

**Democratic Services**

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**Your ref:**

**Our ref:** DT

**Date:** 5 April 2011

**E-mail:** [Democratic\\_Services@bathnes.gov.uk](mailto:Democratic_Services@bathnes.gov.uk)

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

**Councillors:** Les Kew (Chair), Sharon Ball, John Bull, Nicholas Coombes, Gerry Curran, Colin Darracott, Eleanor Jackson, Malcolm Lees, Bryan Organ, Brian Webber, John Whittock and Stephen Willcox

**Permanent Substitutes:-Councillors:** Carol Paradise, Martin Veal, Neil Butters, Cherry Beath, Rob Appleyard and David Speirs

**For information:** Councillors: David Hawkins and Ian Dewey

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Development Control Committee: Wednesday, 13th April, 2011**

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 13th April, 2011 at 2.00 pm** in the **Brunswick Room - Guildhall, Bath.**

The Chairman's Briefing Meeting will be held at 10.00am on Tuesday 12 April in the Meeting Room, Lewis House, Bath.

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

The agenda is set out overleaf.

Yours sincerely

David Taylor  
for Chief Executive

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

## NOTES:

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

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

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

Appendices to reports are available for inspection as follows:-

**Public Access points** - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

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

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

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

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

**The List of Planning Applications and Enforcement Cases Determined under Delegated Powers are available using the following link:**

<http://www.bathnes.gov.uk/ENVIRONMENTANDPLANNING/PLANNING/PLANNINGAPPLICATIONS/Pages/Delegated%20Report.aspx>

**Development Control Committee - Wednesday, 13th April, 2011**

**at 2.00 pm in the Brunswick Room - Guildhall, Bath**

**AGENDA**

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will ask the Committee Administrator to draw attention to the emergency evacuation procedure as set out under Note 7

2. ELECTION OF VICE CHAIRMAN (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

Members who have an interest to declare are asked to state:

(a) the Item No and site in which they have an interest; (b) the nature of the interest; and (c) whether the interest is personal or personal and prejudicial.

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

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

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

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

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

8. MINUTES: 16 MARCH 2011 (Pages 9 - 28)

9. MAJOR DEVELOPMENTS

The Senior Professional – Major Developments to provide a verbal update

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 29 - 80)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 81 - 86)

To note the report

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

## **Member and Officer Conduct/Roles Protocol\*** **Development Control Committee**

*(\*NB This is a brief supplementary guidance note not intended to replace or otherwise in any way contradict Standing Orders or any provision of the Local Authorities (Model Code of Conduct) Order 2001 adopted by the Council on 21<sup>st</sup> February 2002 to which full reference should be made as appropriate).*

### **1. Declarations of Interest (Personal and Prejudicial)**

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

### **2. Local Planning Code of Conduct**

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

### **3. Site Visits**

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

### **4. Voting & Chair's Casting Vote**

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

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

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

## **5. Officer Advice**

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

## **6. Decisions Contrary to Policy and Officer Advice**

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

## **7. Officer Contact/Advice**

- If Members have any conduct or legal queries prior to the Meeting then they can contact the following Legal Officers for guidance/assistance as appropriate (bearing in mind that informal Officer advice is best sought or given prior to or outside the Meeting) namely:-
  1. Maggie Horrill, Planning and Environmental Law Manager  
Tel. No. 01225 39 5174
  2. Simon Barnes, Senior Legal Adviser  
Tel. No. 01225 39 5176

General Member queries relating to the Agenda (including Public Speaking arrangements for example) should continue to be addressed to David Taylor, Committee Administrator Tel No. 01225 39 4414

**Planning and Environmental Law Manager, Planning Services Manager,  
Democratic Services Manager, Solicitor to the Council  
April 2002**

### Site Visit Procedure

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





**MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

Wednesday, 16th March, 2011

Present:- Councillor Les Kew in the Chair

Councillors Rob Appleyard (In place of Eleanor Jackson), Neil Butters (In place of Sharon Ball), Nicholas Coombes, Gerry Curran, Colin Darracott, Malcolm Lees, Martin Veal (In place of Bryan Organ), Brian Webber, John Whittock and Stephen Willcox

**120 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

**121 ELECTION OF VICE-CHAIR (IF DESIRED)**

**RESOLVED** that a Vice-Chair was not required on this occasion.

**122 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillors Sharon Ball (substituted by Councillor Neil Butters), Councillor John Bull (substituted by Councillor Rob Appleyard) and Councillor Bryan Organ (substituted by Councillor Martin Veal).

**123 DECLARATIONS OF INTEREST**

Councillor Martin Veal declared a personal and prejudicial interest in respect of application 4 of agenda item 10.

Councillor Brian Webber declared a personal and prejudicial interest in respect of application 5 of agenda item 10 as the applicant.

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

There was none.

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

The Committee noted that there were members of the public wishing to make statements on planning applications and that they would be able to do so when those items were reached on the agenda.

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

There were none.

**127 MINUTES: 16 FEBRUARY 2011**

These were approved as a correct record and signed by the Chair.

## 128 MAJOR DEVELOPMENTS

The Development Manager said that there was nothing to report.

Councillor Eleanor Jackson requested that a report on the redevelopment of railway land at Radstock be brought to the next meeting of the Committee.

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

The Committee considered

- The report of the Development Manager on the applications
- Oral statements by members of the public, the Speakers List being attached as Appendix 1 to these Minutes
- The update report by the Development Manager, attached as Appendix 2 to these Minutes

**RESOLVED** that, in accordance with their delegated powers, the planning applications be determined as set out in the Decisions List attached as *Appendix 3* to these Minutes.

**NOTES:** Decisions were made by the Committee as per the Officers' recommendations set out in the Report with the Agenda, and were carried unanimously or without dissension unless stated otherwise. Where the Officer's recommendation was overturned, or there were amendments whether lost or carried, or there were decisions on matters other than on planning applications, these are listed below.

**Item 1: 2 Silver Street, Midsomer Norton: conversion of an existing building to 220sqm of commercial office space and 5no. 1 & 2 bed apartments and erection of 4no. terraced houses in adjacent car park (Resubmission) (10/03141/FUL)** – the case officer made a presentation on the application and his recommendation to permit. He drew attention to the update report and informed the Committee that a further letter had been received from Norton Radstock Town Council stating that they still objected to the proposal. He felt that the current proposal had struck an acceptable balance between the desirability of retaining commercial space and the need for additional housing. He suggested that the recommendation be amended from permit to delegate to permit. The public speakers were heard. Councillor Willcox moved to refuse the application because of inadequate access, loss of parking spaces and loss of commercial space. Councillor Jackson seconded this motion. She believed that the proposal would cause additional traffic delays in the vicinity and an increase in air pollution, something that had not been addressed in the report. The town could not afford to lose commercial space and the loss of parking spaces would cause great inconvenience for those making deliveries to commercial premises. Councillor Whittock said that he was concerned that the report did not contain an assessment of potential demand for the commercial space and that he would support the motion to refuse. Councillor Darracott said that he was unable to support the motion to refuse. He was surprised that the report contained no information about potential demand for the commercial

space, but he did not think that the loss of parking spaces was a significant issue. Councillor Curran said that he was unable to support the motion, though he would have preferred that a commercial use could have been found for the site. He agreed that a potential increase in air pollution was a relevant issue. Responding to a question from Councillor Curran, the case officer drew attention to the fact some of the new parking spaces would be available to bank customers. Councillor Coombes felt that a better solution could be found for the site than a small residential terrace; a couple of flats and a couple of commercial units beneath would be better for the town.

The motion was put and the application was it was **RESOLVED** by 7 votes to 5 to refuse the application.

REASON: the proposal was unsatisfactory because of a reduction in the number of parking spaces, restricted access and the loss of commercial space.

**Item 2: Bidstone, 29 Church Street, Bathford, Bath: erection of 1no 5-bedroom house and detached 2 bay garage following demolition of existing detached house (10/04952/FUL)** – the officer made a presentation on the application and the recommendation to delegate to permit. The public speakers were heard. The Development Manager reported that the additional letter to residents referred to on page 53 of the agenda had not in fact been sent and would have to be sent to them, if the Committee accepted the recommendation to delegate to permit. Councillor Veal said that he knew the road past the application site well. He considered that the additional two metres in height of the new dwelling would have a significant impact on neighbouring properties and he was therefore unable to support the officer's recommendation. Councillor Coombes said that he was surprised by the proposal. It was not often that the opportunity arose to develop a large plot enclosed by a boundary wall within a conservation area, and yet instead of locating it further from the road it was proposed to site it at the boundary and build it higher than the existing dwelling. He felt that when considering the possibility of overshadowing daylighting needed to be taken into account as well as direct insolation. He moved to refuse the application. This was seconded by Councillor Veal. Councillor Willcox agreed that the dwelling should have been located further from the road. He believed that overshadowing could be particularly acute in winter. The motion was put and it was **RESOLVED** by 9 votes to 2 with 1 abstention to refuse the application.

REASON: Members felt that that increased height of the proposed dwelling would impact adversely on residential amenities of adjoining occupiers and the character and appearance of the Conservation Area .

**Item 3: Vodafone Ltd, Street Record, Poolemead Road, Whiteway, Bath: erection of a 13.8m MK3 dual user column with ground based cabinets and ancillary development (10/05365/FUL)** – the case officer made a presentation on the application and his recommendation to permit. The public speaker was heard. Councillor Curran said that he agreed with most of what the public speaker had said. He believed that mobile phone masts should be sited away from residential properties and be less visible and intrusive. He did acknowledge that there were gaps in Vodafone coverage in the area, but moved to refuse the application on the grounds of visual amenity, clutter on the highway and highway visibility. Councillor Appleyard seconded the motion and said that modern technology should make it possible to design less intrusive installations. Councillor Darracott agreed that the

mobile phone companies should try to make them more pleasing aesthetically. Councillor Jackson recalled that when a previous application for a mobile phone mast had been considered by the Committee, the applicants had shown a full-size mock-up of the street cabinet, which had been very helpful in assessing its intrusiveness. She thought that the mast proposed in this application was simply too large for the site. Councillor Veal said that he would support the motion. He thought that the mobile phone companies would have no incentive to improve the aesthetics and reduce the impact of masts unless permission for unsatisfactory designs continued to be refused. Members noted the concerns expressed in representations to the application about the possible adverse impacts on human health from mobile phone masts. The Planning and Environmental Law Manager referred to the late representation on this application, which highlighted the need to take into account health concerns or perceived health concerns in the determination of this matter. She advised Members that these need to be taken into account as they are material considerations. It is however a matter of what weight should be given to such concerns in each case. She then drew the Committee's attention to the section "Impact on Health" in the report and the quotation from PPG 8 that "it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary for a local planning authority, in processing an application for planning permission, to consider further the health aspects and concerns about them." The question that the Committee therefore needed to ask was: have any exceptional circumstances been put forward allowing or requiring departure from Paragraph 98 of PPG8? Members accepted that whilst this was a material consideration, they concluded that it carried little weight in their determination of this application since the applicant had submitted the appropriate International Commission on Non-Ionizing Radiation Protection (ICNIRP) certification.

The motion was put and it was **RESOLVED** by 11 votes to 1 to refuse the application.

REASON: the proposal is unacceptable because of its impact on visual amenity, highway clutter and highway visibility.

**Item 4: BANES, Tourism, Leisure & Culture: Street Record, Kingston Parade, City Centre, Bath Somerset: use of area as exhibition space to include the erection of 29 triangular structures for the display of 80 images and erection of a temporary structure to house a retail unit associated with the exhibition in Kingston Parade/Abbey Churchyard (11/00066/REG04):** the case officer gave a presentation on the application and her recommendation to refuse. She referred to the update report in which she advised the Committee that the Highway Development Officer had withdrawn his objection and therefore the second reason for refusal could be omitted. The public speaker was heard.

Councillor Veal withdrew in accordance with his declaration of interest.

Councillor Darracott said that in recent years the Council had allowed its facilities to be used in an imaginative way and that there had been many favourable comments about events that had taken place. However, he thought that the limit of acceptability was not far off in relation to street events. He commented that the appearance of the proposed retail unit was not appropriate for the location. However, on balance he would move to delegate to permit the application. This was seconded by Councillor

Willcox, who thought the event would be of benefit to the City. Councillor Jackson, however, thought the officer's recommendation to refuse should be accepted and commended the report. She said that the proposal was entirely out of character with the location next to the Abbey and in an important public open space. Councillor Coombes said that site was unsuitable for commercial activity and he thought that empty shop units could be used instead of the proposed retail unit. Councillor Curran said that the Abbey was the most significant heritage building in the City and that the proposal was entirely out of keeping with it. Councillor Webber believed that the Abbey had striven to engage with the City and that most street events in recent years had been worthwhile and successful. However, he thought that Bath should not become merely a backdrop for public exhibitions. The location was a sensitive one and there should be a pause to take stock of what was appropriate in Bath.

The motion to delegate to permit was put and lost by 3 votes in favour, 8 against with 1 abstention.

It was then proposed by Councillor Curran and seconded by Councillor Jackson and **RESOLVED** to delegate to refuse the application for the reasons set out in the update report. Voting: 6 in favour, 4 against with 1 abstention.

**Item 5: Cllr Brian Webber: 21 - 22 High Street, City Centre, Bath,,: internal alterations for the provision of a street lantern to the ceiling of the passageway which runs through the building from the high street to Northumberland Place (10/05325/LBA)**

Councillor Veal returned to the room.

The case officer made a presentation on the application and his recommendation to grant consent.

Councillor Webber made a statement in favour of the application and then withdrew in accordance with his declaration of interest.

Councillor Darracott said that he thought that the proposal was unacceptable. The passage way was very short and did not require lighting and the design of the proposed lamp was entirely inappropriate in a context of listed buildings. He moved to refuse the application. Councillor Curran agreed and seconded the motion. Councillor Willcox said that the passageway could be cluttered at times and that if those occupying premises in the vicinity wanted additional lighting, they should be allowed to have it. Councillor Veal said that he agreed that the application should be refused.

The motion was put and it was **RESOLVED** by 9 votes in favour, 1 vote against with 1 abstention to refuse consent.

REASON: The inappropriate design of the proposed lamp would detract from the character and appearance of the listed building.

**Speakers' List**

**Update Report**

**Decisions List**

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

**RESOLVED** to note the report.

The meeting ended at 4.21 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

**SPEAKERS LIST  
BATH AND NORTH EAST SOMERSET COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**MEMBERS OF THE PUBLIC ETC WISHING TO MAKE A STATEMENT AT  
DEVELOPMENT CONTROL COMMITTEE AT ITS MEETING ON  
WEDNESDAY 16<sup>TH</sup> MARCH 2011**

| <b>ITEM 10: MAIN PLANS LIST</b>  |  |                    |
|--|--|--------------------|
| <b>SITE</b>  | <b>NAME/REPRESENTING</b>   | <b>FOR/AGAINST</b> |
| Linhope Properties, 2<br>Silver Street, Midsomer<br>Norton, BA3 2HB (Item<br>1, pages 45-51)                             | Paul Myers (Midsomer Norton<br>and Radstock Chamber of<br>Commerce)    | Against            |
|  | Will Lakin (Agent)   | For                |
| Bidstone, 29 Church<br>Street, Bathford (Item 2,<br>pages 52-62)   | Councillor Gabriel Batt  | Against            |
|  | Mrs Margaret Waugh<br>(neighbour)                                      | Against            |
|  | Simon Morray-Jones (Simon<br>Morray-Jones Architects and<br>Designers) | For                |
| Vodafone Ltd<br>Street Record,<br>Poolemead Road,<br>Whiteway, Bath, (Item 3,<br>pages 62-73)                            | Jo Scofield (Resident)   | Against            |
| BANES, Tourism,<br>Leisure & Culture<br>Street Record, Kingston<br>Parade, City<br>Centre, Bath (Item 4,<br>pages 74-79) | David Lawrence (Divisional<br>Director: Tourism, Leisure &<br>Culture) | For                |
|  | Councillor Terry Gazzard   | For                |





**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**16 March 20112**

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

**ITEM 11**

**ITEMS FOR PLANNING PERMISSION**

| <b>Item No</b> | <b>Application No</b> | <b>Address</b>                   | <b>Page No</b> |
|----------------|-----------------------|----------------------------------|----------------|
| 01             | 10/03141/FUL          | 2 Silver Street, Midsomer Norton | 45             |

***Amend recommendation to read:-*** “delegate to permit subject to the completion of a Section 106 agreement securing appropriate contributions to the provision of open space”.

Internal Consultations:-

***Open Space Team:-*** note that the site is within an area of shortfall of green spaces and request an appropriate contribution.

***Development & Regeneration Team:-*** seek confirmation that Lloyds Bank are happy with the proposal and that they can operate in the reduced space.

***Comment:-*** Lloyds TSB objected to the original application, but since the submission of revised plans, have withdrawn their objection, stating that they are content with the proposals.

| <b>Item No</b> | <b>Application No</b> | <b>Address</b>  | <b>Page No</b> |
|----------------|-----------------------|---|----------------|
| 02             | 10/04952/FUL          | Bidstone, 29 Church Street, Bathford,<br>Bath BA1 7RR | 52             |

- Amended plans have been received showing the proposed log and bin store and detached double garage ‘swopped around’ from the original plans so that the garage would not be visible from Church Street behind the listed wall; and
- A set of 64 diagrams have been received, showing the shadow cast on Squirrel Lodge in existing and proposed circumstances at 9am, 12 noon, 3pm, and 6pm on 22<sup>nd</sup> December, 6<sup>th</sup> Feb, 20<sup>th</sup> March, 6<sup>th</sup> May, 21<sup>st</sup> June, 6<sup>th</sup> August, 23<sup>rd</sup> September, and 6<sup>th</sup> November. This represents an ‘average’ of the impact throughout the year during

daylight hours and shows that at most times the proposal would have no shadowing effect, either because the sun would be high enough that the proposed building would not cast a shadow on Squirrel Lodge or because the sun would be low enough that Squirrel Lodge would already be in shadow from existing structures.

| <b>Item No</b> | <b>Application No</b> | <b>Address</b>                            | <b>Page No</b> |
|----------------|-----------------------|---|----------------|
| <b>04</b>      | <b>11/00066/REG04</b> | <b>Kingston Parade, City Centre, Bath</b> | <b>74</b>      |

**Further Information:**

Additional information has been submitted by the applicant in support of the application.

The submission states that the previous exhibitions have attracted 250'000 visitors to the City, and increased dwell time in the City by approximately 45minutes. The additional information received gives an explanation of how these figures were produced and this is outlined below.

