

Democratic Services

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Date: 25 May 2012
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To: All Members of the Development Control Committee

Councillors:- Neil Butters, Nicholas Coombes, Gerry Curran, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, David Martin, Douglas Nicol, Bryan Organ, Martin Veal, David Veale and Brian Webber

Permanent Substitutes:- Councillors: Rob Appleyard, Sharon Ball, John Bull, Sarah Bevan, Sally Davis, Dine Romero and Jeremy Sparks

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Control Committee: Wednesday, 6th June, 2012

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 6th June, 2012 at 2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Wednesday 6th June in the Meeting Room, Lewis House, Bath.

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

The agenda is set out overleaf.

Yours sincerely

David Taylor
for Chief Executive

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

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

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

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

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

Appendices to reports are available for inspection as follows:-

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

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

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

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

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

Development Control Committee - Wednesday, 6th June, 2012

at 2.00pm in the Brunswick Room - Guildhall, Bath

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

The Chair will ask the Committee Administrator to draw attention to the emergency evacuation procedure as set out under Note 6

2. ELECTION OF VICE CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

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

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

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

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

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

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

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

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

8. MINUTES: WEDNESDAY 9TH MAY 2012 (Pages 9 - 66)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 9th May 2012

9. MAJOR DEVELOPMENTS

The Senior Professional – Major Developments to provide an oral update

10. PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 67 - 126)

11. TREE PRESERVATION ORDER - 62 HIGH STREET, TWERTON, BATH (Pages 127 - 136)

To consider a recommendation to confirm this Tree Preservation Order without modification

12. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 137 - 140)

To note the report

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

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

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

1. Declarations of Interest (Personal and Prejudicial)

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

2. Local Planning Code of Conduct

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

3. Site Visits

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

4. Voting & Chair's Casting Vote

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

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

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

5. Officer Advice

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

6. Decisions Contrary to Policy and Officer Advice

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

7. Officer Contact/Advice

If Members have any conduct or legal queries prior to the Meeting, then they can contact the following Legal Officers for guidance/assistance as appropriate (bearing in mind that informal Officer advice is best sought or given prior to or outside the Meeting) namely:-

1. Maggie Horrill, Planning and Environmental Law Manager
Tel. No. 01225 39 5174
2. Simon Barnes, Senior Legal Adviser
Tel. No. 01225 39 5176

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

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

Site Visit Procedure

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

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DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 9th May, 2012

Present:- Councillor Gerry Curran in the Chair

Councillors Neil Butters, Nicholas Coombes, Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Douglas Nicol, Bryan Organ, Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Patrick Anketell-Jones and Malcolm Lees

165 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

166 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

167 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was none

168 DECLARATIONS OF INTEREST

The Chair declared a personal but non-prejudicial interest in the planning application at 40 Audley Park Road, Bath (Item 3, Report 12) as he was previously acquainted with the objector. He would therefore still speak and vote on the matter.

Later in the meeting and immediately before the Committee considered the application at 40 Audley Park Road, Councillors Nicholas Coombes and Doug Nicol declared personal but non-prejudicial interests on this item for similar reasons and they would therefore speak and vote on the application.

169 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

170 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 Tree Preservation Orders and former Fullers Earthworks reports and that they would be able to do so when reaching those items on the Agenda. There were also various people wishing to speak on the planning applications in Report 12 and they would be able to do so when reaching their respective items in that Report.

171 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

172 MINUTES: 30TH MARCH AND 11TH APRIL 2012

The Minutes of the meetings held on Friday 30th March and 11th April 2012 were approved by Members as correct records and were signed by the Chair (Note: Councillor Martin Veal abstained from voting)

173 MAJOR DEVELOPMENTS

The Senior Professional – Major Development updated the Committee on developments at (i) the University of Bath by stating that a revised Master Plan was anticipated to be made public later this month; and (ii) the former Cadbury's site, Somerdale, Keynsham, informing that the developers, Taylor Wimpey, were holding stakeholder workshops and that a Master Plan would be drafted before the end of this month when he would advise Members accordingly.

Members asked questions about the Bath University development to which the Officer responded.

The Committee noted the update report.

174 TREE PRESERVATION ORDER - GAIA, WIDCOMBE HILL, WIDCOMBE, BATH

Referring to the Site Visit made on 30th April 2012, the Committee considered the report of the Senior Arboricultural Officer which (1) referred to a Tree Preservation Order provisionally made on 15th December 2011 to protect a group of trees on land at Gaia, Widcombe Hill, Bath, as they made a significant contribution to the landscape and amenity of the area; (2) advised that an objection to the Order had been made by the owners of the property; (3) informed that a number of local residents supported the Tree Preservation Order; and (4) considered the objection and recommended that the Order be confirmed without modification.

The Senior Arboricultural Officer reported on the matter by means of a power point presentation. She emphasised that the amenity value of the trees was on the basis that they were a group. Members asked questions about the matter to which the Officer responded. In particular, some Members queried whether the Committee could modify the Order so that it only applied to 2 of the 3 trees. The Senior Legal Advisor advised that, whilst it was possible for the Committee to do that, Members should bear in mind that the amenity value of the trees had been assessed on the basis of their value as a group. The owner of the property made a statement against the Order being confirmed.

On the basis of the significance of the trees on the streetscene, Councillor Eleanor Jackson moved that the Officer recommendation be approved which was seconded by Councillor Les Kew. Members asked further questions to which the Senior Arboricultural Officer responded accordingly. She informed the Committee that, even with the Order being confirmed, work could still be undertaken to the trees in the future by applying for the necessary consent.

RESOLVED to confirm the Tree Preservation Order entitled “Bath and North East Somerset Council (Gaia, Widcombe Hill, Bath No 268) Tree Preservation Order 2011” without modification.

(Voting: 7 in favour and 3 against with 2 abstentions)

175 TREE PRESERVATION ORDER - 108 BLOOMFIELD ROAD, LYNCOMBE, BATH

The Committee considered the report of the Senior Arboricultural Officer which (1) referred to a Tree Preservation Order provisionally made on 5th January 2012 to protect a Pine tree in the garden of 108 Bloomfield Road, Bath, as it made a significant contribution to the landscape and amenity of the area; (2) advised that an objection to the Order had been made by the owner of the property; and (3) considered the objection and recommended that the Order be confirmed without modification.

The Senior Arboricultural Officer reported on the matter by means of a power point presentation. The owner of the property made a statement against the Order being confirmed. Members asked questions about the tree to which the Officer responded accordingly.

On the basis that the tree was not considered worthy of preservation as it did not add to the amenity of the area, Councillor Bryan Organ moved that the Order not be confirmed which was seconded by Councillor Martin Veal. Members debated the motion. The Committee were divided on the matter with some Members considering that the tree added to the landscape and amenity of the area and others considering that it was not significant enough to warrant retention. The motion was put to the vote. Voting: 5 in favour and 7 against. Motion lost.

It was therefore moved by Councillor Nicholas Coombes and seconded by Councillor Doug Nicol and **RESOLVED** to confirm the Tree Preservation Order entitled “Bath and North East Somerset Council (108 Bloomfield Road, Bath No 269) Tree Preservation Order 2012” without modification.

(Voting: 7 in favour and 5 against)

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

The Committee considered

- A report by the Development Manager on various applications for planning permission etc
- Oral statements by members of the public etc on Item Nos 1-6, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos. 1, 2, 4 and 5, a copy of which report 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 3* to these Minutes

Items 1&2 Cranwell House, Weston Park East, Upper Weston, Bath – Erection of a building adjacent to listed building following demolition of classroom units and outbuildings and refurbishment and alterations to listed building with associated landscape and engineering works including new retaining wall (Ref 12/00277/FUL & 12/00278/LBA) – The Planning Officer and the Senior Conservation Officer reported on these applications for planning permission and listed building consent respectively and their recommendations to (1) Authorise the Development Manager to Permit subject to conditions and the securing of the £10,000 contribution through a legal agreement; and (2) Delegate to Consent subject to appropriate conditions. The Update Report (i) provided further information on the planning application and revised the highway conditions numbered 2) – 7) in the Main Agenda; and (ii) recommended conditions on the listed building application. The Planning Officer reported the receipt of a letter of support from the Ward Councillor Colin Barrett on the proposals. He also advised Members that a signed Unilateral Undertaking had recently been received from the applicants and his recommendation was accordingly modified to Delegate to Permit subject to the Council approving the Unilateral Undertaking.

Various members of the public etc made statements on the applications which were followed by a statement by the Ward Councillor Malcolm Lees who raised concerns about the proposals. The Chair read out a letter of support received from the other Ward Councillor Colin Barrett. The Ward Member for the adjoining Ward of Lansdown, Councillor Patrick Anketell-Jones, made a statement supporting the proposals. The Chair made some general comments about the proposals for Members to bear in mind when considering the applications.

