment, finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

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

3 All hard and/or soft landscape works shall be carried out in accordance with the approved details and within 12 months of the date of this permission or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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

4 The protective fences erected around the Pine tree on the Junction Road boundary, approved under Condition 4 of planning permission Ref: 07/02461/FUL, and discharged under application Ref: 11/05409/COND, which is located within Hayesfield School site, shall not be removed until the completion of the development. The area within the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for arboricultural or landscape works as otherwise approved.

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

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

Reason: In the interests of amenity and road safety.

6 Within 6 months of the date of this permission, or first occupation (whichever is the later), a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have previously been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

7 Within 3 months of the date of this permission the cycle parking indicated on the approved plans shall be provided and shall thereafter be kept clear of obstruction and shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of sustainable development.

8 The vehicle access/exit from Junction Road shall not be used other than for servicing and emergency vehicles.

Reason: In the interest of Highway Safety.

9 New resident's welcome packs shall be issued to purchasers within 3 weeks of their first occupation. The packs should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc. The packs shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

10 Notwithstanding the approved plans and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no further satellite dishes or microwave antennae shall be attached to any building or erected within the site without the prior written permission of the Local Planning Authority.

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no lines, mains, pipes, cables or other apparatus shall be installed or laid on the site other than in accordance with drawings first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the existing and proposed trees, vegetation and open spaces on the site.

12 Within 6 months of the date of this permission, minimum 1:50 scale details of the proposed front boundary wall and stone piers shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details and within 3 months of the details being approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

13 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no further solar PV or solar thermal shall be installed on the building hereby approved unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the building and the character and appearance of this part of the Bath Conservation Area.

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

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

PLANS LIST:

1 PLANS LIST:

This decision relates to drawing nos 492.5.000, 492.BR.01E, 492.BR.02H, 492.BNR.03H, 492.BR.04H, 492.BR.05H, 492.BR.06H, 492.7.006A, 492.007A, 492.7.008A, 492.7.009B, 492.7.010B, 492.7.011A, 492.7.012A, 492.7.111.

2 Decision Making Statement:

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

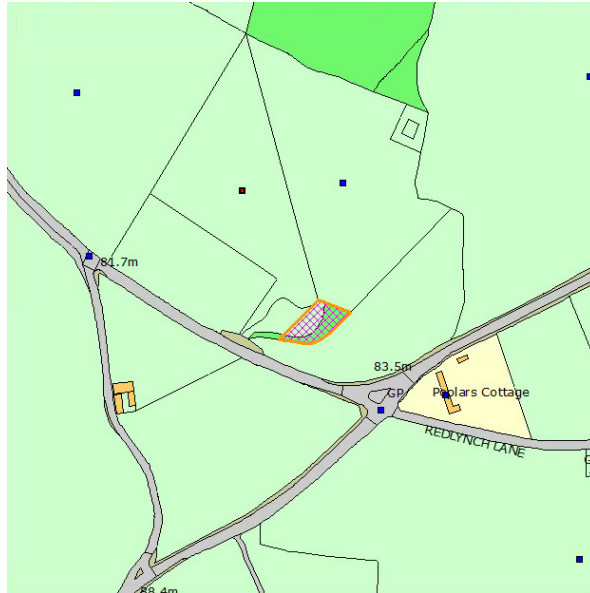
3 ADVICE NOTE:

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

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

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

Item No: 04
Application No: 14/01379/FUL
Site Location: Rough Ground And Buildings Queen Charlton Lane Queen Charlton
Bristol Bath And North East Somerset



Ward: Farmborough **Parish:** Compton Dando **LB Grade:** N/A

Ward Members: Councillor S Davis

Application Type: Full Application

Proposal: Change of use of land to private gypsy and traveller caravan site (Retrospective) (Resubmission of 13/02781/FUL)

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Forest of Avon, Greenbelt,

Applicant: Mrs K O'Connor

Expiry Date: 19th May 2014

Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Sally Davis has requested that the application be reported to committee for the following reason:

This is a controversial site with much planning history which each time has been refused both locally and at appeal due to Green Belt and sustainability issues.

DESCRIPTION

The application site comprises an area of predominantly flat land approximately 300 metres south-east of the village of Queen Charlton and its Conservation Area and approximately one kilometre south-west of the edge of the urban area of Keynsham. The site falls within the Bristol and Bath Green Belt.

The site area is approximately 0.5 hectares and currently contains 2 static caravans, 3 touring caravans, two storage sheds, a toilet block, a stables and a feed store and there is unauthorised residential use of the land.

The proposal is for a change of use of the land to a private gypsy and traveller caravan site. The application shows that this would consist of 4 touring caravans, 2 static mobile homes, a toilet block, a trailer and a mono pitched stable block. The proposals also include new landscaping around the boundaries of the site.

The site is currently occupied as an unauthorised gypsy and traveller site.

PLANNING HISTORY

The site has a long and complex planning history which is summarised below:

- o Application reference WB.168811 submitted for the stationing of residential caravans. Planning Permission was refused in 1994.
- o Enforcement notice served in relation to the stationing of caravans on the site in 1994.
- o Appeals lodged against refusal of planning permission and enforcement notice. Enforcement notice was upheld, but temporary permission granted for two caravans until May 1998, on basis that by then other more suitable sites would be available
- o Permanent occupation of the site ceased between 1995 and 2000, so enforcement notice was considered to be complied with at that time.
- o The site was re-occupied in 2000 and further application for planning permission was submitted (reference 00/01523/FUL)
- o The application was refused in 2000
- o An appeal lodged, but dismissed at inquiry in 2002. The Inspector's reasoning based on the lack of gypsy status of applicants was subsequently successfully challenged at High Court.
- o The appeal was heard again at another inquiry in 2003 and again dismissed. This was on grounds of harm to the Green Belt, harm to the rural character, harm to the setting of the Queen Charlton Conservation Area and the unsustainable location. This was considered to outweigh the need for gypsy and traveller sites and the personal circumstances of the appellants.
- o The site was again vacated in 2002 and not re-occupied until 2009, when a new planning application was submitted (09/03202/FUL). The application was refused in 2009.
- o An appeal against this refusal was determined at a hearing in 2010. The appeal was dismissed on grounds of harm to Green belt, harm to the rural landscape and harm to the setting of the Queen Charlton Conservation Area. These were considered to outweigh the benefits of the need for gypsy and traveller sites and the personal circumstances of the appellants.

o The appeal decision was unsuccessfully challenged at the High Court in 2012 and was subsequently dismissed in the Court of Appeal in February 2013.

o A further application for planning permission was submitted (Reference 13/02781/FUL). This was refused in September 2013.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses is provided below. Full comments are available on the Council's website.

HIGHWAYS OFFICER

The site is remote from local services, shops, schools, amenities and public transport. Further, there is a lack of footway provision for those wishing to walk and, therefore, the proposed development will result in increased reliance on the use of the private motor vehicle, contrary to policies designed to promote sustainability.

The public highways in the vicinity of the site, including Queen Charlton Lane off which the site gains access, are all subject to the national speed limit of 60mph. However, visibility at the access position is restricted to less than 30 metres in either direction equating to a main road speed of traffic of less than 20mph. Further, visibility at the junction of Queen Charlton Lane with Charlton Road and Redlynch Lane is also badly restricted. Bearing this in mind, intensification in use of the site would be the contrary to the interests of highway safety and no evidence has been submitted regarding the lawful use of the site or potential to generate traffic in order to satisfy that intensification in use will not result.

Bearing in mind the above, the highway response is one of OBJECTION on grounds of sustainability and in the interests of highways safety.

HOUSING SERVICES

No comment

PLANNING POLICY

Objection

National planning policy states that development of Green Belt land as a Traveller site would constitute inappropriate development and should not be approved, except in very special circumstances. The Council is also required to consider the existing level of provision and need for sites, and the availability of alternative accommodation for applicants when considering a planning application.

Whilst unmet need in itself would not constitute very special circumstances to justify inappropriate development in the Green Belt, it is clear that the Council at this stage is unable to identify a five year supply of specific deliverable sites to meet the accommodation needs identified through the GTAA. Options for addressing this unmet need in locations outside the Green Belt in adjoining authorities have not been fully explored with those local authorities although initial investigations indicate there are no opportunities to do so, it is also evident that there are no immediately available and suitable non-Green Belt sites for Gypsy and Traveller use within Bath and North East Somerset. This site would therefore meet a small part of an immediate remaining unmet need.