Prior to 'Earth from the Air Exhibition' some very detailed figures from Swansea and Oxford were provided including detailed interviews with people viewing the exhibition as an initial guide.

In Bath blue tooth counters were used on Kingston Parade and the immediate areas (counting bluetooth enabled phones in visitor's pockets). The exhibition organisers interviewed 200 people who visited the site regarding the reason for their visit to the City etc.

The shop based in York Street had specific counters on the doors and counts were taken from the 'book of pledges' that related to the contribution people wished to make to reducing carbon emissions. This gave a geographic spread of visitors that hadn't previously been available.

In addition 'transfers' on the web sites that lead to business transactions were counted as well as column inches of editorial copy in magazines that the Bath Tourism Plus offer wouldn't otherwise have access to.

It is stated that Britain from the Air, by observation is considered to be more popular to visitors although as many specific counting/surveys have not been undertaken as the costs of securing a more refined set of figures became prohibitive.

The Committee Report also states than no evidence has been submitted to illustrate that other sites within the City had been explored. Additional information has now been submitted with regards to this.

It is stated that alternative sites for the Wild Planet Exhibition were considered before applying for Kingston Parade and the surrounding area. - Queens

Square & Orange Parade (both pedestrian access across a main traffic route) Union Street, Stall Street and the Square in South Gate Shopping Centre.

With regards to Southgate there are legal 'site line' agreements signed with each of the major stores (and Multi Developments) in South Gate that effectively prevents anything from occurring in the square or the surrounding pedestrian areas.

### **Revised Plans**

Revised plans were submitted on the 12<sup>th</sup> March 2011. 3 of the display units to the east of the Abbey in the narrow walkway have been removed, and the agent has confirmed that the bench to the front of the retail unit entrance will be removed as part of this development. The Senior Highway Officer has assessed these revised plans and is satisfied that the removal of these displays units and the bench in front of the retail unit will ensure that pedestrian safety is not compromised. Therefore subject to the inclusion of informatives on any permission, the Senior Highway Development Officer has withdrawn his objection to this application.

The Case Officer is satisfied with regards to the above, and the second reason for refusal which related to pedestrian safety can be removed from the recommendation. If the application is granted permission a condition which ensures that the necessary bench is removed prior to the commencement of development should be included.

### **Further representations received**

#### Support

1 supporting comment has been received from the Administrator, Bath Abbey and the comments can be summarised as follows:

- There has been no blockage of public rights of way during the previous exhibitions and it is not considered that the current proposals would cause any blockage or prejudice the safety and amenity of pedestrians.
- The proposed location of the retail unit is the same as where the spoil from the archaeological digs that is being conducted which has not caused any blockage.
- There have been increased numbers of people visiting the Abbey over the last 2 years and it is believed a major factor causing these increases has been the exhibitions.
- The 2 previous exhibitions have had had a very positive impact on the character and appearance of the city centre. The Wild Place exhibition in Brighton is very high quality.

1 supporting comment has been received from the Bath Chamber of Commerce and the Initiative in B&NES. The comments can be summarised as follows:

- The exhibition fits perfectly with the aspiration for the public spaces of Bath to be animated with lively, attractive, high quality exhibits.
- This new exhibition will add lustre to the reputation of Bath as being a place where there is always something to be enjoyed. The first exhibitions have added to the enjoyment of visitors.
- There is an educational benefit to be gained from the exhibition.
- The public exhibitions and events makes a contribution to the economic well-being of the City.

### Objection

Bath Preservation Trust object to this application and the comments can be summarised as follows:

- The cultural value of open air exhibitions is recognised and the Trust is generally supportive of these temporary installations in appropriate parts of the city. These exhibitions have been entertaining and instructive and have created vibrancy and interaction within streets which has seen much decline in Bath.
- There is concern with the permanence of such exhibitions, especially in this location. The Trust would welcome a policy in line with the Public Realm and Movement Strategy (PRMS) and cultural strategy, which would ensure a design approach appropriate for Bath and prevent an over dominance of such installations.
- The positioning of a large number of exhibition stands in the location proposed, high level cabling and illumination and the appearance of the stands and materials combined with the store structure would have a harmful visual and physical impact on the setting and significance of the Abbey and adjacent listed buildings, the character and appearance of the Conservation Area, and the World Heritage Site.
- The exhibition would reduce the opportunity for informal sitting and entertainment in this area. Abbey Church Yard is recognised as a destination space in the PRMS. There are other parts of the city, such as Southgate, which have yet to be recognised as such and could benefit from the cultural stimulus and animation that the exhibition would provide. There are also several vacant shops that could be used to accommodate the store and enhance the vitality of a primary shopping frontage and have more positive impact on the character and appearance of the conservation area.

- The planning application fails to accord with policies D2, D4, BH, BH2, and BH6 of the B&NES Local Plan and national planning policy PPS5 and should therefore be refused.



**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**16th March 2011**

**DECISIONS**

|                                       |  |                      |
|---------------------------------------|--|----------------------|
| <b>Item No:</b>                       | 01   |                      |
| <b>Application No:</b>                | 10/03141/FUL   |                      |
| <b>Site Location:</b>                 | 2 Silver Street, Midsomer Norton, BA3 2HB,   |                      |
| <b>Ward:</b> Midsomer Norton Redfield | <b>Parish:</b> Norton Radstock   | <b>LB Grade:</b> N/A |
| <b>Application Type:</b>              | Full Application   |                      |
| <b>Proposal:</b>                      | Conversion of an existing building to 220sqm of commercial office space and 5no. 1 & 2 bed apartments and erection of 4no. terraced houses in adjacent car park (Resubmission) |                      |
| <b>Constraints:</b>                   | Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Coal fields, Conservation Area, Forest of Avon, Housing Development Boundary,  |                      |
| <b>Applicant:</b>                     | Linhope Properties   |                      |
| <b>Expiry Date:</b>                   | 25th October 2010  |                      |
| <b>Case Officer:</b>                  | Mike Muston  |                      |

**DECISION** REFUSE for the following reasons:

1 The proposal would result in an unacceptable loss of office floorspace in the central area of Midsomer Norton, contrary to Policy ET.2 of the Bath and North-East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

2 The proposal would be likely to result in an increased use of the substandard access between the bank and town hall, to the detriment of highway safety, contrary to Policy T.24 of the Bath and North-East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

3 The proposal would result in the loss of a public car park and would be likely to result in an increase of parking on the public highway in the vicinity of the application site, to the detriment of highway safety, contrary to Policy T.24 of the Bath and North-East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

**PLANS LIST:** Design and Access Statement, Planning Statement, Desk Study, Road Traffic Noise Report, Sustainable Construction Checklist and Transportation Statement, and Drawings (TP)001, (TP)002, (TP)003, (TP)005, (TP)009, (TP)020, (TP)021 all date stamped received 6 July 2010

Drawings (TP)022\_A, (TP)023\_A, (TP)024\_A, (TP)033 all date stamped received 29 November 2010

Drawings (TP)010\_A, (TP)011\_A, (TP)012\_A, (TP)030\_B, (TP)031\_A, (TP)032\_C all date stamped received 4 January 2011.

|                             |   |
|-----------------------------|---|
| <b>Item No:</b>             | 02  |
| <b>Application No:</b>      | 10/04952/FUL  |
| <b>Site Location:</b>       | Bidstone, 29 Church Street, Bathford, Bath  |
| <b>Ward:</b> Bathavon North | <b>Parish:</b> Bathford <b>LB Grade:</b> N/A  |
| <b>Application Type:</b>    | Full Application  |
| <b>Proposal:</b>            | Erection of 1no 5-bedroom house and detached 2 bay garage following demolition of existing detached house |
| <b>Constraints:</b>         | Agric Land Class 1,2,3a, Conservation Area, Forest of Avon, Housing Development Boundary,                 |
| <b>Applicant:</b>           | Mr Giuseppe Pascuzzi  |
| <b>Expiry Date:</b>         | 7th February 2011   |
| <b>Case Officer:</b>        | Andrew Strange  |

**DECISION** REFUSE for the following reasons:

1 The proposed development would, because of its size and position in relation to the neighbouring property to the north, result in an unacceptable loss of daylight and sunlight to that property and would have an overbearing impact on the amenity and outlook for occupiers of that property, contrary to policy D.2 of the adopted Bath and North East Somerset Local Plan (2007).

2 The proposed development would, by reason of its scale, siting, height, mass, bulk and design, harm the character and appearance of the Bathford Conservation Area and is therefore contrary to policies D.4 and BH.6 of the adopted Bath and North East Somerset Local Plan (2007).

**PLANS LIST:** This decision relates to the following documents:

1. Drawing numbers: -

- 1014/S/01 - Site Survey
- 1014/P/01- Proposed Site and Location Plan
- 1014/S/02 - Existing Plans
- 1014/S/03 - Existing Elevations
- 1014/S/04 - Existing Elevations
- 1014/P/03 Revision B - Proposed Ground Floor Plan
- 1014/P/04 Revision B - Proposed First Floor Plan
- 1014/P/05 Revision B - Proposed Attic Floor Plan
- 1014/P/06 Revision B - Proposed Roof Plan
- 1014/P/07 Revision B - Proposed East and South Elevations
- 1014/P/08 Revision B - Proposed West and North Elevations
- 1014/P/09 Revision B - Proposed Sections
- 1014/P/10 - Proposed Garage Plans, Section and Elevations
- 1014/P/11 Revision B - Plan and Section showing Proposed Replacement buildings positioning in relation to Squirrel Cottage
- 1014/D/001- Proposed Typical Window Detail



2. Design and Access Statement, received 26th November 2010
3. Addendum to Design and Access Statement, received 23rd February 2011
4. Heritage Statement, received 25th January 2011
5. Shadowing Diagrams, received 20th January 2011 and 27th January 2011.
6. Isometric views of proposal, received 21st February 2011
7. Contextual Elevation, received 10th January 2011

|                          |  |
|--------------------------|--|
| <b>Item No:</b>          | 03   |
| <b>Application No:</b>   | 10/05365/FUL   |
| <b>Site Location:</b>    | Street Record, Poolemead Road, Whiteway, Bath  |
| <b>Ward:</b> Twerton     | <b>Parish:</b> N/A <b>LB Grade:</b> N/A  |
| <b>Application Type:</b> | Full Application   |
| <b>Proposal:</b>         | Erection of a 13.8m MK3 dual user column with ground based cabinets and ancillary development.   |
| <b>Constraints:</b>      | Agric Land Class 3b,4,5, Coal fields, Forest of Avon, Hotspring Protection, World Heritage Site, |
| <b>Applicant:</b>        | Vodafone Ltd   |
| <b>Expiry Date:</b>      | 10th February 2011   |
| <b>Case Officer:</b>     | Richard Stott  |

**DECISION** REFUSE for the following reasons:

1 The proposed antenna and associated equipment would contribute towards an undesirable cluttered appearance of this part of the street scene, to the detriment of the visual amenities of this residential area, contrary to Policies D.2, D.4, and ES.7 of the Bath and NorthEast Somerset Local Plan (including minerals and waste policies) adopted October 2007.

2 The proposed development is likely obscure visibility at the junction of Poolemead Road and Wedgewood Road and result in undue danger to the drivers of vehicles on the public highway. The proposed development is therefore contrary to Policy T.24 of the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

**PLANS LIST:** This decision relates to the Design and Access Statement, General Background Information and Site Specific Supplementary Information and to drawings titled 100A, 200A, 300A, 400A and 500A: date stamped 16th December 2010 by the Council and to the photomontage information received via email on the 4th February 2011.

|                          |  |
|--------------------------|--|
| <b>Item No:</b>          | 04   |
| <b>Application No:</b>   | 11/00066/REG04   |
| <b>Site Location:</b>    | Street Record, Kingston Parade, City Centre, Bath  |
| <b>Ward:</b> Abbey       | <b>Parish:</b> N/A <b>LB Grade:</b> N/A  |
| <b>Application Type:</b> | Regulation 4 Application   |
| <b>Proposal:</b>         | Use of area as exhibition space to include the erection of 29 triangular structures for the display of 80 images and erection of a temporary structure to house a retail unit associated with the exhibition in Kingston Parade/Abbey Churchyard |
| <b>Constraints:</b>      | Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Article 4, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,   |
| <b>Applicant:</b>        | BANES, Tourism, Leisure & Culture  |
| <b>Expiry Date:</b>      | 30th March 2011  |
| <b>Case Officer:</b>     | Tessa Hampden  |

**DECISION** REFUSE for the following reasons:

1 The temporary retail unit by reason of its inappropriate siting, scale, design, and materials, and the display units by reason of their number, siting, design, and means of illumination, combined with the duration for which these are to be in place, are considered to result in a significant detrimental impact upon the character and appearance of this part of the City of Bath Conservation Area, the setting of the nearby listed buildings and the Scheduled Ancient Monument and the World Heritage Site. This development is therefore contrary to Policies BH1, BH2, BH6, BH11, D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

**PLANS LIST:** Drawing nos.

373.NHM.10.01.SITE\_LOCATION\_PLAN\_BATH REV A and

373.NHM.10.01.SITE\_PLAN\_BATH REV A date stamped 1st February 2011

373.NHM.10.03.UNIT\_1 REV B

373.NHM.10.03.UNIT\_2 REV B

373.NHM.10.04.RETAIL\_UNIT

373.NHM.10.04.SHOP\_LAYOUT all date stamped 2 February 2011

|                          |  |
|--------------------------|--|
| <b>Item No:</b>          | 05   |
| <b>Application No:</b>   | 10/05325/LBA   |
| <b>Site Location:</b>    | 21 - 22 High Street, City Centre, Bath, Bath And North East Somerset   |
| <b>Ward:</b> Abbey       | <b>Parish:</b> N/A <b>LB Grade:</b> II   |
| <b>Application Type:</b> | Listed Building Consent (Alts/exts)  |
| <b>Proposal:</b>         | Internal alterations for the provision of a street lantern to the ceiling of the passageway which runs through the building from the high street to Northumberland Place |
| <b>Constraints:</b>      | Agric Land Class 3b,4,5, Article 4, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,      |
| <b>Applicant:</b>        | Cllr Brian Webber  |
| <b>Expiry Date:</b>      | 4th March 2011   |
| <b>Case Officer:</b>     | Adrian Neilson   |

**DECISION** REFUSE for the following reasons:

1 The proposal would cause detrimental visual harm to, in heritage and historic architectural terms, a highly sensitive part of the city by reason of the proposed utilitarian, unsympathetic nature of the lighting, which is regarded as inappropriate for use within the context of the historic environment. The accumulative impact of such inappropriate public realm fixtures and fittings such as the proposed lighting would have a significant detrimental impact on the protected building, adjacent protected buildings and this part of the Conservation Area. Furthermore the application information is of an inferior quality and there is a lack of information for instance no heritage statement was included which could have provided an analysis of the protected building and its context. Furthermore, the application fails to demonstrate or justify that the need for lighting within this area is a genuine requirement in an area of the city where there is already significant provision regarding street lighting that the covered passage way benefits from. For these reasons the proposals are regarded as contrary to Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Statement 5: Planning for the Historic Environment.

**PLANS LIST:** Industry product information regarding the proposed lights (Alternative A & Alternative B), HS/1, HS/2 and photograph date stamped 13 December 2010 and Design and Access Statement and photographs date stamped 7 January 2011.



| <b>Bath &amp; North East Somerset Council</b> |  |
|---|--|
| <b>MEETING:</b>                               | <b>Development Control Committee</b>   |
| <b>MEETING DATE:</b>                          | <b>13th April 2011</b>   |
| <b>RESPONSIBLE OFFICER:</b>                   | Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281) |
| <b>TITLE:</b>                                 | <b>APPLICATIONS FOR PLANNING PERMISSION</b>  |
| <b>WARDS:</b>                                 | ALL  |
| <b>BACKGROUND PAPERS:</b>                     |  |
| <b>AN OPEN PUBLIC ITEM</b>                    |  |