Councillor Les Kew fully supported the proposals and moved the Officers' recommendations to Delegate to Permit/Consent with conditions etc. This was seconded by Councillor Eleanor Jackson. Members debated the motions. Most Members were supportive of the proposals. The Team Leader – Development Management drew Members' attention to the revised highway conditions in the Update Report. The motions were put to the vote. Voting on planning application (Ref 12/00277/FUL): Unanimously in favour. Voting on listed building application (Ref 12/00278/LBA): 11 in favour and 0 against with 1 abstention.

Item 3 No 40 Audley Park Road, Lower Weston, Bath – Erection of balcony, rendering of garage and utility and alterations to 2 storey side extension (Retrospective)(Ref 12/00488/FUL) – The Case Officer reported on this application and her recommendation to Permit with conditions. (Councillors Coombes and Nicol declared personal interests at this point). The applicant then made a statement in support of the application.

Councillor Doug Nicol supported the application and therefore moved that the Officer recommendation to Permit with conditions be approved. This was seconded by Councillor Bryan Organ. The motion was briefly debated after which it was put to the vote. Voting: Unanimously in favour.

(Note: Following this decision at 4.12pm, the Committee adjourned for a comfort break for approximately 15 minutes)

Item 4 Summerfield School, Lime Grove Gardens, Bathwick, Bath – Erection of 13 dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission)(Ref 12/00980/FUL) – The Case Officer reported on this application and her recommendation to (A) Authorise the Planning and Environmental Law Manager to prepare a Section 106 Agreement to secure contributions of £68,357.20 for school places and youth provision, £18,000 for improvements to pedestrian facilities; and for the Developers to fund a Traffic Regulation Order to prevent parking on the new access road; and (B) authorise the Development Manager to Permit subject to conditions. The Update Report reported on further consultation responses and provided an Officer assessment. It also varied the Recommendation to add a further contribution of £78,433.80 for parks and open space provision and added a further condition regarding implementation of the mitigation measures detailed in the Acoustic Report. The public speaker then made a statement raising concerns about the proposal.

Councillor Nicholas Coombes opened the debate. He considered that the proposals were flawed and were contrary to numerous policies in the Local Plan. He outlined the policies and the reasons why the proposals were contrary to them. He added that the adjoining Kennet and Avon Canal was found to be leaking and therefore any housing built on the land would need to be fully waterproofed. The motion was seconded by Councillor David Martin.

Members debated the motion and asked questions to which the Case Officer responded. Most Members considered that the proposal was acceptable despite the reduction in the area of the site which brought it below that where provision of affordable housing could be requested. A Member pointed out that, in the Officer's report, there were numerous references to "no objections" by consultees against the proposals. It was also stated by a Member that, should permission be granted, it should be subject to a Construction Management Plan and must ensure that contractor's vehicles were only parked on site. The Case Officer stated that the recommended Condition 12 covered these issues. The Team Leader – Development Management advised Members that a similar application for 18 houses had been refused permission last October and that the reasons at that time did not include those raised in the motion. If the applicants appealed against a refusal on these grounds, costs may be awarded to the applicants. The motion was then put to the vote. Voting: 3 in favour and a substantial majority against. Motion lost.

It was therefore moved by Councillor Les Kew and seconded by Councillor Bryan Organ to approve the Officer recommendation to Delegate to Permit etc but with adequate conditions to prevent contractors' vehicles parking on-street. Councillor Nicholas Coombes felt that a condition should be added regarding noise attenuation for habitable rooms. This was not accepted by Councillor Kew. The motion was then put to the vote. Voting: 9 in favour and 3 against. Motion carried.

Item 5 No 53 Minster Way, Bathwick, Bath – Erection of new detached dwelling in the grounds of the existing house and associated new vehicular access and hardstanding (Ref 12/00292/FUL) – The Case Officer reported on this application and her recommendation to Permit with conditions. The Update Report referred to a further letter of objection being received which did not affect the recommendation. The public speakers made their statements on the proposal.

Councillor Nicholas Coombes did not support the application and therefore moved Refusal as it was contrary to numerous policies in the Local Plan, namely: D.2(b) not of high quality design; D.2(f) would cause harm to the amenities of residential properties by overlooking to the gardens of No 53 and increase enclosure to the garden of No 55; D.4(a) does not respond to local context in terms of appearance, siting, spacing and layout; GB.2 would be visually detrimental to the adjacent Green Belt; NE.9 may be of harm to the adjacent area of nature conservation (no consideration had been submitted); BH.1 would be harmful to the World Heritage site; BH.6 does not preserve or enhance the character and appearance of the Conservation Area in terms of size, form or position; BH.6(i) does not retain existing street patterns, historic grain or building lines; and BH.6(iv) does not retain the relationship of buildings to open space. The motion was seconded by Councillor David Martin.

Members debated the motion. Some Members supported the motion considering that the proposal would be detrimental to the amenities of local residents and impact on the appearance of the estate. Other Members felt that the proposal was acceptable and would complement the streetscene and preserve the character of this part of the Conservation Area. The motion was put to the vote. Voting: 6 in favour and 6 against. The Chair decided to exercise his casting vote in favour of the motion to Refuse and therefore voting was 7 in favour and 6 against. Motion carried.

Item 6 Leaning Pines, Thrubwell Lane, Nempnett Thrubwell – Erection of single storey dwelling following demolition of existing dwelling and associated outbuildings (Ref 11/05320/FUL) – The Planning Officer reported on this application and the recommendation to Refuse permission. She reported that the Arboricultural Officer would like to see conditions added regarding trees if the Committee decided to grant permission. The report also set out highway conditions to be added should permission be granted. The applicant made a statement in support of her application.

Councillor Les Kew considered that this was a huge improvement on the design of the previous proposal. With regard to Green Belt policy, he queried whether the basement area, which was not habitable accommodation but housed equipment/installations for renewable energy, should be included in the volume calculation. He felt that the proposal was sustainable because it incorporated renewable energy features and it would not affect the openness of the Green Belt. Councillor Kew therefore moved that permission be granted. The motion was seconded by Councillor Martin Veal.

The Senior Legal Adviser gave advice regarding Green Belt policy. He stated that it was correct for Officers to take account of the basement because the proposal had to be assessed on the basis of its volume - as such, it was inappropriate development in the Green Belt. However, there were a number of factors which Members should consider when deciding whether there were very special circumstances. In particular, he drew Members' attention to an extract from the National Planning Policy Framework regarding renewable energy proposals in the Green Belt. If Members were minded to grant permission, he recommended that the motion be Delegate to Permit subject to appropriate conditions, including a condition to secure the implementation of the renewable energy measures detailed in the application.

Members generally supported the proposal due to the fact that it did not affect residential amenity, it provided a package of renewable energy and was supported by the Parish Council. The Chair pointed out that the basement area was included in the Green Belt calculation and therefore it was still inappropriate development even though it could not be seen. Councillor Les Kew, with the seconder's agreement, amended his motion to Delegate to Permit with appropriate conditions on the grounds that there were very special circumstances which outweighed any potential harm to the Green Belt, namely, there was already an extant permission for a similar proposal and the current proposal was of a superior design, there would be no adverse effect on the openness of the Green Belt as the increase in volume was largely due to a bigger basement, there were benefits to replacing the current derelict building, and the basement would contain renewable energy plant which Members considered was in line with Government policy on renewable energy. The Team Leader – Development Management stated that conditions should include the removal of permitted development rights and establishing a new hedgerow on the boundary as well as conditions recommended by Highways and Arboricultural Officers.

The motion was put to the vote. Voting: 11 in favour and 1 against. Motion carried.

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

Councillor Eleanor Jackson congratulated the Officers on the success rate in appeals being dismissed.

The Committee noted the report.

178 LAND AT FORMER FULLERS EARTHWORKS, FOSSEWAY, COMBE HAY, BATH

The Committee considered a joint report by the Divisional Director of Planning and Transport Development and the Planning and Environmental Law Manager regarding this site and which (1) referred to the decision of the Special meeting of this Committee held on 30th March 2012 at which it was requested that a further report be submitted to this meeting regarding the possibility of taking enforcement action against alleged unauthorised activities on the site; and (2) recommended that enforcement action be authorised against the uses outlined in the report. An Update Report provided further information on the matter and slightly amended the recommendation. The Chair introduced this item. Councillor Martin Veal stated that a complaint had been lodged against him as regards his comments about the issues on the site. He therefore felt it appropriate to withdraw from the meeting for its consideration which he proceeded to do.

Mr Harwood, the Council's Planning Consultant, reported on the matter by means of a power point presentation and took the Committee through aerial photographs taken over recent years and some taken at the recent Site Visit attended by Members on 19th March this year. Mr Herbert, the Council's Waste and Minerals Consultant, reported by means of a power point presentation on the pre-application proposals that had been submitted by the owner. These had been considered by the Development Team who found them to be unacceptable for various reasons but that, with revisions, they could be satisfactory.

