

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 14th December, 2011

Present:- Councillor Gerry Curran in the Chair

Councillors Lisa Brett, Neil Butters, Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Bryan Organ, Martin Veal, David Veale, Brian Webber and Dine Romero (In place of Douglas Nicol)

Also in attendance: Councillors Patrick Anketell-Jones, Cherry Beath, Sally Davis, Charles Gerrish, Roger Symonds and Tim Warren

84 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

85 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

86 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Doug Nicol whose substitute was Councillor Dine Romero

87 DECLARATIONS OF INTEREST

There were no declarations of interest

88 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

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

The Senior Democratic Services Officer informed the meeting that there were members of the public etc. wishing to make statements on the Enforcement Item (Report 11) relating to The Old Orchard, 1 The Shrubbery, Lansdown, Bath, and that they would be able to do so when reaching that Item on the Agenda. There were also a number of people wishing to speak on planning applications in Reports 12 and 13 and they would be able to make their statements when reaching their respective items in those Reports.

90 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

91 MINUTES: WEDNESDAY 23RD NOVEMBER 2011

The Minutes of the previous meeting held on Wednesday 23rd November 2011 were approved as a correct record and signed by the Chair

92 MAJOR DEVELOPMENTS

The Development Manager reported that there were no issues on major developments on which to update Members but, if Members had any queries, they could raise them with the Senior Professional - Major Developments direct

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

The Committee noted the report and congratulated Officers on their success rate in appeals being dismissed

94 ENFORCEMENT REPORT - THE OLD ORCHARD, 1 THE SHRUBBERY, LANSDOWN, BATH

The Committee considered (1) a report by the Development Manager requesting Members to authorise enforcement action regarding the materials used to clad the boundary wall to the garden and parking areas which did not match the approved sample; (2) oral statements by a representative of St James' Park Residents Association supporting enforcement action and the owner of the property speaking against enforcement action; and (3) a statement by the Ward Councillor Patrick Anketell-Jones raising various issues.

The Team Leader - Development Management reported on the matter by means of a power point presentation. The Development Manager reminded Members of their decision at the previous meeting and that the only outstanding issue for consideration related to whether enforcement action should be authorised on the cladding of the stone wall.

The Chair stated that The Shrubbery was an important walkway and needed to be protected. Councillor Neil Butters accepted the owner's submission that the cladding had been done correctly and moved that enforcement action should not be authorised. This was seconded by Councillor Brian Webber who felt that the owner had narrowly complied with the condition and therefore enforcement action would not be justified.

Members discussed the issue of the colour of the stone cladding which appeared to be different to that which had been approved. Some Members felt that the cladding should be replaced. It was pointed out that, according to information obtained from the supplier of the stone, the shade of colour can vary. Officers suggested that this could be due to the stone being quarried at a different time and at a different depth. However, in this case, the colour appeared not to match the approved sample. The Development Manager commented on the issues and informed Members that it was Officers' professional opinion that the condition had not been complied with and the colour of the unauthorised stone cladding was harmful to the Conservation Area, adjoining listed buildings and the Bath World Heritage Site.

The motion was put to the vote and it was **Resolved** that enforcement action should not be authorised regarding the stone cladding to the boundary wall and parking areas (Voting: 8 in favour and 2 against with 2 abstentions).

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

The Committee considered

- a report by the Development Manager on a planning application on land rear of Holly Farm, Brookside Drive, Farmborough
- an Update Report by the Development Manager on this application, a copy of which is attached as *Appendix 1* to these Minutes
- oral statements by members of the public etc., a copy of which is attached as *Appendix 2* to these Minutes

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

Land rear of Holly Farm, Brookside Drive, Farmborough - Residential development comprising 38 dwellings with associated access, car parking and landscaping – The Case Officer reported on this application and her recommendation (A) that the application be referred to the Secretary of State as a departure from the Development Plan; (B) to authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 as detailed in the Report; and (C) upon completion of the Agreement, to authorise the Development Manager to Permit the application subject to various conditions. She referred to the Update Report which informed Members of further consultation responses having been received. Members of the public etc then made statements against and in favour of the proposal which was followed by a statement by the Ward Councillor Sally Davis.

Members asked questions to which Officers responded. Concerns were expressed about the size of the proposed development, its access and highway safety.

Councillor Bryan Organ moved that permission be refused which was seconded by Councillor Martin Veal. Members debated the motion and raised various other concerns such as the layout of the development and the location of the affordable housing, the effect on residents of Brookside Drive, parking, cramped development and sustainability. A Member however, considered that this was a good development providing both affordable and retirement housing. After hearing the debate, Councillor Bryan Organ clarified that the reasons for refusal were: overdevelopment of the site, an adverse effect upon highway safety in terms of the junction with the main road, an adverse effect from construction traffic, the sustainability of the site's location outside the housing development boundary, unacceptable layout in particular the location of the affordable housing and the effect upon parking conditions in Brookside Drive.

The Development Manager explained that, because this was an outline application, layout and the location of the affordable housing could not be considered until the Reserved matters stage. She advised Members that this was a safeguarded site in the Local Plan and the proposal, together with the proposed S106 Agreement complied with the principles of the Council's Draft Core Strategy and she reminded the Committee that the Highways Officers had no objection on highway safety grounds. The Development Manager further advised that the effect of construction traffic could be dealt with by the imposition of a suitable condition and that the number of dwellings proposed was close to that included in the Council's Strategic Housing Land Availability Assessment.

The motion was put to the vote. Voting: 6 in favour and 5 against with 1 abstention. Motion carried for the following reasons: Members considered that the proposal would result in an overdevelopment of the site. The development would have an adverse effect on highway safety due to the site being located close to the substandard junction of the A39 and The Street and due to the effect on parking in the surrounding area. Also because the site is located outside of the Housing Development Boundary, it is considered to be located in an unsustainable location.

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

The Committee considered:

- The report of the Development Manager on various applications for planning permission
- An Update Report by the Development Manager on Item Nos. 1-5, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1, 2, 5 and 6, a copy of which is attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 4* to these Minutes.

Items 1&2 Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath – (1) Erection of 1 Mining Interpretation Centre (rated BREEAM Excellent), 8 Eco-Homes (rated Code 5 zero carbon), 1 apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane (Resubmission)(Ref No 11/04166/FUL); and (2) demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane (Ref No 11/04167/CA) – The Historic Environment Team Leader and the Planning Officer reported on these applications and their recommendations to refuse permission/consent. Attention was drawn to the Update Report which contained further information and summarised further representations received and recommended the deletion of the 3rd reason for refusal on application (1) above. The public speakers made their statements against and in favour of the proposals and the Ward Councillors Cherry Beath and Roger Symonds made statements supporting the proposals.

The Development Manager advised Members that the Secretary of State was due to make an Environmental Impact Assessment (EIA) screening direction and, therefore, if Members were minded to Permit, the matter should be delegated to Officers to Permit subject to the Secretary of State making a negative screening opinion. She also advised Members that the Secretary of State had been asked to consider "listing" the existing buildings. She advised that, whilst this did not affect Members' decision today, if the Secretary of State should "list" the buildings before any permission/consent were implemented, then the applicant would need to obtain listed building consent as well.

Councillor Eleanor Jackson agreed with the Officers' recommendations and moved that the applications be refused accordingly which was seconded by Councillor Liz Hardman. Members debated the motions. Most Members were supportive of the scheme as they considered that the existing buildings were not of significant architectural and historical merit to warrant their retention. The design of the new buildings with a zero carbon rating was good and would fit into the streetscape. The motions to Refuse were put to the vote. Voting: 2 in favour and 8 against with 2 abstentions. Motions lost. It was then moved by Councillor Neil Butters and seconded by Councillor David Martin to Delegate to Officers to Permit/Consent subject to the Secretary of State issuing a negative EIA screening direction, the completion of a S106 Agreement to secure financial contributions in respect of Children's Services and appropriate conditions. The motions were put to the vote. Voting: 9 in favour and 2 against with 1 abstention. Motions carried for the following reasons: Members were of the view that the existing buildings, even if they were to be regarded as heritage assets, were not of sufficient historical value to warrant retention and their demolition would not be harmful to the Conservation Area. Members also felt that the proposed buildings were of a good design with a carbon zero rating and, in the context of a mixed area, would not be harmful to the Conservation Area or the setting of nearby "listed" buildings.

Item 3 Parcel 0006, Maynard Terrace, Clutton – Erection of 43 dwellings and associated works – This application was withdrawn at the applicants' request.