AGENDA  
ITEM  
NUMBER

**BACKGROUND PAPERS**

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

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

**The following notes are for information only:-**

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

application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

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

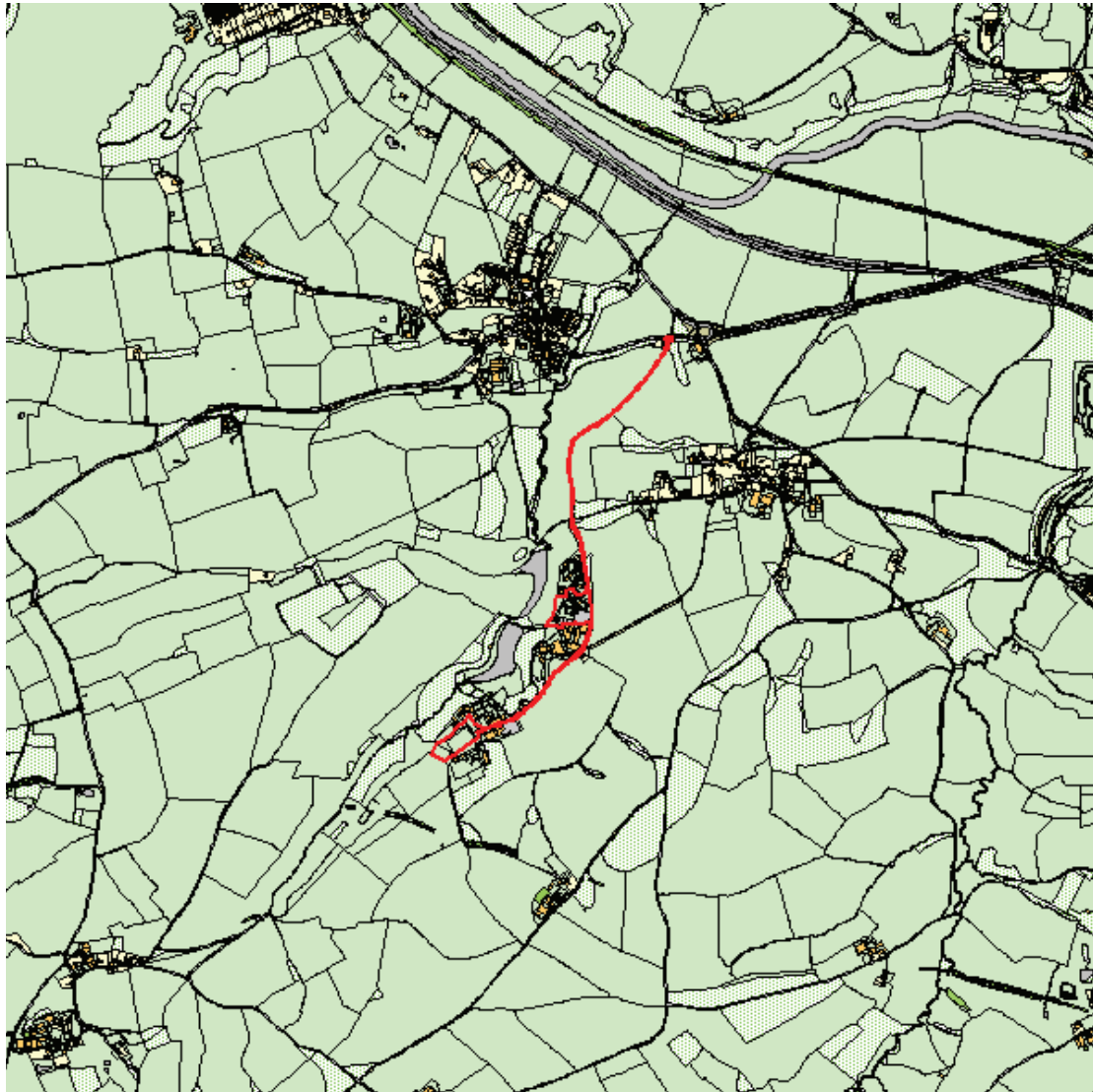
## INDEX

| ITEM NO. | APPLICATION NO. & TARGET DATE:  | APPLICANTS NAME/SITE ADDRESS and PROPOSAL   | WARD:             | OFFICER:        | REC:                                       |
|----------|---------------------------------|---|-------------------|-----------------|--|
| 01       | 10/04747/EFUL<br>11 March 2011  | Bath Spa University<br>Street Record, Bath Spa University<br>Campus, Newton St. Loe, Bath, Bath<br>And North East Somerset<br>Redevelopment of part of Newton Park<br>for educational purposes as Phase 1 of<br>the campus master plan to provide a<br>two/three storey academic building<br>(approximately 8,528.7 sq m gea)<br>together with associated access,<br>landscaping, car parking and<br>infrastructure, in addition to temporary<br>extension to main car park south of<br>campus. | Bathavon<br>West  | Geoff<br>Webber | See<br>Continuation<br>Report to<br>follow |
| 02       | 11/00407/FUL<br>28 March 2011   | Stroud And Swindon Building Society<br>38 High Street, Keynsham, Bristol, Bath<br>And North East Somerset, BS31 1DX<br>Change of Use from Use Class A1<br>(Retail) to Use Class A2 (Financial and<br>Professional Services)   | Keynsham<br>North | Lee Jones       | REFUSE                                     |
| 03       | 10/04904/REG04<br>14 March 2011 | Bath & North East Somerset Council<br>Council Depot, Upper Bristol Road,<br>Clutton, Bristol, Bath And North East<br>Somerset<br>Construction of drying/storage bays  | Clutton           | Alice Barnes    | PERMIT                                     |

|    |                                  |  |                   |                     |        |
|----|----------------------------------|--|-------------------|---------------------|--------|
| 04 | 10/04317/FUL<br>14 December 2010 | Mr And Mrs Elms<br>Church View, Packhorse Lane, South<br>Stoke, Bath, BA2 7DW<br>Erection of 2no gable ends to south<br>elevation, replacement of existing<br>windows to the front with French doors<br>opening onto a veranda, demolish<br>existing steps to front, move existing<br>door on east elevation and erection of<br>cantilevered porch over and provision of<br>larger window to side, erection of<br>dormer to north elevation, provision of<br>first floor window on west elevation and<br>landscaping | Bathavon<br>South | Victoria<br>Griffin | PERMIT |
| 05 | 11/00229/FUL<br>7 March 2011     | Duchy Of Cornwall<br>36 Farmborough Lane, Priston, Bath,<br>Bath And North East Somerset, BA2<br>9EH<br>Erection of 2-storey extensions at 36 &<br>37 Priston following demolition of lean-<br>to  | Bathavon<br>West  | Rachel Le<br>Huray  | REFUSE |
| 06 | 11/00668/FUL<br>4 April 2011     | Mr Andrew Jones<br>4 Ellsbridge Close, Keynsham, Bristol,<br>Bath And North East Somerset, BS31<br>1TB<br>Erection of a first floor side extension<br>(Resubmission)   | Keynsham<br>East  | Tessa<br>Hampden    | PERMIT |

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

**Item No:** 01  
**Application No:** 10/04747/EFUL  
**Site Location:** Street Record, Bath Spa University Campus, Newton St. Loe, Bath



**Ward:** Bathavon West                      **Parish:** Newton St. Loe                      **LB Grade:** N/A

**Ward Members:** Councillor Victor Clarke

**Application Type:** Full Application with an EIA attached

**Proposal:** Redevelopment of part of Newton Park for educational purposes as Phase 1 of the campus master plan to provide a two/three storey academic building (approximately 8,528.7 sq m gea) together with associated access, landscaping, car parking and infrastructure, in addition to temporary extension to main car park south of campus.

**Constraints:** Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal fields, Cycle Route, Forest of Avon, Greenbelt, Major Existing Dev Site,



|                      |                     |
|----------------------|---------------------|
| <b>Applicant:</b>    | Bath Spa University |
| <b>Expiry Date:</b>  | 11th March 2011     |
| <b>Case Officer:</b> | Geoff Webber        |

## **REPORT**

### Reason for Reporting Application to Committee

This application represents the initial phase of a major regeneration programme proposed by Bath Spa University. The scheme as a whole has strategic significance because of the importance of the higher educational sector to the economy of the area, and because of the location of the university campus at Newton Park, which is a sensitive historic park environment within the Green Belt. The proposed MasterPlan is intended to underpin the university's development for the foreseeable future.

### The Proposed Development and its Context

Bath Spa University has occupied Newton Park at Newton St Loe as its principal site for many years, and it has long been recognised that the historic park is both a major asset to the university and a significant constraint to development. As the university has grown, so it has become increasingly clear that a piecemeal approach to development is unsuitable for taking the university through what now emerges as a major programme of regeneration during the next two decades or so.

In discussion with your Officers, and with other key stakeholders including English Heritage ('EH') and the Duchy of Cornwall ('the Duchy'), the university has agreed that it will bring future development forward on a master planned basis, so that each individual scheme can be understood and evaluated both in the context of the historic parkland setting and in terms of its contribution towards the university's overall ambitions.

Members are advised that within the educational framework that now exists in the UK, any university must be viewed as a commercial enterprise in so far as it has to compete for funding and for students alongside a wide range of other institutions. As a result, Bath Spa University considers that it is essential in 2011 it to provide an ever-improving range of academic, leisure, social and residential opportunities for students and staff which enable it to remain competitive with other universities which offer similar courses. It is no longer enough for the university to rely upon the 'wow factor' of its wonderful setting to attract the most able students and staff, and some of the facilities at the university are looking tired and increasingly insufficiently attractive.

Accordingly, over a two year period, the university has appointed a team of consultants who have been advising on all aspects of the emerging proposals. The university has produced a Draft MasterPlan which is intended to operate on a 'living document' basis, allowing revisions and updates to be incorporated whenever necessary in order to ensure that the university can respond to changes in national educational policy, or to other equally unpredictable factors such as unexpected fluctuations in the availability of funds. The MasterPlan has been submitted alongside the current application, but remains the subject of detailed discussion and negotiation, and will therefore be presented to the Committee in due course, once the university is satisfied that it has taken adequate account of the views of all its key stakeholders. That is likely to be in association with the next significant proposal for development which is expected to be submitted during the summer of 2011.

Meanwhile, your officers have satisfied themselves that the initial redevelopment phase represented by the current application can in principle be determined in advance of concluding the work on the MasterPlan, and an early approval of this scheme is vital to the university, in order that the proposed building can be made available for use as soon as possible.

Prior to the committee meeting, Members will have had an opportunity to visit Newton Park, and to see for themselves the manner in which the university buildings sit within the historic landscape. An awareness of the benefits and sensitivities of this parkland setting is an essential prerequisite to coming to terms with the implications of the development programme upon which the university is embarking. However, Members must also bear in mind that the university is not based just at Newton Park. Many of its students occupy student accommodation in Bath, both in purpose-built developments such as Waterside Court (in Lower Bristol Road) and in smaller residential properties in various locations across the city. In addition, the university occupies a number of sites within Bath for academic purposes, and the site at Sion Hill is perhaps the most significant of these. The operational and functional inefficiency of this multi-location character is a major factor in the university's decision to progress a master planned approach to its future, and underpinning the emerging MasterPlan is a strategic decision to focus future development at Newton Park, and to create opportunities for as many students as possible - certainly all first-year students - to be housed on the Newton Park campus.

Your Officers recognise the significant benefits that will arise from reducing the need for students to shuttle back and forth between Bath and Newton Park, and also understand that from the university perspective increasing the academic punching power of the campus is key to the future success of the university. However, all this needs to be balanced against the need to safeguard the special character and qualities of Newton Park as a historic setting, and it is believed that this can only be achieved through the application of the MasterPlan. Your Officers have encouraged the University, through its master planning work, to seek to establish where there are 'ceilings' on development at Newton Park, in order that the most effective use can be made of the campus, without prejudging the historic environment. Members will see from the consultation responses set out in detail below that it would seem that the university is generally considered to have set its MasterPlan sights a little too high in terms of the Park's capacity to absorb additional development. As a result, and in response to the comments from EH in particular, the university has in the last few days indicated an intention to review its MasterPlan proposals for the later phases of development. In a recent email, the university has stated that it is "... committed to the Masterplan process for identifying and providing guidance on the future development of the Newton Park Campus. The current Masterplan that has evolved over a two year period has identified and established the principle of development on particular sites within the Newton Park Campus, specifically these have been identified as development in the vicinity of the walled garden, existing main car park and ground maintenance area and the northern area of the campus currently utilised as student accommodation. The Masterplan has also identified opportunities to 'undevelop' parts of the existing campus and continue restoration of the historic landscape.

The University's Design Team has established the maximum capacity of these areas in the light of the environmental and historic constraints. It has always been agreed with you that the Masterplan is a living document. It is the intention of the University to produce

further iterations of the Masterplan as agreed with B&NES early in the pre-application process. The University will consult further with English Heritage, B&NES and other key stakeholders in order to refine the proposals for the identified development areas in the Masterplan.

The University is not requesting B&NES to ratify or adopt the Masterplan in its current form. Rather, it is requesting that B&NES endorse the process to date and commit to a process of further consultation in advance of the Phase II residential proposals coming forward.'

At the meeting Members will be given an introduction to the concepts set out in the MasterPlan, and this will include not only the proposed development programme, but also indications of where the approach has identified that 'undevelopment' can take place in order to enhance the Park's special qualities. The end result is intended to be a balanced approach to the redevelopment of the university, and the MasterPlan should in due course form a key foundation for the consideration of all future significant applications for planning permission on this important site.

The initial phases of the development programme involve the shuffling of various uses around between different parts of the campus, and the Officer presentation to Members will explain how this concept will work. During this time, the university has indicated that there will be no growth in student numbers as the programme requires there to be sufficient 'wriggle room' to allow development to proceed whilst the university continues to operate. Overall, it is anticipated that the programme of redevelopment will increase the size of the university's operation at Newton Park, and increase the proportion of students that will be accommodated on the campus. In turn, this is expected to reduce demand for students to move between Newton Park and Bath, enhancing the sustainability of the university's activities. In order to secure government funds, the university is required to substantially decrease the energy footprint of its operations, and this is an element which will be a key consideration at every stage of the development programme.

In short, the underlying concept of a master planned approach to the redevelopment and regeneration of Bath Spa University is recognised by your Officers as being a major positive consideration in the evaluation of the various development proposals that will be submitted. Not all these proposals will be brought to this Committee for determination, but it is crucial to the university that the Committee endorses the general approach.

#### The Current Application

The current application is accompanied by an Environmental Impact Assessment, and seeks permission for a substantial new two/three-storey academic building in place of three existing buildings which are to be demolished. The building will have a floorspace of just over 5500 sq metres. In addition, the current application includes a proposal for temporary car parking, and also for the landscaping of the area around the new building. The proposal demonstrates many of the characteristics that will be seen in other applications that will be submitted in the future. Outmoded buildings are to be removed, whilst other buildings that are either of historic significance or which remain valuable assets will be retained and enhanced. In some cases, demolished buildings will be replaced - as here - by new development, and in other cases, the demolition will offer an important opportunity to restore or enhance the visual qualities of the Park.

The ground and first floors of the proposed building mainly comprise teaching rooms, whilst the second floor is mainly for staff and academic use. The building will also house an 'e library' and digital and media suites, along with a central atrium that separates the two more solid elements of the structure. The development has been designed to be of a scale that sits well in relation to the Listed 'Main House', and to avoid the introduction of development that introduces new and undesirable visual impacts upon the parkland setting.

The Officer presentation at the meeting will describe the principal characteristics of the building, and it is anticipated that having previously viewed the site, Members will be readily able to assess the extent to which the architects employed by the university have achieved their aims. The proposals will speak for themselves, and there is therefore no need to describe the scheme in detail here.

However, this report will set out the key considerations, and your Officers' comments and advice regarding those matters. Essentially, there are seven principal areas to which Members' attention is drawn in this report. These are:

1. The correctness of the EIA approach adopted by the university.
2. The acceptability of the Draft MasterPlan.
3. The appropriateness of the proposed development within the Green Belt.
4. The impact of the proposed development upon the special character of the historic parkland setting.
5. The impact of the proposed development upon the special character and setting of the Listed Buildings at Newton Park.
6. The impact of the proposed development upon the ecology of the Park.
7. The 'knock on' impacts of the proposed development in terms of the need to relocate functions elsewhere within the campus and the on and off-campus implications of the development.

Masterplan: mitigation and restoration

Unfortunately most of the benefits in terms of removal of buildings which at present block key views are not going to be implemented until Phase 3. The funding for this phase is not yet in place. We would therefore ask if there is a mechanism by which the Local Planning Authority can ensure these benefits are delivered? In the LVIA supporting this application it is regularly stated that 'architectural design, materials and finishes' will assist integration. This is unsubstantiated by the level of detail provided. Mitigation relies heavily on tree planting, some of it by transplanting existing trees. Establishment after transplanting is difficult to achieve and all planting needs to be covered by a condition requiring successful establishment. A landscape maintenance plan may also be required.

Section 2.5 of the LVIA identifies a series of landscape proposals for the wider park which influence the assessment of visual impact from a number of viewpoints. We support these proposals and consider their implementation will enhance the historic environment. In the main, these proposals for historic landscape restoration are to be delivered by an agri-environment scheme (HLS). HLS rules prohibit funding of landscape restoration required by condition or legal agreement. At the same time, funding from HLS for future landscape restoration cannot be taken as certain. The Local Planning Authority should consider if it is satisfied that the landscape restoration offered in mitigation with this application should be delivered by external funding.

It should be noted that the LVIA is descriptive and no attempt has been made to indicate in the photographed viewpoints the approximate dimensions of the build in phases 2 and 3. Additionally the viewpoints are summer views with vegetation in full leaf. Winter views would offer a different perspective.

#### Phase 1

The proposals for Phase 1 involve the demolition of three existing buildings: Nevill; Hungerford; and Doynton. It is accepted that these buildings have little or no architectural merit and their demolition is uncontentious.

The main issue to address is the acceptability of the new academic building and associated landscaping in terms of the impact on the registered landscape and the setting of listed buildings. The proposals need to comply with the following policies in PPS5.

HE10.1 When considering applications for development that affects the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.

HE9.4 Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should: (i) weigh the public benefit of the proposal (for example that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification needed for any loss.

HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

Originally the house would have been set within a designed landscape unencumbered by ancillary buildings, especially on its approach from the main drive. However, the long-established development of the site for educational purposes has compromised its approach and setting. The location of the proposed Phase 1 building is already developed, albeit at a lower density. The principle of redevelopment in this location is considered to be acceptable. The key issue is the height, mass, scale and materials of the proposed new building.

In the initial stages of the evolution of the scheme and masterplan the option of a quadrangle was proposed. However, this entailed locating the building closer to the landscape boundary. When this footprint was drawn in three dimensions it was concluded that the structure would have a significantly adverse visual impact from a number of viewpoints, particularly from the Corston and Newton drives. The preferred option was to set back the proposed building within the existing built form. This creates the opportunity, with the removal of Doynton, to extend the landscape over the ridge from the historic pleasure grounds. In addition, it provides a zone within which effective landscaping can be established on Corston Drive.

It is recognised that the new academic block, as proposed, has significant mass and bulk. The impact of this form will, in our judgement, be most apparent in near views within the

academic area of the site. It is only in more distant views (for example Clay Lane) that the new academic block will be perceived in conjunction with the main house. Having considered the evidence of the LVIA, we consider there is sufficient physical distance between the main house and Phase 1 to enable the house to retain its primacy within the landscape. The increase in visual presence of this building needs to be weighed against the overall public benefit of the proposals. We are also mindful of the fact that no new development is proposed in the vicinity of the house and that the historic drives and planting (including further restoration planting proposed in the masterplan) reinforce the concept of a country house set in its landscape park. If, alternatively, Phase 1 was split into smaller buildings the overall footprint within the campus would be much higher. Again, whilst it is acknowledged that the proposed finishes of the new building are not, like the main house, Bath stone and slate, the colour palette is not dissimilar. The proposal, in our view, has architectural integrity as a building clearly of the 21st century to provide [a] hi-tech academic centre.

#### Recommendation

This application relates to the phase 1 academic building and for the reasons set out above English Heritage does not wish to raise an objection to this aspect of the proposals. We suggest you consider the issues set out above and recommend that the application be determined in accordance with national and local policy guidance and on the basis of your own specialist conservation and landscape advice.

We consider that further information and discussion is required regarding the extent, location and form of development for phase 2 and 3. We are happy to continue discussions with the Local Planning Authority, the applicant and their agents in order to inform the evolving scheme for the later phases of the masterplan.

We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.'

The Senior Conservation Officer has commented that:

- The English Heritage letter does a very good job of dissecting the application and I am happy to endorse their comments. In summary;
- There is sufficient distance between the main house and the academic block to preserve the setting of the listed building.
- The extent and location of new development indicated in the master plan for phases 2 and 3 is likely to impact adversely on the setting of the listed buildings and the wider landscape and further discussion and revision is therefore required.'

Natural England has submitted a holding Objection to the scheme, focussing principally upon the lighting of the development and its impact upon bats, but indicated from the outset that its objections are capable of being addressed by the applicants. Indeed, Members are advised that discussions have progressed between the university and Natural England ('NE'), and NE have very recently contacted your Officers to advise that they expect to be able to withdraw their objections by the time of the Committee meeting. Members will be updated on this matter prior to (or at) the meeting, and it is likely that a number of Conditions will be necessary in order to address the issues raised by NE.