The applicant has set out a list of factors which together he considers constitutes very special circumstances to justify development of this site for Gypsy and Traveller use (see para 3.11 above) but has not explained or expanded on how he considers these collectively outweigh harm this proposal would have on the Green Belt, and if so, how this harm might be minimised or mitigated. In the absence of the Personal Statement referred to above there is no evidence to demonstrate that there have been any changes in the family's circumstances since 2013.

In weighing these factors against the harm that would be caused to the Green Belt by this proposed development as expressed above (paras 3.1 - 3.4) it does not appear that very special circumstances exist from the information submitted to justify the change of use of land to private gypsy and traveller caravan site in this particular location that would outweigh harm to the Green Belt should the proposal be approved.

COMPTON DANDO PARISH COUNCIL

Objection

The Parish Council restate their strong objections from the previous application 13/02781/FUL which remain. They make the following comments

- This is inappropriate development in the Green Belt, in a rural Parish washed over by Green Belt
- It adjoins a village Conservation area
- It is not close to schools, health facilities, shopping or other services and is car-dependent and unsustainable;
- Any screening by bunds would be alien to the nature of the landscape;
- Do not believe that there are any special circumstances to outweigh these objections.

The Parish Council raise concerns as to why another application has been registered for the same site which has been the subject of 4 previous applications, all of which have been rejected. They refer to the history of the site which goes back 20 years and includes public inquires from 1995, 2002 and 2009, an unsuccessful High Court Challenge in 2012 and a Court of Appeal dismissal in 2013. They state that the site has been consistently found to be inappropriate.

KEYNSHAM TOWN COUNCIL

Keynsham Town Council supports the views of Compton Dando Parish Council and strongly objects to the application on the following grounds:

- It is inappropriate development in the Green Belt;
- It adjoins a village Conservation Area;
- It is not near local amenities such as schools, health facilities, shopping facilities or public transport and is unsustainable;
- Any screening by bunds would not sit naturally within the existing landscape;
- There are no special circumstances which outweigh these objections;
- The site has consistently been found inappropriate by the Local Authority and the Planning Inspectorate.

THIRD PARTIES/NEIGHBOURS

7 Letters of objection have been received. The main issues raised were:

- The proposal has already been found unacceptable. The same objections apply;
- Proposal is inappropriate development in the Green Belt;

- Site is in a high profile position in the Green Belt between Keynsham, Whitchurch and various villages;
- Proposals will impact upon the adjacent Conservation Area;
- Concern about damage done to the pasture land;
- Site is an eyesore and there has been no attempt to keep the site tidy or unobtrusive;
- Site is distant from amenities
- There have been a high number of accidents at the junction on Charlton Road
- The pull-in is dangerous to passing traffic
- Emotional reasons and a good personal claim are insufficient to outweigh the planning considerations;
- Concern about the possibility of setting a precedent for further illegal caravans;
- There are no new arguments or reasons for a different outcome from previous applications;
- Disaffection with the lack of action on this site;
- Detrimental to the visual amenity of the surroundings
- History of the site indicates, on strong principled grounds, that there is a massive objection which has been repeatedly upheld.

2 letters of support have been received. The main issues raised were:

- The applicants have owned the site for 20 years;
- The children on the site are polite and helpful; a credit to the community;
- Applicants health and mental well-being has declined as a result of the stress of them losing their home;
- Conditions can be used to enhance the site to a high standard;
- The prolonged planning process has led to great strain and their health; emotionally, mentally and physically;
- Applicants are just trying to create a secure and safe place for their family to live in;
- It is odd that this small low impact development may not get permission when a new large housing estate is being constructed down the road;

POLICIES/LEGISLATION

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

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

CORE STRATEGY

- B1 Bath Spatial Strategy
- B4 World Heritage Site and its Setting
- CP2 Sustainable Construction
- CP6 Environmental Quality
- CP8 Green Belt
- CP11 Gypsies, Travellers and Travelling Showpeople

LOCAL PLAN

- D.2 General Design and public realm considerations
- D.4 Townscape considerations
- GB.2 Visual amenity of the Green Belt

BH.2 Listed buildings and their setting
NE.1 Landscape Character
BH.2 Listed Buildings and their setting
BH.6 Conservation areas
NE.4 Trees and woodland
T.1 Overarching access policy
T.24 General development control and access policy

EMERGING POLICY

Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD).

NATIONAL POLICY

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

The following sections of the NPPF are of particular relevance:

Section 4 Promoting sustainable transport
Section 7 Requiring good design
Section 8 Promoting healthy communities
Section 9 Protecting Green Belt land
Section 12 Conserving and enhancing the historic environment

OFFICER ASSESSMENT

The main issues to consider are:

- Gypsy and Traveller Status
- Green Belt
- Landscape character and visual amenity
- Amenity of neighbouring occupiers
- Highways safety
- Sustainability
- Effect of Conservation Area and its setting
- Very special circumstances
- Overall balance

GYPSY AND TRAVELLER STATUS

The definition of "gypsies and travellers" provided within the PPfTS is as follows:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

It is considered that the applicants fall within this definition and therefore qualify as gypsies and travellers for the purposes of planning policy.

GREEN BELT

The site falls within the designated Bristol and Bath Green Belt. Policy CP8 of the Core Strategy states that the openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy.

Paragraph 87 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 goes on to state that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 14 of the PPfTS confirms that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. It is therefore considered that the proposal for the change of use of the land to a private gypsy and traveller caravan site is inappropriate development in the Green Belt.

The proposed use of the land as a private gypsy and traveller caravan site would include the stationing of up to four touring caravans, two static caravans, a toilet block and a trailer alongside associated vehicles and paraphernalia. It is considered that the stationing of these items on what was previously open land will have a detrimental impact upon the openness of the Green Belt.

In the most recent appeal decision in 2010 the Inspector, referring to the effect upon openness, stated that:

"The proposal before me includes two single unit static caravans and three touring caravans. I therefore consider that the harm arising from the proposal to the openness of Green Belt would be greater than that arising from the proposal before the previous Inspector, which he found would be significant."

Previous Planning Inspectors (1994, 2003 & 2010) have consistently found that the use of the site as a Gypsy and Travellers site would erode the openness of the Green Belt. It is considered that the current application is similar in respect of the scale of development proposed and would have a similar impact upon the openness of the Green Belt as the previous appeal proposal (2010). The impact upon openness is therefore considered to be significant.

Furthermore, the site is within the open countryside and its development in the form proposed would be contrary to the purpose of the Green Belt of assisting in safeguarding the countryside from encroachment.

In accordance with paragraph 88 of the NPPF, these harms to the Green Belt are afforded substantial weight. The case for very special circumstances is considered later in this report.

LANDSCAPE CHARACTER AND VISUAL AMENITY

As noted by the two most recent previous appeal Inspectors (2003 & 2010), the application site is not particularly prominent in the wider landscape. The site is well screened by hedgerows from views towards it from the north and the east. However, the site is readily seen from Redlynch Lane where the road passes the entrance to the site and there are further views towards it from the west along Redlynch Lane towards Queen Charlton. From this location, the upper parts of the caravans in the proposal would be clearly seen above the bunding which has been constructed on the site's western boundary.

The submitted design and access statement argues that submitted landscaping could be provided to screen the site. However, it is considered that indigenous trees would take a long time to grow to the size where they would perform this function, whilst fast-growing evergreen trees and bunding would appear as alien features in the landscape and would be unacceptable in their own right. This point was supported by the previous appeal Inspector who stated that

"the combination of the caravans and the bunding would result in the site being readily identifiable as an unattractive feature. As such the proposal would bring about material harm to the local rural landscape"

The current proposal is similar to the 2009 proposal which was dismissed on appeal and the previous application refused in 2013. The siting of caravans, mobile homes and other paraphernalia associated with the Gypsy and Traveller site is considered to appear incongruous within the surrounding open, rural landscape. It is therefore considered that the proposal would be harmful to the open rural character of the area and detrimental to the surrounding rural landscape contrary to policy NE.1 and GB.2 of the Local Plan.