The public speakers made their statements on the matter. The Chair then stated that there were 3 issues for consideration, namely, whether or not to accept the Officer recommendation to take enforcement action, the expediency of taking enforcement action, and, if so, the period of compliance with the enforcement notice. He then opened the matter up for debate.

Councillor Les Kew stated that the activities on the site needed to be regularised and that enforcement action could be taken at the same time as negotiations were continuing on the proposal for a Residual Waste Facility on the site. He considered therefore that enforcement action should be taken immediately and before the end of this month to avoid possible immunity from such action being taken by the Council. Councillor Bryan Organ also considered that enforcement action should not be delayed and moved the Officer recommendation to authorise enforcement action but that such action be taken immediately and before 31st May 2012. This was seconded by Councillor Neil Butters. The Planning and Environmental Law Manager gave advice to Members regarding taking enforcement action and the expediency of doing so. She considered that there was a conflict of wording in the motion by including both “immediately” and “before 31st May 2012”. Councillor Organ therefore altered his motion by removing the word “immediately”.

Members debated the motion as amended. The issue of the period of compliance with the Enforcement Notice was raised. Some Members felt 12 months was sufficient whereas other Members considered that 18 months was better. The Planning and Environmental Law Manager responded to questions raised by Members. Councillor Bryan Organ considered that 18 months compliance was better and with the seconder’s agreement included this in his motion. The motion was then put to the vote which was agreed unanimously.

RESOLVED to (1) delegate authority to the Divisional Director of Planning and Transport Development, in consultation with the Planning and Environmental Law Manager, to serve the necessary enforcement notice(s) on behalf of the Local Planning Authority before 31st May 2012 in respect of the alleged planning contraventions outlined in the report by exercising the powers and duties (as applicable) under Parts VII and VIII of the Town and Country Planning Act 1990 (including any amendments to or re-enactments of the Act or Regulations or Orders made under the Act) in respect of the above land; (2) give an 18 month period of compliance with such Enforcement Notice(s).

General Note

This specific delegated authority will, in addition to being the subject of subsequent report back to Members in the event of enforcement action being taken, not being taken or subsequently proving unnecessary as appropriate, be subject to:

- (a) all action being taken on behalf of the Council and in the Council’s name;*
- (b) all action being subject to statutory requirements and any aspects of the Council’s strategy and programme;*
- (c) consultation with the appropriate professional or technical Officer of the Council in respect of matters not within the competence of the Divisional Director of Planning and Transport Development; and*
- (d) maintenance of a proper record of action taken.*

The meeting ended at 6.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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**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 9TH MAY
2012**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
TREE PRESERVATION ORDERS (REPORTS 11 & 12)		
Gaia, Widcombe Hill, Bath (Pages 39-76)	Adrienne Percival (Owner)	Statement
108 Bloomfield Road, Lyncombe, Bath (Pages 77-87)	Jim Pearson (Owner)	Statement
PLANS LIST (REPORT 12)		
Cranwell House, Weston Park East, Weston (Items 1&2, Pages 92- 121)	Diana Wood <u>AND</u> Robin Lewis <u>AND</u> Nick Kuhn Rebecca Dougall (Head of Royal High School) <u>AND</u> Ian Monachino-Ayres (IMA Transport Planning)	Against – To share 6 minutes For – To share 6 minutes
40 Audley Park Road, Weston (Item 3, Pages 122-127)	Celia Downey Julia Shefras (Applicant)	Against For
Summerfield School, Lime Grove Gardens, Bathwick (Item 4, Pages 128-148)	Nick Madden	Against
53 Minster Way, Warminster Road, Bathwick (Item 5, Pages 149-156)	Judith Wade Graham Date (Applicant's Agent)	Against For
Leaning Pines, Thrubwell Lane, Nempnett Thrubwell (Item 6, Pages 157-165)	Victoria Withers (Applicant)	For
LAND AT FORMER FULLERS EARTHWORKS, COMBE HAY (REPORT 14)		
	Peter Duppa Miller (Clerk to Combe Hay Parish Council) Robert Hellard (Vice Chairman, South Stoke Parish Council) Trevor Osborne Philip Harrison	Statements

	<p>Alan Langton (Trustee, Bath Preservation Trust)</p> <p>Kate Harrison, Harrison Grant (Solicitors for Protect Bath and Victims of Fullers Earth)</p> <p>Matthew Kendrick (Owner's Agent)</p>	
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BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

May 9th 2012

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

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	12/00277/FUL	Cranwell House Weston Park East Upper Weston Bath

Since the publication of the Officer's Committee report the applicant has submitted a draft Unilateral Undertaking in respect of the financial contributions sought to improve the parking problems along Weston Park East. An Operational Statement has also been submitted confirming how traffic will be managed on site; this is accompanied by revisions to the submitted plans in respect of the main access gates at the southern entrance. Finally, in response to continued concern about the access arrangements, working with the applicants, the Planning Officer, Highway Officer and Arboricultural Officer have again been exploring the potential improvements and use of the northern access as the primary route into the site.

This update report is intended to provide comment in respect of the additional material and clarity relating to outstanding issues.

ADDITIONAL COMMENTS RECEIVED

Cllr Colin Barret (Weston) has submitted comments in support of this application. He has endorsed the submitted travel plan and reiterated the point that the site has an existing use as a school with two existing entrances. It has been requested that the full statement is presented to Members at the Committee meeting.

CLARIFICATION REGARDING THE ACCESS ARRANGEMENTS

For clarification this application is not seeking consent for the access arrangements to the site as the entrance and access road already exists; the improvements shown on the submitted plans are purely for the benefit of facilitating a better flow of traffic in and out of the site and are designed to mitigate concerns relating to vehicles using the site. It is the view of Officer's that this shows a level of commitment by the applicant to seek improvements to a situation that the Council could not readily insist upon.

This application seeks planning permission for the new multipurpose hall and teaching area to the rear of the existing school building following the demolition of the existing outbuildings, not the access arrangements to the site. The proposed building works represent a net reduction in gross internal floorspace when compared to the amount of useable space currently offered on site. As the Highway Officer has confirmed, given there is no net increase in floorspace and the site has an established use as an education facility, there is no justification to insist upon upgrading the current arrangements or the entrances to the site. Ultimately it would be very difficult for the Council to defend refusing this application at appeal on the basis of the improvements to the access arrangements alone, and could be at risk of a costs award for acting unreasonably, especially given the maintenance and

improvements to the existing access road could be carried out as permitted development under Schedule 2, Part 9, Class A of the Town and Country Planning (General Permitted Development) Order, 1995.

UNILATERAL UNDERTAKING

The applicants have drafted a Unilateral Undertaking confirming the payment of the £10000 contribution requested in respect of improvements to the highway network. Some or all of this money could be used to apply parking restrictions through a Traffic Regulation Order along Weston Park East to remove the pressure caused by on-street parking and mitigate the problem of congestion. This agreement will need to be agreed by the Council and is subject to the granting of planning permission.

OPERATIONAL STATEMENT

The applicant has submitted a detailed Operational Statement setting out how the school intends to manage and operate vehicle movements in and out of the site, paying particular attention to the management of vehicles at the main gates. The statement covers:

- Staff arrivals and departures
- Pupil drop-off and pick-up
- Visitors
- Deliveries
- Weekend, holiday and special events
- The shuttle-bus service
- The walking bus
- Notification process for any significant events
- Review and monitoring of the situation.

The statement confirms that the main drive would be used to provide 9 staff parking spaces, 2 disabled parking spaces and drop-off/pick-up for all pupils. The northern entrance would be used for pedestrian and cycle access, minibus access, access for the “walking bus” and school deliveries which will occur outside the normal drop-off/collection times.

The walking bus will be managed as an escorted walk from the main school site on Lansdown Road to Cranwell House as an alternative to the minibus service.

The minibus service will consist of 2 minibuses moving pupils from the Lansdown Road senior school site to Cranwell House, with the two buses there is capacity to transport 32 pupils, reducing the number of private vehicles needing to drop off at Cranwell House. This service offers convenience to parents (particularly those with pupils at both schools and those dropping off from the areas to the north and east of Bath as they would not have to detour to Weston).

Both entrances to the site are to be manned by staff during the morning drop off period (0800-0845) to ensure pupils are supervised and vehicle circulation is managed in an appropriate manner. A minimum of three staff are to be used, and there is capacity to upload up to 5 cars at any one time. Efficient management will ensure a smooth operation and reduce the pressure of vehicles stopping and blocking the flow of traffic into the site. (Note, there are up to four residual bays allocated adjacent to the main drop-off area to allow parents who need to stop for any length of time to do so in a manner that does not impede the flow of traffic circulating through the site).

A member of staff will be on the main gate to ensure entrance and egress is not impeded, holding exiting traffic to allow traffic to enter in an effort to reduce the risk of congestion on Weston Park East.

During the afternoon period, based on current trends of pupils attending afterschool clubs, around 60% of the collection will occur between 1515 and 1545, the remaining 40% spread across the period 1545-1800. Staff will manage the collection of pupils at the main entrance to the school to ensure the steady flow of traffic is unimpeded. As with the morning, a maximum of five cars can be loaded at any one time.