The Environment Agency has raised no objections to the development, subject to the imposition of appropriate Conditions.

The Highways Development Control Officer has made detailed comments on both the first phase development and the Draft MasterPlan which are as follows:

'The proposal involves the demolition of three existing buildings (Hungerford and Nevill student accommodation and the Doynton office building) and the loss of a car park next to the Michael Tippett Centre, in order to enable the construction of a two/three storey academic building as Phase 1 of a longer term development plan.

The Phase 2 development is intended to include the provision of up to 600 bed spaces of student accommodation around the walled garden and adjacent to the existing stables and workshops by 2015. Phase 3 is intended to provide further academic facilities to the north of the Phase 1 development and the redevelopment of existing student accommodation in this area, together with further student accommodation to achieve a total of approximately 1,000 bed spaces between 2015-2030.

The proposed Academic Building, as part of the Phase 1 works, is intended to provide digital teaching spaces, a new e-library, reception/support services, Learning Commons (social areas for students), teaching spaces and Staff Commons.

The application form states that 2,337m<sup>2</sup> of C2 floorspace will be demolished and 7,917m<sup>2</sup> will be constructed, giving an increase in overall floorspace of 5,580m<sup>2</sup> for [educational] use. This proposal would result in the loss of 82 bedrooms, but 312 bed spaces will be retained in the existing accommodation to the north of the Phase 1 development. The application form also states the existing parking levels to be 137 car spaces and 32 cycle spaces, with only 13 car spaces being retained (6 for disabled use), but an additional 8 cycle spaces being provided.

The proposal includes for the footway adjacent to the Corston Drive to be replaced by safe pedestrian routes across the site, and also includes a new bus drop off point in front of the academic building.

#### Parking

The level of car parking is stated as having been reduced from 844 in 2007 to 776 (including 35 disabled spaces) in 2010, as a result of the University Travel Plan. The parking levels currently accommodate 610 staff (420 FTE) and 5,258 students (4,650 FTE) at Newton Park.

Whilst the surveys from the Travel Plan have indicated the reduction in the daily flows, the peak parking demand has remained constant. For this reason, the University would maintain a level of 776 spaces for Phases 1 and 2 of the development, with reductions being considered to 650 spaces for Phase 3.

There appears to be some discrepancy/confusion in the supporting documents on the level of car parking. It is mentioned that the Phase 1 proposals would seek to increase the car parking provision from 380 spaces to 515, through a temporary extension to the main car park. The provision of 124 spaces has been mentioned in the Environmental Statement, to replace those lost due to the location of the proposed Academic Building,

but this does not equate to the 515 spaces overall that has been stated. A further 13 spaces are proposed elsewhere, but this still does not correlate to the 515.

The Transport Assessment sets out the current level of parking to be 776 spaces which are provided outside Michael Tippett Centre, in front of the main house, adjacent to Newton and the main car park at the south-western end of the campus on the former hockey pitch. It goes on to say that the loss of 137 parking spaces is to be replaced as an extension of Hockey Pitch Car Park, with 13 parking spaces being provided with the Academic Building.

It is mentioned that to address the loss of car parking from adjacent to the Michael Tippett building, there will be a re-arrangement and extension of the car parking to the south of the Stable Block, through the removal of grass areas and drainage ditches. This presumed to be the 137 spaces, however, there are no details of the layout of the car parking to confirm that this level can be achieved, and the impact this may have on the drainage ditches. Furthermore, there are no details to indicate the car parking areas will be formally marked out, which will ensure maximum occupancy levels are achieved, however, it is noted that the surfacing is suggested as granular material and therefore it would not appear that any marking of spaces is anticipated.

Plans showing all the proposed parking areas with the marking of the bays should be submitted to ensure that all the intended number of spaces can be accommodated, together with sufficient room between spaces for manoeuvring. The relocated parking bays should also ensure the same level of disabled parking bays is maintained, and that their location are easily accessible.

#### Cycle Parking

Covered cycle parking is proposed in two areas close to the academic building and some existing uncovered cycle parking close to the Michael Tippett Centre is to be retained. It is understood that the Campus currently has 116 cycle parking spaces (comprising 47 uncovered and 69 covered spaces), and this will be increased by the proposed 40 spaces as part of the development. However, the loss of the existing student accommodation blocks to enable the Phase 1 development will also result in the loss of 32 cycle stands, although in the Transport Assessment this is referred to as 32 spaces. These 32 spaces are also suggested as being replaced with the development of new residential development on the campus (later phase), but there is no interim provision.

The MasterPlan document seems to contradict the cycle parking level detailed in other documents stating 166 cycle spaces, and there needs to be some clarity of the number of stands or the corresponding number of spaces. There should also be some interim replacement cycle parking. Whilst it is accepted that the current overall provision is under-utilised, it has been suggested that the one area around the accommodation in Langdon Court is always fully utilised, and therefore additional provision should be considered in this location.

I understand that there are shower and changing facilities in the sports block, and university theatre, together with a shower in the female WC in the main house, but no drying rooms or lockers on campus. Appropriate consideration should be given to providing facilities for lockers and a drying room, which could encourage more cycle use,



and also consideration for cycle parking facilities at the bottom of Corston Drive, where cyclist could park their bicycles and get a lift up into the Campus.

#### Student Accommodation

The University seeks to accommodate all first year students requiring residential accommodation on the campus, and out of 1,900 first year students at Bath Spa University, 1,000 are based at Newton Park Campus. The long term vision to provide 1,000 bedspaces by 2030 is intended to meet this demand. This would also aim to address the shortfall in housing stock in and around the city, where currently there is a high level of accommodation being used as student lets.

The Strategic Framework document sets out details of the student accommodation currently available for the University as 587 bed spaces off-site within purpose built accommodation at Bankside (43), Waterside Court (316) and Charlton Court (228) (although the provision of only 129 bed spaces at Charlton Court is also referred to in the same document!), and 394 bed spaces being available on the Newton Park Campus. The level of student bed spaces is further contradicted in the Environmental Statement which details approximately 885 bed spaces (394 at Newton Park and 488 in purpose built accommodation).

The Transport Assessment sets out the level of accommodation as 394 bed spaces on site and 316 bed spaces off-site at Waterside Court, 129 bed spaces at Charlton Court and 43 bed spaces at Bankside, and this is backed up at 11.3.14 of the Environmental Statement. It is assumed that this is the correct level, but having regard to some inconsistency, clarification of the actual number is required. All students residing in university accommodation are not permitted to keep cars or use them for travel to and from the university, and therefore the applicants consider the loss of on-site accommodation is unlikely to result in increased car travel, with the bus being the likely mode of travel. However, this would not be the case for students residing in non-university controlled accommodation.

The Planning Supporting Statement states, at 7.3.43 that 'there is a high level of student car ownership and despite an overall reduction in vehicular movements to and from the campus, achieved as a result of the existing Travel Plan, there has been no change to vehicular movements at peak times.' The increased residential accommodation at Newton Park is seen as a method to reduce the need for student car ownership, and consequent car movements to and from the university. The on-site residential accommodation could achieve this through parking being restricted on campus for resident students, through the Travel Plan.

The Environmental Statement (Non Technical Summary) at Section 11. indicates that it is proposed to re-provide the 82 bed spaces, lost as a consequence of the development, within University controlled accommodation in Bath, with students not being permitted to keep cars or use them to travel to and from the University.

The Design and Access Statement, at 9.2, states that 'the proposed Phase 1 Academic Development will not affect the number of students and staff travelling to and from the campus, but it will change on-site movement,...'. However, as the proposal will result in the loss of on-site student accommodation, there will clearly be a need for students to travel more frequently to the campus.

The Planning Supporting Statement states that 'the loss of 82 residential units is expected to result in an increase of 7.6% movements and the travel surveys have revealed that there is sufficient bus capacity to accommodate this without the need for improvements.' It is therefore suggested that the relocation of students will increase bus usage.

However, whilst all indications seem to suggest the loss of the 82 bed spaces would be reprovided in University controlled accommodation, there has been no detail of any additional accommodation having been secured, and the current accommodation within the purpose built facilities are presumed to be fully occupied. Therefore, it is clear to me that there will be a displacement of 82 resident students elsewhere, and this could be anywhere in and around the City, and in locations where the University may not be able to control car ownership or usage by students.

The ES (11.4.3) states that 'the University's Strategic Framework and Campus Masterplan assume no growth in staff or student number over the next 10 years based on current policies.' This suggests that there will be no increase in staff or students until 2020, but I would be grateful for clarification of the policies that restrict the number of student intake, and whether this relates to both UK and overseas students.

#### Traffic Impact

The Transport Assessment indicates that Newton Drive carries around 15% of daily traffic, with the majority of the traffic using the Corston Drive onto the A39. The University has carried out some widening works to the A39 end of the driveway in order to improve access for buses, pedestrians and cyclists on a section which was quite narrow for all shared users. The University would like to improve the remainder of the driveway, subject to approval, which would then enable them to close the Newton Drive to daily traffic.

This would result in a material increase in the use of the Corston Drive junction with the A39, which has a shortfall in visibility, and may require some improvement to the access, at that time.

The split of mode of travel to and from the campus has been surveyed as 53% by car and 44% by bus. The proposed loss of 82 on-site bed spaces for the temporary period will result in some increase in travel to and from the campus, and whilst the applicants consider this will be achieved by bus, the lack of clarity on the location of the alternative accommodation does not give me comfort that this will necessarily be the case.

The Planning Supporting Statement indicates that the proposed Academic Development would not result in an increase in student numbers, and therefore does not result in any change to the impact on the highway network and the traffic generated by the site. It also refers to the contribution secured for the development of performing arts theatre towards improvements to pedestrian/cycle facilities between the campus and the City Centre, and considers no further contributions are necessary.

Whilst the University states that the proposed Academic Development is not intended to result in an increase in staff and student numbers, the additional facilities would allow for additional capacity, when the policies referred to allow for such increases.

As part of the proposal to construct the performing arts centre, the University is committed to contribute towards improvements to cycle and pedestrian facilities between the Newton

Park Campus and the City Centre, and to achieve a modal shift away from the car. The Council is currently considering options to improve the cycle and pedestrian routes from Corston Drive, across Pennyquick and the A4 dual carriageway and into the City. The improvements would also seek to improve access to public transport facilities on the A4 dual carriageway, which would benefit staff and students using other bus services.

The current proposal and the future phases identified will have a significant effect on the way students travel to and from the campus, with the pattern of movement changing in favour of shopping and leisure trips away from the campus, rather than travelling to the campus for study purposes, and this may have implications for the capacity of buses, which will need to be addressed at that time.

#### Construction Management

The Environmental Statement refers to a construction programme in Chapter 4. At 4.5.9 of the ES, it states that the existing footpath along Corston Drive would be relocated to a temporary footpath route behind the trees along the east side of Corston Drive, and all other footpath routes through the construction site would be suspended during the works. At 4.5.11 it identifies the proposal for contractors to identify an off-site park & ride facility for construction operatives, and encourage the use of public transport.

The construction programme would last for almost 2 years, and there needs to be careful management of site traffic and deliveries to ensure there is minimal disruption to University traffic, in terms of vehicular, pedestrian and cyclists. At 4.5.17, the ES identifies the need for the Construction Management Plan to be agreed with the Client for each phase of development, and this Plan would set out details of routing, timing and management of construction traffic. These details would clearly need to be agreed with the Local Planning and Highway Authority to ensure that any impact on the use of the highway, pedestrian routes and site accesses are minimised and properly managed, particularly having regard to the restricted nature of Corston Drive and the need to maintain regular bus access.

#### Travel Plan

The application details refer to the existing University Travel Plan, and I am aware of considerable work being undertaken, in consultation with Transportation Planning colleagues, with regard to updating the Travel Plan and addressing the implications of the future proposals. I am happy that the University is committed to updating the Travel Plan to address the changes in travel habits and needs resulting from the development, and to achieve a reduction in car usage etc. I do not therefore feel any condition is required, as a consequence of this proposal, to secure any updated Travel Plan document.

#### Land Drainage

The Land Drainage Engineer has provided the following comments, and these should be given appropriate consideration in the determination of the application:-

1. The above application is part of the wider development area and is located in Flood Zone 1.
2. It is proposed to discharge surface water via SUDS; however the attenuation tanks are the least desired SUDS feature. Can you please confirm, whether more appropriate, soft SUDS features have been considered.
3. No calculations submitted to confirm pre and post construction hardstanding areas.

4. What is the proposed surface water discharge rate and will the surface water be discharged to the water authority drainage network? If so, has the water authority agreed for surface water to be discharged to their network?
5. Submitted proposed drainage layout DWG no SK/500/06 includes construction details of AquaCell Crate System.
  - Section A-A states that: cover level to be set min 500mm below ground level.
  - As a minimum cover level should be set up to 900mm in open spaces and 1200mm under the roads.
  - If less than 900mm of cover is required a concrete slab should be provided.
  - It has also been noted that two of the proposed SWMH do not have CL and IL on the drawing. Please refer to attached scanned drawing.

#### Public Rights of Way

The Public Rights of Way Team has made the following comments on the proposal:-

Public Footpath BA17/17 crosses the access road to the University Campus. The public's use of the path must not be restricted during the construction works or by any increase of use of the access road caused by the new development. Public Footpath BA17/14 crosses the line of the existing car park. The route of the footpath shown in the proposal documents is not the definitive line. Please see the attached plan which shows the correct line. In order to develop the car park site, a diversion order is required to move the footpath from its current legal line. However, the PROW Team is not currently processing Diversion Orders. The proposals do not appear to affect public footpath BA17/15. The public's use of the path must not be affected during or after the construction works.

I have, however, discussed the issue of the Rights of Ways and it was agreed that the route of the Public Footpath would not be affected by the car park extension works, although the route is adjacent to it, and users rights need to be maintained.

Having regard to my comments above, I feel there is a lack of clarity on the provision of replacement student accommodation, and the impact such locations of accommodation may have on the travel demand by students to and from the campus. Furthermore, there is insufficient information regarding the replacement car parking provision, and details of the layout of the parking facilities need to be submitted for confirmation that the same level of parking can be maintained on the site during the Phase 1 works.

I would also be grateful for some clarity on the number of existing and proposed cycle parking spaces, as there is both reference to spaces and stands, and I need to establish the actual number of cycles that are, and can be, accommodated.

Depending on the information provided regarding the relocation of student accommodation, there may be some requirement for contributions to support improvements to modes of travel. Subject to the receipt of satisfactory information for the above, I am likely to recommend that no highway objection is raised subject to [appropriate] conditions being attached to any permission granted.

The issue of any appropriate contributions will need to be considered in light of any additional information received.'

The Archaeological Officer has commented that:

'Newton Park Campus has been the subject of a desk-based archaeological assessment, which outlines significant evidence of human occupation on the site from the Iron Age through to the present day. The current applications (phase 1) involve the redevelopment of existing academic buildings with new energy centres to the north of the historic house and castle site, and has recently been archaeologically evaluated with test pit survey by AC Archaeology.

This survey revealed that the development area has been extensively terraced with a thin layer of top soil over the underlying bedrock. Nevertheless, there is still the possibility that pockets of significant archaeology may survive within the phase 1 area. I would therefore recommend that [appropriate] conditions are attached to any planning consents.'

The Arboricultural Officer has confirmed that she has No Objections, subject to the imposition of appropriate Conditions.

The Senior Landscape Officer has commented that he supports the proposed building in principle, but has serious reservations regarding the MasterPlan and also identifies the proposed car park extension as a specific area of concern. His comments in full are as follows:

'The site falls within the Newton St. Loe Grade II\* Park and Garden of Historic Importance and is also within the Bristol - Bath Green Belt. The historic character of the site and its surroundings provide a strong sense of place which needs to be conserved by any interventions. This is a requirement of local plan policy BH.9. The local plan includes two Major Existing Developed Sites which under Policy GB.3 allows for 'limited infilling and redevelopment' subject to a number of requirements relating to Green Belt requirements, height and footprint. The phase 1 proposal, which these comments primarily refer to, falls within the northernmost one.

The site currently contains two blocks of 2 storey domestic scale buildings each arranged around a rectangular courtyard with a car park containing and fronted by well-established trees which make an important contribution to views.

The general character of the area around the site is of domestic scale buildings set within a well-treed landscape. The proposed building in contrast is more monumental in appearance occupying a large footprint. The proposals eat into the well-treed character and introduce a large scale building which will break the skyline from some parkland views such as from Newton Drive. The proposed building would be large in scale emphasised by the unbroken roofline particularly seen from the key views to the east. The site is widely visible from a number of viewpoints where the full scale of the proposed building will be evident. Views from Clay Lane to the south-east and the southern edges of Corston and Newton St Loe are particularly significant.

The design of the building appears to respond to the needs of the university however I question some aspects such as the provision of storage spaces on the ground floor providing an unsatisfactory façade seen from the important public space in front of the building. There would be no visual connection between the inside of the building and the outside at this point which would be further diminished by hedging shown against the front of the building. A similar issue arises on the north side of the proposed building.

The proposals include removal of a building called Doynton which enables restoration of the parkland character and of the open setting of the Main House at this location.

There are no trees east of the drive for most of the length of the proposed building. The retention of existing trees west of the drive is therefore welcomed but it should be noted that even with the proposed new planting this would provide only a relatively narrow belt given the bulk of the proposed building.

#### Lighting

The large expanse of glass particularly the glazed atrium will intrude into night-time views where because of the context needs to remain dark and where lighting needs to be carefully directed such as onto paths. It is hard to see how the lighting from the building can be adequately controlled. The Environmental Statement and Design and Access Statement gives aspirations for directional lighting and reducing spillage and particular care will be required in developing an appropriate lighting scheme.

#### Car Parking

The proposed car park extension will considerably increase the impact of what is already a large expanse of parking within a key part of the historic park and within the setting of listed buildings. The masterplan does not adequately address the very significant impact of parking on the site.

#### Landscape objectives

I am generally supportive of the landscape approach outlined in the Environmental Statement and the proposed green roof is welcomed. I am not clear however how surface water run-off from the building and associated paved areas is being addressed. I encourage the proposal to relocate existing trees and look forward to receiving further details in due course. The success of relocating trees will be dependent on careful preparation in advance, timing of the move and ongoing maintenance.

#### Other considerations

The details show the amphitheatre steps as stone. These are intended for seating and finishing with timber may be more comfortable and encourage more use.