AMENITY OF NEIGHBOURING OCCUPIERS

The nearest residential property is Poplars Cottage, 80m to the east of the application site. The use of this land for a private gypsy and traveller caravan site is not likely to give rise to any significant amenity issues for Poplars Cottage. There is a reasonably busy road and a field which separate the application site from Poplars Cottage. This separation is considered to ensure that there are no significant issues of noise or disturbance for Poplars Cottage arising from the proposals.

There are no other residential properties within close proximity to the site.

It is therefore considered that the proposal will not give rise to any detrimental impacts upon the amenities of neighbouring occupiers.

HIGHWAYS SAFETY

The Highways Officer has raised an objection to the proposal on the grounds of poor visibility from the site access. However, the previous applications and appeals on this site have concluded that there is no objection to the proposal on highways safety grounds. The access proposals for this application are the same as proposed during these previous applications, and therefore it would be unreasonable to raise a highway objection at this

stage. It is therefore considered that there is no highways safety objection to the current proposal.

SUSTAINABILITY

In the 2003 appeal decision, the Inspector noted that Queen Charlton lies within a reasonable walking distance but that the village has very few facilities. It was concluded that Keynsham lies further away to the north and was not within reasonable walking distance. It was also concluded that "anyone living at the appeal site would be highly dependent on the private car to gain access to all sorts of local services and facilities".

Subsequent to that appeal decision Circular 01/06 was adopted which represented a change to national policy. This accepted that most gypsy sites will generate private car journeys and sought instead to ensure that such sites are located in areas where appropriate facilities are within easy reach, albeit by car. It also accepted that gypsy sites located in the open countryside are acceptable as a matter of principle. In light of this change in policy, the application in 2009 was not refused for being in an unsustainable location in accordance with the revised policy position.

However, Planning Policy for Traveller Sites, adopted in 2012, revoked Circular 01/06 and the guidance within it. The PPfTS revokes much of the previous guidance and takes a stricter view of gypsy and traveller sites within the countryside. Paragraph 23 states that "Local Planning Authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan".

As per the situation outlined by the appeal Inspector in 2003, the site is remote from local services, shops, schools, amenities and public transport. Furthermore, there is a lack of footway provision for those wishing to walk and, therefore, the proposed development will result in increased reliance on the use of the private motor vehicle contrary to policy T.1 of the Local Plan and the aims of sustainability within the NPPF.

EFFECT ON CONSERVATION AREA AND ITS SETTING

The application site lies approximately 300-400m to the south-east of the Queen Charlton Conservation Area. The rural landscape surrounding Queen Charlton forms part of the setting of the Conservation Area. It is considered that the proposal, because of its harm to the rural landscape, also harms the setting of the Queen Charlton Conservation Area.

However, the extent of this harm is limited to a degree because the majority of views towards the application site from the Conservation Area are from private properties. The previous Inspector, in dismissing the 2010 appeal, concluded that the similar proposal considered at that time would result in harm to the setting of the Conservation Area.

Nevertheless, the harm to the setting of the Queen Charlton Conservation Area is contrary to policy BH.6 of the Bath and North East Somerset Local Plan (2007) and the National Planning Policy Framework.

NEED FOR AND PROVISION OF GYPSY AND TRAVELLER SITES

In 2012, B&NES undertook a Gypsy and Traveller Accommodation Assessment (GTAA) for the district. It identifies an immediate and on-going need for 24 permanent and 5 transit Traveller pitches over the period 2012 - 2017 with a further 4 permanent pitches for the years 2018 - 2027.

Permission has recently been granted for 8 permanent pitches and 5 transit pitches on a site outside Bath (4th June 2014). This leaves an outstanding need for 16 permanent pitches by 2017 with a further 4 permanent pitches by 2027. It is therefore clear that there is an unmet need for permanent pitches within the district.

This proposal would contribute a maximum of 6 pitches to meeting that need in the near future reducing the unmet need to 10 permanent pitches. This weighs in favour of the application.

However, the Planning Practice Guidance issued by Government in March 2014 reflects the Ministerial Statement issued in January 2014 clarifying that unmet need (including for traveller sites) is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the Green Belt.

REQUIREMENT FOR A GREEN BELT SITE?

The Council have undertaken two 'Calls for Sites' to ascertain the availability and suitability of potential sites for allocation in the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD.

Planning Policy have advised that of the 35 sites put forward only six of these were available and, of those, only two were not within the Green Belt. They have advised that an initial assessment of the two non-Green Belt sites could together, in theory, have the potential to yield a maximum of eight pitches in land outside the Green Belt. However, taking account of the constraints associated with each of the sites, there appear to be significant issues to be overcome before suitability or deliverability can be confirmed and on that basis they cannot be considered to be immediately suitable, available and deliverable.

Whilst work on the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD continues, it is considered that the Council is currently unable to identify a five year deliverable supply of sites to meet the identified need outside of the Green Belt. It is therefore considered likely that Green Belt sites will be required to meet need requirements within the Plan period.

GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE SITE ALLOCATIONS DPD

Planning Policy has advised that a revised programme for the preparation of the DPD was agreed by the Council's Cabinet in November 2013. This was to enable the site assessments to be finalised and further work to be undertaken with neighbouring authorities to ensure that all non-Green Belt options are fully explored as previously

agreed by Cabinet in June 2013. In addition to the assessment of sites, Cabinet in June 2013 agreed;

- to review the scope for major development sites to include provision for Gypsy and Traveller sites;

- to review capacity to accommodate the travelling communities outside the Green Belt, including opportunities for provision in neighbouring local authorities;

Once this work has been completed the Council is scheduled to consult on further options. The DPD is due to be adopted in December 2016. As the DPD is currently at a relatively early stage in its preparation only limited weight can be given to the emerging DPD in determining planning applications.

Although the Council is proactively progressing its DPD, it is clear from the site's planning history that the Council have been slow to identify appropriate sufficient sites to accommodate the unmet need for pitches throughout the district. This is a consideration which weighs in favour of the proposal.

AVAILABILITY OF ALTERNATIVE ACCCOMODATION

As discussed above, there is only one approved site within the district comprising 8 permanent pitches and 5 transit pitches. The current proposal is for 6 permanent pitches to accommodate a single extended family.

However, the pitches within the approved site are not available to offer to the applicants as alternative accommodation. There are no other authorised sites within the district and there is no record that the applicants have access to other suitable, affordable and available alternative accommodation. It is therefore considered that there is a high likelihood of the applicants adopting a roadside existence should they not be able to occupy the application site. This is a factor which weighs in favour of the proposal.

PERSONAL CIRCUMSTANCES OF OCCUPANTS

The Design and Access statement submitted with the application suggests that the personal circumstances of the applicants should weigh in favour of the application. As with the previous application (13/02781/FUL) the Personal Statement referred to in the Design and Access Statement setting out the family's personal circumstances is absent. However, the applicants were invited to complete a personal circumstances questionnaire by the Council and have provided information in respect of the personal circumstances of those living on the site.

There are currently 9 people, including two children, occupying the site forming part of the same extended family. Although stated in the Design and Access Statement that the occupants make their living from a combination of trades, including landscape gardens and tree work, the information submitted does not indicate any particular or strong work links to surrounding area.

The children are not of school age and there are limited links to surrounding nurseries and playgroups. It is therefore considered that there are no strong educational links to the surrounding area.

There are a number of health concerns which affect the occupants including a number of chronic conditions which require regular check-ups with GPs.

The occupants' work, education and health links to the local area, on the basis of the information received, are reasonably limited. However, it is also accepted that the applicants have occupied the site on and off at various times (not consistently) over a period of approximately 20 years. It is considered over this duration the occupants are likely to have built up other ties to the local area.

None of the personal circumstances currently presented in the application demonstrate a need for the occupants to be on the application site. The medical conditions referred to also occur in the settled population. Nevertheless, it is considered likely that access to health and education facilities would suffer if the family members were unable to live on a settled site. This is considered to weigh in favour of the application.

BEST INTERESTS OF CHILDREN

The Council have a duty to consider the best interests of children when determining an application which will have a potential impact upon children. There are two children currently occupying the site. It is assumed that it is the current case that the best interest of these children would be to remain on the site. In accordance with the Council's duty, the best interests of the children are to be given no less weight inherently than any other consideration as the starting point and are thus given substantial weight.