Events (fetes, parents' evenings etc.) and weekend access will be limited during term times but will use the northern access and park on the multi-use games area. There is capacity on this area to park c.50 cars. Staff will be used to direct vehicles. Unlike the daily drop-off and collection periods, as vehicles will not be entering and exiting the site at the same time, it is possible to use the northern entrance without requiring additional widening which would be prejudicial to the trees in this area.

The school have made a commitment to notifying surrounding residents well in advance of any events so as to reduce/minimise the impact of sporadic increases in traffic volume as much as possible.

Holiday use access is restricted largely to the northern entrance however will be for short periods of time (1-3 weeks) depending on the length of the holiday involved. Summer holiday clubs will involve c.24 pupils and as such the numbers of vehicles involved with drop-off/collection will be far lower than the usual term time day to day operation.

The operation of the site will be constantly monitored and if the proposed methodology does not adequately mitigate or limit the impact of vehicle movements on the local highway network it will be reviewed in consultation with the highway authority.

It should be noted that the school currently operates from a site with far worse access arrangements than Cranwell House, situated on Lansdown Road, close to the entrance to Lansdown Crescent. Whilst it can never be 100% guaranteed that problems will not arise from time to time, for the majority of the time the operational management of pupil delivery and collection has been proven to work in the current location. As set out in the main Committee report, given that the school has a proven record at successfully managing and mitigating problems associated with traffic, there is little reason to doubt that the management of traffic at Cranwell House can be successfully achieved.

Having considered the operational statement, the Highway Officer has again reiterated that there is no objection on the grounds of highway safety to this application and has confirmed that the operational statement is acceptable. For clarification, the Highway Officer has stated that the parking arrangements for 11 cars at the front of the school are not acceptable but can be revised through an amended plan secured by a condition. It would be impossible to substantiate the refusal of the whole scheme on this point alone.

FURTHER CONSIDERATION OF NORTHERN ACCESS

Following on-going concerns about why the northern access has not been chosen as the primary pupil drop-off and collection point, discussions have been on-going with the applicants to re-look at the issues surrounding the northern entrance. This access was considered at pre-application and dismissed as being largely unfeasible and impractical for the school; the reasons for not pursuing it have been set out in the Committee report. Notwithstanding, the applicant has provided additional modelling of how this entrance could be used and what works would be required to achieve it as well as looking at the implications for wider issues such as landscape, ecology, historic environment and residential amenity.

Clearly the northern entrance has a wider opening and can facilitate two vehicles passing at the same time, beyond this benefit, Officers maintain that there are a significant number of objections that would preclude this entrance as offering a suitable means of access.

In terms of physically laying out a suitable drop-off/collection area adjacent to the new building to allow supervision of children arriving on site, five cars unloading at the same time can physically be achieved but will require an expansion of the existing hardstanding area c.20m into the grassland area adjacent to the new building and the existing orangery. This raises serious concerns about the impact on the trees and the prominence adjacent to the listed building.

In terms of the implications for the highway, the southern entrance has a driveway length of 240m. By comparison, the northern access is only 65m long. The implications of the respective driveway lengths means that if for whatever reason a vehicle stops and blocks the flow of traffic, there is only room available to "stack" 14 cars off the public highway on the northern access road, by comparison the southern (main) drive can accommodate 42 stacked vehicles. Comparing the scenario of a car

blocking the flow to the northern entrance, it would mean that the equivalent number of cars that can be stacked on the southern entrance would extend c.160m back down Weston Park East, resulting in significant congestion on the public highway. Clearly this is a worse-case scenario however it does highlight the fundamental limitation of the northern access and demonstrates that the issues surrounding congestion, as raised by the majority of objectors, could be far worse if the northern access were to be adopted as the primary route into the site. The highway officer has confirmed that the use of the northern entrance is far more likely to result in congestion on Weston Park East, and when compared to the use of the southern entrance does not offer an adequate solution that could outweigh the objections raised.

Not only does the northern access as the primary route into the site pose a greater risk of congestion occurring, but it does not offer any room for designated waiting bays in the event that parents need to stop as the land available is restricted by the constraints of the trees, the topography and the historic building. Disabled parking cannot be accommodated at the northern entrance due to the local topography, and in order to create a level drop-off area, it will require substantial levelling of the land.

In terms of the impact on trees, the area available for the expanded turning area falls within the root protection zones of two category A cedars and a category A giant sequoia. In order to achieve the proposed turning head the works will compromise the setting of these trees and will see the removal of two category B2 trees and impact on the root zones of an additional category B trees.

Having considered the impact on the trees, (which add significant value to the heritage setting of the listed building and the surrounding parkland) in order to provide a layout that would provide a working access, the arboricultural officer has stated that the impact and removal of the trees is unacceptable and the proposal would be contrary to Policy NE.4. The officer has also stated that the retaining structures required to implement the access arrangements are too intrusive and visually unacceptable and that any level changes required to accommodate a graded bank would have a greater impact on a wider range of trees. Ultimately, the works to facilitate the access arrangements at the northern entrance are likely to increase the risk of root asphyxiation and death.

In terms of the impact on ecology, the loss of trees and additional lighting associated with the northern access will impact on the flight path of horseshoe bats exiting the roosts in the basements. Such a significant change to the bat flight lines could result in the abandonment of the roost which would be unacceptable. Detrimentially affecting a roost will make it harder for the applicant to obtain a Natural England bat license and in terms of addressing the three tests of the Habitats Directive, it would be almost impossible for the Council to argue that there is no alternative solution available to preserve the favourable conservation status of the bats given that there is already a significantly better access arrangement at the south of the site.

Having considered the implications of making the northern entrance the primary route into the site it is considered that had this option been presented it would have conflicted with Policy NE.10 and could be open to challenge in terms of failing to meet the second of the three tests of the Habitats Directive.

In respect of the landscape setting and Historic Environment, as stated above, in order to make the northern access arrangements work it will require the re-grading the land and the installation of a retaining wall. Due to the localised site levels this will result in the retaining wall siting at a height of c.2.5m above ground level at its highest point. Due to the proximity of the access arrangements to the listed orangery, this would significantly compromise the setting and appearance of this asset and would harm the visual integrity of the new building. The size and siting of the access arrangements required to make the northern entrance work would not be accepted in terms of the impact on the Historic Environment.

Finally, in respect of the impact on residential amenity, as is noted in the Committee report the southern driveway passes close to the rear of 23 and 24 Cranwells Park however the conclusion is made that the overall benefits to the site, the active management, the improvements to the landscape and the restoration of the protected building outweigh the limited harm to residential amenity resulting from the sporadic (rather than persistent) passing of vehicles. The use of the northern access is situated immediately adjacent to Hengist House which directly overlooks the northern entrance and access road, there is a closed board timber fence offering screening from the ground floor windows however the upper floor windows and the conservatory both look up the track. Given this property is

situated in an elevated position directly above the entrance, the occupiers will be affected to a degree by traffic entering the site and due to the potential for congestion and stacking occurring as a result of the use of this entrance the residents of Hengist House are likely to be disturbed to a greater degree than the residents adjacent to the southern entrance. Under the current arrangements traffic is to use both entrances as per the Operational Statement meaning that the level of disturbance to residents is distributed and thus minimised. Given there is not capacity to accommodate weekend, holiday or special event traffic parking via the southern entrance, if the northern entrance was to be the primary route into the site the impact on the residents of Hengist House would on balance be worse.

In conclusion it is felt that the use of the northern access will not reduce the impact on residential amenity, it would merely shift the problem away from the residents of Cranwells Park and concentrate it outside Hengist House. This is considered unacceptable, particularly given the impact can be distributed across both entrance roads.

REVISED HIGHWAY CONDITIONS

Plans showing parking areas (providing for 20 vehicles) served off the northern and southern accesses shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. This area shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to the satisfaction of the Local Planning Authority before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

Prior to the occupation of the development a revised Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

Within 6 months of the first occupation of the development, a review of the Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

Prior to the occupation of the development, details of the provision for 20 cycles within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

The accesses and car parking areas shall operate in accordance with the Operational Statement dated April 2012.

Reason: To ensure the safe operation of the highway.

Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.

Reason: To ensure the safe operation of the highway.

PLANS LIST:

1592/P/001B,10B, 11, 12B, 50B, 51C, 52D, 53B, 60B, 61 G,62 G, 63F, 110 , 111, 112A, 113A, 114A, 115, 116,120 ,121, 122A, 123A, 124B, 125A, 126, 199, 200G, 201E, 202, 203A, 204A, 205, 206A, 207, 208, 209A, 210A, 210, 211A, 212A, 213, 300E, 310E, 302 E, 303A, 304, 305 , 310A, 311A, 312A, 313 ,314A, 320A, 321, 331A, 322A, 323, 324A, 325A,

326A, 327A, 328A, 330A, 333A, 334A, 335, 336A, 337. P 400A, 401, 402A, 403, 404A, 405, 406A, 407, 408A, 409A, 410, 411, 412, 413, 414, 415, 416A, 417, 418, 420A, 419, 421, 422A, 423, 424, 425, 426, 427, 428 A, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438A, 439, 440, 441, 442, 443, 444A, 456B, 445, 446, 447, 448, 449, 450, 451, 452A, 453, 454, 455, 456, 457, 458 B, 459A, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 500, 501A, 502, 503, 504.