Item 4 Land rear of Nos. 2-20 High Street, Keynsham – Erection of 3 storey building to provide 14 residential apartments and associated landscaping and car parking (including re-provision of car parking for existing High Street properties) – The Committee considered the report on this application. The Update Report contained further representations and referred to amended drawings being received which revised the application in a number of ways. The Update Report amended the Recommendation in the Main Report to: Subject to (A) no new material planning matters arising from the re-advertising of the amended plans; and (B) confirmation from the Planning and Environmental Law Manager that a satisfactory signed Unilateral Agreement has been received, authorise the Divisional Director for Planning and Transport Development to Permit subject to the conditions in the Main Report and any other appropriate conditions.

The Ward Councillor Charles Gerrish made a statement and urged Members to defer consideration of the application so that members of the public could have more time to comment on the revised plans. Members considered this issue. It was moved by Councillor Martin Veal and seconded by Councillor Bryan Organ to Defer

consideration to enable further consultation on the amended scheme. The motion was put to the vote and agreed unanimously.

Item 5 Fairash Poultry Farm, Compton Martin Road, West Harptree – Erection of 7 dwellings following demolition of existing poultry farm – The Case Officer reported on this application and her recommendation to refuse permission. A further reason for refusal was recommended in relation to the increased use of a sub-standard access. The Update Report set out the Case Officer's comments on a further representation received from the Environmental Health Officer. The applicant made a statement in favour of the application and the Ward Councillor Tim Warren made a statement supporting the proposal. He considered that a Site Visit should be held.

Councillor Dine Romero moved that consideration be deferred for a Site Visit to view the site in the context of its surroundings. This was seconded by Councillor Neil Butters. A deferral for a Site Visit was generally supported and therefore the motion was put to the vote and was carried, voting being 9 in favour and 1 against with 2 abstentions.

Item 6 No. 69 Haycombe Drive, Southdown, Bath – Erection of a detached 2 storey dwelling on land to the rear of 69 Haycombe Drive – The Case Officer reported on this application and his recommendation to Permit subject to conditions. He read out the comments of Councillor Paul Crossley, one of the Ward Members, who considered that it should be refused. The applicant's agent made a statement in favour of the proposal.

Councillor Dine Romero considered that this was not a good site for a house because it adjoined a very busy road with fast moving traffic and would cause a hazard to traffic and pedestrian safety. She moved that permission be refused which was seconded by Councillor Martin Veal.

Members debated the motion. Some Members felt that the scheme had a number of good points but other Members considered that the highway safety issues were a serious concern with a number of reported accidents in the vicinity (as well as unreported incidents) and there was also the effect of the development on the amenities of adjoining residents to consider. The motion to refuse permission was put to the vote. Voting: 7 in favour and 5 against. Motion carried for the following reasons: The proposal would be detrimental to highway safety and would have an unacceptable impact on the amenity of the occupiers of neighbouring properties in relation to the likely proximity of the dwelling to the neighbouring property.

The meeting ended at 5.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

14 December 2011

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

ITEM 12

ITEMS FROM SITE INSPECTION

Item No	Application No	Address	Page No
01	11/02432/OUT	Land Rear of Holly Farm, Brookside Drive, Farmborough	57

Further consultation response:

Farmborough Parish Council: Further comments have been received from the Parish Council. These can be summarised as follows:

There is concern with the potential for the access from Tilly Lane for construction vehicles. The Parish Council have been made aware of a strong objection by the residents of Tilly Lane. This option would inevitably transfer the disruption to those in the Cold Bath area of Tilly Lane. These concerns are raised due to the limited space in a single carriageway, lack of pedestrian walkways and poor road state. Access to the construction site remains a major concern.

The Parish Council note that the number of houses is not regarded as a reserved matters in the report. The Parish Council reiterate that overdevelopment of the site, not in line with the character of the surrounding area.

Further representations

6 further objection comments have been. The content can be summarised as follows:

- General disruption and danger from construction traffic if Tilly Lane is to be used
- Tilley lane is single track
- Tilly Lane has no pedestrian pavements and is used daily by walkers often with small children, pushchairs and dogs together with horse riders, cyclists etc.
- Front doors of a number of properties exit directly onto Tilly Lane
- Tilly Lane has not been engineered for use by regular heavy goods vehicles.
- There are no passing places apart from private drives.

- Damage to residents driveways from HGVs – cost to occupiers
- Substandard access at the junction of Tilly Lane and the A39 which is unsuitable for larger vehicles
- Safer options that Tilly Lane for construction access available.
- Lack of consultation for the residents of Tilly Lane
- Tilly Lane is poorly lit
- Number of house proposed is too many
- Article 8 of the human rights act (the right for private and family life at home) and related privacy issues.

ITEM 13

ITEMS FOR PLANNING PERMISSION

Item No	Application No	Address	Page No
01	11/04166/FUL	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	86

Further Information:

Viability

The developer has now confirmed that they are willing to enter into a S106 Agreement to secure financial contributions as requested by Children's Services in line with the Planning Obligations Supplementary Planning Document. The third reason for refusal relating to this issue therefore no longer stands and can be omitted from the Committee Report.

It should be noted that the Homes and Community Agency procurement process (i.e the allocation of funds) is not material to planning. In this case, there are no financial benefits other than the contribution to children's services, so who funds the scheme is not relevant.

Ecology

The need for the Local Planning Authority (LPA) to consult Natural England has been questioned by a third party. However, as the LPA have concluded that there will not be a significant impact upon the SAC or SSSI, there is no statutory requirement for this body to be consulted. Following receipt of additional information prepared by the Agent's bat consultant, Natural England have confirmed that they are satisfied that they do not need to be consulted on the development as proposed. Policies NE8 and NE10 of the Local Plan have been considered.

Further representations received

4 further supporting comments have been received. The comments can be summarised as follows:

- The legacy of the stone mines and stabilization project should be remembered through a purpose built centre in the village and this is the opportunity to achieve that goal.
- The plans are attractive and will be a great improvement on the buildings currently on the site whilst providing much needed housing in the village
- The use of the basement for heating/services and storage/archive is a great advance on the original scheme
- The schools and many local organisations have looked forward for some years to the development of a Centre as a much needed venue. Though its dimensions are less than was hoped for, it is the best the community are going to get.
- Exemplar of good modern architecture with particularly well designed sustainable environmental features only opportunity for its fulfilment.

Supplementary objection comments from third parties that have already objected have been submitted, many of these comments expand on previous points raised. The additional comments can be summarised as follows

- The buildings have yet to be formally assessed for designation. The absence of designation for such heritage assets does not indicate lower significance and they should be considered subject to the policies in HE9.1 to HE9.4 and HE10
- The maltings and brewery equally form part of the sites history and that of Combe Down. To demolish these heritage assets is to erase this era of history from the site completely.
- The existing buildings are correct in terms of scale, proportion and materials.
- The applicants have not provided any additional information which materially alters or justifies the proposals or takes into account comments made by various parties, and this application should be refused
- PPS5 assessment is required evidence for consideration by statutory consultees and the public, and material evidence for the Committee Report
- The assessment as presented does not satisfy the requirements of PPS5. It does not describe or assess the significance of existing heritage assets (HE6.1), ignores evidence from the applicant's own Historic Building Report and Structural Survey, fails to demonstrate that the existing fabric could be used within a mixed development, makes unsubstantiated claims about the benefit of the proposed development and attempts to justify demolition on the grounds of the financial viability of an apparently pre-ordained scheme

Officer Comment

The information submitted at the time the planning and conservation area consent applications were registered and the information submitted shortly after was in line with the provisions of PPS5 and allowed the case officers to understand the potential of the proposed development on the significance of the historic assets.

Item No	Application No	Address	Page No
02	11/04167/CA	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	104

REPRESENTATIONS

A further seven letters of objection have been received since the original report was prepared (two from the same objector).

The maltings and former shop are built from local materials and form part of the heritage of Combe Down; they should be restored.

The descendants of miners and masons who built this site still survive in Combe Down and the objections to demolition expressed by the Heritage Watchdog are fully supported (see below).

The buildings have yet to be formally assessed for designation. The absence of designation for such heritage assets does not indicate lower significance and they should be considered subject to the policies in HE9.1 to HE9.4 and HE10

The maltings and brewery equally form part of the sites history and that of Combe Down. To demolish these heritage assets is to erase this era of history from the site completely.

The existing buildings are correct in terms of scale, proportion and materials.