However, this weight may be reduced in the final analysis relative to other considerations in the particular circumstances of the case and it is considered that it is diminished by the fact that neither child is currently of school age or attending school.

OVERALL BALANCE

In considering whether very special circumstances exist to justify the development it is necessary, in accordance with paragraph 88, to weigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm, against other considerations.

The potential harms to the Green Belt, and the other harms identified, are:

- Inappropriate development is harmful by definition
- Significant harm to the openness of the Green Belt
- Harm to the purpose of the Green Belt in safeguarding the countryside from encroachment
- Harm to the open rural character of the area and detrimental to the surrounding rural landscape
- Unsustainable location and increased reliance on the use of the private motor vehicle
- Limited harm to the setting of the Queen Charlton Conservation Area

In accordance with paragraph 88 of the NPPF, substantial weight should be afforded to the harm identified to the Green Belt.

Against this harm the following matters have been identified which weigh in favour of the application:

- The unmet need for gypsy and traveller sites
- The likely requirement to meet this need on a Green Belt site
- The Council's failure to identify a five year deliverable supply of gypsy and traveller sites
- The unavailability of alternative sites
- The likelihood of a roadside existence if permission is refused
- The personal circumstances of the occupiers
- The best interests of the children

In weighing these matters against one another, paragraph 88 of the NPPF states that the other considerations must 'clearly' outweigh the harms identified. It is also relevant to note that the previous appeal Inspector in 2009 in considering a similar proposal concluded that:

'the other material considerations in favour of the proposal do not clearly outweigh the harm to the Green Belt and other harm that I have found. Consequently the appeal proposal would not be justified on the basis of very special circumstances'

The position in relation to the personal circumstances of the applicant has changed since the 2009 appeal as there are no longer two children of school age occupying the site. The Council have also granted permission for 8 permanent pitches and 5 transit pitches reducing the identified level of unmet need from the position in 2009.

There have also been changes in respect the additional time elapsed in which the Council have failed to identify a five year deliverable supply of gypsy and traveller sites and the acceptance of the likely requirement to meet this need on a Green Belt site.

Besides the above changes, and the changes in policy with the publication of the NPPF and the PPfTS and the revocation of Circular 01/06, the substantive issues arising from this application have not significantly changed since the dismissed appeal in 2009.

It is considered that the material considerations outlined in favour of the proposal, even when added together, would not clearly outweigh the substantial harm which the proposal would cause.

TEMPORARY PLANNING PERMISSION

In accordance with paragraph 25 of the PPfTS consideration should be given to whether temporary planning permission should be granted for the proposed development. Paragraph 25 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision. However, even after having regard to paragraph 25 of the PPfTS and all other considerations, it is considered that the level of harm on this site arising from the development would not be clearly outweighed by these other material considerations such as to justify temporary planning permission.

HUMAN RIGHTS

The refusal of this application means that it is likely that the applicant and the occupiers would eventually have to vacate the site without any suitable alternative accommodation being readily available to them. This would represent a substantial interference with their rights in respect of private and family life, their home and their traditional way of life. However, the harm caused by the proposal, in terms of its effect on the economic well-being of the country, which includes the preservation of the environment, is considerable. After taking into account all material considerations, it is considered that these legitimate aims can only be adequately safeguarded by the refusal of this application. The protection of the public interest cannot be achieved by means that are less interfering with the applicant's rights. They are proportionate and necessary in the circumstances and would not, therefore, result in violation of the applicant's rights (or the other occupiers' rights) under Article 8 of the European Convention on Human Rights or any other Convention article even when the best interests of the children are taken into account.

EQUALITY ACT 2010

Duties are placed upon the Council by the legislation including in relation to the section 149 public sector equality duty. In particular, it is considered that a return to a roadside existence could have a negative impact in this context and this has been fully recognised in the recommendation made.

CONCLUSION

In conclusion, the proposed development is considered to be inappropriate development in the Green Belt, which is harmful to the openness of the Green Belt and contrary to the purpose of the Green Belt in safeguarding the countryside from encroachment. Furthermore, it is considered to be harmful to the rural character and landscape of the surrounding area, is in an unsustainable location which would increase reliance on private motor vehicles and would fail to preserve the setting of the Queen Charlton Conservation Area.

The other material considerations in favour of the proposal do not clearly outweigh the harm to the Green Belt and other harm identified. Consideration has been given to a temporary permission but it is considered that this would not be appropriate as it would not overcome the overriding planning objections that have been identified. Consequently the application proposal would not be justified on the basis of very special circumstances.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development is inappropriate development in the Green Belt, which would harm openness and would be contrary to its purpose of safeguarding the countryside from encroachment. Material considerations in favour of the proposal do not clearly outweigh the harm to the Green Belt and the other harm identified. It is therefore considered that 'very special circumstances' do not exist to justify the development. The proposal is therefore contrary to policies CP8 and CP11 of the Bath and North East

Somerset Core Strategy (2014), the National Planning Policy Framework (2012) and Planning Policy for Traveller Sites (2012).

2 The proposed development would be harmful to the open rural character of the area and detrimental to the surrounding rural landscape contrary to policies NE.1 and GB.2 of the Bath and North East Somerset Local Plan (2007).

3 The proposed development would harm the setting of the Queen Charlton Conservation Area contrary to policy BH.6 of the Bath and North East Somerset Local Plan (2007) and the National Planning Policy Framework (2012).

4 The proposed development is in an unsustainable location and will result in increased reliance on the use of the private motor vehicle contrary to policy T.1 of the Local Plan and the National Planning Policy Framework (2012).

PLANS LIST:

0 Site Location Plan
Site Location
Basic Survey
TDA.2041.01

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The Council have worked positively with the applicant to obtain all the relevant information to support the application, including numerous site visits. Unfortunately, for the reasons stated, the application was recommended for refusal.

Item No: 05
Application No: 15/02042/LBA
Site Location: 582 Bath Road Saltford Bristol Bath And North East Somerset BS31 3JU



Ward: Saltford **Parish:** Saltford **LB Grade:** II
Ward Members: Councillor F Haeberling Councillor Emma Dixon
Application Type: Listed Building Consent (Alts/exts)
Proposal: External alterations to include a one and a half storey rear extension to house and alterations and extension to outbuilding.
Constraints: Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Mr L Metcalfe
Expiry Date: 13th July 2015
Case Officer: Sasha Berezina

REPORT
REASON FOR REPORTING TO COMMITTEE

Councillor Francine Haeberling requested for the application to go before the Development Management Committee, if the officers are minded to recommend refusal. The application was then referred to the Chair, whose decision was that it should be presented to committee.

Details of location and proposal and Relevant History

The application relates to a Grade II listed former tollhouse built circa 1830 set within a large plot adjacent to the Bath Road. The plot is set on the border of Green Belt land and within the Housing Development Boundary of the village. The tree on the west edge of the plot is covered by a Tree Preservation Order.

The roadside frontage of this two storey property has Greek Doric entablature supported by 2 fluted half-columns. The property has a single storey lean-to extension on its west elevation and a single storey outbuilding located adjacent to the southern boundary of the site.

The proposal seeks to provide a one and a half storey extension to the west elevation of the property following the removal of the existing single storey extension and the conversion of the outbuilding into ancillary accommodation.

This is a revised scheme following the previously refused applications for a two-storey extension and withdrawn applications for a similar one and a half storey extension.

PLANNING HISTORY

DC - 10/03504/LBA - CON - 18 November 2010 - Internal and external alterations for the erection of single storey extension to rear

DC - 13/00967/FUL - RF - 15 May 2013 - Erection of part two storey, part single storey extension following demolition of single storey extension and the conversion of an outhouse to living accommodation

DC - 13/00968/LBA - RF - 14 May 2013 - Internal and external alterations for the erection of part two storey, part single storey extension following demolition of single storey extension and the conversion of an outhouse to living accommodation

DC - 14/05178/FUL - WD - 11 February 2015 - Erection of one and a half storey extension following demolition of single storey extension and the conversion of an outhouse to provide ancillary living accommodation

DC - 14/05179/LBA - WD - 11 February 2015 - Internal and external alterations for the provision of a one and a half storey extension following demolition of single storey extension and the conversion of an outhouse to provide ancillary living accommodation

DC - 15/02041/FUL - PCO - - Erection of one and a half storey extension and alterations and extension to an existing outbuilding.