1592/SU 50A, 51, 52, 53, 110, 111, 112, 113, 114, 115, 116, 200, 300A, 301, 310A, 311, 312A, 313, 314, 315, 316, 317, 503.

5091/05/P2, 201 P4, 202 P3, 203 P2, 06 P2, 07 P2.

Building and Archaeological Report, Design and Access Statement, Heritage Impact Statement, Historic Landscape Appraisal, Landscape Statement ,Planning Statement Ecological Appraisal, .Engineering Services Report. Cranwell House Transport Assessment Statement . Arboricultural Implications Assessment /Method statement /Tree Protection Plan. Flood Risk Assessment date stamped the 9th February, 23rd January , 16th , 17th and 19th April 2012 .

Item No.	Application No.	Address
02	12/00278/LBA	Cranwell House Weston Park East Upper Weston Bath

The report recommends that the application be delegated for consent subject to appropriate conditions. The following conditions are appropriate:-

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

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

2 Notwithstanding proposals for the South Entrance Gate, drawing number 1592/P/503, prior to the commencement of works to the entrance large scale details of the new gates to note their appearance, operating mechanism, method of fixing to the stone gate piers, and the location/appearance of the key/pad call point shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

3 No works shall take place until all outstanding bat mitigation details have been submitted and agreed in writing by the local planning authority. These details can be provided in the form of an EP license application method statement.

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

Reason: To safeguard and provide the long term ecological features and protected species on the site.

4 Prior to the cleaning of the external stone work of Cranwell's House:-

a) A specification of works /method statement shall be submitted to and agreed in writing by the local planning authority.

b) A sample panel of cleaned stone work shall be provided on site and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

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

5 Repairs to the stonework shall be in natural stone to match existing or in a lime putty based mortar mix to match the existing stonework.

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

6 Prior to the re - roofing of the former conservatory a sample of the natural slate shall be submitted to and approved in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

7 Notwithstanding the proposals for the former conservatory, and Palm house, when the lowered modern ceilings are removed a specification of works to the existing roof structure shall submitted be submitted to and agreed in writing by the local planning authority. This specification shall include such details as the location and type of new drainage runs, and the detail/location of any future ceilings to be put back into these sections of the building.

The works shall be undertaken in accordance with the approved details.

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

8 Notwithstanding the proposed drawings, and prior to the works being undertaken, the details of any new doors /windows to the former Palm house shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

9 The mosaic floor in the former Palm house shall be retained in situ and clarification on works to it, and how it will be incorporated into proposals shall be submitted and agreed in writing by the local planning authority .

The works shall be undertaken in accordance with the approved details.

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

10 Notwithstanding proposals for tanking the north wall of the former Palm house, and prior to works being undertaken on the north wall, a specification of works for the north wall shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

11 Prior to works commencing on the installation of the new door/ screen on the northern elevation of the proposed nursery, former conservatory, large scale details of the works proposed shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

12 The new external windows for the proposed nursery, former conservatory, shall be a replica of the existing traditional detailed six over six timber paned timber sash windows .The windows shall also be recessed back from the face of the wall as existing.

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

13 The new windows proposed on the first floor (proposed year 4 room) of Cranwell House, south elevation, shall be a replica of the existing traditional detailed sash windows on the west elevation of this room. The windows shall also be recessed back from the face of the wall as existing.

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

14 Prior to the installation of external flues or vents their appearance and location shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

15 Prior to the lifting and relaying of the uneven historic stone paving on the raised terrace a detailed specification of works shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

16 Any re pointing works to the main house, or walls to the stone balustrade to the raised terrace, shall be under in a lime putty mortar mix.

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

17 Repairs to the stone balustrade shall be undertaken in natural stone to replicate existing detail.

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

18 Prior to the installation of the replacement roof light, which will light the rear stairs, large scale drawings of the roof light to note its appearance, materials to be used in its construction and finish, shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

19 The stone surrounds for the new rear door entrance /disabled access shall be in natural stone to match existing.

Reason. To safeguard the character and appearance of the listed building/setting of listed building.

20 All external and internal joinery shall be painted unless otherwise agreed in writing by the local planning authority.

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

22 Lath and plaster ceilings where present shall be retained as lath and plaster, where requiring repair this shall also be undertaken in lath and plaster. Repairs to existing cornices shall be undertaken in plaster to replicate existing. Any new sections of cornice shall be a constructed in plaster to replicate existing details.

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

23 Prior to the installation of any external alarm boxes as part of the new security system for the property details of their location and appearance shall be submitted and agreed in writing by the local planning authority .

The works shall be undertaken in accordance with the approved details .

Reason. to safeguard the character and appearance of the listed building.

24 Prior to the upgrading of the building for fire protection details of the works to be undertaken shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

25 The existing recessed alcoves/partitions on the western internal wall of the ground floor room 102, job drawing 1592/P/051 C, shall be carefully removed by hand to avoid undue damage to existing historic fabric. A detailed specification of works, to clarify the works to be undertaken to the existing windows and the internal wall at this point in order to reinstate the window openings, shall then be submitted to and agreed by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

26 Any localized repairs to historic features shall match existing details and historic materials /finishes unless otherwise agreed in writing by the local planning authority

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

27 Prior to the reinstatement of the fireplace in room 104 , job drawing 1592/P/051C, large scale drawings to clarify the appearance and materials used in its construction shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

30 Prior to the works :-

a) To install new doors in the building a detailed door schedule for the erection of new doors, together with large scale drawings to confirm their appearance, including sections through panels as appropriate, shall be submitted and agreed in writing with the local planning authority.

b) To replace ironmongery on the existing doors, and the fitting of new ironmongery to doors, a detailed specification of works shall be submitted to and agreed in writing by the local planning authority

The works shall be undertaken in accordance with the above approved details.

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

31 Notwithstanding proposals the natural stone flagstone floor shall be retained in the basement.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building

32 Prior to the cleaning of the stonework to the basement walls and ceilings to remove the modern paint finishes :-

a) A specification of works /method statement shall be submitted to and agreed in writing by the local planning authority.

b) A sample panel of cleaned stone work shall be provided on site and agreed in writing by the local planning authority.

The stones walls and the stone vaulted ceilings shall be left exposed to view unless otherwise agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

33 Prior to the cleaning works proposed to the marble floor, stone pilasters, and staircase, in the main hall/landing a detailed specification of works shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

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

34 Notwithstanding proposals prior to the installation of the new radiators, and the new ventilation strategy, details of the locations of the radiators, their appearance, service pipe runs, and the impact of the new ventilation strategy on the fabric/appearance of the building shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

35 Notwithstanding the works proposed to room 2001, in Drawing 1592/P/436, the works shall not include proposals for a new door to replace the existing window as confirmed by the agent in his email dated the 2nd May 2012.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

36 Prior to the installation of the contiguous piled retaining wall, a method statement to clarify its installation shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved method statement.

Reason: To safeguard the character/fabric of the adjacent listed buildings from damage caused by vibration.

37 Prior to the facing of the new retaining wall, to the rear and side of the new build, a sample panel of the wall to show both the natural stone work, and rendered sections, shall be constructed on site and inspected /agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

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

38 The pointing of the stonework in the above wall shall be undertaken in a lime based mortar mix with the aggregate tamped to expose the aggregate. The stone copings for the wall shall be in natural limestone.

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

39 Prior to the installation of the handrail, on the top of the stone coping to the above retaining wall, large scale details of the handrail to confirm its appearance, materials used and finish shall be submitted to and agreed in writing by the local planning authority.

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

40 Prior to the repair and restoration of the listed fountain a specification of works shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

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

41 The new cupboards and associated sinks to serve the classrooms shall not cut into or otherwise damage historic features such as skirting's, panelling, and architrave surrounds to doors.