#### Newton Park Masterplan

The masterplan includes a number of beneficial elements for the environment including removal of a number of low quality buildings and implementation of aspects of the management plan. However it is noted that:

- a major part of the development is proposed outside the Major Existing Developed Sites,
- the masterplan doesn't seem to adequately address the very significant impact of parking on the site and
- the proposals would have a major impact on the walled garden which is an integral part of the historic park and garden and is an important part of the historic workings of the estate. The proposals severely impact on the relationships between the walled garden and the Main House and parkland.

#### Conclusion

In conclusion while I support the proposals in principle I have significant misgivings referred to above and in particular I cannot support the masterplan in its current form which I consider if implemented would be contrary to BH9.

If the application is likely to be approved the following conditions need to be included.

- Landscape design (hard and soft) LND01
- Landscape design implementation LND02
- Lighting details

I am assuming tree protection issues have been addressed by the arboricultural officer.'

#### Other Representations

The Duchy of Cornwall has been one of the key stakeholders involved most closely by the university in the evolution of its current proposals and its Draft MasterPlan, Members may well be aware that Bath Spa University occupy Newton Park under the terms of a long lease granted by the Duchy as owner of the site. Members will also be aware that issues relating to the relationship between a lessee and their landlord are typically not material to the consideration of a planning application by the LPA.

In this case, the Duchy has submitted very lengthy and detailed Objections to the LPA in respect of the current proposals, supported by extensive technical documentation. The Duchy objects on the grounds that the overall scale of the proposals - both for Phase 1 and for the campus as a whole - is excessive, and that it will harm the special character of the Park's sensitive historic landscape. The Duchy expresses dissatisfaction that the university's submitted scheme does not comply with a design code document produced by the Duchy [which, Members are advised, has no formal Planning status and has not been endorsed in any way by the Council]. The Duchy's correspondence states that the design code document was produced at the university's request (although the university has subsequently made it clear in writing to your Officers and the Duchy that that was not the case).

Additionally, the Duchy has submitted a detailed technical and legal argument to the effect that the EIA approach adopted by the university does not comply with statutory requirements, and argues that it does not provide an adequately comprehensive assessment of all the environmental effects of the full range of development that is envisaged in the MasterPlan.

Finally, solicitors acting on behalf of the Duchy have indicated that the university has included development proposals on parts of the Duchy's land over which the university has no control. The elements of the site affected are small in relative terms, but in any case this is not a material Planning consideration as it is a matter for the applicants in any particular case to secure any property rights that they need in order to implement their proposed development. Members will be aware that a Planning application can be lawfully submitted even in a case where the applicant has no legal interest in any part of the site.

The EIA issue raised by the Duchy is of significance to the LPA's determination of this application and is dealt with further later in this Report, but Members should be cautious in attaching any significant weight to issues that are principally between the university and its landlord. The Duchy has requested meetings with the LPA in order to promote what can

be described as an alternative approach to the design of the university premises, but the LPA's position is clear - the Council is required to consider the application that has been submitted by the university as applicant.

Your Officers have sought clarification from the university and have been informed that the university wishes to proceed with its own proposals, notwithstanding the objections raised by the Duchy. Alternative approaches or proposals suggested by the Duchy have no status whatsoever within the Planning system as the Duchy are not the applicants, and their suggestions have not been formally endorsed by the Council. The Duchy's design suggestions are thus not material to the consideration of the current application, will not be reported here, and should not be given significant weight by Committee Members.

The South West Design Review Panel of CABE is not a formal consultee, but was asked by the university to assess the submitted scheme, and has provided your Officers with a copy of its response letter, in which CABE makes a number of constructive comments about elements of the design, and advises that:

'The large block you propose is acceptable, as the case for digital arts with all the uses housed in one building is strong and as you have reduced the height of the building since we last saw the scheme. ... The architectural language ... we want to encourage. You have skilfully derived a rhythm and proportion from the mansion that is just what we would want to see in a campus in the park of a Palladian mansion in the hinterland of Bath. ... We support the concept of views through the hall (although they may not be evident at all times of the day. ... We wish you well with this important scheme. The campus has a powerful heritage to which the mid-20th century was not very kind and we hope to see your scheme become a fine and contemporary 21st century addition.'

## **POLICIES/LEGISLATION**

### **Planning Considerations and the Scope of the Submitted EIA**

Mention has already been made of the approach adopted by the university, in line with the conclusions reached in discussions with your Officers, to the preparation of its Environmental Impact Assessment. The proposed redevelopment of the campus at Newton Park represents a major programme of development over a lengthy period, and is of a scale that is inevitably likely to have significant environmental impacts within this very special and sensitive parkland environment. Accordingly, your Officers advised the university that an EIA would be necessary, and the scoping of the assessment was the subject of further detailed discussions.

Case law and guidance on the scoping of EIAs has established that a large development scheme which requires an EIA cannot legitimately be fragmented in order to create a patchwork of smaller schemes which, individually, fall beneath the thresholds that trigger a need for an EIA. With this in mind, your Officers have sought, in discussion with the university, to secure an approach that provides a level of assessment such as to satisfy the requirements of the relevant Regulations, but which does not unreasonably constrain the university's desire to undertake a phased design and construction process.

As a result, the university has undertaken a campus-wide EIA aimed at establishing key base-line information regarding the likely environmental impacts of the overall scheme, but has limited its assessment to a relatively high-level overview of these issues where they are dependent upon detailed design considerations. This overarching EIA will be reviewed as appropriate but will underpin all the future detailed Planning submissions for



development on the campus. In tandem with this document, the university intends to bring forward a focussed additional (and complementary) EIA document related to each element of the proposed development, to be submitted on an application by application basis.

Thus, at each stage of the development programme, the LPA and its statutory consultees will be able to assess the environmental impact that will be generated by the development under consideration, whilst also having the ability to consider the wider implications of the full development programme, including the cumulative impacts of the various individual schemes. This means that the EIAs do not have to be prepared on the basis of guesswork as to what each individual phase will look like, and the university is able to review and refine its detailed proposals so that each one genuinely able to respond to contemporary functional requirements and financial opportunities. After consideration of the provisions of the relevant Regulations, this approach was agreed by your Officers, because it was considered that for a development programme of this duration and complexity, it would not be reasonable to expect the university in 2011 to design every part of its development programme in full detail so that the whole could be considered together as one exercise.

Historically, in a situation like this, the university could have been expected to submit an Outline planning application for the development as set out in the MasterPlan, with the details of individual buildings coming forward on a step by step basis as Reserved Matters. However, whilst there is in theory still an opportunity to submit an Outline application, the current requirements of the Planning system effectively preclude this approach, as every Planning application must now be accompanied by a Design and Access Statement detailing how the development has been designed with appropriate regard to its surroundings. In the case - as here - of a site that includes important Listed buildings, the LPA must consider the impact of the proposed development on the special character and setting of the Listed buildings, and this would not be possible with an Outline application. As a result any Outline application without extensive design details would be likely to be rejected by the LPA as inadequate to facilitate the necessary level of scrutiny.

Accordingly, if the current staged approach is not acceptable, then the only alternative would be for the LPA to require a fully-detailed set of development proposals for the entire campus. That would be a massive task that would severely prejudice the ability of the university to proceed with any proposals at all, and your Officers consider that the university would be unlikely to be able to implement its regeneration plans.

However, that is in effect what the Duchy is promoting in making its objection to the current proposals and to their supporting EIA documents. If the Duchy is correct, then it would be unwise for the university to pursue its proposals in the current fashion, and any Planning permission granted by the Council might provide an opportunity for legal challenge.

In response to the Duchy objections, the university has sought legal advice and have provided your Officers with a copy of a joint opinion from experienced Planning Counsel Timothy Fancourt QC and David Forsdick. That opinion is to the effect that the approach adopted by the university is sound and that the LPA can determine the application, subject to the normal procedural requirements associated with EIA matters.

Your Officers have considered the university's legal advice, alongside the contrary views expressed by the Duchy, and have concluded that there is no in-principle EIA-related reason why the current application cannot now be determined.

However, the comments received from EH within the last few days, in association with those already received from other sources, have made it necessary for your Officers to review the appropriateness of the Draft MasterPlan and this has not been possible in the very limited time available before the preparation of the Committee Agenda and this Report. The university has also just given an indication (set out above) of its intention to further review the MasterPlan proposals in the light of the comments received, and again the implications of this position must be considered carefully by your Officers.

Accordingly, once Officers have had an opportunity to assess the latest information, a balanced assessment of the material considerations will be provided for Members, in the form of a Continuation Report to be issued separately in good time for the meeting. The Continuation Report will set out material Policy considerations, and will also include a formal Recommendation.

|                        |              |
|------------------------|--------------|
| <b>Item No:</b>        | 02           |
| <b>Application No:</b> | 11/00407/FUL |

**Site Location:** 38 High Street, Keynsham, Bristol, Bath And North East Somerset



**Ward:** Keynsham North

**Parish:** Keynsham Town Council

**LB Grade:** N/A

**Ward Members:** Councillor Brian Simmons Councillor C D Gerrish

**Application Type:** Full Application

**Proposal:** Change of Use from Use Class A1 (Retail) to Use Class A2 (Financial and Professional Services)

**Constraints:** Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Housing Development Boundary, Prime Shop Front,

**Applicant:** Stroud And Swindon Building Society

**Expiry Date:** 28th March 2011

**Case Officer:** Andrew Strange

## REPORT

**REASON FOR REPORTING APPLICATION TO COMMITTEE:** The application is being reported to Committee at the request of Councillor Bryan Organ with the Chair's agreement.

**THE SITE AND SURROUNDINGS:** The application relates to the ground floor of a two-storey property located in Keynsham High Street. It is currently vacant but was last used for retail (Use Class A1) purposes.

The unit has a shop window display and is located at the northern end of a terrace of properties. Adjoining the premises to the north is a church building, which is recessed from the building line of the terrace.

The upper floor of the building appears to be in use as offices unconnected to the use of the ground floor.

**THE APPLICATION PROPOSAL:** The application proposes a change of use of the ground floor from retail (Use Class A1) to financial and professional services (Use Class A2). No external alterations are proposed.

The application follows the refusal of an earlier application (ref: 10/03607/FUL) for a change of use of the premises from A1 to A2 (see Planning History below).

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

**PUBLICITY:** A site notice was posted, expiring 17th March 2011, and letters were sent to nearby properties. The following is a summary of the comments received:

**KEYNSHAM TOWN COUNCIL:** Object to the proposal - this is currently prime retail space as defined in the Local Plan.

**KEYNSHAM CIVIC SOCIETY:** The proposal is contrary to the Council's aims of retaining retail space in Keynsham. The shop is one of the larger premises in the High Street in a location of significant footfall and would be a loss to the town. There are other vacant premises available nearby which would be better suited to the proposed use.

### **BATH AND NORTH EAST SOMERSET INTERNAL CONSULTATIONS:**

**DEVELOPMENT AND REGENERATION:** The proposal does not conform to Local Plan policy but in the context of the policy it states that those primary frontages such as banks, building societies, restaurants, cafés and pubs can reinforce activity and increase attractiveness. There are strong reasons for approving the application on economic grounds:

- The property is a small and narrow unit which is unattractive to potential retail businesses
- It has been vacant for over a year and the active frontage will be maintained by the proposed use
- The premises are located at one end of the retail frontage near similar financial services
- The potential occupier is a local business which serves the local community and its relocation will safeguard local jobs

COUNCILLOR BRYAN ORGAN has commented:

- Stroud and Swindon Building Society serve the local community and deserve new premises;
- They will need to relocate when their current premises are redeveloped;
- The loss of the retail premises will be counterbalanced by the replacement of the current office with retail when 'The Centre' is redeveloped, so the proposal is not contrary to policy;
- The premises have been vacant for a year and are a blot on the High Street;
- Can a refusal be defended on appeal?

#### RELEVANT PLANNING HISTORY

10/03607/FUL: Change of Use from Use Class A1 (Retail) to Use Class A2 (Financial and Professional Services). Refused in December 2010 for the following reason:

"The loss of the A1 use from within the defined primary shopping frontage (as shown on the Local Plan Proposals Map) and replacement with an A2 use would reduce the core/primary shopping area and harm the shopping function of the town centre. The proposal is therefore contrary to Policy S.5 of the adopted Bath and North East Somerset Local Plan (2007)."

#### **POLICIES/LEGISLATION**

**POLICY CONTEXT:** The Bath and North East Somerset Local Plan was adopted on 18th October 2007. "Saved" Local Plan policies of relevance to the application are as follows:

- S.1 - Hierarchy of Shopping Centres
- S.5 - Primary Shopping Frontages
- BH.6 - Development within or affecting Conservation Areas

#### NATIONAL POLICY

Planning Policy Statement 4 - Planning for Sustainable Economic Growth

#### EMERGING POLICY

The draft Core Strategy states that the spatial strategy for Keynsham will include:

- managing change to improve Keynsham's performance and profile as an important and attractive retail centre; and
- providing larger retail units in the town centre to attract a more varied mix of retailers

Whilst the draft Core Strategy has been subject to public consultation it has not yet reached 'submission' stage or independent examination. This application should therefore continue to be considered in the context of the development plan and any relevant material considerations and, in this case, very little weight has been attached to the draft Core Strategy and policies and proposals within it.

## **OFFICER ASSESSMENT**

### **IS A NON-SHOP (USE CLASS A1) USE ACCEPTABLE IN THIS LOCATION?**

Policy S.5 of the Local Plan states that in the primary shopping frontages defined on the proposals map, development that would result in the loss of a shop use from a ground floor will not be permitted.

The policy's supporting text explains that whilst uses complementary to shopping such as banks/building societies, restaurants, cafés and pubs, can increase the attractiveness of town centres as a whole, there is a need to ensure that town centres' shopping function is maintained by recognising and supporting a strong accessible shopping core. It explains that the attractiveness of shopping centres is dependent on their cohesive nature and that it is important to safeguard against the fragmentation of the core or primary shopping areas through the introduction of non-shop uses.

The text notes that outside the primary shopping frontage but within the shopping areas of the town centres, a greater diversification of uses is appropriate. The policy makes a clear distinction, therefore, between the core primary shopping frontage where retail use is protected, and the wider town centre of which the frontage only forms a part, where a variety of complementary uses, including those falling within planning Use Class A2, is appropriate.

The proposal to replace a shop use (Use Class A1) with a non-shop (Use Class A2) use in this primary shopping frontage is therefore contrary to policy S.5 of the Local Plan. Because the proposal is contrary to the development plan for the area, in accordance with planning legislation the application should be refused unless material considerations indicate otherwise. Material considerations that could potentially indicate that the decision should not be in accordance with the development plan are:

- Where national policy indicates a different approach; or
- Where all reasonable efforts to secure the continued retail use of the premises have failed.

These are considered in turn below.

#### **NATIONAL POLICY:**

Policy EC3 of Planning Policy Statement (PPS) 4 - Planning for Sustainable Economic Growth (2009) - states that "local planning authorities should set flexible policies for their centres which are able to respond to changing economic circumstances...."

PPS4 is more recent than the local plan and therefore where there is conflict between the two, the balance should be in favour of the more recent policy.

Although policy S.5 is inflexible in its application it does not apply to the entire town centre, only the primary shopping frontage which forms part, i.e. the shopping core, of the centre. The need for a flexible policy for the centre as a whole is fulfilled by policy S.1, which states that "centres.....will be maintained and enhanced." This wording does not preclude the replacement of A1 uses with complementary non-A1 uses in town centres and

therefore allows a diversity of uses and sufficient flexibility to respond to changing economic circumstances.

In addition to the above, for it to be appropriate to respond to changing economic circumstances it is necessary for economic circumstances to have in fact changed. The vacancy rate in the primary shopping frontage is low, with currently only three vacant units in addition to the application premises. There is therefore no indication that economic circumstances have changed so significantly that policy S.5 is unduly inflexible or that non-A1 uses should be permitted within the primary shopping frontage to ensure the continued vitality of Keynsham Town Centre.

There is therefore no conflict with the guidance in PPS4 and, as such, its policies do not indicate that a decision not in accordance with the development plan would be appropriate.

**EFFORTS TO SECURE CONTINUED RETAIL USE:** Whilst in the earlier application information was submitted about the marketing of the premises, no such information has been submitted with the current application.

Nevertheless, the marketing information submitted with the earlier application was inadequate in that it did not clearly state how long the premises were marketed for, what marketing methods were used, or whether any offers from potential retail users were received or rejected.

In view of the fact that the marketing evidence submitted with the earlier application was inadequate and that no further marketing evidence has been submitted with the current application, it has not been demonstrated that the vacancy of the premises results from a lack of demand for the premises in A1 use.

**OTHER MATTERS:** Several arguments in favour of granting permission for the proposal have been put forward by the applicant in their planning statement. These are summarised below, in each case followed by an assessment of the argument:

"They will soon need to leave their current premises in 'The Centre' due to redevelopment proposals, and there are no suitable alternative premises to move to other than the application premises. Commercial premises with residential use above are unsuitable for a financial institution because of security concerns." In response, the applicant has not stated which other premises they have investigated or what their particular space requirements are, and have therefore not demonstrated that there are no suitable premises elsewhere within the town centre boundary. Notwithstanding this, even if it were demonstrated that there are no suitable alternative sites, the current circumstances of a business can be afforded only limited weight that is not sufficient to override the provisions of the development plan. If permission were granted on the basis of the applicant's identity and current circumstances, these factors could change soon afterwards but the permission would continue to apply long after circumstances had changed. A survey undertaken by the officer has found the following vacant ground floor commercial premises within the town centre boundary (but outside the designated primary shopping frontage):

- 3 Station Road - shop to let - office use above - located adjacent to other ground floor commercial uses;
- 3 Bath Hill West - office above - located amongst commercial uses within the High Street immediately adjacent to (but outside) the primary shopping frontage;
- 12a High Street - vacant above - located amongst shops and businesses in the High Street.

The above demonstrates that there are in fact other vacant ground floor premises within the town centre boundary but outside the primary shopping frontage.

"The plans to increase the amount of retail space in the town with the redevelopment of 'The Centre' will counterbalance any loss resulting from this proposal." In response, the overall aim is to improve the performance of the town as a retail centre, not to leave it as it is. In addition, it remains the case that the proposal is contrary to current policy, and there are no plans in the emerging core strategy to revise the Primary Shopping Frontage designation in view of the proposals to increase and improve the provision of retail space at a site nearby.

"If permission were granted, this would not undermine the retail function of the Primary Shopping Frontage, as 73% of the units within it would still be in retail use." In response, policy S.5 does not contain any criteria for judging proposals such as the existing ratio of retail to non-retail uses in the frontage; it simply and unequivocally states that non-retail uses will not be permitted.