DC - 15/02042/LBA - PCO - - External alterations to include a one and a half storey rear extension to house and alterations and extension to outbuilding.

The site has also been subject to numerous pre-application enquiries since 2009.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SENIOR CONSERVATION OFFICER - objected. From the earliest pre application discussions the owners were advised that consent was unlikely to be granted for a two storey extension. It was always apparent that there was a mismatch between the accommodation the Toll House could potentially deliver and the aspirations of the owners. The Toll House is simply a modest sized compact beautifully formed building of its type with a limited capacity for enlargement without harming its special architectural and historic interest. With the exception of a small reduction in the footprint and proposing a sash at first floor on the gable end the scheme is virtually identical to the previous

application. Overall I am still of the view that the size, design and massing of the main extension will compete with the Toll House in a way which causes considerable harm to the character and significance of the listed building and for this reason the application should be refused as contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and relevant Historic England advice (Historic Environment Advice Note 2 Making Changes to Heritage Assets Consultation Draft). The scheme does not deliver any public benefit to outweigh this assessment.

ARBORICULTURIST - no objections to the proposed removal of the Leyland Cypress growing beside the outbuilding. Recommended tree protection condition for Copper Beech and other trees.

SALTFORD PARISH COUNCIL - comments only: No Objection

LOCAL MEMBER - requested committee referral. As you know it is a difficult site and in the interests of openness it might be better.

THIRD PARTY LETTERS - 2 letters of support received:

- I support this local family in their bid to enlarge their attractive and historic house. I strongly support improving and enlarging existing properties rather than building new ones and I think that this development application is one that will help ensure that this house provides a home for Saltford residents well in to the future.

- Our property sits immediately opposite 582 and faces the east elevation. The family have taken the time to explain their proposed enhancements to their listed property to add an additional bedroom and to improve an outbuilding. We have no doubt that what is proposed will improve and upgrade an important property in our village with no detrimental impact on ourselves as close neighbours. We are therefore fully supportive of what is being proposed.

POLICIES/LEGISLATION

Policies/Legislation:

The primary consideration is the duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant listed building consent for any works...to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' Also, the duty placed on the Council under Section 66 of the same Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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

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

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

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

- o CP6 - Environmental quality

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

- o BH.2 - Listed buildings and their settings

OFFICER ASSESSMENT

The proposed scheme raises concerns in terms of the harmful impacts of the proposed extension on the heritage significance of the listed building.

This revised scheme seeks to address the previous reasons for refusal by introducing a one and half storey element (instead of a two-storey extension); however the proposal is still to create two floors of accommodation within the envelope of the new extension, which affects the overall design and drives the size of the development.

The significance of this building lies in its modest scale, its former function as a small toll house and its contribution to the views on the approach to the village.

It is considered that the proposed extension would fail to appear subservient in relation to the host building. It would be very large in its footprint (measuring 6.85m by 6.3m), which would be roughly equivalent to the main house. The one and half storey design (H: 5.5m) would not be able to disguise the fact that this would be a bulky extension to a small characterful building.

The height/depth of the extension would make it much more prominent in views from the road. The existing extension is set below the sight line, when viewed from Bath Road. At the moment only the main building is visible from the road because the single storey extension sits below the sight line. The roof of the new extension would be higher and deeper and as such would be clearly visible in relation to the main house, especially when approaching from the south as one enters the village.

Apart from the issue of size and bulk, the proposal is considered unsympathetic in its detailed design. The device of elongating the height of the windows does not do enough to contain the vertical height of the extension in relation to the Toll House. The large areas of glazing on the ground floor of the west end elevation are not in keeping with the character of the building.

With the exception of a small reduction in the footprint and proposing a sash at first floor on the gable end the scheme is virtually identical to the previous applications, which were withdrawn.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the LPA to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is considered that the size, design and massing of the main 1.5 storey extension would be harmful to the character and significance of the protected property. The application is therefore recommended for refusal due to the resulting harm to the character and significance of the listed building.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed one and a half storey extension due to its height, bulk and design would appear visually incongruous and would have a detrimental impact on the character and proportions of the listed building detracting from its significance. Therefore the application would be contrary to the saved policies D.4 and BH.2 of Bath & North East Somerset Local Plan (including Minerals and Waste Policies) adopted October 2007, the government planning policies set out within the National Planning Policy Framework (March 2012), as well as statutory duty set out in The Town and Country (Listed Buildings and Conservation Areas) Act 1990.

PLANS LIST:

1 Drawing	05 May 2015	3010/28/P1	SITE LOCATION PLAN, BLOCK PLANS AND SITE SECTION
OS Extract	19 May 2015	P(0)01	EXISTING SITE LOCATION PLAN
Drawing	19 May 2015	P(0)02	PROPOSED SITE LOCATION PLAN
Drawing	05 May 2015	P(0)05	EXISTING PLANS
Drawing	05 May 2015	P(0)06	EXISTING ELEVATIONS
Drawing	05 May 2015	P(0)10	PROPOSED PLANS
Drawing	05 May 2015	P(0)11	PROPOSED ELEVATIONS

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

Item No: 06
Application No: 15/02041/FUL
Site Location: 582 Bath Road Saltford Bristol Bath And North East Somerset BS31 3JU



Ward: Saltford **Parish:** Saltford **LB Grade:** II
Ward Members: Councillor F Haerberling Councillor Emma Dixon
Application Type: Full Application
Proposal: Erection of one and a half storey extension and alterations and extension to an existing outbuilding.
Constraints: Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Mr L Metcalfe
Expiry Date: 13th July 2015
Case Officer: Sasha Berezina

REPORT
REASON FOR REPORTING TO COMMITTEE

Councillor Francine Haerberling requested for the application to go before the Development Management Committee, if the officers are minded to recommend refusal. The application was then referred to the Chair, whose decision was that it should be presented to committee.

Details of location and proposal and Relevant History

The application relates to a Grade II listed former tollhouse built circa 1830 set within a large plot adjacent to the Bath Road. The plot is set on the border of Green Belt land and

within the Housing Development Boundary of the village. The tree on the west edge of the plot is covered by a Tree Preservation Order.

The roadside frontage of this two storey property has Greek Doric entablature supported by 2 fluted half-columns. The property has a single storey lean-to extension on its west elevation and a single storey outbuilding located adjacent to the southern boundary of the site.

The proposal seeks to provide a one and a half storey extension to the west elevation of the property following the removal of the existing single storey extension and the conversion of the outbuilding into ancillary accommodation.

This is a revised scheme following the previously refused applications for a two-storey extension and withdrawn applications for a similar one and a half storey extension.

PLANNING HISTORY

DC - 10/03504/LBA - CON - 18 November 2010 - Internal and external alterations for the erection of single storey extension to rear

DC - 13/00967/FUL - RF - 15 May 2013 - Erection of part two storey, part single storey extension following demolition of single storey extension and the conversion of an outhouse to living accommodation

DC - 13/00968/LBA - RF - 14 May 2013 - Internal and external alterations for the erection of part two storey, part single storey extension following demolition of single storey extension and the conversion of an outhouse to living accommodation

DC - 14/05178/FUL - WD - 11 February 2015 - Erection of one and a half storey extension following demolition of single storey extension and the conversion of an outhouse to provide ancillary living accommodation

DC - 14/05179/LBA - WD - 11 February 2015 - Internal and external alterations for the provision of a one and a half storey extension following demolition of single storey extension and the conversion of an outhouse to provide ancillary living accommodation

DC - 15/02041/FUL - PCO - - Erection of one and a half storey extension and alterations and extension to an existing outbuilding.

DC - 15/02042/LBA - PCO - - External alterations to include a one and a half storey rear extension to house and alterations and extension to outbuilding.