PPS5 assessment is required evidence for consideration by statutory consultees and the public and material evidence for the Committee Report. The assessment presented does not satisfy the requirements of PPS5. It does not describe or assess the significance of existing heritage assets (HE6.1), ignores evidence from the applicant's own Historic Building Report and Structural Survey, fails to demonstrate that the existing fabric could be used within a mixed development, makes unsubstantiated claims about the benefit of the proposed development and attempts to justify demolition on the grounds of the financial viability of an apparently pre-ordained scheme

Criticism is also made of the proposed funding arrangements which are skewing the proposals (Officer comment: issues surrounding probity in relation to HCA funding are largely beyond the scope of the issues to be considered as part of this application for Conservation Area Consent. The applicant has not sought to justify the scheme in terms of enabling development, and there are no financial benefits other than a contribution offered to children's services under the parallel planning application. How the scheme might be funded is not relevant to the merits of the application for CAC).

The applicant notes that other parties have considered the option to retain the existing buildings but fails to present these or assess this possibility

despite being advised by the Planning Department that “The absence of any such justification is potentially a reason for refusal in its own right”.

The new information provided by the applicant does not satisfy the requirements of PPS5. The scheme should be rejected and the applicant invited to submit a well-reasoned proposal that respects the existing historic setting that works with it to deliver the best to the local environment, local community, and future residents.

The Bath Heritage Watchdog

Maintain strong objection to demolition. As regards the discussion concerning the E.I.A. the site not only has connections to the construction of the WHS, it is located within the WHS itself. The impact of the proposals will be wider than the localised effect claimed by the applicant.

The so-called PPS 5 assessment submitted by the applicant is clearly in conflict with the PPS5 HE9. The fact the buildings are not listed does not mean they are not of significance. All aspects of the environment resulting from the interaction between people and places through time, including surviving physical remains of past activity whether visible or buried etc. with significance are assets that should be retained.

The brief prepared for the Interpretation Centre is also in conflict with Policy HE9 as this contains a presumption in favour of conserving heritage assets. Whilst the inclusion of an Interpretation Centre is a positive aspect it totally ignores the malting and brewing part of the site’s history.

The threat of what might happen to the site if consent is not granted is merely scaremongering.

The applicant’s comments on the contribution of the existing buildings clearly demonstrates a lack of understanding of the conservation area. Any negative aspects are due to a lack of maintenance; this does not mean the buildings are unusable or un-repairable. The existing buildings are correct in terms of scale, proportion and materials something the proposed replacement buildings are not.

Attention is drawn to an English Heritage survey for Industrial Heritage at Risk- 71% of the population believe industrial heritage sites should be re-used whilst preserving their character. The following is taken from English Heritage Strategy for Historic Industrial Environment Report no. 1 “Even maltings which are not worthy of listing may form an important part of the landscape, urban or rural and its history. Too often when it comes to maltings there is a comment that there is nothing left in the building but open space as all the machinery is gone. This shows a total lack of knowledge of the malting process which does not require a lot of open floor space.”

Although the applicant is claiming consideration of options this is at odds with the submitted notes from the pre-application meeting that recorded

“The proposals require demolition of existing buildings and there are significant concerns with this aspect of the development. It is felt to be ironic that a scheme aimed at interpreting local history should request the removal of a real part of the area’s heritage. Such losses should be regarded as a last resort.”

LISTED STATUS OF THE BUILDINGS

The site lies within the Bath Conservation Area, and where consent is required for the demolition of buildings. On the 12th December officers received notification that an application had been sent to English Heritage to have the buildings listed as having architectural or historic interest. English Heritage has confirmed this is the case and that there had been no prior application for a Certificate of Immunity from Listing.

The case will be assessed and a formal decision will be issued in due course. Typically this can take a number of months but usually priority is given to cases where a current planning application is pending. In the event that the building becomes listed, listed building consent will be required for its demolition.

Item No	Application No	Address	Page No
03	11/04300/OUT	Parcel 0006, Maynard Terrace, Clutton	114

The applicants have submitted additional information with regards to this application. The amendments include alterations to the proposed access and the internal layout of the roads and further information following the consultation responses. This includes the following;

- Further highways information following the consultation response
- Landscape and visual comments
- Ecology protected species survey
- Response to housing consultation
- Drainage and Flood Risk addendum
- Public access consultation response
- Cover letter including response to planning policy comments

Consultation Responses

BUILDING CONTROL – no comments received

HIGHWAYS – Object to the proposal and raise the following points:

- The parking levels have increased to provide at least two parking spaces for each dwelling.
- The location of the parking spaces relative to the dwelling has been improved and most have a better relationship to their parking spaces.

- Plots 21 and 22 do not show a rear access to provide easy access to their parking areas
- There is a lack of suitable turning areas for the parking areas for Plots 26, 27 and 28, such that it could result in vehicles reversing over a long driveway distance. Similarly, there is no appropriate turning facility for Plot 33.
- The layout has also been amended to ensure only 5 dwellings are served by a private drive, and additional areas are now shown to be offered for adoption, although in the case of the access road to Plots 12-14 and 23-25, the arrangement does appear to be contrived.
- The layout is intended to provide a 2m wide footway fronting the development to the new access road, but Plot 1 would appear to form an obstruction to such a route, which would also affect the available visibility from the junction.
- The Transport Consultant has prepared a plan (Figure 4.1 Rev A) to indicate a revised alignment for Maynard Terrace where it forms a junction with the site access road, which pulls the junction further away from the Station Road/Clutton Hill junction, and shows an improvement to the visibility to the east for the private access lane which runs to the rear of the Maynard Terrace dwellings. Whilst this does provide some improvement to the existing and originally proposed layout, the layout will still result in a lot of vehicular activity centred around one junction, and does not, in my view, achieve an acceptable arrangement.
- The Transport Consultant's plan also shows alterations to the junction of Maynard Terrace with Station Road/Clutton Hill with an extension of the footway from Maynard Terrace around the radius into Station Road. This would appear to pull the stop line from the junction out into Station Road, but with no continuation of footway along Station Road. This layout is also in conflict with the proposed site plan numbered 0392-1005 Rev A.

HIGHWAYS DRAINAGE – no comments received

CONTAMINATED LAND – no further comments

ENVIRONMENTAL PROTECTION – no comments received

PLANNING POLICY – no further comments

PUBLIC RIGHTS OF WAY – no further comments

LANDSCAPE – no further comments

ARBORICULTURE – no further comments

ECOLOGY – Object to the proposal and raise the following points

- Concerns remain about the remaining ecological survey required for the development site area
- incomplete ecological assessment and mitigation details

- The assessment does not provide the quantitative and qualitative detail required to fully assess habitat impacts and losses, and on which to base proposals for retention, compensation and mitigation. This requirement was set out in point 3 of the Ecology comments 8th Nov 2011.
- More detailed mitigation and compensation proposals at this stage would also usually be expected, to demonstrate that it is feasible to provide measures to address ecological impacts within the proposed scheme, rather than attempting to build them into an approved scheme afterwards.
- With incomplete survey, ecological assessment and insufficient mitigation proposed at this stage, the proposal does not demonstrate that it is able to compliance with policies NE9, 10, 11 and 12.

URBAN DESIGN – No further comments

HOUSING – Provide the following further comments

- The application offers a higher than policy requirement contribution of affordable housing, and in principle this is a position that we would support, especially with the involvement of a Registered Provider such as Somer Community Housing Trust. However, the higher than policy contribution must be considered on its merits and in terms of the evidence submitted in support of the application.
- An offer of additional affordable housing although welcome cannot be supported simplistically on this basis but must be considered in detail. If the application is determined to be acceptable in planning terms, Housing Services response should be considered as in support but with some reservations which are recommended to be included as conditions to be addressed within the Reserved Matters.
- The application has made claims that it is a development opportunity that would support the growth and housing needs of Clutton however the evidence supplied has identified market housing demand gaps that were omitted within the proposals.
- The application refers to partnership with the landowner and consultation with the local community. However there is little actual evidence in how local consultation has helped to inform and shape the proposals and it appears that Parish Council do not support this scheme.
- Clutton existing affordable housing stock is already heavily skewed to three bedroom houses, and the applicants' own information has shown there are only four one bedroom flats currently available, with no turnover of these units for some considerable time; we must add to this that some 35% of households on the Councils waiting list for Clutton are requiring one bed accommodations. Strategically I consider that this demand for one bedroom accommodation is actually disproportion to sustainable needs and would recommend that a balanced provision should be based upon 20% of the affordable dwellings.
- Within the district's rural area the SHMA illustrated that market house prices and rents were higher than average and therefore 80% market rents need to be applied with caution on affordability grounds.

Therefore some effort is required of the applicant to demonstrate to the Council that the affordable rent tenure is genuinely within reach to those on local incomes.