Prior to the installation of the pipe runs to serve the sinks their location shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

PLANS LIST:

1592/P/001B,10B, 11, 12B, 50B, 51C, 52D, 53B, 60B, 61 G,62 G, 63F, 110 , 111, 112A, 113A, 114A, 115, 116,120 ,121, 122A, 123A, 124B, 125A, 126, 199, 200G, 201E, 202, 203A, 204A, 205, 206A, 207, 208, 209A, 210A, 210, 211A, 212A, 213, 300E, 310E, 302 E, 303A, 304, 305 , 310A, 311A, 312A, 313 ,314A, 320A, 321, 331A, 322A, 323, 324A, 325A, 326A, 327A, 328A, 330A, 333A, 334A, 335, 336A, 337. P 400A, 401, 402A, 403, 404A, 405, 406A, 407, 408A, 409A, 410, 411, 412, 413,414, 415, 416A, 417, 418, 420A, 419, 421, 422A, 423, 424, 425, 426, 427, 428 A, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438A, 439, 440, 441, 442, 443, 444A, 456B, 445, 446, 447, 448, 449, 450, 451, 452A, 453, 454, 455, 456, 457, 458 B, 459A, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 500, 501A,502, 503, 504.

1592/SU 50A, 51, 52, 53, 110, 111, 112, 113, 114, 115, 116, 200, 300A, 301, 310A, 311, 312A, 313, 314, 315,316, 317, 503.

5091/05/P2, 201 P4, 202 P3, 203 P2, 06 P2, 07 P2.

Building and Archaeological Report, Design and Access Statement, Heritage Impact Statement, Historic Landscape Appraisal, Landscape Statement ,Planning Statement Ecological Appraisal, .Engineering Services Report. Cranwell House Transport Assessment Statement . Arboricultural Implications Assessment /Method statement /Tree Protection Plan. Flood Risk Assessment date stamped the 9th February, 23rd January , 16th , 17th and 19th April 2012 .

Item No.	Application No.	Address
04	12/00980/FUL	Summerfield School Lime Grove Site Lime Grove Gardens Bathwick Bath

Consultation Responses

Parks – Contributions of £78,433.80 are sought for open spaces.

English Heritage: Comment that the application should be determined in accordance with national and local policy and your specialist conservation advice

Representations: 2 letters of objection received, raising the following points;

- Acknowledge the latest proposal has taken into account some of the previous objections
- Recognise the need for housing in Bath
- Concerned the proposal does not sufficiently minimise the impact
- The area where is it proposed to build units 12 and 13 should be free from buildings
- Building heights should be restricted to 2 storeys
- As many of the trees as possible should be retained to maintain screening
- Minimise lighting pollution by a carefully designed low level lighting
- Pleased that the proposals include bath stone ashlar
- Pleased that the new turning head and the apparent integration with Lime Grove Gardens is included
- Pleased the Transport Statement provides assurances residents will not be able to apply for parking permits
- Pleased there is provision for secure bicycle parking
- 3 storey buildings at the front of the site will reduce the view of Lansdown from Lime Grove Gardens
- Reduction of property value (Officer's note: This is not a material planning consideration)
- Properties in Lime Grove Gardens are only 2 storey
- Design and Heritage Statement is misleading in terms of the context of the surrounding development
- Properties will not reflect the surrounding neighbourhood
- No heights shown on the plans so cannot determine whether the 3 storey dwellings will be the same height as those in Lime Grove Gardens
- Plot 1 will overlook 11 Lime Grove Gardens
- The whole street should be public access and there should be provision for roadside parking
- May lead to additional parking on Lime Grove Gardens
- Lack of community engagement
- Disappointed that PV panels are no longer included

1 letter of comment received, raising the following points;

- The upgrading of the footpath should be a high priority and form part of a s106 Agreement
- Bath stone and slate should not be substituted with poorer materials
- Traffic calming measures should be installed at the entrance to the new development
- Residents should be reassured over who will maintain the green spaces
- Arrangements need to be made for temporary parking and a reduction in Council Tax (or some other form of compensation) for the duration of the construction for Lime Grove Gardens residents due to inconvenience caused by construction traffic and noise.

Officer Assessment

Many of these points have been addressed in the main Committee report and no significant new issues are raised.

It should be noted that the suggested condition by the Environmental Health Officer to mitigate the impact of noise on future occupiers was omitted from the main report and should be included on the permission, should Members be minded to permit the application.

A contribution of £78,433.80 is sought for Parks and Open Spaces and the applicants have agreed to pay this.

Following the drafting of the Committee Report, the Applicants have submitted a Unilateral Undertaking to the Council for the payment of the requested contributions. In view of this, the recommendation is updated to reflect this.

A representation makes reference to a reduction in Council Tax for residents during the construction. This is not a planning consideration as it falls outside of Planning Legislation.

Recommendation

Delegate to PERMIT

A Subject to the satisfactory completion of a Unilateral Undertaking to secure the following;
£68,357.20 for school places and youth provision
£18,000 for improvements to pedestrian facilities
£78,433.80 for parks and open spaces provision
The Developers to fund a Traffic Regulation Order to prevent parking on the new access road.

B

Conditions as the report plus

21. Prior to the occupation of the development hereby approved, the mitigation measures detailed in Section 7.0 of the submitted Acoustic Report shall be implemented and retained in perpetuity.

Reason: To protect the amenity of future occupiers.

Item No.	Application No.	Address
05	12/00292/FUL	53 Minster Way Bathwick Bath

One further representation has been received objecting to the application for the following reasons:

The access to Trossachs Drive is made dangerous from the hill and sharp bend by number 4.

Increased traffic from a recent development at the far end of Trossachs Drive means traffic approaches the blind bend too fast to see traffic entering and leaving the driveway of No. 2. The original planning permission in 1970 did not allow for further development in Trossachs Drive.

This may result in the alteration of access from 2 Trossachs Drive

Increased traffic from a recent development at the far end of Trossachs Drive means traffic approaches the blind bend too fast to see traffic entering and leaving the driveway of No. 2.

OFFICERS REPORT

The highways officer has not raised an objection with regards to highway safety. The proposed development has provided on site parking for two cars and is not considered to significantly increase traffic movements within Trossachs Drive.

The above comments do not alter the officer's recommendation and the application is still recommended for permission.

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

9th May 2012

DECISIONS

Item No:	01	
Application No:	12/00277/FUL	
Site Location:	Cranwell House, Weston Park East, Upper Weston, Bath	
Ward: Weston	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a building adjacent to listed building following demolition of classroom units and outbuildings and refurbishment and alterations to listed building with associated landscape and engineering works including new retaining wall.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,	
Applicant:	Girl's Day School Trust	
Expiry Date:	10th May 2012	
Case Officer:	Richard Stott	

DECISION

Delegate to PERMIT

For the reasons set out in this report, it is recommended that Committee Authorises the Development Manager to grant full planning permission, subject to conditions and the securing of the £10,000 contribution through a legal agreement.

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

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

2 Plans showing parking areas (providing for 20 vehicles) served off the northern and southern accesses shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. This area shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to the satisfaction of the Local Planning Authority before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

3 Prior to the occupation of the development a revised Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

4 Within 6 months of the first occupation of the development, a review of the Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

5 Prior to the occupation of the development, details of the provision for 20 cycles within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

6 The accesses and car parking areas shall operate in accordance with the Operational Statement dated April 2012.

Reason: To ensure the safe operation of the highway.

7 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.

Reason: To ensure the safe operation of the highway.

8 All works and subsequent operational activities must comply with the recommendations and proposed ecological mitigation measures set out in the submitted Ecological Appraisal Land Use Consultants January 2012 V4.0, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard ecological features and protected species at the site

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

- a) Details for protection of badgers and their setts, including updated checks on sett locations; details of any necessary exclusion zones around setts; and any further necessary mitigation and licence application
- b) All outstanding bat mitigation details. These details can be provided in the form of an EPS licence application method statement if appropriate.
- c) Details of enhancement measures for the benefit of reptiles and amphibians
- d) Details of additional habitat provision and enhancement, and long term management specifications for the benefit of wildlife. These details can be incorporated within landscape and planting plans if appropriate.

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

Reason: to safeguard and provide long term for ecological features and protected species at the site

10 No development shall take place until a Detailed Arboricultural Method Statement, with revised Tree Protection Plan, has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate details of the type and number of machines and plant to be used on site and the location of site compound, temporary services and movement of people and machinery. Development shall then only take place in accordance with the approved Statement and Protection Plan.

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

11 No development activity shall commence until the site preparation protective measures as stated in the approved Detailed Arboricultural Method Statement are implemented. Thereafter, the protective measures shall be maintained in strict accordance with the approved Detailed Arboricultural Method Statement. The local planning authority is to be advised two weeks prior to the site preparation stage of the development commencing of the fact that the tree protection measures as required are in place and available for inspection.