Overall therefore, the arguments put forward by the applicant do not present a convincing case for overriding the provisions of the development plan in this instance.

**WOULD THE PROPOSED DEVELOPMENT PRESERVE OR ENHANCE THE CHARACTER AND APPEARANCE OF THE KEYNSHAM (HIGH STREET) CONSERVATION AREA?**

As noted above, no external alterations are proposed. There would therefore be no effect on the appearance of the Conservation Area. The proposed use as financial and professional services would not by reason of any associated activity or the nature or character of the use adversely affect the character of the Conservation Area. The character and appearance of the Keynsham High Street Conservation Area would therefore be preserved.

**RECOMMENDATION**

REFUSE

**REASON(S) FOR REFUSAL**

1 The loss of the shop (A1) use from the primary shopping frontage (as defined on the local plan proposals map) and replacement with a non-shop use would result in a reduction of the core/primary shopping area and would fail to maintain the attractiveness of the town centre and its shopping function by weakening the shopping core. The proposal is therefore contrary to Policy S.5 of the adopted Bath and North East Somerset Local Plan (2007).



This decision relates to the following documents:

1. Drawing numbers: -

- CA/1067/- 1 - Survey
- CA/1067/- 2 - Proposed Plan
- "Shopping Survey of Keynsham Principal Shopping Frontage, January 2011"

2. Planning Design and Access Statement, received January 2011

**Item No:** 03  
**Application No:** 10/04904/REG04  
**Site Location:** Council Depot, Upper Bristol Road, Clutton, Bristol



**Ward:** Clutton

**Parish:** Clutton

**LB Grade:** N/A

|                          |   |
|--------------------------|---|
| <b>Ward Members:</b>     | Councillor S J Willcox                                |
| <b>Application Type:</b> | Regulation 4 Application                              |
| <b>Proposal:</b>         | Construction of drying/storage bays                   |
| <b>Constraints:</b>      | Agric Land Class 1,2,3a, Coal fields, Forest of Avon, |
| <b>Applicant:</b>        | Bath & North East Somerset Council                    |
| <b>Expiry Date:</b>      | 14th March 2011                                       |
| <b>Case Officer:</b>     | Alice Barnes  |

## REPORT

**REASON FOR REPORTING APPLICATION TO COMMITTEE:** The application is being reported as Clutton Parish Council has objected to the application contrary to the officer recommendation to permit the application. The chairman of the committee has agreed that the application should be taken to the Development Control Committee.

## DESCRIPTION OF SITE AND APPLICATION

The Council depot is located on the western edge of Clutton village. It is located within a rural area with housing on the eastern side of the road. It is not located within a Conservation Area or Area of Outstanding Natural Beauty. The existing site currently contains a number of buildings, the most notable of which is the dome salt storage barn used for the gritting of highways. The site has a visually cluttered appearance.

The application relates to the construction of drying storage bays. The proposed bays would be constructed in the south east corner of the site. The proposed bays measure 14.5m in width, 4m in depth and 2.5m in height. The proposed bays include a concrete apron measuring 14.5m in width and 4m in depth.

The bays are used for the drying of the contents of a gully emptier. The contents of the gully emptier contains the rainwater collected in the storm drains which has a mixture of silt, leaves and sticks. Sewage is not emptied into the drying bays.

The gully emptier would return to the depot and discharge its load into the bay, the liquid content is drained off and the remaining content left to dry. When dry a vehicle removes the dry material to a waste site. This reduces the carbon footprint by reducing the number of vehicle journeys required going to the waste site. There will be no increase in vehicle traffic to the yard as a result of this process.

## RELEVANT PLANNING HISTORY:

06/02019/FUL - Construction of dome salt storage barn for gritting highways, permission 28/07/2006

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

**ENVIRONMENTAL HEALTH:** No objection, no concerns are raised over the potential for noise or odour nuisance. Neither the emptying of the gully emptying vehicles into the drying bays or subsequent removal from, is intended to take place outside of normal working hours. On this basis it is unlikely that complaints of noise disturbance would arise as any noise generated on the site is likely to be masked by traffic on the A37.

In regard to the issue of odour, I am satisfied that the potential for nuisance is minimal. The reason being that gullies do not contain the type of organic matter which characteristically gives rise to offensive odours such as sewage for example.

BUILDING CONTROL: No objection

HIGHWAYS OFFICER: No comment

CLUTTON PARISH COUNCIL: Object to the application for the following reasons;

The proposed development will increase noise on a site which is close to residential dwellings

The existing site already causes a great deal of noise including loud noise at night.

Whatever the operator alleges, the material will create smells as it will decompose in the process and materials collected from drains will include run-off from fields, including slurry, silage and other fertilisers.

The location of the site means that the prevailing wind will carry any smells over the whole village.

This activity is effectively waste treatment and is not presently permitted at the site and constitutes a change of use.

OTHER REPRESENTATIONS/THIRD PARTIES: Seven representations have been received objecting to the application for the following reasons;

The proposed development is too close to residential homes.

The proposed development will create unacceptable levels of odours, dust and noise.

When the wind blows the smell will be intolerable.

People who live near such sites have a great problem with stench.

Nearby residents have not been able to sleep due to gritters working late.

Lorries from the depot are parked across driveways of neighbouring houses.

The development will devalue nearby properties.

In addition a petition has been received including 11 pages of signatures objecting to the application.

## **POLICIES/LEGISLATION**

### **POLICY CONTEXT:**

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICES - ADOPTED OCTOBER 2007: Polices D.2 and D.4 relate to the impact of the development on the character of the area.

## **OFFICER ASSESSMENT**

PRINCIPLE OF PROPOSED DEVELOPMENT: The existing site is currently used as a Council depot. Therefore the principle of the use of the site for a further use associated with the operation of the site is accepted.

APPEARANCE: The proposed development would be located within an already cluttered site, which is surrounded by a high metal fence. The existing site is set down from the road level and the lower part of the site is surrounded by vegetation.

Due to the siting and boundary treatments of the existing site the proposed bays would not appear to be visually prominent from outside the site. The appearance of the existing site is dominated by the large salt storage barn so that the proposed bays would not appear as a visually prominent feature within the site. Furthermore the proposed bays would be located beneath existing vegetation. The existing site is not considered to contribute to the rural character of the surrounding area and the provision of the drying storage bays will not cause further harm to the appearance of the site. Due to the boundary treatments located within the site the proposed bays will not be easily visible from the surrounding area. They are therefore considered to preserve the rural character of the surrounding area.

The proposed bays will be constructed from reinforced concrete, a material which is considered to be acceptable within the site. Therefore the proposed material is considered to be appropriate.

**RESIDENTIAL AMENITY:** The existing site is located on the opposite side of the road to a number of residential dwellings. For the reasons stated above the proposed development will not appear visually harmful to the nearby residential occupiers.

Concern has been raised by the Parish Council and within the representations that the proposed bays will create excessive noise and smell. The environmental health officer has been consulted on this application and has raised no objection to the application. They have stated that the proposed development will not cause unacceptable levels of noise and odour. The applicant has stated that the proposed bays would be used to dry a mixture of silt, leaves and sticks and that sewage will not be emptied into the drying bays. Therefore the proposed development is not considered to be harmful to residential amenity by the creation of unwanted odour. Whilst the Parish Council regards the operation to be waste treatment, the applicant has stated the site will be used for the drying of material before it is recycled. This does not constitute a change of use of the site.

Concern has also been raised within the representations regarding the hours the site is used and the parking of lorries across residential driveways. The applicant has stated that no additional vehicle movements will occur and the highways officer has not raised an objection to the application. Therefore traffic concerns do not warrant refusal of the application. Further objections relate to the existing authorised operation of the site would not warrant refusal of this application.

**CONCLUSION:** The proposed development, located within an existing depot, will not cause visual harm to the existing site or surrounding area. The proposed development will not increase traffic movements and therefore will not be harmful to highway safety. The proposed development will not cause harm to residential amenity though the creation of unwanted noise or smell.

## **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

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

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

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

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

**PLANS LIST:**

1 Site Location Plan, date stamped 15th July 2010

Block Plan, date stamped 31st December 2010

Proposed Elevations, date stamped 17th January 2010

**REASONS FOR GRANTING APPROVAL**

1. The proposed development would not have an adverse impact upon the street scene or the amenity of the surrounding residential occupiers. The proposed development will not cause undue visual harm to the existing depot or the surrounding area. The proposed development will not be harmful to highway safety.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

|                        |              |
|------------------------|--------------|
| <b>Item No:</b>        | 04           |
| <b>Application No:</b> | 10/04317/FUL |

**Site Location:** Church View, Packhorse Lane, South Stoke, Bath



**Ward:** Bathavon South

**Parish:** South Stoke

**LB Grade:** N/A

**Ward Members:** Councillor Neil Butters

**Application Type:** Full Application

**Proposal:** Erection of 2no gable ends to south elevation, replacement of existing windows to the front with French doors opening onto a veranda, demolish existing steps to front, move existing door on east elevation and erection of cantilevered porch over and provision of larger window to side, erection of dormer to north elevation, provision of first floor window on west elevation and landscaping

**Constraints:** Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary,

**Applicant:** Mr And Mrs Elms

**Expiry Date:** 14th December 2010

**Case Officer:** Victoria Griffin

## **REPORT**

**REASON FOR REPORTING APPLICATION TO COMMITTEE:** This application has been called to Committee by Councillor Butters following the Parish Council's objections. After discussions with the Chair of the Committee it was agreed this application should be determined at Committee.

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

The bungalow is one of three detached properties situated in an elevated position located centrally within the village of South Stoke. It has a garage situated at road level and the property overlooks the historic core of the village including the Church which is located to the south.

The site is situated within the Green Belt, an Area of Outstanding Natural Beauty and Conservation Area. The applicant seeks to update the bungalow by introducing two gables to the front of the building, erecting a porch and two dormers on the rear and other alterations including the remodelling of the front garden.

A section of the front boundary wall and part of the garden that it retains has been removed to create a parking area. For clarification, this work is unauthorised and, whilst a planning application has been requested, it does not form part of the current proposal.

**PLANNING HISTORY:** No history located

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

**BUILDING CONTROL** - No comment received

**SOUTHSTOKE PARISH COUNCIL** - Objections received raising the following points:

**PARISH COUNCIL COMMENTS 12/11/10**

Objection for the following reasons (summarised):

- adverse impact on historic setting
- unlawful works
- adverse impact on the Conservation Area
- Conservation Area Appraisal refers to negative impact of these properties
- Gables are overbearing and intrusive, the ridge height should be reduced
- Very large domineering dormer on rear

**PARISH COUNCIL COMMENTS 16/12/10** (summarised) following the submission of a revised proposal for two front dormers and other alterations:

Objection for the following reasons (summarised):

- build-ability issues with the drawings
- materials unclear in the Conservation Area
- veranda should be reduced in size
- welcome reduction in size of gables
- shallower pitch of dormers required to serve consistency of group appearance
- the rear extension should be shown

- the plan should show that the extension complies with the GPDO
- plans needed for BC
- subject to volume calculation
- judgement should be made of the whole of the site
- deterioration of rural character contrary to HG.15
- small bungalow being made into a substantial detached house with substantial parking
- unclear why level of parking is required for a two bedroom property
- the LPA should use powers regarding the loss of the boundary wall
- adverse impact on the historic setting (Church, Manor Farm and 15th century Tithe Barn)
- entire frontage lost to parking
- fails to respect street scene, views and roofscapes
- spoils existing symmetry of the three bungalows

PARISH COUNCIL COMMENTS RECEIVED 08/03/11 (summarised) following the submission of revised proposals including changes in the design of dormers:

- the changes proposed are very minor indeed
- the detailed comments made in our letter of objection of 16th December should still stand
- the proposed front gables will remain extremely overbearing particularly when viewed from the road below the property.
- Concern over the pitch of the dormers which has not been reduced and the impact on the appearance of these in such a crucial part of the Conservation Area
- damage that will be caused to the consistency of group appearance that currently exists here
- concerns expressed over the front veranda, which, with its wrought iron balustrade, at one point is shown as being 2.5 metres in width, considerably wider and more extensive than the one it replaces, and out of keeping with those of the other existing properties, again leading to concerns over consistency and group appearance.
- contrary to Conservation Area planning policy and contrary therefore to Local Plan policies BH.6 and BH.8

#### REPRESENTATIONS:

19 letters of objection received raising the following points (summarised):

- Development out of scale with neighbouring bungalows
- Property is in a sensitive elevated position in the village
- Engineering works underway require planning permission
- Unauthorised works to front access
- Highway safety implications created by the lay by works to the front of the property
- Significant adverse impacts on the appearance and character of the Conservation Area
- Adverse visual impact on the area



- Design of double gable ends plus small windows below the eaves on the front are totally out of keeping with the neighbouring properties.
- Design of the proposed cantilevered porch over the front door is totally out of keeping with the neighbouring properties
- The new larger window to the side of the front door is totally out of keeping with the neighbouring properties
- The proposed veranda is much larger than the neighbouring properties and is out of keeping
- The partially constructed car parking area is in total contradiction with the statements in the Application Form, items 6 (no new or altered vehicle access) and 8 (existing car parking arrangements are not affected)
- Existing character will be destroyed
- Size and volume is excessive and obtrusive
- Adverse affect on PROW that runs alongside the site
- Ruins the setting of weddings to the church below
- Removal of the boundary wall an original feature which has been lost
- Sets a precedent
- Fails to preserve or enhance the setting
- Creation of a large car park centrally
- Changes in building lines and heights
- Part of uniformity of setting
- Contrary to BH6 and BH7
- Overbearing
- Overlooking caused by increase in size of decking/balcony
- Refer to planning committee
- Other similar dormers refused for poor design
- Visible from East and West
- Extensions when viewed in their context would be disproportionate and overbearing
- Discrepancies in the drawings not showing rear extension and car parking to the front
- Are Building Control aware of the works underway
- Concern over the lack of further consultation on the revised drawings
- Loss of amenity caused by increased size of veranda
- Concern over views having not been taken into account
- Calculation misleading

Full objections and comments received can be viewed on the Council's website.

### **POLICIES/LEGISLATION**

**BATH & NORTH EAST SOMERSET LOCAL PLAN:** At the meeting of the Council on 18th October 2007, the Bath and North East Somerset Local Plan, including minerals and waste policies was adopted. The following policies are relevant material considerations:

- BH.6 - Development within or affecting Conservation Areas
- BH.8 - Improvement work in Conservation Areas
- D.2 - Considers design issues and residential amenity.
- D.4 - Considers design issues.
- GB.1 - Control of development in the Green Belt

GB.2 - Visual amenities of the Green Belt  
HG.15 - Dwelling extensions in the Green Belt  
NE.2 - Areas of Outstanding Natural Beauty

Supplementary Planning Document - Extensions to existing dwellings in the Green Belt -  
Adopted October 2008

Planning Policy Statement 2 - Green Belts  
Planning Policy Statement 7 - Rural Areas

#### PLANNING ISSUES:

The key issues in the consideration of the proposal relate to the impact of the extensions on the character and appearance of the Conservation Area, Green Belt and the AONB.

Revised drawings have been received that have reduced the size of the dormers and reverted back to the proposed front double gable design included within the original submission. This is in line with officer advice as it is considered that the proposed gables are less contrived than the proposed dormers to the front.

**IMPACT ON THE GREEN BELT:** In order to assess whether the proposed development does constitute inappropriate development and is therefore harmful by definition it is necessary to consider the advice contained in the Councils Supplementary Planning Document on extensions in the Green Belt which was adopted to give advice on the Councils interpretation of Policy HG.15. In drafting this advice consideration was given to the wording of Policy HG15.

Policy HG.15 states:

Proposals to extend a dwelling in the Green Belt will be permitted unless they would:

- i) represent a disproportionate addition over and above the size of the original dwelling; or
- ii) contribute to a deterioration in rural character as a result of the cumulative effect of dwelling extensions.

Policy HG.15 would suggest that the cumulative impact of extensions can only be taken into account under point ii) of the policy when assessing whether rural character is harmed. It should be noted that whilst this is the adopted policy of the Council, this is not strictly in line with the advice contained in PPG.2 as this interpretation means that whilst a single large extension may conflict with point i) of the policy, a proposal for a relatively small extension, that came after other extensions, would meet the requirements of point i) and would not conflict at all with the policy unless it also harmed rural character under point ii. Not all Green Belt areas fall within rural areas and furthermore this would allow for infinite small additions to a dwelling to take place as long as rural character remained unharmed. The current SPD guidance on the basis that cumulative impact can be considered under Policy HG.15 because it is also necessary to consider Policy GB.1 which has been drafted with PPG.2 in mind.

The SPD on existing dwellings in the Green Belt notes that in many circumstances a well designed extension resulting in a volume increase of about a third of the original dwelling is likely to be acceptable.

For the purposes of the Green Belt calculation, the garage appears on the historic plotting sheet and is considered to have a functional link with the dwellinghouse. It is therefore included within this calculation.

Your officers' have calculated that the original dwelling, including the existing access steps, undercroft and garage to be approximately 318m<sup>3</sup>. These elements are all considered to be development requiring planning permission and have therefore been included in the volume calculation. The revised drawing (date received 09/02/11) has reduced the dormers to the rear, the proposed balcony has been reduced in size and the front gables have been re-introduced, upon advice from your officers'.

It is estimated the existing dwelling has a volume of approx. 318m<sup>3</sup>. The proposed volume increase is estimated to be 28%.

In September 2010 it was confirmed that a single storey rear extension could be added to the property under permitted development rights. The extension is estimated to have added approx. 72m<sup>3</sup>. The extension is now in-situ and for the purposes of this calculation can be considered. This is estimated to represent an increase of approx. 22% over the original dwelling. The cumulative impact therefore of extensions to the dwelling is estimated to be approx. 50%.

As the extension has been erected during the determination of this application it can be considered. Nevertheless the fallback position on the extension is that because it meets the permitted development criteria, as with many householder extensions in the Green Belt, could have been constructed after the completion of the application proposal.

The Supplementary Planning Document makes it clear that when considering whether an extension is disproportionate the character of the dwelling and its surroundings also need to be considered. The property occupies a linear plot with the dwelling situated at its most northern end. The plot has a large garden to the front that is stepped down towards the road. Due to the elevated position of the property the principal elevation and gardens is prominent in this part of the village. The front gables would be visible and whilst they would increase the massing of the roof it is not considered to be overly intrusive on the front elevation. The existing property has a single gable and the proposed gables would not form an incongruous feature of the host building. The extensions would be viewed against the backdrop of existing development to the east and from the south. Furthermore the rear proposal is not uncharacteristic of the area as neighbouring bungalows have similar rear extensions and dormers.