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Therefore some effort is required of the applicant to demonstrate to the Council that the affordable rent tenure is genuinely within reach to those on local incomes

ARCHAEOLOGY – no comments received

PARKS AND OPEN SPACES – no comments received

CHILDREN'S SERVICES – no further comments

CLUTTON PARISH COUNCIL – no comments received

ENVIRONMENT AGENCY – no comments received

WESSEX WATER – No further comments received. The published report states that Wessex Water has no objection subject to condition but the response refers to the signing of various Agreements relating to the sewerage. These agreements relate to legislation outside of the planning process and as such, the previous comments stand.

REPRESENTATIONS – 6 further letters of objection received, raising the following points;

- Support is based on people being told that if this application gets permission, the site at Church Farm will not get consent
- The revised information does not alter my objection
- The revised alterations does not alter the fact the proposed development would introduce a large number of cars onto the narrow and dangerous roads through Clutton in both directions
- Such traffic flows will inevitably result at both peak times and throughout the day in a far more dangerous environment both car users and pedestrians
- It is of no surprise that the residents of Maynard Terrace, who experience this road on a daily basis, are much more aware of how perilous the walk to school or the post office is and that they avoid personal injury or worse regularly. My children have been narrowly missed on a number of occasions
- I think it is telling that only just over half of the objections came from Maynard Terrace – this shows significant objection from elsewhere in the village
- Further, I think it curious to observe that whilst both the Parish Council and the Rural Clutton Campaign consultations (the latter independently verified) both concluded that such development was not backed by the community, the proposal finds a cluster of supporters, many of whom I

understand may have responded in the hope of stopping alternative proposals at the top of the village

- I am unsure if those who used to live in the village or have relatives in the village constitute 'local community support'.
- I am not certain, but there also appears to be some inaccuracies within the spatial distribution maps as a brief glance suggests some objectors may not have been included. Perhaps this is due to the time lag between posting objections and their being uploaded especially towards the end of the original consultation process?
- I am still unaware of any assessment as to the need for this development
- I have serious concerns regarding the transparency and underhand methods used leading up to and during this planning application, I am sure that all information that has been accurately provided by Council Officers in their responses will be clearly presented at Committee, and any inaccurate information that has been provided as part of the application is highlighted, so that decisions can be made on facts rather than any miss leading information that may been provided during any lobbying behind the scenes, running up to and during this application.
- There are pages of arguments regarding the unidentified local need, but the fact is, as confirmed by the Development Officer that there is no local needs survey or identified local housing need, apart from 20 people on the housing register wanting to live in Clutton, no detail of priority or their needs or if they have a local connection to Clutton.
- That summary of support/objection is biased, it could also be summarised as 100% of people directly affected and living adjacent to the development object to the proposal and that 42% of the objectors do not live adjacent to the site but elsewhere in the village.
- The individual objection responses have not been summarised correctly or accurately identified on the map.
- The support for the scheme is a summary of the 6/7 standard letters worded by the agent/applicant/landowner? Signed following verbal lobbying door to door on the application, not individual responses.
- There are also letters included from people saying they live at home with parents, when they are actually currently adequately meeting their own housing needs within the village.
- There is no record of those who opposed the plans whilst the agent/landowner was lobbying support door to door - do we assume all those households with no dot on the map are opposed to the scheme?
- I note the comments on the New Homes Bonus that the Council will receive if the application is approved. This would also be available on the brownfield sites within the boundary.
- No identified local need.
- It is clearly documented in the housing statement, included in the standard support letters and poster put up in the village all produced by the applicant/agent that there will be a local connection in place for the affordable homes. However, the Housing Development Officer confirms in his statement that the Council will have full nomination rights to

people in greatest need from the Housing Register, there is no mention of priority to local people (with mention to this being a growth site, not a rural exception site, due to its size and as the due process for rural exception sites not being followed).

- I would also like to add an objection on ecology grounds, over the years I have personally seen many slowworms, an adder, door mice, toads, frogs, song thrushes, wrens, sparrows, herons, sparrow hawks, owls, bats nesting/using the trees and hedgerows within the site boundary.

ADDITIONAL OFFICER ASSESSMENT

HIGHWAYS: The proposal has been amended to increase the amount of parking and this has resulted in the proposed level and location of parking being an improvement on the previous layout. However, there is a lack of suitable turning areas for the parking areas for Plots 26, 27, and 28, which could result in vehicles reversing over a long driveway distance. There is no appropriate turning facility for Plot 33.

The proposed layout has been amended to ensure that only 5 dwellings are serviced by a private drive and there are additional areas that are being offered for adoption. Whilst this is welcomed, it has resulted in the access roads to Plots 12-14 and 23-25 having a rather contrived appearance.

The proposal revises the realignment for Maynard Terrace where it forms a junction with the access road. This pulls the junction further away from the Station Road/Clutton Hill junction, and shows an improved visibility to the east for the private access lane which runs to the rear of Maynard Terrace. Whilst this is an improvement on the original submission, it still results in a lot of vehicular activity centred around one junction and does not achieve an acceptable arrangement.

The Transport Consultant has submitted a plan which shows alterations to the junction of Maynard Terrace and Station Road/Clutton Hill but this layout is in conflict with that shown on the proposed site plan (0392-1005 Rev A).

ECOLOGY: The applicant has submitted further ecology information but this assessment does not provide the quantitative and qualitative detail required to be able to fully assess the habitat impacts and losses, and on which to base proposals for retention, compensation and mitigation.

The hedge along the northern boundary is a species rich hedgerow. As part of the proposed layout, the hedge will either be lost or incorporated into gardens in a reduced form. This is likely to have a significant adverse impact on this habitat feature. The ecological assessment would need account for and to address every such impact, and has not done so – the loss of this northern boundary hedgerow is not noted. This impact needs to be acknowledged, and ideally the layout revised to enable the retention of this hedgerow with a buffer strip to separate it from residential gardens and

safeguard it in the long term. Quantified assessment of impacts on habitat is needed with proposals for how impacts will avoided, or compensated.

With incomplete survey, ecological assessment and insufficient mitigation proposed at this stage, the proposal does not demonstrate that it is able to compliance with policies NE9, 10, 11 and 12.

HOUSING: The Housing Development Officer has responded to the additional information submitted by the applicant and this is summarised above. In view of this, it is still not considered that the proposed development meets the local needs as detailed in the published report and the assessment as made in the Officer report remains.

With the exception of the sections detailed above, the remainder of the report is as per the Officer report in the previously published agenda.

REVISED PLANS LIST

This decision relates to drawings numbered 0392/1000/1, 0392-1000-2, 0392-1004, and 0392-1006 and related Planning Statement, Design and Access Statement, Preliminary Utility Study, Transport Assessment, Housing Statement, Arboricultural Report, Ecology and Protected Species Survey, Statement of Community Involvement, Flood Risk Assessment, Drainage Strategy, and Phase I Geo-environmental assessment, received by the Council on 4th October 2011 and Landscape and Visual Appraisal, received by the Council on 5th October 2011, and drawing numbered 0392-1005 Rev A, Ecology and Protected Species Survey, Landscape and Visual comments, Housing Paper, and correspondence from GL Hearn and Clark Bond, received by the Council on 25th November 2011.

Item No	Application No	Address	Page No
04	11/04325/FUL	Land at rear of 2-20 High Street, Keynsham	139

Keynsham Civic Society: Object to the application on the basis that this is overdevelopment of the site and the loss of this car park will seriously reduce the available long stay parking for workers as well as the taxi company which have recently moved to this site, causing them to park illegally in the High Street. Taxis will continue to use this location and operate into the night and are likely to cause disturbance to new residents, leading to conflict.

I resident has objected on the grounds that they have always been used to the openness at the rear of their house reducing space and light at the rear of their property. The building will be too high, and they don't want it to come around the corner of the road.

1 resident has commented on the basis of the validity of this proposal and its effect on the high street area and associated immediate roads. I would not

support the creation of this number of dwellings or the changes to the current car parking.

Amended drawings have been received. These revise the application as follows

1. The southern elements of the building have been brought further forward toward the street.
2. The undercroft parking has been revised by removing one space and providing more manoeuvring space.
3. The adjacent small area of car parking has been turned through 90 degrees.
4. More direct pedestrian routes through the car park to the rear of the public house are indicated.
5. Additional tree planting is proposed.
6. Hard surfacing now runs into the building along the west façade with all planting and boundary walls removed. Railings replace the front boundary walls.
7. A new space is proposed at the corner with tree planting. The hard surfacing will again run through to the building. A rubble surface finish to this area is being indicated partly to discourage people walking close to the building.

The applicant has now submitted a draft Unilateral Agreement to cover the sums required to contribute toward highway works and green space.