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

12 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

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

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

Advice Note:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO

Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

This decision relates to the following drawings and documents dated 23rd January 2012, 9th February 2012, 16th April 2012 and 27th April 2012:

PLANS LIST:

Drawings Titled:

1592/P/001 Rev B, 1592/P/010 Rev B, 1592/P/011 Rev A, 1592/P/012 Rev B, 1592/P/050 Rev B, 1592/P/051 Rev C, 1592/P/052 Rev D, 1592/P/053 Rev B, 1592/P/060 Rev B, 1592/P/061 Rev F, 1592/P/062 Rev G, 1592/P/063 Rev F, 1592/P/110, 1592/P/111, 1592/P/112 Rev A, 1592/P/113 Rev A, 1592/P/114 Rev A, 1592/P/115, 1592/P/116, 1592/P/120, 1592/P/121, 1592/P/122 Rev A, 1592/P/123 Rev A, 1592/P/124 Rev A, 1592/P/125 Rev A, 1592/P/126, 1592/P/199, 1592/P/200 Rev G, 1592/P/201 Rev E, 1592/P/202, 1592/P/203 Rev A, 1592/P/204 Rev A, 1592/P/205, 1592/P/206 Rev A, 1592/P/207, 1592/P/208, 1592/P/209 Rev A, 1592/P/210 Rev A, 1592/P/211 Rev A, 1592/P/212 Rev A, 1592/P/213, 1592/P/220, 1592/P/221, 1592/P/222, 1592/P/223, 1592/P/224, 1592/P/300 Rev E, 1592/P/301 Rev E, 1592/P/302 Rev E, 1592/P/303 Rev A, 1592/P/304, 1592/P/305, 1592/P/310 Rev A, 1592/P/311 Rev A, 1592/P/312 Rev A, 1592/P/313 Rev A, 1592/P/314 Rev A, 1592/P/320 Rev A, 1592/P/321, 1592/P/322 Rev A, 1592/P/323, 1592/P/324 Rev A, 1592/P/325 Rev A, 1592/P/326 Rev A, 1592/P/327 Rev A, 1592/P/328 Rev A, 1592/P/330 Rev A, 1592/P/331, 1592/P/332, 1592/P/333 Rev A, 1592/P/334 Rev A, 1592/P/335, 1592/P/336 Rev A, 1592/P/337, 1592/P/400 Rev A, 1592/P/401, 1592/P/402 Rev A, 1592/P/403, 1592/P/404 Rev A, 1592/P/405, 1592/P/406 Rev A, 1592/P/407, 1592/P/408 Rev A, 1592/P/409 Rev A, 1592/P/410, 1592/P/411 Rev A, 1592/P/412, 1592/P/413, 1592/P/414, 1592/P/415, 1592/P/416 Rev A, 1592/P/417, 1592/P/418, 1592/P/419, 1592/P/420 Rev A, 1592/P/421, 1592/P/422, 1592/P/423, 1592/P/424, 1592/P/425, 1592/P/426, 1592/P/427 Rev A, 1592/P/428 Rev A, 1592/P/429, 1592/P/430, 1592/P/431, 1592/P/432, 1592/P/433, 1592/P/434, 1592/P/435, 1592/P/436, 1592/P/437, 1592/P/438 Rev A, 1592/P/439, 1592/P/440, 1592/P/441, 1592/P/442, 1592/P/443, 1592/P/444 Rev A, 1592/P/445, 1592/P/446, 1592/P/447, 1592/P/448, 1592/P/449, 1592/P/450, 1592/P/451, 1592/P/452 Rev A, 1592/P/453, 1592/P/454 Rev A, 1592/P/455, 1592/P/456 Rev B, 1592/P/457, 1592/P/458 Rev B, 1592/P/459 Rev A, 1592/P/460, 1592/P/461, 1592/P/462, 1592/P/463, 1592/P/464, 1592/P/465, 1592/P/466, 1592/P/467, 1592/P/468, 1592/P/469, 1592/P/470, 1592/P/471, 1592/P/472, 1592/P/500, 1592/P/501 Rev A, 1592/P/502, 1592/P/503, 1592/P/504, 1592/SU/050, 1592/SU/051, 1592/SU/052, 1592/SU/053, 1592/SU/110, 1592/SU/111, 1592/SU/112, 1592/SU/113, 1592/SU/114, 1592/SU/115, 1592/SU/116, 1592/SU/200, 1592/SU/300 Rev A, 1592/SU/301, 1592/SU/310 Rev A, 1592/SU/311, 1592/SU/312 Rev A, 1592/SU/313, 1592/SU/314, 1592/SU/315, 1592/SU/316, 1592/SU/317, 1592/SU/503, 4648 03.21 ISSUE H, IMA 016 0815, IMA-11-016 PLAN 6A REV 1, IMA-11-016 PLAN 6B REV 1, 03.19, 03.20 ISSUE G, 03.21 ISSUE G, 20112-CRANWELLHOUSE-TPP-WG-1.1, 090902_CRANWELLHOUSE-SITE1_TCP_HPS_2.0, QD2500/M0101 P2, QD2500/MO103 P2, QD2500/MO201 P2, QD2500/MO203 P2, QD2500/MO301 P2, QD2500/PLAN/EO0001 P2, 201 REV P4, 202 REV P3, 203 REV P2, 5091 05 P2, 5091 06 P2, 5091 07 P2, 5091 201 P4, 5091 202 P3, 5091 203 P2

Documents Titled:

A HISTORIC LANDSCAPE APPRAISAL, ARBORICULTURAL IMPLICATIONS ASSESSMENT, DESIGN AND ACCESS STATEMENT, ECOLOGICAL APPRAISAL,

HERITAGE IMPACT STATEMENT, LANDSCAPE STATEMENT, DESCRIPTION OF ENGINEERING, PLANNING STATEMENT, SUSTAINABLE CONSTRUCTION CHECKLIST, TRANSPORT ASSESSMENT, FLOOD RISK ASSESSMENT, OPERATIONAL STATEMENT, ACCESS CONSIDERATIONS, PHOTOS & SKETCHES

REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance and Documents. This is in accordance with the policies set out below at A.
2. All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.
3. The size, scale, mass, design and siting of the new teaching facilities are proportionate to the scale of the existing building and will not adversely harm the historic and architectural significance of the Grade II listed house.
4. The proposed preserves the character and appearance of the Conservation Area and will not adversely harm the setting of the wider World Heritage Site.
5. The proposed works preserve the ecological assets noted on the site and the associated landscaping will sensitively enhance the wider setting of the site.
6. The proposed building, by reason of its siting will not adversely harm the amenities of adjacent residential dwellings.

A

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

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.1 World Heritage Site

BH.2 Listed Buildings and Their Settings

BH.6 Conservation Area

NE.4 Trees and Woodland

NE.10 Nationally Important Species and Habitats

T.1 Overarching Access Policy

T.24 Development and Access

T.26 Parking

SUBMISSION CORE STRATEGY, MAY 2011 (The submission core strategy is a key material consideration but at this stage it has limited weight)

B4 World Heritage Site

Policies D.2, D.4, BH.2, BH.6, NE.4, NE.10, T.1, T.24 and T.26 of the adopted Local Plan are saved policies.

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into immediate effect on the 27th March 2012 however confirms that existing Local Plan Policies will remain extant for a period of 12 months. Due consideration has been given to the NPPF however it does not raise any issues that conflict with the existing Local Plan policies.

Item No:	02	
Application No:	12/00278/LBA	
Site Location:	Cranwell House, Weston Park East, Upper Weston, Bath	
Ward: Weston	Parish: N/A	LB Grade: N/A
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Erection of a building adjacent to listed building following demolition of classroom units and outbuildings and refurbishment and alterations to listed building with associated landscape and engineering works including new retaining wall.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,	
Applicant:	Girl's Day School Trust	
Expiry Date:	5th April 2012	
Case Officer:	Varian Tye	

DECISION CONSENT

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

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

2 Notwithstanding proposals for the South Entrance Gate, drawing number 1592/P/503, prior to the commencement of works to the entrance large scale details of the new gates to note their appearance, operating mechanism, method of fixing to the stone gate piers, and the location/appearance of the key/pad call point shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

3 No works shall take place until all outstanding bat mitigation details have been submitted and agreed in writing by the local planning authority. These details can be provided in the form of an EP license application method statement.

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

Reason: To safeguard and provide the long term ecological features and protected species on the site.

4 Prior to the cleaning of the external stone work of Cranwell's House:-

a) A specification of works /method statement shall be submitted to and agreed in writing by the local planning authority.

b) A sample panel of cleaned stone work shall be provided on site and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

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

5 Repairs to the stonework shall be in natural stone to match existing or in a lime putty based mortar mix to match the existing stonework.

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

6 Prior to the re - roofing of the former conservatory a sample of the natural slate shall be submitted to and approved in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

7 Notwithstanding the proposals for the former conservatory, and Palm house, when the lowered modern ceilings are removed a specification of works to the existing roof structure shall be submitted to and agreed in writing by the local planning authority. This specification shall include such details as the location and type of new drainage runs, and the detail/location of any future ceilings to be put back into these sections of the building.

The works shall be undertaken in accordance with the approved details.

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

8 Notwithstanding the proposed drawings, and prior to the works being undertaken, the details of any new doors /windows to the former Palm house shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

9 The mosaic floor in the former Palm house shall be retained in situ and clarification on works to it, and how it will be incorporated into proposals shall be submitted and agreed in writing by the local planning authority .

The works shall be undertaken in accordance with the approved details.