The site has also been subject to numerous pre-application enquiries since 2009.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SENIOR CONSERVATION OFFICER - objected. From the earliest pre application discussions the owners were advised that consent was unlikely to be granted for a two storey extension. It was always apparent that there was a mismatch between the accommodation the Toll House could potentially deliver and the aspirations of the owners. The Toll House is simply a modest sized compact beautifully formed building of its type

with a limited capacity for enlargement without harming its special architectural and historic interest. With the exception of a small reduction in the footprint and proposing a sash at first floor on the gable end the scheme is virtually identical to the previous application. Overall I am still of the view that the size, design and massing of the main extension will compete with the Toll House in a way which causes considerable harm to the character and significance of the listed building and for this reason the application should be refused as contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and relevant Historic England advice (Historic Environment Advice Note 2 Making Changes to Heritage Assets Consultation Draft). The scheme does not deliver any public benefit to outweigh this assessment.

ARBORICULTURIST - no objections to the proposed removal of the Leyland Cypress growing beside the outbuilding. Recommended tree protection condition for Copper Beech and other trees.

SALTFORD PARISH COUNCIL - comments only: No Objection

LOCAL MEMBER - requested committee referral. As you know it is a difficult site and in the interests of openness it might be better.

THIRD PARTY LETTERS - 2 letters of support received:

- I support this local family in their bid to enlarge their attractive and historic house. I strongly support improving and enlarging existing properties rather than building new ones and I think that this development application is one that will help ensure that this house provides a home for Saltford residents well in to the future.

- Our property sits immediately opposite 582 and faces the east elevation. The family have taken the time to explain their proposed enhancements to their listed property to add an additional bedroom and to improve an outbuilding. We have no doubt that what is proposed will improve and upgrade an important property in our village with no detrimental impact on ourselves as close neighbours. We are therefore fully supportive of what is being proposed.

POLICIES/LEGISLATION

The primary consideration is the duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant listed building consent for any works...to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' Also, the duty placed on the Council under Section 66 of the same Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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

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

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

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

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

- o CP6 - Environmental quality

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

- o BH.2 - Listed buildings and their settings

OFFICER ASSESSMENT

The proposed scheme raises concerns in terms of the harmful impacts of the proposed extension on the heritage significance of the listed building.

This revised scheme seeks to address the previous reasons for refusal by introducing a one and half storey element (instead of a two-storey extension); however the proposal is still to create two floors of accommodation within the envelope of the new extension, which affects the overall design and drives the size of the development.

The significance of this building lies in its modest scale, its former function as a small toll house and its contribution to the views on the approach to the village.

It is considered that the proposed extension would fail to appear subservient in relation to the host building. It would be very large in its footprint (measuring 6.85m by 6.3m), which would be roughly equivalent to the main house. The one and half storey design (H: 5.5m) would not be able to disguise the fact that this would be a bulky extension to a small characterful building.

The height/depth of the extension would make it much more prominent in views from the road. The existing extension is set below the sight line, when viewed from Bath Road. At the moment only the main building is visible from the road because the single storey extension sits below the sight line. The roof of the new extension would be higher and deeper and as such would be clearly visible in relation to the main house, especially when approaching from the south as one enters the village.

Apart from the issue of size and bulk, the proposal is considered unsympathetic in its detailed design. The device of elongating the height of the windows does not do enough to contain the vertical height of the extension in relation to the Toll House. The large areas of glazing on the ground floor of the west end elevation are not in keeping with the character of the building.

With the exception of a small reduction in the footprint and proposing a sash at first floor on the gable end the scheme is virtually identical to the previous applications, which were withdrawn.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the LPA to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is considered that the size, design and massing of the main 1.5 storey extension would be harmful to the character and significance of the protected property. The application is therefore recommended for refusal due to the resulting harm to the character and significance of the listed building.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

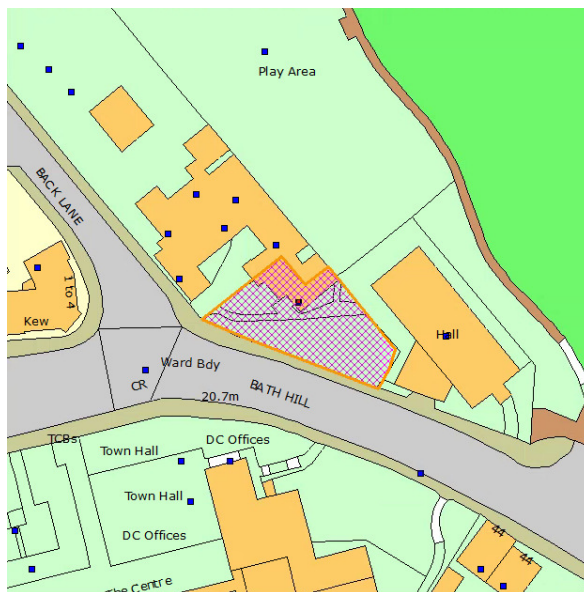
1 The proposed one and a half storey extension due to its height, bulk and design would appear visually incongruous and would have a detrimental impact on the character and proportions of the listed building detracting from its significance. Therefore the application would be contrary to the saved policies D.4 and BH.2 of Bath & North East Somerset Local Plan (including Minerals and Waste Policies) adopted October 2007, the government planning policies set out within the National Planning Policy Framework (March 2012), as well as statutory duty set out in The Town and Country (Listed Buildings and Conservation Areas) Act 1990.

PLANS LIST:

1	Drawing	05 May 2015	3010/28/P1	SITE LOCATION PLAN, BLOCK PLANS AND SITE SECTION
	OS Extract	19 May 2015	P(0)01	EXISTING SITE LOCATION PLAN
	Drawing	19 May 2015	P(0)02	PROPOSED SITE LOCATION PLAN
	Drawing	05 May 2015	P(0)05	EXISTING PLANS
	Drawing	05 May 2015	P(0)06	EXISTING ELEVATIONS
	Drawing	05 May 2015	P(0)10	PROPOSED PLANS
	Drawing	05 May 2015	P(0)11	PROPOSED ELEVATIONS

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

Item No: 07
Application No: 15/02171/FUL
Site Location: 1 Back Lane Keynsham BS31 1ET



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** II

Ward Members: Councillor Brian Simmons Councillor Charles Gerrish

Application Type: Full Application

Proposal: Erection of a timber shed and willow hurdle privacy screening (retrospective).

Constraints: Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones,

Applicant: Mr Keith Poulter

Expiry Date: 14th July 2015

Case Officer: Sasha Berezina

REPORT

REASON FOR REPORTING TO COMMITTEE

Councillor Charles Gerrish requested for the application to go before the Development Management Committee (see his full comments below). The application was then referred to the Chair, whose decision was that it should be presented to committee.

Details of location and proposal and Relevant History

The property is a Grade II listed building, part of a former state school. It is prominently located within the town centre conservation area. Although significantly degraded by the busy road, the location of the building is at a key point of conservation area - at the top of Bath Hill approaching the entrance to Keynsham town centre, just outside the former Abbey precinct.

The school essentially consisted of a school house, and three interconnected teaching 'halls' and was first built of coursed rubble stone about 150 years ago in a Gothic Revival style and is listed for its architectural and historic interest.

Planning permission and listed building consent were given around 2009 for the conversion of this historic building and the application relates to the garden of the property located at the south-east extremity of the group. The garden is set on elevated triangular plot flanked by Bath Hill and Keynsham Memorial Park.

Retrospective planning permission is being sought for the retention of a large timber shed (H: 2.13m-2.44m, W: 1.65m -4.3m. L: 3.05m) in the south-east corner of the garden plot and 1.8m high willow hurdles next to the building.

RELEVANT PLANNING HISTORY

DC - 09/01095/REG03 - PERMIT - 6 January 2011 - Conversion of existing buildings and erection of new building to form 11 no. dwellings, and associated works.

DC - 09/01096/REG13 - CON - 16 February 2011 - Conversion, demolition and alteration of existing buildings and boundary wall to enable residential development

DC - 14/05650/FUL - WD - 11 March 2015 - Erection of timber garden room/summer house in garden

DC - 15/02171/FUL - PCO - - Erection of a timber shed and willow hurdle privacy screening (retrospective).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

KEYNSHAM PARISH COUNCIL - No comments

LOCAL MEMBER (Cllr Charles Gerrish) - requested committee referral. My view is that you have only assessed view of the Listed building from one location and also the planted trees themselves will shortly obscure the building from your preferred angle anyway and as such therefore the shed itself will not be the negative impact that you suggested to me.