As referred to above, the interpretation of PPG.2 means that whilst a single large extension may conflict which point i) of the policy (HG15), a proposal for a relatively small extension, that came after other extensions, would meet the requirements of point i) and would not conflict at all with the policy unless it also harmed rural character under point ii.

In this regard, it is concluded that whilst the extension, is over the third guideline it takes into account an extension allowed under permitted development, and when the character

of the dwelling and the surroundings are taken into account it is not considered that this proposal would represent a disproportionate addition to the dwellinghouse and is therefore not inappropriate development.

On balance and in consideration of all the issues raised it is considered that the proposal would not be harmful to the rural character or openness of the Green Belt to warrant a refusal on this basis.

**IMPACT ON THE CONSERVATION AREA:** The rear extension would not be visible from the wider historic setting. The principal elevation is visible and seen within the setting of the Church and Manor Farm. The property is referred to in the Conservation Area Appraisal for South Stoke which states that the village has a dramatic south facing position. When viewed in this context the bungalow roofscapes are visible and it is evident that other gable ends exist, which add to the character and appearance of the existing built environment. The proposed front gables are not considered to harm or significantly unbalance the existing harmonious environment. It is considered that the proposal would preserve the character and appearance of the Conservation Area.

**LANDSCAPING:** The front of the property is proposed to be remodelled to accommodate a larger veranda with planting. The existing front gardens have a terracing effect which is enhanced by tiered planting that contributes to the rural character of the area. The proposal also includes the retention of planting and landscaping to the front garden areas.

**IMPACT ON RESIDENTIAL AMENITY:** The existing situation has been considered in relation to significant harm to residential amenity. The side steps leading to the property are shared with the neighbouring property, Summus Summo, which due to the topography of the site are well above road level.

The main amenity areas for the bungalows are to the front where there is a high degree of open aspect and views across the village. When stood on the existing garden areas there is an opportunity to look over into and beyond neighbouring land and property caused by the elevated position of these properties. In this respect it is not considered that the proposed veranda, which is set in from the side building line by approx. 2.7m, and the subsequent reprofiling of the land to the front of the dwelling would cause significant harm to residential amenity to warrant a refusal on this basis.

### **OFFICER ASSESSMENT**

On balance, the proposed increase of the dwelling is not considered to represent inappropriate development in the Green Belt. Furthermore by reason of its siting, design and position it would not harm the openness or rural character of the Green Belt. In addition, officers' agree that due to the design and size of the proposed works they would preserve the character and appearance of the Conservation Area. The proposal would therefore accord with Local Plan policies BH6, BH8, D2, D4, GB1, GB2, HG.15 and NE.2 of the Bath and North East Somerset Local Plan (Adopted October 2007).

### **RECOMMENDATION**

PERMIT with condition(s)

### **CONDITIONS**

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

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

2 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 development and the character and appearance of the Conservation Area.

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

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

The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

Section A-A date received 09/02/11, Location plan date received 07/10/10, Proposed plans & elevations date received 09/02/11, Existing plans & elevations date received 07/10/10

#### REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the streetscene or the amenity of the surrounding residential occupiers. This does not affect the character of the Conservation Area.

2. The proposed development is not inappropriate development within the Green Belt and would not harm the openness or rural character of the area.

3. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

BH6, BH8, D2, D4, GB1, GB2, HG15 and NE2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

|                        |              |
|------------------------|--------------|
| <b>Item No:</b>        | 05           |
| <b>Application No:</b> | 11/00229/FUL |

**Site Location:** 36 Farmborough Lane, Priston, Bath, Bath And North East Somerset



**Ward:** Bathavon West

**Parish:** Priston

**LB Grade:** N/A

**Ward Members:** Councillor Victor Clarke

**Application Type:** Full Application

**Proposal:** Erection of 2-storey extensions at 36 & 37 Priston following demolition of lean-to

**Constraints:** Agric Land Class 1,2,3a, Coal fields, Forest of Avon, Greenbelt,

**Applicant:** Duchy Of Cornwall

**Expiry Date:** 7th March 2011

**Case Officer:** Rachel Le Huray

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application is being considered by Committee at the request of Cllr Victor Clarke. This request has been considered by the Chair of the Development Control Committee, Cllr Les Kew, who has agreed with this request.

## DESCRIPTION OF SITE AND APPLICATION:

The application relates to 36 and 37 Farmborough Lane, Priston which comprise a pair of semi detached dwellings constructed of natural rubble stone under a concrete tiled roof. The dwellings are located on the outskirts of Priston village surrounded on all sides by open countryside with Farmborough Lane running alongside the northern boundary. The site is within the Green Belt.

No 37 Farmborough Lane has an existing two storey extension to the side which was constructed in the 1970's. No 36 has a very small single storey extension to the side which was probably also constructed in the 1970's. There is also a single storey lean to that runs part way along the rear elevation of both dwellings.

The proposal seeks permission to extend at two storey level at both 36 and 37 Farmborough Lane. It is proposed to erect a two storey extension to the rear of the dwellings following the demolition of an existing single storey lean to. The extension would be 14.1m wide, 3.7m deep and 5.9m high at the ridge.

In addition it is also proposed to erect a two storey extension to the side elevation of No 36 Farmborough Lane. The extension would be 4.9m wide, 5.5m deep and 6.2m high at the ridge.

A single storey porch to both dwellings is also proposed to front/side elevation of each dwelling, it would have a single pitch roof and would measure 1.4m wide, 1.7m deep and 3m high at the ridge.

The extensions would be constructed of rubble stone walls with concrete roof tiles and upvc windows to match the existing dwellings.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT OFFICER: No comments received.

BUILDING CONTROL: No comments received.

PRISTON PARISH COUNCIL: Support - Priston Parish Council supports the application to erect two storey extensions and 36 and 37 Priston but feels that upvc windows should not be used. It is assumed that the concrete roof tiles will match those already in situ.

OTHER REPRESENTATIONS / THIRD PARTIES: No other representations have been received.

## POLICIES/LEGISLATION

POLICY CONTEXT:

NATIONAL POLICY:

PPG2 - Green Belt

LOCAL PLAN:

Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan, are:

Policy D.2 General Design and public realm considerations  
Policy D.4 Townscape considerations  
Policy T24 Highway safety  
Policy GB.1 and GB.2 Green Belt  
Policy HG.15 Extensions to dwellings in the Green Belt

### **OFFICER ASSESSMENT**

**PRINCIPLE OF PROPOSED DEVELOPMENT WITHIN THE GREEN BELT:** As the application relates to two separate dwellings, albeit as a semi detached pair, in respect to development within the green belt the level of extension to each dwelling has been considered separately.

In relation to No 36 Farmborough Lane, originally it would have comprised a simple two up two down configuration but since then has been subject to two separate extensions in the form of a small single storey side extension and a further single storey lean to extension at the rear which would be demolished as a result of the proposals. It has been calculated from the submitted plans that No 36 would originally have been 229.4 cubic metres in size. The proposed extensions are 235.9 cubic metres in size which represents a 102% increase in size over and above the original dwelling.

Turning to No 37 Farmborough Lane, again originally it would have comprised a simple two up two down configuration, but since then it has been subject to two separate extensions, a two storey side extension constructed in the 1970's and the single storey lean to extension at the rear. The lean to would be demolished as a result of the proposed development. The original dwellings has been calculated as being 238.9 cubic metres in size. Due to the existing two storey extension, the dwelling has already been extended by 139.8 m<sup>3</sup> which is a 58% increase, compared with the original dwelling. The extensions now proposed would add a further 184.9m<sup>3</sup> to the size of the dwelling resulting in an overall increase in size of 135.9%.

In relation to development within the Green Belt, planning policy, both with regard to Planning Policy Guidance Note 2: Green Belts (PPG2) and Policies GB.1 and HG.15 of the local plan, does allow for limited extensions to existing dwellings provided that they do not represent a disproportionate addition over and above the size of the original dwelling.

Furthermore the Bath & North East Somerset Existing Dwellings in the Green Belt Supplementary Planning Document (adopted October 2008) notes that extensions resulting in a volume increase of about a third of the original dwelling would be acceptable.

Unfortunately the proposed extensions to the dwellings, at 102% for No 36 and 135.9% for No 37, are far in excess of that allowed within the policies and guidance outlined above. Furthermore no very special circumstances have been submitted to justify such an increase and the proposal is therefore contrary to policy GB1, GB2 and HG.15 of the Local Plan and unacceptable in principle.



The advice contained in PPG2 is clear - that disproportionate additions over and above the original building represent inappropriate development which is, by definition, harmful to the Green Belt.

In relation to the design of the extensions and their impact on the openness of the Green Belt the proposed extensions to the rear would be set into the slope of the rear garden thereby lessening, by a small degree, their impact upon the Green Belt and the surrounding area. The two storey side extension to No 36 would have an impact on openness but is not considered to be harmful. However the size and design of the two storey rear extension to No 37 has the effect of making the building look overly bulky and dominating from the side and particularly from Farmborough Lane. This is because of its width whereby its side gable is flush with the side gable of the existing side extension. In light of this it is considered that the extension to No 37 would also harm the openness of the Green Belt which is also contrary to the advice within PPG2 and policy GB1 of the Local Plan.

**DESIGN OF THE DEVELOPMENT:** Notwithstanding the above and with regard to the design of the extensions to the dwellings it is considered that those relating to No 36 Farmborough Lane are considered to be acceptable. The two storey side extension mirrors the existing side extension to No 37 and appears sufficiently subservient to the original dwelling so that it does not over dominate the pair of dwellings as a whole. The two storey extension to the rear is set back behind the two storey side extension and only extends widthways to the side elevation of the original dwellings. This means that in views from the side, and the lane, the rear extension is set back giving some reducing the bulkiness of the resulting building.

In relation to the rear extension to No 37, as outlined above, it is considered to result in the dwelling looking bulky, especially in views from the side and also Farmborough Lane. This is due to the width of the rear extension resulting in the side gable being flush with the side gable of the existing extension. However, whilst this does harm openness of the green belt in terms of its design it is not considered to be so detrimental to the appearance of the dwelling, or the street scene, as to justify refusal on this issue.

**RESIDENTIAL AMENITY:** Due to the design of the development the proposal would not cause harm to the residential amenity of any neighbouring occupiers.

**HIGHWAY ISSUES:** The proposal does not propose any changes to the property in relation to highways or parking and therefore the development is not considered to cause any harm to highway safety.

**CONCLUSION:** Originally the two dwellings, No 36 and 37 Farmborough Lane, Priston comprised small dwellings within the open countryside. Both dwellings have since been the subject of extension with No 37 having a substantial two storey addition to the side in the 1970's. It is now proposed to erect a two storey extension to the rear to both dwellings and a two storey side extension to No 36. A single storey porch is also proposed for each dwelling.

In relation to No 36 Farmborough Lane, it has been calculated that the proposed extensions would increase the size of the dwelling by 235.9 cubic metres, which represents a 102% increase in size over and above the original dwelling.

No 37 Farmborough Lane, with its existing two storey extension, is already 139.8 cubic metres, or 58% bigger compared with the original dwelling. The extensions would add a further 184.9 cubic metres, making a cumulative increase of 135.9% over and above the size of the original dwelling.

The increase in size of each dwelling is far in excess of that allowed within the policies outlined above and the guidance contained within the Council's own SPD on development in the green belt. The advice contained in PPG2 is clear - that disproportionate additions over and above the original building represent inappropriate development which is, by definition, harmful to the Green Belt. The proposal is therefore contrary to policy GB1, GB2 and HG.15 of the Local Plan and unacceptable in principle.

Furthermore the size and design of the two storey rear extension to No 37 has resulted in the building appearing overly bulky and dominating from the side and particularly in views from Farmborough Lane. It is therefore considered that the extension to No 37 would also harm the openness of the Green Belt which is also contrary to the advice within PPG2 and policy GB1 of the Local Plan.

Notwithstanding this, whilst the resulting dwelling at No 37 would look bulky from the side and Farmborough Lane and would be harmful to openness it is not considered that sufficient harm would be caused to the appearance of the dwelling itself or on the street scene as to justify refusal on design grounds.

In order to consider approving this proposal, it would be necessary for benefits to have been put forward by the applicants, sufficient to clearly outweigh the substantial harm identified by reason of inappropriateness and harm to the openness of the Green Belt. The only benefits to weigh in the balance put forward by the applicants are that the proposed works would increase the size of the properties to a modern standard suitable for family living. The other matters put forward relate to a lack of harm, rather than benefits to weigh in the balance. It is considered that these matters do not come close to outweighing the harm that has been identified and refusal is recommended.

## **RECOMMENDATION**

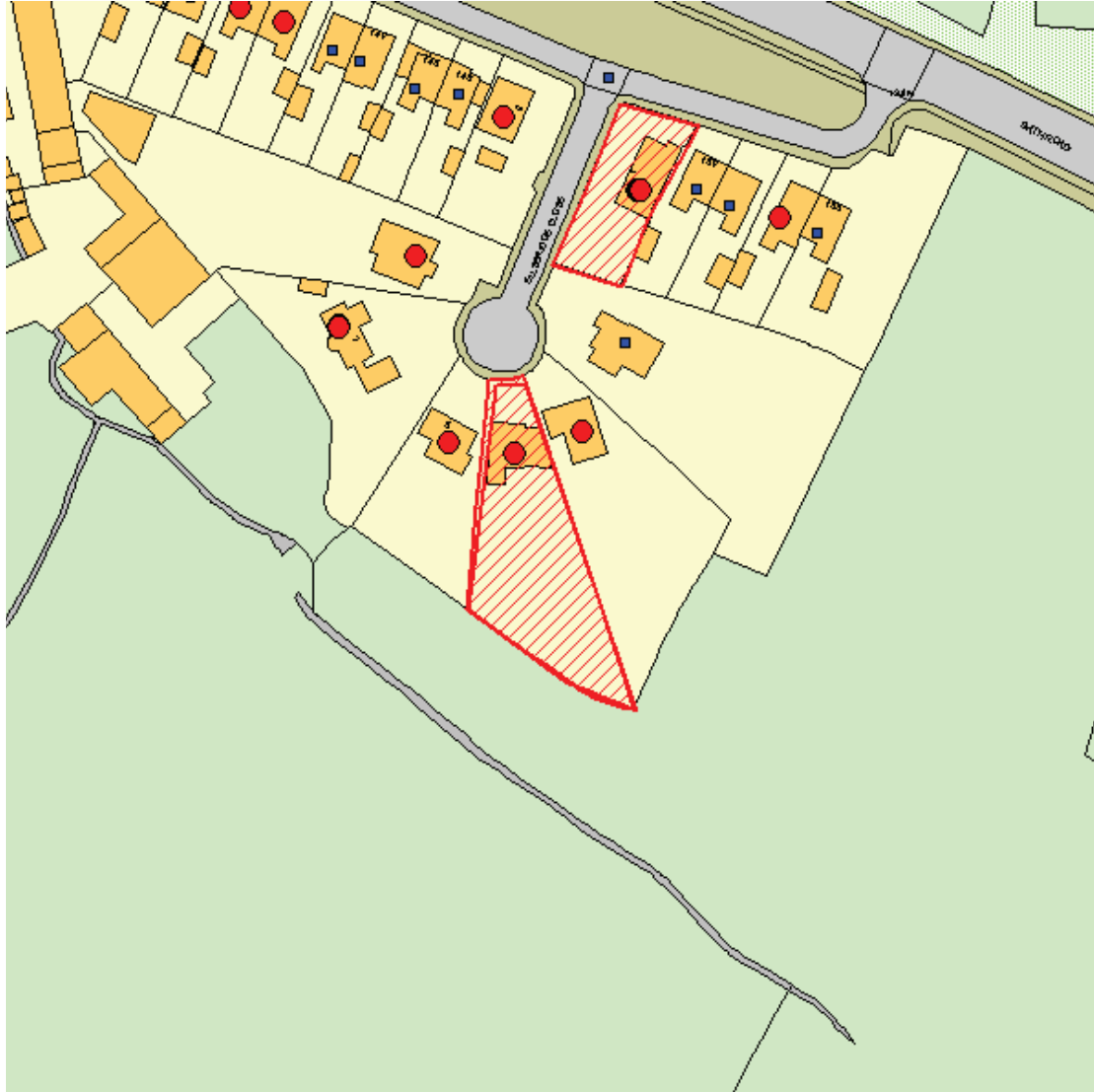
REFUSE

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

1 The proposed development, by reason of the overall size of the extensions and having regard to the existing extension at No 37 Farmborough Lane, would result in a disproportionate addition over and above the size of the original dwellings. This represents inappropriate development in the Green Belt, which is, by definition, harmful and, in particular relation to the extension to No 37 Farmborough Lane, would cause harm to the openness of the Green Belt. No very special circumstances have been demonstrated to outweigh the presumption against inappropriate development in the Green Belt. The proposal is contrary to Policies GB.1, GB.2 and HG.15 of the Bath and North East Somerset Local Plan including minerals and waste policies adopted 2007.

**PLANS LIST:** This decision relates to drawing no's LP01, BP01, 101, 102, 103, 104, 201, 202, 203, 204 date stamped 10 January 2011.

**Item No:** 06  
**Application No:** 11/00668/FUL  
**Site Location:** 4 Ellsbridge Close, Keynsham, Bristol, Bath And North East Somerset



**Ward:** Keynsham East                      **Parish:** Keynsham Town Council                      **LB Grade:** N/A  
**Ward Members:** Councillor Marie Longstaff Councillor Bryan Organ  
**Application Type:** Full Application  
**Proposal:** Erection of a first floor side extension (Resubmission)  
**Constraints:** Agric Land Class 3b,4,5, Forest of Avon, Greenbelt,  
**Applicant:** Mr Andrew Jones  
**Expiry Date:** 4th April 2011  
**Case Officer:** Tessa Hampden  
**REPORT**

REASON FOR REPORTING APPLICATION TO COMMITTEE: The application is being referred to committee as the applicant is a member of staff of the Council who has direct links with Planning Services.

#### DESCRIPTION OF SITE AND APPLICATION:

The application site relates to a detached property of 1930s appearance, located in a residential cul-de-sac to the east of Keynsham Town Centre. The dwelling sits in an irregular shaped plot and has been previously extended by virtue of a conservatory to the rear of the garage and a two storey rear extension, which accommodates a dining room area at ground floor level and a bedroom at first floor level. The site is situated within the Bristol/Bath Green Belt.