OFFICER RESPONSE: The land currently has an element of formalised parking taking place in connection with High Street Business Uses. That parking (comprising of 23 car parking spaces) will be re-provided within the site and therefore there will be no negligible impact from those arising. Unauthorised parking or other activities taking place on the site will be displaced however in the case of those activities they could be prevented from access to the site in any event and that would not warrant rejection of the proposal. Taxis and the waiting locations of those operating outside of the site cannot be controlled through this application however there is considered to be no conflict specific to this site that are not common in all town centre locations. The proposed residential parking at a ratio of 1 per unit is more than adequate in this sustainable location.

The applicant has met with the highway officer and urban design officer and the drawings have been amended in line with their requirements and as specified within the main agenda. The amendments made are set out above and are considered satisfactory. The amendments are largely detailed and make no significant change in terms of overall mass or height of the buildings. In this regard the amended drawings would not have any greater impact on residents but would improve the overall development in respect of design, highway manoeuvring and pedestrian movement.

RECOMMENDATION

Subject to A) no new material planning matters arising from re-advertising of the amended plans, and B) confirmation from the Planning and Environmental Law Manager that a satisfactory signed Unilateral Agreement has been received

Authorise the Divisional Director for Planning and Transport Development to PERMIT subject to conditions as included in the main agenda and any other conditions as appropriate.

Item No	Application No	Address	Page No
05	11/03843/OUT	Fairash Poultry Farm, Compton Martin Road, West Harptree	151

Further comments have been received from the environmental health officer they are as follows:

"I have considered the Environmental Noise Survey which places the site into NEC B of PPG 24.

I would suggest that standard thermal double glazed units with trickle ventilation would provide the necessary acoustic protection for future occupiers and therefore have no objections to these proposals."

The above comments remove the environmental health objection to the application. The comments do not outweigh the objections raised within the report and the application is still recommended for refusal.

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON
WEDNESDAY 14TH DECEMBER 2011**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

ENFORCEMENT REPORT 11		
The Old Orchard, 1 The Shrubbery, Lansdown, Bath	Mark Strickland (St James' Park Residents Association)	Statement in favour of enforcement action
	Janet Wilson (Owner)	Statement against enforcement action
SITE VISIT LIST REPORT 12		
Land rear of Holly Farm, Brookside Drive, Farmborough	Chris Pike <u>AND</u> John Clay	Against – To share 3 minutes
	Catherine Jackson (Applicants' Agent)	For
MAIN PLANS LIST REPORT 13		
Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath (Items 1&2, Pages 86-113)	Jill Attwood <u>AND</u> Jack Steenstra <u>AND</u> Ian Barclay <u>AND</u> Martin Coulson	Against – To share 6 minutes
	John Hewitt <u>AND</u> Richard Read <u>AND</u> Jeff Manning	For – To share 6 minutes
Fairash Poultry Farm, Compton Martin Road, West Harptree (Item 5, Pages 151-157)	Peter Wood (Applicant)	For
69 Haycombe Drive, Southdown, Bath (Item 6, Pages 158-167)	Nigel Spragg (Applicants' Agent)	For

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

14th December 2011

SITE INSPECTION DECISIONS

Item No:	01		
Application No:	11/02432/OUT		
Site Location:	Land Rear Of Holly Farm, Brookside Drive, Farmborough, Bath		
Ward: Farmborough	Parish: Farmborough	LB Grade: N/A	
Application Type:	Outline Application		
Proposal:	Residential development comprising 38 dwellings with associated access, car parking and landscaping		
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Public Right of Way,		
Applicant:	Blue Cedar Homes		
Expiry Date:	14th September 2011		
Case Officer:	Tessa Hampden		

DECISION REFUSE for the following reasons:

1 The proposed development, due to number of dwellings proposed constitutes the overdevelopment of the site. The development is therefore considered to be contrary to policies D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

2 The proposed development is located outside of the Housing Development Boundary and as such is considered to be located in an unsustainable location. Further, the development is considered to have a detrimental impact upon highway safety due to the site being located close to the substandard junction of the A39 and the Street and due to the effect on parking in the surrounding area. The proposed development is therefore considered to be contrary to policies T24 and T26 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007 and the key aims of PPG13.

PLANS LIST: Indicative street scene, 08.075.08 , 08.075.09, 08.075.10D, 08.075.11, 1108_2010/06, FARM-01, SK01 REVISION P2 , SK02 REVISION P2 date stamped 24th May 2011, 08.075.10D, 08.075.11, 08.075.20 date stamped 15th June 2011

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

14 December 2011

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

ITEM 12

ITEMS FROM SITE INSPECTION

Item No	Application No	Address	Page No
01	11/02432/OUT	Land Rear of Holly Farm, Brookside Drive, Farmborough	57

Further consultation response:

Farmborough Parish Council: Further comments have been received from the Parish Council. These can be summarised as follows:

There is concern with the potential for the access from Tilly Lane for construction vehicles. The Parish Council have been made aware of a strong objection by the residents of Tilly Lane. This option would inevitably transfer the disruption to those in the Cold Bath area of Tilly Lane. These concerns are raised due to the limited space in a single carriageway, lack of pedestrian walkways and poor road state. Access to the construction site remains a major concern.

The Parish Council note that the number of houses is not regarded as a reserved matters in the report. The Parish Council reiterate that overdevelopment of the site, not in line with the character of the surrounding area.

Further representations

6 further objection comments have been. The content can be summarised as follows:

- General disruption and danger from construction traffic if Tilly Lane is to be used
- Tilley lane is single track
- Tilly Lane has no pedestrian pavements and is used daily by walkers often with small children, pushchairs and dogs together with horse riders, cyclists etc.
- Front doors of a number of properties exit directly onto Tilly Lane
- Tilly Lane has not been engineered for use by regular heavy goods vehicles.
- There are no passing places apart from private drives.

- Damage to residents driveways from HGVs – cost to occupiers
- Substandard access at the junction of Tilly Lane and the A39 which is unsuitable for larger vehicles
- Safer options that Tilly Lane for construction access available.
- Lack of consultation for the residents of Tilly Lane
- Tilly Lane is poorly lit
- Number of house proposed is too many
- Article 8 of the human rights act (the right for private and family life at home) and related privacy issues.

ITEM 13

ITEMS FOR PLANNING PERMISSION

Item No	Application No	Address	Page No
01	11/04166/FUL	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	86

Further Information:

Viability

The developer has now confirmed that they are willing to enter into a S106 Agreement to secure financial contributions as requested by Childrens' Services in line with the Planning Obligations Supplementary Planning Document. The third reason for refusal relating to this issue therefore no longer stands and can be omitted from the Committee Report.

It should be noted that the Homes and Community Agency procurement process (i.e the allocation of funds) is not material to planning. In this case, there are no financial benefits other than the contribution to children's services, so who funds the scheme is not relevant.

Ecology

The need for the Local Planning Authority (LPA) to consult Natural England has been questioned by a third party. However, as the LPA have concluded that there will not be a significant impact upon the SAC or SSSI, there is no statutory requirement for this body to be consulted. Following receipt of additional information prepared by the Agent's bat consultant, Natural England have confirmed that they are satisfied that they do not need to be consulted on the development as proposed. Policies NE8 and NE10 of the Local Plan have been considered.

Further representations received

4 further supporting comments have been received. The comments can be summarised as follows:

- The legacy of the stone mines and stabilization project should be remembered through a purpose built centre in the village and this is the opportunity to achieve that goal.
- The plans are attractive and will be a great improvement on the buildings currently on the site whilst providing much needed housing in the village
- The use of the basement for heating/services and storage/archive is a great advance on the original scheme
- The schools and many local organisations have looked forward for some years to the development of a Centre as a much needed venue. Though its dimensions are less than was hoped for, it is the best the community are going to get.
- Exemplar of good modern architecture with particularly well designed sustainable environmental features only opportunity for its fulfilment.

Supplementary objection comments from third parties that have already objected have been submitted, many of these comments expand on previous points raised. The additional comments can be summarised as follows

- The buildings have yet to be formally assessed for designation. The absence of designation for such heritage assets does not indicate lower significance and they should be considered subject to the policies in HE9.1 to HE9.4 and HE10
- The maltings and brewery equally form part of the sites history and that of Combe Down. To demolish these heritage assets is to erase this era of history from the site completely.
- The existing buildings are correct in terms of scale, proportion and materials.
- The applicants have not provided any additional information which materially alters or justifies the proposals or takes into account comments made by various parties, and this application should be refused
- PPS5 assessment is required evidence for consideration by statutory consultees and the public, and material evidence for the Committee Report
- The assessment as presented does not satisfy the requirements of PPS5. It does not describe or assess the significance of existing heritage assets (HE6.1), ignores evidence from the applicant's own Historic Building Report and Structural Survey, fails to demonstrate that the existing fabric could be used within a mixed development, makes unsubstantiated claims about the benefit of the proposed development and attempts to justify demolition on the grounds of the financial viability of an apparently pre-ordained scheme

Officer Comment

The information submitted at the time the planning and conservation area consent applications were registered and the information submitted shortly after was in line with the provisions of PPS5 and allowed the case officers to understand the potential of the proposed development on the significance of the historic assets.