THIRD PARTY LETTERS - 1 letter of general comment received:

- I know the property in question very well indeed as my daughter was once a pupil when it served as a school. To this day I pass by on a weekly basis so have watched with interest as the residential development has progressed. From my point of view, and I believe that of any reasonable person, I cannot see any grounds for the timber shed erected in the garden of 1 Back Lane causing offence. Indeed, it's such an unobtrusive and ordinary item that ironically enough, I had previously thought nothing of it until it was brought to my attention by way of these proceedings. I urge the council to approve the application forthwith and allow the owners to enjoy their lovely garden free from what I imagine is currently a significant source of anxiety for them

POLICIES/LEGISLATION

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

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

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

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

- o CP6 - Environmental Quality

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

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.2: Listed Buildings and their setting

BH.6: Development within or affecting Conservation Areas

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

The DCLG have now withdrawn the PPS Planning for the Historic Environment Practice Guide (2010) following the publication of Good Practice Guides on 25 March 2015

Planning (Listed Buildings & Conservation Areas) Act 1990

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

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

OFFICER ASSESSMENT

The key planning considerations in relation to these applications relate to the impact of the proposal upon the character and significance of the listed building and the character and appearance of Keynsham Conservation Area. The proposal does not raise concerns with regards to its impacts on residential amenity of the neighbours.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the LPA to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, the Local Planning Authority has to ensure that the character and appearance of the conservation area is preserved or enhanced as a result of development.

The building, albeit now converted into residential use, still retains its institutional appearance, which is part of its special character and significance as a protected heritage

asset. Its garden is exposed and elevated above the road, making it an important feature in views along Bath Hill. The domestication of this elevation or its setting by placing 'rear garden' features in a publically exposed space suburbanises the setting and undermines the special qualities of the listed building. Additionally, the bulky garden shed dominates and screens the attractive street-facing elevation of the building.

During the latest site visit, there was also a white marquee placed to the side of the shed. It is unclear whether this is intended as a permanent feature (this element is not included into the proposal), however the accumulation of various structures on site and their cumulative impact on the conservation area and the setting of the listed building is of concern.

The applicant has provided a statement in support of the proposal, which amongst other arguments, points out that the developer has planted yew trees and hedge along the boundary of the site, which will in future screen the garden. Whilst this, in future, would potentially address the issue of public views within the conservation area, until then the detriment caused by the appearance of the shed and the fence within the street scene would continue. Furthermore, the structures would still remain in the grounds of the listed building harmfully affecting its setting.

It is understood that the fence is in place to provide a level of privacy within the garden and the shed is required for ancillary domestic storage. Whilst this is an understandable aspiration, the converted listed school cannot easily accommodate typical 'back garden' provisions, and this would be a 'buyers beware' situation. The advice provided to the owners by the developer/marketing team does not take away LPA's statutory duties, or the need to comply with planning legislation. Both structures are out of character with the protected building and do not preserve its setting.

On the whole it is considered that the willow fence and the garden shed erected in the grounds of 1 Back Lane are harmful to the special architectural and historic interest of the listed building and are detrimental to the wider Keynsham Conservation Area. There is no overriding public benefit to outweigh the identified harm. As such the proposal fails to accord with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the Development Plan.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed structures are harmful to the special architectural and historic interest of the listed building and are detrimental to the wider Keynsham Conservation Area. There is no overriding public benefit to outweigh the identified harm. As such the proposal fails to accord with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the saved policies BH.2 and BH.6 of the Bath and North East Local Plan (2007).

PLANS LIST:

1 OS Extract 11 May 2015 SITE LOCATION PLAN
OS Extract 11 May 2015 BLOCK PLAN A
OS Extract 11 May 2015 BLOCK PLAN B
Drawing 11 May 2015 GARDEN SHED ELEVATIONS

Item No: 08
Application No: 15/02830/FUL
Site Location: Rectory Lodge Old Bath Road Combe Hay Bath Bath And North East Somerset



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

Ward Members: Councillor David Veale

Application Type: Full Application

Proposal: Erection of two bedroom single storey side extension and single storey extension to bedroom 3 and hall. Single storey infill side extension to link reception to existing garage. (Revised proposal)

Constraints: Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Public Right of Way, SSSI - Impact Risk Zones,

Applicant: Trevor Osborne

Expiry Date: 20th August 2015

Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor David Veale has requested that the application be reported to committee for the following reasons:

1. The application has the full support of the Parish Council.
2. The earlier application was not seen as being reasonable due to excessive increase in volume. As has been the case for similar refusals such properties typically lack accommodation for the modern family, and also the policy is flawed as it depends on the volume of the building.

In accordance with the Council's Scheme of Delegation, the application was referred to the chairman of Development Control Committee who has decided that the application should be determined by committee.

DESCRIPTION

This application relates to a detached dwelling which was originally converted from a stable. The existing building has a stone finish and a tiled roof. It is situated on a short plateau and the land slopes steeply down to the west and rises steeply to the east, such that the building appears partially cut into the hillside. The site is accessed via a single lane track off Old Bath Road.

The site falls within the Bristol and Bath Green Belt, the Combe Hay Conservation Area and the Cotswolds Area of Outstanding Natural Beauty (AONB).

The proposal is to erect a single storey side extension to the north elevation and a single storey side extension to the south elevation to link the reception to a double garage which has been commenced under planning permission (ref: 05/03928/FUL), but has not yet been completed.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

COMPTON HAY PARISH COUNCIL

The Parish Council have advised that they will provide their comments on the 14th August after their next meeting. These comments will be reported to committee in the Update report.

THIRD PARTIES/NEIGHBOURS

No letters or comments have been received from any third parties or neighbours.

POLICIES/LEGISLATION

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

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

CORE STRATEGY

CP6 Environmental Quality

CP8 Green Belt

LOCAL PLAN

- D.2 General design and public realm considerations
- D.4 Townscape considerations
- BH.6 Conservation areas
- NE.2 Areas of Outstanding Natural Beauty
- GB.2 Visual amenity of the Green Belt

SUPPLEMENTARY PLANNING DOCUMENTS

Existing Dwellings in the Green Belt SPD (2008)

NATIONAL POLICY

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

- Section 7 Requiring good design
- Section 9 Protecting Green Belt Land
- Section 12 Conserving and enhancing the historic environment

LEGISLATION

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

OFFICER ASSESSMENT

The main issues to consider are therefore:

- Green Belt
- Character and appearance
- Residential amenity
- Very special circumstances

GREEN BELT

The site falls within the designated Bristol and Bath Green Belt and is therefore subject to strict controls under policy CP8 of the Core Strategy and national policy in the NPPF.

NPPF states that new buildings in the Green Belt should be considered inappropriate unless they fall within one of the specific categories of exemption identified in paragraph 89. Paragraph 89 states that the extension or alteration of a building should not be considered inappropriate, provided that it does not result in disproportionate additions over and above the size of the original building.

The Council have adopted a Supplementary Planning Document (SPD), Existing Dwellings in the Green Belt, which outlines how an application will be considered when deciding whether or not an extension is disproportionate. This states that the following two factors should be considered:

- i) The cumulative increase in volume of all extensions as a percentage of the original dwelling;

ii) The character of the dwelling and its surroundings.

The SPD states that, in many circumstances, a well-designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable. It goes on to state the following:

"It then follows that extensions to dwellings which exceed this volume increase are more likely to be disproportionate with the original dwelling and therefore harmful. As a general rule the larger the percentage volume increase the less likely the proposal is to be considered acceptable."

In current case, it is necessary to consider the impacts of the proposed extensions cumulatively with the impact of the approved and extant planning permission for the double garage. The drawings indicate that the extant permission for the garage would be completed alongside the extensions proposed in this current application.

The extant planning permission for the double garage would increase the volume of the original modest dwelling by approximately 30%. When this is considered cumulatively with the extensions currently proposed, the resultant increase to the volume of the original building would be approximately 106%.

This is far in exceedance of the general rule of an allowable one third volume increase set out in the SPD.

As stated in the SPD, it is also necessary to consider the character of the dwelling and its surroundings when considering whether the proposal is disproportionate. The existing building is converted from an old stables building. Although some of its rural character has been lost through the domestication of the fenestration, its simple form and modest scale is reflective of its original purpose as a rural building. The proposed extensions would depart from the existing linear form of the building and would increase the scale of the building to a point where it would exceed the modest, functional character of the original rural building.