A number of houses in this small cul-de-sac have been extended and a replacement dwelling has recently been erected at Number 8 Ellsbridge Close. A summary of the more recent developments that have been permitted in this cul-de-sac are outlined in the Planning History Section below.

The application seeks planning permission for the erection of a first floor side extension. The application is a resubmission of a larger development, which was recently approved at Development Control Committee. The extension in the current application, which has been reduced in scale, is set further away from the neighbouring boundary and the ridge height of the extension is set below that of the main dwelling.

#### RELEVANT PLANNING HISTORY:

##### 4 Ellsbridge Close

DC - 00/00855/FUL - PERMIT - 8 June 2000 - Erection of two storey rear extension and other alterations to include covered walkway to rear of garage and rebuilding of front porch with first floor extension

DC - 00/01693/FUL - PERMIT - 27 September 2000 - Erection of two storey rear extension and other alterations to include covered walkway to rear of garage and rebuilding of front porch with first floor extension (revised application)

DC - 10/04137/FUL - PERMIT - 26 November 2010 - Erection of first floor side extension

##### 1 Ellsbridge Close

DC - 09/00764/FUL - PERMIT - 29 April 2009 - Erection of garage to side elevation

##### 3 Ellsbridge Close

DC - 04/01569/FUL - PERMIT - 9 July 2004 - Two storey side extension (Revised scheme)

##### 7 Ellsbridge Close

DC - 07/01048/FUL - PERMIT - 24 May 2007 - Erection of a first-floor extension over existing garage

8 Ellsbridge Close

DC - 06/03714/FUL - PERMIT - 21 March 2007 - Construction of new detached dwelling and garage/workshop following the demolition of existing detached dwelling as amended by letters and plans received 8th November and 28th December 2006, and 31 January 2007

DC - 07/02373/FUL - PERMIT - 20 September 2007 - Erection of a new detached dwelling and garage following demolition of existing (revised application)

DC - 07/02894/FUL - PERMIT - 7 November 2007 - Erection of a new garage/workshop

9 Ellsbridge Close

DC - 04/02053/FUL - PERMIT - 17 August 2004 - Two storey side extension and attached garage

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

KEYNSHAM TOWN COUNCIL: The proposed dwelling would constitute over development and is out of keeping with the surrounding street scene which is also in the Green Belt.

### **POLICIES/LEGISLATION**

D.2: General design and public realm considerations

D.4: Townscape considerations

NE5 Forest of Avon

HG15 Dwelling extension in the Green Belt

GB1 Control of development in the Green Belt

GB2 Visual amenities of the Green Belt

Supplementary Planning Document 'Existing Dwellings in the Green Belt' Adopted October 2008.

### **OFFICER ASSESSMENT**

PRINCIPLE OF DEVELOPMENT: The application site is set within the Bristol/Bath Green Belt where special controls over development exist. An appropriate form of development within the Green Belt can include limited extensions of an existing building.

The application dwelling has previously been extended, with an increase in volume of approximately 25% over that of the original dwelling. The application proposes a further extension and this coupled with the previous extensions is considered to be a disproportionate addition in volume terms, with the proposed extension resulting in an increase of approximately 60 % percent on the original volume of the house.

However, the Supplementary Planning Document 'Existing dwellings in the Green Belt' also makes it clear that when considering whether an extension is disproportionate, the character of the dwelling and its surroundings also need to be considered. Officers had concerns with the previous application due to the proximity of the extension with the neighbouring property and this, coupled with the scale of the development was considered

to result in an extension which appeared as a bulky addition to the original dwelling and as a disproportionate addition to the host dwelling. In this proposal the overall scale of the development has been reduced and the extension has been set away from the neighbouring property. These changes aid in ensuring that the development appears as a proportionate addition to the original dwelling.

The development will appear as a subservient addition to the dwelling and will be seen in the context of the cluster of buildings within Ellsbridge Close. Given the scale and setting of the development, there is not considered to be any significant harm to the visual amenities of the Green Belt.

As noted above, this development is considered to be a disproportionate addition in volume terms to the original dwelling. It is recognised however that a similar, but larger application was recently considered and approved at Development Control Committee. The application was considered in the context of the street scene where previous developments within this cul-de-sac had been built and the development was considered to be acceptable. Given the fact that the proposed extension is smaller in volume terms and more appropriate in appearance terms than the extant permission, the proposed development is not considered to be inappropriate development within the Green Belt.

**CHARACTER AND APPEARANCE OF THE DEVELOPMENT:** Within Ellsbridge Close, there are a number of houses that have previously been extended and a replacement dwelling has been erected at No 8 Ellsbridge Close. As such there is no particular uniformity within the street scene in terms of the design of the dwellings.

The adjacent house has previously been extended by virtue of a side extension which has been built very close to the boundary with the application property, closing the gap between the two. The separation between the two is however sufficient to allow the feeling of spaciousness to remain which is a prevailing character of the street scene. The proposed extension would diminish the gap further so that the spacious character of this part of the cul-de-sac would be partially lost. However, the proposed extension is set further away from the neighbouring property than the extension which could be built under the extant permission, and in this instance the development is therefore considered to be acceptable.

The ridge height of the proposed extension is set down from that of the main house which aids in ensuring that the development does not dominate the host dwelling or result in an overly prominent form in the street scene. The extension will be built in materials to match the host dwelling allowing the development to integrate successfully with the original dwelling and the main street scene.

On balance therefore, the proposed extension is considered to preserve the character and appearance of the dwelling, and the visual amenities of the area.

**RESIDENTIAL AMENITY:** The extension will be built in close proximity to the neighbouring dwelling and whilst the development may reduce the light into the side windows of this property, these are small windows which serve what appear to be non habitable rooms or rooms which are served by another window. Any loss of light to these rooms is therefore not considered to significantly impact upon the residential amenity of the occupiers of this property.

To the rear of the neighbouring property there are large patio doors/windows serving habitable rooms. However, the scale and siting of the proposed extension is considered appropriate in that it will not result in a significant level of loss of light to these rooms or have an overbearing impact. Furthermore the proposed window on the side elevation of the proposed extension will be obscurely glazed and will not result in any loss of privacy to the neighbouring occupiers.

On balance therefore, the proposed extension will not result in any significant harm to the residential amenity currently enjoyed by the neighbouring occupiers.

## CONCLUSION

Whilst the comments from the Town Council have been noted, for the reasons outlined above the development is considered to be acceptable. No other significant issues have arisen as a result of this planning application and the proposal is therefore recommended for approval.

## RECOMMENDATION

PERMIT with condition(s)

## CONDITIONS

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

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

2 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 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 windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the east elevation of the extension hereby approved at any time unless a further planning permission has been granted.

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

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:** This decision relates to plans, site location plan and 2008/1A and 2008/2 A date stamped 7th February 2011

## REASONS FOR GRANTING APPROVAL:

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A. Bath and North East Somerset Local Plan (including minerals and wastes) adopted October, D2, D4, NE5, HG15, GB1, GB2

2. The proposed extension, given the extant planning permission, and the setting of the development within the cul de sac of previously extended dwellings, is not considered to be inappropriate development within the Green Belt. The development is considered to preserve the character and appearance of the dwelling and the visual amenities of the street scene. The development is not considered to significantly harm the residential amenity of the neighbouring occupiers.



| <b>Bath &amp; North East Somerset Council</b> |  |
|---|--|
| <b>MEETING:</b>                               | <b>Development Control Committee</b>   |
| <b>MEETING DATE:</b>                          | <b>13<sup>th</sup> April 2011</b>  |
| <b>RESPONSIBLE OFFICER:</b>                   | Lisa Bartlett, Development Control Manager,<br>Planning and Transport Development (Telephone:<br>01225 477281) |
| <b>TITLE:</b>                                 | <b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>                    |
| <b>WARD:</b>                                  | ALL  |
| <b>BACKGROUND PAPERS:</b>                     | None   |
| <b>AN OPEN PUBLIC ITEM</b>                    |  |

**APPEALS LODGED**

**App. Ref:** 10/02953/FUL  
**Location:** Widcombe Lodge South Widcombe Hinton Blewett Bristol  
**Proposal:** Conversion and rebuilding of existing barn to form self catering holiday accommodation (retrospective) (resubmission)  
**Decision:** REFUSE  
**Decision Date:** 27 August 2010  
**Decision Level:** Delegated  
**Appeal Lodged:** 21 February 2011

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**App. Ref:** 10/03924/FUL  
**Location:** Street Record The Oval Southdown Bath  
**Proposal:** Erection of a 12.8m high monopole with ground based cabinets and ancillary development at highways land at the Oval between the junctions with Beech Grove and Hazel Grove  
**Decision:** REFUSE  
**Decision Date:** 26 November 2010  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 22 February 2011

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**App. Ref:** 10/02241/FUL  
**Location:** Silver Birches Greyfield Road High Littleton Bristol  
**Proposal:** Erection of new detached bungalow (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 7 September 2010  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 24 February 2011

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**App. Ref:** 10/01663/FUL  
**Location:** Land Between Bramble House And 1 Church Lane Farmborough Bath  
**Proposal:** Erection of 4no. 2-bedroom two-storey houses to land adjoining 1 Church Lane  
**Decision:** REFUSE  
**Decision Date:** 28 September 2010  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 28 February 2011

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**Enf. Ref:** 09/00435/UNDEV  
**Location:** Parcel 4471 Butham Chew Magna BS40 8SA  
**Breach:** Unauthorised change of use of land for the stationing of a mobile home without planning permission  
**Enforcement Notice Issued:** 3 February 2011  
**Appeal Lodged:** 9 March 2011

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**App. Ref:** 10/04471/FUL  
**Location:** 15 North View Close Twerton Bath BA2 1EH  
**Proposal:** Erection of two storey side and rear extension and rear single storey garden room extension following demolition of existing garage.  
**Decision:** REFUSE  
**Decision Date:** 23 December 2010  
**Decision Level:** Delegated  
**Appeal Lodged:** 14 March 2011

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**App. Ref:** 10/04730/FUL  
**Location:** 19 Sutton Park Bishop Sutton Bristol BS39 5UQ  
**Proposal:** Erection of a first floor rear extension over existing garage (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 23 December 2010  
**Decision Level:** Delegated  
**Appeal Lodged:** 15 March 2011

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**App. Ref:** 10/05084/FUL  
**Location:** 78 Ashgrove Peasedown St. John Bath BA2 8EG  
**Proposal:** Erection of a detached dwelling with double garage on land to the rear of 'Stonewold' and a detached double garage for existing dwelling.  
**Decision:** REFUSE  
**Decision Date:** 31 January 2011  
**Decision Level:** Delegated  
**Appeal Lodged:** 17 March 2011

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**Enf. Ref:** 09/00524/UNDEV  
**Location:** Site Of Former Newnham Nurseries Stockwood Vale Keynsham BS31 2AL  
**Breach:** Without planning permission, a change of use of the Land to use for the storage, repair, and refurbishment of caravans together with the erection of steel fence and gate around the "Land"  
**Enforcement Notice Issued:** 31 January 2011  
**Appeal Lodged:** 23 March 2011

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## APPEAL DECISIONS

Application no: 10/00471/OUT  
Address: Land to the rear of 1 and 1a Englishcombe Rise, Bath  
Details: Erection of a single dwelling and associated access (outline)  
Date of Refusal: 13 September 2010  
Decision Level: Delegated  
Appeal Decision: **Allowed**

### Summary

The layout of the site is such that it does not have a strong visual relationship with the Englishcombe Rise houses, so that a dwelling on the site would fit well with the general roadside pattern of development in the vicinity.

The proposed dwelling would be set into the hillside, and the indicative roof height would avoid undue prominence in views from Whiteway Road. In longer distance views it would be seen as part of a cluster of development centred on Englishcombe Rise, and against a well vegetated hillside backdrop. In this context it would not appear visually prominent, intrusive or incongruous

I conclude therefore that the site could accommodate a new dwelling of the scale indicated without material harm to the character and appearance of the area.

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**App. Ref:** 10/02660/FUL  
**Location:** 3 Rodney Road, Saltford, Bristol, BS31 3HR  
**Proposal:** Erection of new dwellinghouse following demolition of existing dwellinghouse  
**Decision:** Refused  
**Decision Date:** 27<sup>th</sup> August 2010  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

### Summary:

The Council's reasons for refusal related to the overdevelopment of the site, being out of character with the established street scene and the overbearing, detrimental impact the proposed would have on the amenity of the adjoining properties – principally 1 Rodney Road.

The Inspector concluded that the design was out of character with the street and would not respect the proportionate arrangement of the neighbouring bungalows. In respect of residential amenity, the Inspector stated "*I consider that the extent and close proximity of the new flank wall would have a considerable and harmful visual impact in views from the windows of the living room and both bedrooms at No. 1, and from its garden; it would appear overbearing and somewhat oppressive, creating an uncomfortable sense of enclosure.*"

The Inspector agreed with the Council's reasons for refusal and dismissed the appeal.

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**App. Ref:** 10/02081/FUL  
**Location:** Aldermead, Broadmoor Lane, Upper Weston, Bath  
**Proposal:** Erection of a summer house.  
**Decision:** Refused  
**Decision Date:** 28.07.2010  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**

**Summary:**

The summerhouse would be located within a large grassed area which in appearance is very similar to the adjoining countryside. Despite its use of materials typical in garden buildings, this large summerhouse would appear isolated and incongruous in this otherwise undeveloped area. The proposal would amount to inappropriate development in the Green Belt, would detract from the openness of this part of the Green Belt and would also harm the rural character and appearance of the AONB. None of the matters raised by the appellant, taken either individually or together, would outweigh this harm. Consequently, conclusion is that no very special circumstances exist to justify permitting this inappropriate development. It would therefore conflict with policy GB.1 of the Local Plan.

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**App. Ref:** 10/01775/FUL  
**Location:** 17 Purlewent Drive, Upper Weston, Bath  
**Proposal:** Erection of first floor rear and side extension  
**Decision:** Refused  
**Decision Date:** 29.06.2010  
**Decision Level:** Delegated  
**Appeal Decision:** **Dismissed**  
**Appeal for costs:** **Dismissed**

**Summary:**

It appears that the proposal stems from a decision to simply extend upwards from what is there, rather than giving serious thought to the design quality of the relationship between a new upper storey extension and the existing house. The extension as proposed would not respect or complement the existing building and that it takes little account of the locally distinctive pattern of development. It would further undermine the harmonious relationship of buildings, to the detriment of the quality of the neighbourhood. The proposal would have no unacceptable impact on the living conditions of neighbours. There is no objection in principle to extending this house

and it could clearly be done without harm to the living conditions of neighbours. However, the location and spatial arrangement of this proposed extension, poorly related to its host building and the neighbourhood, would be so inappropriate in its context that it should not be permitted.

**Costs summary:** Consider that the wording of the reasons stands up to scrutiny and that they are sufficiently complete, precise and specific. See no justification for cost claim. Therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated and that an award of costs is not justified

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**App. Ref:** 09/03202/FUL  
**Location:** Land adjacent to The Poplars, Redlynch Lane, Queen Charlton  
**Proposal:** Change of use of land as a site to a private gypsy and traveller caravan site.  
**Decision:** Refused  
**Decision Date:** 29 October 2009  
**Decision Level:** Committee  
**Appeal Decision:** **Dismissed**

**Summary:**

The Inspector agreed that the proposal amounted to inappropriate development in the Green Belt, which is harmful by definition. He said that he must give substantial weight to the harm caused by reason of inappropriateness.

He felt that the impact on the openness of the Green Belt would be greater than that identified by the Inspector in the 2003 appeal, which was then found to be significant. He considered that the combination of caravans and bunding result in the site being readily identifiable as an unattractive feature, bringing about material harm to the local rural landscape. He noted that the site could be seen from within the Queen Charlton Conservation Area and felt that the proposal would result in limited harm to the Conservation Area.

The Inspector did not consider that landscaping would overcome the harm he had identified. Indigenous trees would take a long time to grow to any size, whilst bunding and fast growing evergreens would appear as alien features in the landscape.

The Inspector was satisfied that the Council was pro-actively progressing the DPD to allocate gypsy sites. This and the limited demand for such accommodation in this Council area reduced the weight to be attached to the outstanding need for such sites, but it still formed a consideration in favour of the proposal.

He considered the personal circumstances put forward by the appellant but did not feel that any of them demonstrated a need for her and her family to be on the appeal site, although he did give some weight to the fact that their access to health and education facilities would suffer if they were unable to live on a settled site.

He concluded on the application for a permanent permission that the factors in favour of the appeal proposal did not clearly outweigh the substantial harm that the proposal would cause. He considered whether a temporary permission should be granted. He said he was satisfied that the sites will be brought forward through the Council's DPD in the next two to three years.

However, he felt that the proposal harmed the Green Belt and local landscape and that such harm should not be tolerated, even for a temporary period of two to three years.

He considered Human Rights issues but concluded that interfering with the appellant's human rights were in this case proportionate and necessary. He concluded that the appeal should be dismissed.

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**App. Ref:** 10/02166/FUL  
**Location:** Land Between 85 and Squirrel's Tale, London Road West, Lower Swainswick, Bath  
**Proposal:** Erection of a detached dwelling  
**Decision:** REFUSE  
**Decision Date:** 17<sup>TH</sup> August 2010  
**Decision Level:** Delegated  
**Appeal Decision:** **DISMISSED**

**Summary:**

The appellant applied for the erection of a detached dwelling, that would be a car free development (10/2166/FUL) and it was refused as the design and materials did not respect the character of the Conservation Area and the lack of car-parking facilities would lead to a demand for on-street parking, thus being detrimental to highway safety.

The Inspector considered that a well designed modern dwelling could enhance the character of the Conservation Area and, whilst acknowledging the sites prominence, noted it was well screened by vegetation. He therefore considered that this and the area not having a strongly defined character, the proposed dwelling would not be harmful to the Conservation Area.

With regards to the highway issues, the Inspector noted that, due to the size of the dwelling, it would be unlikely that the potential owners would be unable to afford a car or that they could easily carry out their full range of domestic duties without a car. He considered that the proposed dwelling would result in an increase for demand in on-street parking and whilst this may be a small increase, it would have a significant increased risk to highway safety.

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**FORTHCOMING APPEAL HEARINGS**

**App. Ref:** 10/04458/FUL  
**Location:** Manor Farm Chewton Road Chewton Keynsham Keynsham Bristol BS31 2SU  
**Proposal:** Provision of a mobile home for occupation in association with Equine Livery and Breeding Enterprise.  
**Decision:** Refused  
**Decision Date:** 05.01.2011  
**Decision Level:** Delegated  
**Date of Hearing:** 10 May 2011  
**Venue:** Lewis House, Manvers Street, Bath