Item No	Application No	Address	Page No
02	11/04167/CA	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	104

REPRESENTATIONS

A further seven letters of objection have been received since the original report was prepared (two from the same objector).

The maltings and former shop are built from local materials and form part of the heritage of Combe Down; they should be restored.

The descendants of miners and masons who built this site still survive in Combe Down and the objections to demolition expressed by the Heritage Watchdog are fully supported (see below).

The buildings have yet to be formally assessed for designation. The absence of designation for such heritage assets does not indicate lower significance and they should be considered subject to the policies in HE9.1 to HE9.4 and HE10

The maltings and brewery equally form part of the sites history and that of Combe Down. To demolish these heritage assets is to erase this era of history from the site completely.

The existing buildings are correct in terms of scale, proportion and materials.

PPS5 assessment is required evidence for consideration by statutory consultees and the public and material evidence for the Committee Report. The assessment presented does not satisfy the requirements of PPS5. It does not describe or assess the significance of existing heritage assets (HE6.1), ignores evidence from the applicant's own Historic Building Report and Structural Survey, fails to demonstrate that the existing fabric could be used within a mixed development, makes unsubstantiated claims about the benefit of the proposed development and attempts to justify demolition on the grounds of the financial viability of an apparently pre-ordained scheme

Criticism is also made of the proposed funding arrangements which are skewing the proposals (Officer comment: issues surrounding probity in relation to HCA funding are largely beyond the scope of the issues to be considered as part of this application for Conservation Area Consent. The applicant has not sought to justify the scheme in terms of enabling development, and there are no financial benefits other than a contribution offered to children's services under the parallel planning application. How the scheme might be funded is not relevant to the merits of the application for CAC).

The applicant notes that other parties have considered the option to retain the existing buildings but fails to present these or assess this possibility

despite being advised by the Planning Department that “The absence of any such justification is potentially a reason for refusal in its own right”.

The new information provided by the applicant does not satisfy the requirements of PPS5. The scheme should be rejected and the applicant invited to submit a well-reasoned proposal that respects the existing historic setting that works with it to deliver the best to the local environment, local community, and future residents.

The Bath Heritage Watchdog

Maintain strong objection to demolition. As regards the discussion concerning the E.I.A. the site not only has connections to the construction of the WHS, it is located within the WHS itself. The impact of the proposals will be wider than the localised effect claimed by the applicant.

The so-called PPS 5 assessment submitted by the applicant is clearly in conflict with the PPS5 HE9. The fact the buildings are not listed does not mean they are not of significance. All aspects of the environment resulting from the interaction between people and places through time, including surviving physical remains of past activity whether visible or buried etc. with significance are assets that should be retained.

The brief prepared for the Interpretation Centre is also in conflict with Policy HE9 as this contains a presumption in favour of conserving heritage assets. Whilst the inclusion of an Interpretation Centre is a positive aspect it totally ignores the malting and brewing part of the site’s history.

The threat of what might happen to the site if consent is not granted is merely scaremongering.

The applicant’s comments on the contribution of the existing buildings clearly demonstrates a lack of understanding of the conservation area. Any negative aspects are due to a lack of maintenance; this does not mean the buildings are unusable or un-repairable. The existing buildings are correct in terms of scale, proportion and materials something the proposed replacement buildings are not.

Attention is drawn to an English Heritage survey for Industrial Heritage at Risk- 71% of the population believe industrial heritage sites should be re-used whilst preserving their character. The following is taken from English Heritage Strategy for Historic Industrial Environment Report no. 1 “Even maltings which are not worthy of listing may form an important part of the landscape, urban or rural and its history. Too often when it comes to maltings there is a comment that there is nothing left in the building but open space as all the machinery is gone. This shows a total lack of knowledge of the malting process which does not require a lot of open floor space.”

Although the applicant is claiming consideration of options this is at odds with the submitted notes from the pre-application meeting that recorded

“The proposals require demolition of existing buildings and there are significant concerns with this aspect of the development. It is felt to be ironic that a scheme aimed at interpreting local history should request the removal of a real part of the area’s heritage. Such losses should be regarded as a last resort.”

LISTED STATUS OF THE BUILDINGS

The site lies within the Bath Conservation Area, and where consent is required for the demolition of buildings. On the 12th December officers received notification that an application had been sent to English Heritage to have the buildings listed as having architectural or historic interest. English Heritage has confirmed this is the case and that there had been no prior application for a Certificate of Immunity from Listing.

The case will be assessed and a formal decision will be issued in due course. Typically this can take a number of months but usually priority is given to cases where a current planning application is pending. In the event that the building becomes listed, listed building consent will be required for its demolition.

Item No	Application No	Address	Page No
03	11/04300/OUT	Parcel 0006, Maynard Terrace, Clutton	114

The applicants have submitted additional information with regards to this application. The amendments include alterations to the proposed access and the internal layout of the roads and further information following the consultation responses. This includes the following;

- Further highways information following the consultation response
- Landscape and visual comments
- Ecology protected species survey
- Response to housing consultation
- Drainage and Flood Risk addendum
- Public access consultation response
- Cover letter including response to planning policy comments

Consultation Responses

BUILDING CONTROL – no comments received

HIGHWAYS – Object to the proposal and raise the following points:

- The parking levels have increased to provide at least two parking spaces for each dwelling.
- The location of the parking spaces relative to the dwelling has been improved and most have a better relationship to their parking spaces.

- Plots 21 and 22 do not show a rear access to provide easy access to their parking areas
- There is a lack of suitable turning areas for the parking areas for Plots 26, 27 and 28, such that it could result in vehicles reversing over a long driveway distance. Similarly, there is no appropriate turning facility for Plot 33.
- The layout has also been amended to ensure only 5 dwellings are served by a private drive, and additional areas are now shown to be offered for adoption, although in the case of the access road to Plots 12-14 and 23-25, the arrangement does appear to be contrived.
- The layout is intended to provide a 2m wide footway fronting the development to the new access road, but Plot 1 would appear to form an obstruction to such a route, which would also affect the available visibility from the junction.
- The Transport Consultant has prepared a plan (Figure 4.1 Rev A) to indicate a revised alignment for Maynard Terrace where it forms a junction with the site access road, which pulls the junction further away from the Station Road/Clutton Hill junction, and shows an improvement to the visibility to the east for the private access lane which runs to the rear of the Maynard Terrace dwellings. Whilst this does provide some improvement to the existing and originally proposed layout, the layout will still result in a lot of vehicular activity centred around one junction, and does not, in my view, achieve an acceptable arrangement.
- The Transport Consultant's plan also shows alterations to the junction of Maynard Terrace with Station Road/Clutton Hill with an extension of the footway from Maynard Terrace around the radius into Station Road. This would appear to pull the stop line from the junction out into Station Road, but with no continuation of footway along Station Road. This layout is also in conflict with the proposed site plan numbered 0392-1005 Rev A.

HIGHWAYS DRAINAGE – no comments received

CONTAMINATED LAND – no further comments

ENVIRONMENTAL PROTECTION – no comments received

PLANNING POLICY – no further comments

PUBLIC RIGHTS OF WAY – no further comments

LANDSCAPE – no further comments

ARBORICULTURE – no further comments

ECOLOGY – Object to the proposal and raise the following points

- Concerns remain about the remaining ecological survey required for the development site area
- incomplete ecological assessment and mitigation details

- The assessment does not provide the quantitative and qualitative detail required to fully assess habitat impacts and losses, and on which to base proposals for retention, compensation and mitigation. This requirement was set out in point 3 of the Ecology comments 8th Nov 2011.
- More detailed mitigation and compensation proposals at this stage would also usually be expected, to demonstrate that it is feasible to provide measures to address ecological impacts within the proposed scheme, rather than attempting to build them into an approved scheme afterwards.
- With incomplete survey, ecological assessment and insufficient mitigation proposed at this stage, the proposal does not demonstrate that it is able to compliance with policies NE9, 10, 11 and 12.