It is therefore considered that the proposal would result in a volume increase far in exceedance of one third of the original dwelling and that the character of the original dwelling and its surroundings does not justify such a significant increase. The proposed extensions are therefore considered to be disproportionate to the original dwelling and are therefore inappropriate development in the Green Belt.

Furthermore, the proposed extensions would result in some loss of openness as a result of the proposed built form increase on the site.

CHARACTER AND APPEARANCE

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

As discussed above, the proposed extensions depart from the existing linear form of the building and increase its scale. Although this results in extensions which are considered disproportionate for the purposes of Green Belt policy, the proposed extensions depart from the rural character to such a great extent to warrant refusal of the application.

The proposed extensions use stone and tiles to match which helps them blend with the existing building.

The building is viewed against the sloping land to the east and appears partially cut into the hillside. The proposed extensions would be viewed in this context and would not stand out as unduly prominent within the surrounding area.

It is therefore considered that the proposed extensions would preserve the character and appearance of the Conservation Area and would not harm the natural beauty of the AONB.

RESIDENTIAL AMENITY

The site has no immediate neighbours within close proximity. It is therefore considered that the proposed extensions will not have any detrimental impacts upon residential amenity.

VERY SPECIAL CIRCUMSTANCES

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant argues that the proposal will provide a family home which will be of benefit to the village. No evidence of need for the size of dwelling proposed has been put forward and it is considered equally beneficial for the dwelling to remain a relatively small (2 bedroom) unit of which there is currently a paucity of supply in the village. This is therefore given limited weight.

There would also be some minor, temporary benefits to the economy arising from the construction jobs created by the development. However, these would be small scale and temporary and so are afforded only limited weight.

Paragraph 88 of the NPPF advises that any harm to the Green Belt should be afforded substantial weight. It is considered that in the current case, the other considerations in favour of the proposal do not clearly outweigh the harm to the Green Belt which has been identified. It is therefore considered that very special circumstances do not exist.

CONCLUSION

The proposed extensions are disproportionate additions to the original dwelling and therefore represent inappropriate development in the Green Belt which would harm openness. Very special circumstances to justify this inappropriate development do not

exist. It is therefore considered that the proposal is contrary to policy CP8 of the Bath and North East Somerset Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed extensions are disproportionate additions to the original dwelling and therefore represent inappropriate development in the Green Belt which would harm openness. Very special circumstances to justify this inappropriate development do not exist. It is therefore considered that the proposal is contrary to policy CP8 of the Bath and North East Somerset Core Strategy and the National Planning Policy Framework.

PLANS LIST:

0 SITE LOCATION PLAN	RL1
BLOCK PLAN	RL3B
EXISTING ELEVATIONS AND FLOOR PLANS	RL5A
PROPOSED EXTENSION	No drawing number

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Council have worked positively with the applicant and have explained in detail the objections raised. The Council have sought to consider how the application could be amended to comply with the relevant policies, but there was not any scope for suitable amendments which could address this issues raised. For the reasons given above, the application was recommended for refusal.

Item No: 09
Application No: 15/02017/FUL
Site Location: 105 Midford Road Odd Down Bath



Ward: Lyncombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Michael Norton Councillor Mark Shelford
Application Type: Full Application
Proposal: Increase the height of the current roof in order to use the loft space for storage. Provision of no.3 velux roof lights.
Constraints: Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mr M Parfitt
Expiry Date: 24th July 2015
Case Officer: Corey Smith

REPORT

Reason for application being referred to Committee:

In accordance with the Scheme of Delegation, this application has been referred to the Development Control Committee as the applicant's agent is an elected member.

Site Description:

This application relates to a detached building located south of Bath's city centre on Midford Road, Odd Down. The property is located within the Bath World Heritage Site but not within a Conservation Area.

The application seeks planning permission to increase the height of the current roof in order to use the loft space for storage.

Relevant History:

14/04364/FUL - Change of use of rear office/storage building (Use class A1/B1) to children's nursery (Use class D1) and erection of single storey extension - PERM 03/02/2015

15/00324/APPIN - Side extension - Acceptable 09/03/2015

14/00733/PREAPP - Change of use from offices to children's nursery. Change of use only for the rear detached annexe offices - Further info needed to justify loss of office and highways concerns 13/03/2014

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Representations:

N/A

Third Party:

None Received.

POLICIES/LEGISLATION

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

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

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

- o D2 - General Design and public realm considerations
- o D4 - Townscape considerations
- o T24 - General development control and access policy
- o BH.6 - Development within or affecting Conservation Areas.

CP6 - Environmental Quality

B4 - The World Heritage Site and its Setting

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK

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

NATIONAL PLANNING PRACTICE GUIDANCE, 2014

Due consideration has been given to the recently published NPPG, March 2014

OFFICER ASSESSMENT

The subject site includes a detached ashlar stone building with the construction of a single storey side extension and porch currently underway. The proposal is to increase the height of the original buildings roof by 750mm, with the intention of using this space as storage area. This will include the addition of three new roof lights to provide natural light to the loft space. The building was previously used as office space but has been empty for the past 6 months. The owners intend on using the building for a children's nursery which they have obtained planning consent for (14/04364/FUL). It was at this stage that the principle of the use was considered acceptable.

The main considerations in relation to this application relate to the impact of the proposed scheme on the character and appearance of the surrounding area and the residential amenity of surrounding properties.

Character and Appearance

The proposal is to increase the roof by 750mm in height in order to provide useable loft storage space. This is considered to be quite a large increase; however the surrounding built form is of a two storey nature and the increase is not considered to appear out of character within the surrounding area. Specific reference is made to the neighbouring 'Assured Mobility' shop which is a tall two storey detached building. The dwellings to the rear of the site are also of two storey design, therefore when viewing the site from Bradford Road the raised roof height of the subject building will not appear obtrusive within the existing background. The subject building will therefore maintain a subservient relationship to the surrounding built form. Furthermore, the building is set down from the road level and the existing boundary wall and vegetation provide a minor level of screening. To this effect, the raising of the roof is not considered to have a detrimental impact on the openness of views from surrounding vantage points. The proposed heights are considered to maintain a positive design relationship with the side extension and front porch currently under construction.

The applicants propose the use of matching stonework (ashlar) and clay roof tiles, therefore maintaining the character and appearance of the existing building. A condition will be applied to ensure that this is carried out appropriately. The velux roof lights are considered to be an appropriate design within this part of the World Heritage Site.

With the above in mind; the proposed roof alteration is considered to be of an acceptable scale, siting and design that will ensure that the character and appearance of the host dwelling and the World Heritage Site is safeguarded.

Residential Amenity

The building is setback from all adjoining boundaries. The closest neighbouring property is No. 107 Midford Road; however the dwelling of this property is located to the front and therefore not in close proximity to the subject building. The existing setback and gable end roof design prevents the raised roof level from having a detrimental impact on the residential curtilage of this property. The proximity of the building to the associated 'Assured Mobility' shop is not considered harmful to the residential amenity of the upper floor flat. The fields to the north of the site are vacant.

Access and Parking

The existing parking and access arrangements are not being changed. Due to the sites corner location, the site benefits from two exit/entry points for staff and customers. The parking and access arrangement were considered during the change of use application, with no objections being raised by the Highways Department subject to conditions. It is however considered necessary to restrict the loft space use as storage only in order to prevent the nursery from expanding and placing a greater demand on parking requirements.

Conclusion

For the reasons set out above, it is recommended that this application is granted planning permission subject to conditions.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

2 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

3 The loft space shall only be used for storage purposes in association with the ground floor use of this building.

Reason: To ensure that there is no increased in demand for additional parking or traffic movements associated with the building that will require further consideration by the Council in the interest of highway safety.

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

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

PLANS LIST:

1 This decision relates to Drawing No's 4632/2015/02, 4632/2015/03, 4632/2015/04, 4632/2015/05, 4632/2015/06, 4632/2015/07, 4632/2015/08, and 4632/2015/09 received on the 18th May 2015, and Drawing No 4632/2014/01 received on the 1st May 2015.

DECISION TAKING STATEMENT:

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