URBAN DESIGN – No further comments

HOUSING – Provide the following further comments

- The application offers a higher than policy requirement contribution of affordable housing, and in principle this is a position that we would support, especially with the involvement of a Registered Provider such as Somer Community Housing Trust. However, the higher than policy contribution must be considered on its merits and in terms of the evidence submitted in support of the application.
- An offer of additional affordable housing although welcome cannot be supported simplistically on this basis but must be considered in detail. If the application is determined to be acceptable in planning terms, Housing Services response should be considered as in support but with some reservations which are recommended to be included as conditions to be addressed within the Reserved Matters.
- The application has made claims that it is a development opportunity that would support the growth and housing needs of Clutton however the evidence supplied has identified market housing demand gaps that were omitted within the proposals.
- The application refers to partnership with the landowner and consultation with the local community. However there is little actual evidence in how local consultation has helped to inform and shape the proposals and it appears that Parish Council do not support this scheme.
- Clutton existing affordable housing stock is already heavily skewed to three bedroom houses, and the applicants' own information has shown there are only four one bedroom flats currently available, with no turnover of these units for some considerable time; we must add to this that some 35% of households on the Councils waiting list for Clutton are requiring one bed accommodations. Strategically I consider that this demand for one bedroom accommodation is actually disproportion to sustainable needs and would recommend that a balanced provision should be based upon 20% of the affordable dwellings.
- Within the district's rural area the SHMA illustrated that market house prices and rents were higher than average and therefore 80% market rents need to be applied with caution on affordability grounds.

Therefore some effort is required of the applicant to demonstrate to the Council that the affordable rent tenure is genuinely within reach to those on local incomes.

- Within the district's rural area the SHMA illustrated that market house prices and rents were higher than average and therefore 80% market rents need to be applied with caution on affordability grounds.
Therefore some effort is required of the applicant to demonstrate to the Council that the affordable rent tenure is genuinely within reach to those on local incomes

ARCHAEOLOGY – no comments received

PARKS AND OPEN SPACES – no comments received

CHILDREN'S SERVICES – no further comments

CLUTTON PARISH COUNCIL – no comments received

ENVIRONMENT AGENCY – no comments received

WESSEX WATER – No further comments received. The published report states that Wessex Water has no objection subject to condition but the response refers to the signing of various Agreements relating to the sewerage. These agreements relate to legislation outside of the planning process and as such, the previous comments stand.

REPRESENTATIONS – 6 further letters of objection received, raising the following points;

- Support is based on people being told that if this application gets permission, the site at Church Farm will not get consent
- The revised information does not alter my objection
- The revised alterations does not alter the fact the proposed development would introduce a large number of cars onto the narrow and dangerous roads through Clutton in both directions
- Such traffic flows will inevitably result at both peak times and throughout the day in a far more dangerous environment both car users and pedestrians
- It is of no surprise that the residents of Maynard Terrace, who experience this road on a daily basis, are much more aware of how perilous the walk to school or the post office is and that they avoid personal injury or worse regularly. My children have been narrowly missed on a number of occasions
- I think it is telling that only just over half of the objections came from Maynard Terrace – this shows significant objection from elsewhere in the village
- Further, I think it curious to observe that whilst both the Parish Council and the Rural Clutton Campaign consultations (the latter independently verified) both concluded that such development was not backed by the community, the proposal finds a cluster of supporters, many of whom I

understand may have responded in the hope of stopping alternative proposals at the top of the village

- I am unsure if those who used to live in the village or have relatives in the village constitute 'local community support'.
- I am not certain, but there also appears to be some inaccuracies within the spatial distribution maps as a brief glance suggests some objectors may not have been included. Perhaps this is due to the time lag between posting objections and their being uploaded especially towards the end of the original consultation process?
- I am still unaware of any assessment as to the need for this development
- I have serious concerns regarding the transparency and underhand methods used leading up to and during this planning application, I am sure that all information that has been accurately provided by Council Officers in their responses will be clearly presented at Committee, and any inaccurate information that has been provided as part of the application is highlighted, so that decisions can be made on facts rather than any miss leading information that may been provided during any lobbying behind the scenes, running up to and during this application.
- There are pages of arguments regarding the unidentified local need, but the fact is, as confirmed by the Development Officer that there is no local needs survey or identified local housing need, apart from 20 people on the housing register wanting to live in Clutton, no detail of priority or their needs or if they have a local connection to Clutton.
- That summary of support/objection is biased, it could also be summarised as 100% of people directly affected and living adjacent to the development object to the proposal and that 42% of the objectors do not live adjacent to the site but elsewhere in the village.
- The individual objection responses have not been summarised correctly or accurately identified on the map.
- The support for the scheme is a summary of the 6/7 standard letters worded by the agent/applicant/landowner? Signed following verbal lobbying door to door on the application, not individual responses.
- There are also letters included from people saying they live at home with parents, when they are actually currently adequately meeting their own housing needs within the village.
- There is no record of those who opposed the plans whilst the agent/landowner was lobbying support door to door - do we assume all those households with no dot on the map are opposed to the scheme?
- I note the comments on the New Homes Bonus that the Council will receive if the application is approved. This would also be available on the brownfield sites within the boundary.
- No identified local need.
- It is clearly documented in the housing statement, included in the standard support letters and poster put up in the village all produced by the applicant/agent that there will be a local connection in place for the affordable homes. However, the Housing Development Officer confirms in his statement that the Council will have full nomination rights to

people in greatest need from the Housing Register, there is no mention of priority to local people (with mention to this being a growth site, not a rural exception site, due to its size and as the due process for rural exception sites not being followed).

- I would also like to add an objection on ecology grounds, over the years I have personally seen many slowworms, an adder, door mice, toads, frogs, song thrushes, wrens, sparrows, herons, sparrow hawks, owls, bats nesting/using the trees and hedgerows within the site boundary.

ADDITIONAL OFFICER ASSESSMENT

HIGHWAYS: The proposal has been amended to increase the amount of parking and this has resulted in the proposed level and location of parking being an improvement on the previous layout. However, there is a lack of suitable turning areas for the parking areas for Plots 26, 27, and 28, which could result in vehicles reversing over a long driveway distance. There is no appropriate turning facility for Plot 33.

The proposed layout has been amended to ensure that only 5 dwellings are serviced by a private drive and there are additional areas that are being offered for adoption. Whilst this is welcomed, it has resulted in the access roads to Plots 12-14 and 23-25 having a rather contrived appearance.

The proposal revises the realignment for Maynard Terrace where it forms a junction with the access road. This pulls the junction further away from the Station Road/Clutton Hill junction, and shows an improved visibility to the east for the private access lane which runs to the rear of Maynard Terrace. Whilst this is an improvement on the original submission, it still results in a lot of vehicular activity centred around one junction and does not achieve an acceptable arrangement.

The Transport Consultant has submitted a plan which shows alterations to the junction of Maynard Terrace and Station Road/Clutton Hill but this layout is in conflict with that shown on the proposed site plan (0392-1005 Rev A).

ECOLOGY: The applicant has submitted further ecology information but this assessment does not provide the quantitative and qualitative detail required to be able to fully assess the habitat impacts and losses, and on which to base proposals for retention, compensation and mitigation.

The hedge along the northern boundary is a species rich hedgerow. As part of the proposed layout, the hedge will either be lost or incorporated into gardens in a reduced form. This is likely to have a significant adverse impact on this habitat feature. The ecological assessment would need account for and to address every such impact, and has not done so – the loss of this northern boundary hedgerow is not noted. This impact needs to be acknowledged, and ideally the layout revised to enable the retention of this hedgerow with a buffer strip to separate it from residential gardens and

safeguard it in the long term. Quantified assessment of impacts on habitat is needed with proposals for how impacts will avoided, or compensated.

With incomplete survey, ecological assessment and insufficient mitigation proposed at this stage, the proposal does not demonstrate that it is able to compliance with policies NE9, 10, 11 and 12.

HOUSING: The Housing Development Officer has responded to the additional information submitted by the applicant and this is summarised above. In view of this, it is still not considered that the proposed development meets the local needs as detailed in the published report and the assessment as made in the Officer report remains.

With the exception of the sections detailed above, the remainder of the report is as per the Officer report in the previously published agenda.

REVISED PLANS LIST

This decision relates to drawings numbered 0392/1000/1, 0392-1000-2, 0392-1004, and 0392-1006 and related Planning Statement, Design and Access Statement, Preliminary Utility Study, Transport Assessment, Housing Statement, Arboricultural Report, Ecology and Protected Species Survey, Statement of Community Involvement, Flood Risk Assessment, Drainage Strategy, and Phase I Geo-environmental assessment, received by the Council on 4th October 2011 and Landscape and Visual Appraisal, received by the Council on 5th October 2011, and drawing numbered 0392-1005 Rev A, Ecology and Protected Species Survey, Landscape and Visual comments, Housing Paper, and correspondence from GL Hearn and Clark Bond, received by the Council on 25th November 2011.

Item No	Application No	Address	Page No
04	11/04325/FUL	Land at rear of 2-20 High Street, Keynsham	139

Keynsham Civic Society: Object to the application on the basis that this is overdevelopment of the site and the loss of this car park will seriously reduce the available long stay parking for workers as well as the taxi company which have recently moved to this site, causing them to park illegally in the High Street. Taxis will continue to use this location and operate into the night and are likely to cause disturbance to new residents, leading to conflict.

I resident has objected on the grounds that they have always been used to the openness at the rear of their house reducing space and light at the rear of their property. The building will be too high, and they don't want it to come around the corner of the road.

1 resident has commented on the basis of the validity of this proposal and its effect on the high street area and associated immediate roads. I would not

support the creation of this number of dwellings or the changes to the current car parking.

Amended drawings have been received. These revise the application as follows

1. The southern elements of the building have been brought further forward toward the street.
2. The undercroft parking has been revised by removing one space and providing more manoeuvring space.
3. The adjacent small area of car parking has been turned through 90 degrees.
4. More direct pedestrian routes through the car park to the rear of the public house are indicated.
5. Additional tree planting is proposed.
6. Hard surfacing now runs into the building along the west façade with all planting and boundary walls removed. Railings replace the front boundary walls.
7. A new space is proposed at the corner with tree planting. The hard surfacing will again run through to the building. A rubble surface finish to this area is being indicated partly to discourage people walking close to the building.

The applicant has now submitted a draft Unilateral Agreement to cover the sums required to contribute toward highway works and green space.

OFFICER RESPONSE: The land currently has an element of formalised parking taking place in connection with High Street Business Uses. That parking (comprising of 23 car parking spaces) will be re-provided within the site and therefore there will be no negligible impact from those arising. Unauthorised parking or other activities taking place on the site will be displaced however in the case of those activities they could be prevented from access to the site in any event and that would not warrant rejection of the proposal. Taxis and the waiting locations of those operating outside of the site cannot be controlled through this application however there is considered to be no conflict specific to this site that are not common in all town centre locations. The proposed residential parking at a ratio of 1 per unit is more than adequate in this sustainable location.

The applicant has met with the highway officer and urban design officer and the drawings have been amended in line with their requirements and as specified within the main agenda. The amendments made are set out above and are considered satisfactory. The amendments are largely detailed and make no significant change in terms of overall mass or height of the buildings. In this regard the amended drawings would not have any greater impact on residents but would improve the overall development in respect of design, highway manoeuvring and pedestrian movement.

RECOMMENDATION

Subject to A) no new material planning matters arising from re-advertising of the amended plans, and B) confirmation from the Planning and Environmental Law Manager that a satisfactory signed Unilateral Agreement has been received

Authorise the Divisional Director for Planning and Transport Development to PERMIT subject to conditions as included in the main agenda and any other conditions as appropriate.

Item No	Application No	Address	Page No
05	11/03843/OUT	Fairash Poultry Farm, Compton Martin Road, West Harptree	151

Further comments have been received from the environmental health officer they are as follows:

"I have considered the Environmental Noise Survey which places the site into NEC B of PPG 24.

I would suggest that standard thermal double glazed units with trickle ventilation would provide the necessary acoustic protection for future occupiers and therefore have no objections to these proposals."

The above comments remove the environmental health objection to the application. The comments do not outweigh the objections raised within the report and the application is still recommended for refusal.

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON
WEDNESDAY 14TH DECEMBER 2011**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

ENFORCEMENT REPORT 11		
The Old Orchard, 1 The Shrubbery, Lansdown, Bath	Mark Strickland (St James' Park Residents Association)	Statement in favour of enforcement action
	Janet Wilson (Owner)	Statement against enforcement action
SITE VISIT LIST REPORT 12		
Land rear of Holly Farm, Brookside Drive, Farmborough	Chris Pike <u>AND</u> John Clay	Against – To share 3 minutes
	Catherine Jackson (Applicants' Agent)	For
MAIN PLANS LIST REPORT 13		
Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath (Items 1&2, Pages 86-113)	Jill Attwood <u>AND</u> Jack Steenstra <u>AND</u> Ian Barclay <u>AND</u> Martin Coulson	Against – To share 6 minutes
	John Hewitt <u>AND</u> Richard Read <u>AND</u> Jeff Manning	For – To share 6 minutes
Fairash Poultry Farm, Compton Martin Road, West Harptree (Item 5, Pages 151-157)	Peter Wood (Applicant)	For
69 Haycombe Drive, Southdown, Bath (Item 6, Pages 158-167)	Nigel Spragg (Applicants' Agent)	For

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

14th December 2011

DECISIONS

Item No:	01	
Application No:	11/04166/FUL	
Site Location:	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	
Ward: Combe Down	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 1no. Mining Interpretation Centre (rated BREEAM Excellent), 8no. Eco-Homes (rated Code 5 zero carbon), 1no. Apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties, with the exception of a portion of historic stone wall to Rock Hall Lane (resubmission).	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Shops, Water Source Areas, World Heritage Site,	
Applicant:	Ian Cox Development Partners Ltd	
Expiry Date:	22nd November 2011	
Case Officer:	Tessa Hampden	

DECISION Delegate to PERMIT

Authorise the Development Manager to PERMIT with appropriate conditions

Item No:	02	
Application No:	11/04167/CA	
Site Location:	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	
Ward: Combe Down	Parish: N/A	LB Grade: N/A
Application Type:	Conservation Area Consent	
Proposal:	Demolition of all existing properties with the exception of a portion of historic stone wall to Rock Hall Lane.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Listing, Water Source Areas, World Heritage Site,	
Applicant:	Ian Cox Development Partners Ltd	
Expiry Date:	22nd November 2011	
Case Officer:	Ian Lund	

DECISION Delegate to CONSENT

Authorise the Development Manager to CONSENT with appropriate conditions.

Item No:	03	
Application No:	11/04300/OUT	
Site Location:	Parcel 0006, Maynard Terrace, Clutton, Bristol	
Ward: Clutton	Parish: Clutton	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Erection of 43no. dwellings and associated works.	
Constraints:	Airport Safeguarding Zones, Coal - Standing Advice Area, Coal - Referral Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Housing Development Boundary, Public Right of Way,	
Applicant:	Somer Community Housing Trust	
Expiry Date:	6th January 2012	
Case Officer:	Suzanne D'Arcy	

DECISION Application Withdrawn

Item No:	04		
Application No:	11/04325/FUL		
Site Location:	Land At Rear Of 2-20, High Street, Keynsham,		
Ward: Keynsham North	Parish: Keynsham Town Council	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of three storey building to provide fourteen residential apartments and associated landscaping and car parking (inc. re-provision of car parking for existing high street properties)		
Constraints:	Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, General Development Site, Housing Development Boundary,		
Applicant:	Deeley Freed (Charlton Road)		
Expiry Date:	12th January 2012		
Case Officer:	Sarah James		

DECISION Defer consideration to allow consultation period to end.

Item No:	05	
Application No:	11/03843/OUT	
Site Location:	Fairash Poultry Farm, Compton Martin Road, West Harptree, Bristol	
Ward: Mendip	Parish: West Harptree	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Erection of 7no. dwellings following demolition of existing poultry farm.	
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,	
Applicant:	Mr Peter Wood	
Expiry Date:	22nd November 2011	
Case Officer:	Alice Barnes	

DECISION Defer consideration to allow Members to visit the Site.

Reason: To view the site in the context of its surroundings.

Item No:	06	
Application No:	11/03987/OUT	
Site Location:	69 Haycombe Drive, Southdown, Bath, Bath And North East Somerset	
Ward: Southdown	Parish: N/A	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Erection of a detached 2 storey dwelling on land to the rear of 69 Haycombe Drive	
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Mr & Mrs David and Elizabeth Bates	
Expiry Date:	12th January 2012	
Case Officer:	Richard Stott	

DECISION REFUSE for the following reasons:

1 The development of this plot would result in an increase in vehicular activity associated with the new dwelling on a busy main road 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, October 2007.

2 The siting of a single dwelling on this site would create an unacceptable sense of enclosure and dominance to the detriment of the residential amenity of the occupiers of

adjoining properties, contrary to Policy D.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007.

PLANS LIST: This decision relates to the Design and Access Statement, Site Location Plan and drawings 1023/01 and 1023/03 date stamped 13th September 2011.