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

10 Notwithstanding proposals for tanking the north wall of the former Palm house, and prior to works being undertaken on the north wall, a specification of works for the north wall shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

11 Prior to works commencing on the installation of the new door/ screen on the northern elevation of the proposed nursery, former conservatory, large scale details of the works proposed shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

12 The new external windows for the proposed nursery, former conservatory, shall be a replica of the existing traditional detailed six over six timber paned timber sash windows .The windows shall also be recessed back from the face of the wall as existing.

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

13 The new windows proposed on the first floor (proposed year 4 room) of Cranwell House, south elevation, shall be a replica of the existing traditional detailed sash windows on the west elevation of this room. The windows shall also be recessed back from the face of the wall as existing.

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

14 Prior to the installation of external flues or vents their appearance and location shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

15 Prior to the lifting and relaying of the uneven historic stone paving on the raised terrace a detailed specification of works shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

16 Any re pointing works to the main house, or walls to the stone balustrade to the raised terrace, shall be under in a lime putty mortar mix.

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

17 Repairs to the stone balustrade shall be undertaken in natural stone to replicate existing detail.

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

18 Prior to the installation of the replacement roof light, which will light the rear stairs, large scale drawings of the roof light to note its appearance, materials to be used in its construction and finish, shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

19 The stone surrounds for the new rear door entrance /disabled access shall be in natural stone to match existing.

Reason. To safeguard the character and appearance of the listed building/setting of listed building.

20 All external and internal joinery shall be painted unless otherwise agreed in writing by the local planning authority.

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

22 Lath and plaster ceilings where present shall be retained as lath and plaster, where requiring repair this shall also be undertaken in lath and plaster. Repairs to existing cornices shall be undertaken in plaster to replicate existing. Any new sections of cornice shall be a constructed in plaster to replicate existing details.

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

23 Prior to the installation of any external alarm boxes as part of the new security system for the property details of their location and appearance shall be submitted and agreed in writing by the local planning authority .

The works shall be undertaken in accordance with the approved details .

Reason. to safeguard the character and appearance of the listed building.

24 Prior to the upgrading of the building for fire protection details of the works to be undertaken shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

25 The existing recessed alcoves/partitions on the western internal wall of the ground floor room 102, job drawing 1592/P/051 C, shall be carefully removed by hand to avoid undue damage to existing historic fabric. A detailed specification of works, to clarify the works to be undertaken to the existing windows and the internal wall at this point in order to reinstate the window openings, shall then be submitted to and agreed by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

26 Any localized repairs to historic features shall match existing details and historic materials /finishes unless otherwise agreed in writing by the local planning authority

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

27 Prior to the reinstatement of the fireplace in room 104 , job drawing 1592/P/051C, large scale drawings to clarify the appearance and materials used in its construction shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

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

30 Prior to the works :-

a) To install new doors in the building a detailed door schedule for the erection of new doors, together with large scale drawings to confirm their appearance, including sections through panels as appropriate, shall be submitted and agreed in writing with the local planning authority.

b) To replace ironmongery on the existing doors, and the fitting of new ironmongery to doors, a detailed specification of works shall be submitted to and agreed in writing by the local planning authority

The works shall be undertaken in accordance with the above approved details.

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

31 Notwithstanding proposals the natural stone flagstone floor shall be retained in the basement.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building

32 Prior to the cleaning of the stonework to the basement walls and ceilings to remove the modern paint finishes :-

a) A specification of works /method statement shall be submitted to and agreed in writing by the local planning authority.

b) A sample panel of cleaned stone work shall be provided on site and agreed in writing by the local planning authority.

The stones walls and the stone vaulted ceilings shall be left exposed to view unless otherwise agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

33 Prior to the cleaning works proposed to the marble floor, stone pilasters, and staircase, in the main hall/landing a detailed specification of works shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

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

34 Notwithstanding proposals prior to the installation of the new radiators, and the new ventilation strategy, details of the locations of the radiators, their appearance, service pipe runs, and the impact of the new ventilation strategy on the fabric/appearance of the building shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

35 Notwithstanding the works proposed to room 2001, in Drawing 1592/P/436, the works shall not include proposals for a new door to replace the existing window as confirmed by the agent in his email dated the 2nd May 2012.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

36 Prior to the installation of the contiguous piled retaining wall, a method statement to clarify its installation shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved method statement.

Reason: To safeguard the character/fabric of the adjacent listed buildings from damage caused by vibration.

37 Prior to the facing of the new retaining wall, to the rear and side of the new build, a sample panel of the wall to show both the natural stone work, and rendered sections, shall be constructed on site and inspected /agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

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

38 The pointing of the stonework in the above wall shall be undertaken in a lime based mortar mix with the aggregate tamped to expose the aggregate. The stone copings for the wall shall be in natural limestone.

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

39 Prior to the installation of the handrail, on the top of the stone coping to the above retaining wall, large scale details of the handrail to confirm its appearance, materials used and finish shall be submitted to and agreed in writing by the local planning authority.

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

40 Prior to the repair and restoration of the listed fountain a specification of works shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

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

41 The new cupboards and associated sinks to serve the classrooms shall not cut into or otherwise damage historic features such as skirting's, panelling, and architrave surrounds to doors.

Prior to the installation of the pipe runs to serve the sinks their location shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

42 The works hereby permitted shall be implemented in accordance with the plans set out in the plan list below.

Reason: To define the consent.

PLANS LIST:

1592/P/001 Rev B, 1592/P/010 Rev B, 1592/P/011 Rev A, 1592/P/012 Rev B, 1592/P/050 Rev B, 1592/P/051 Rev C, 1592/P/052 Rev D, 1592/P/053 Rev B, 1592/P/060 Rev B, 1592/P/061 Rev F, 1592/P/062 Rev G, 1592/P/063 Rev F, 1592/P/110, 1592/P/111, 1592/P/112 Rev A, 1592/P/113 Rev A, 1592/P/114 Rev A, 1592/P/115, 1592/P/116, 1592/P/120, 1592/P/121, 1592/P/122 Rev A, 1592/P/123 Rev A, 1592/P/124 Rev A, 1592/P/125 Rev A, 1592/P/126, 1592/P/199, 1592/P/200 Rev G, 1592/P/201 Rev E, 1592/P/202, 1592/P/203 Rev A, 1592/P/204 Rev A, 1592/P/205, 1592/P/206 Rev A, 1592/P/207, 1592/P/208, 1592/P/209 Rev A, 1592/P/210 Rev A, 1592/P/211 Rev A, 1592/P/212 Rev A, 1592/P/213, 1592/P/220, 1592/P/221, 1592/P/222, 1592/P/223, 1592/P/224, 1592/P/300 Rev E, 1592/P/301 Rev E, 1592/P/302 Rev E, 1592/P/303 Rev A, 1592/P/304, 1592/P/305, 1592/P/310 Rev A, 1592/P/311 Rev A, 1592/P/312 Rev A, 1592/P/313 Rev A, 1592/P/314 Rev A, 1592/P/320 Rev A, 1592/P/321, 1592/P/322 Rev A, 1592/P/323, 1592/P/324 Rev A, 1592/P/325 Rev A, 1592/P/326 Rev A, 1592/P/327 Rev A, 1592/P/328 Rev A, 1592/P/330 Rev A, 1592/P/331, 1592/P/332, 1592/P/333 Rev A, 1592/P/334 Rev A, 1592/P/335, 1592/P/336 Rev A, 1592/P/337, 1592/P/400 Rev A, 1592/P/401, 1592/P/402 Rev A, 1592/P/403, 1592/P/404 Rev A, 1592/P/405, 1592/P/406 Rev A, 1592/P/407, 1592/P/408 Rev A, 1592/P/409 Rev A, 1592/P/410, 1592/P/411 Rev A, 1592/P/412, 1592/P/413, 1592/P/414, 1592/P/415, 1592/P/416 Rev A, 1592/P/417, 1592/P/418, 1592/P/419, 1592/P/420 Rev A, 1592/P/421, 1592/P/422A, 1592/P/423, 1592/P/424, 1592/P/425, 1592/P/426, 1592/P/427 Rev A, 1592/P/428 Rev A, 1592/P/429, 1592/P/430, 1592/P/431, 1592/P/432, 1592/P/433, 1592/P/434, 1592/P/435, 1592/P/436, 1592/P/437, 1592/P/438 Rev A, 1592/P/439, 1592/P/440, 1592/P/441, 1592/P/442, 1592/P/443, 1592/P/444 Rev A, 1592/P/445 A, 1592/P/446, 1592/P/447, 1592/P/448, 1592/P/449, 1592/P/450, 1592/P/451, 1592/P/452 Rev A, 1592/P/453, 1592/P/454 Rev A, 1592/P/455A, 1592/P/456 Rev B, 1592/P/457, 1592/P/458 Rev B, 1592/P/459 Rev A, 1592/P/460, 1592/P/461, 1592/P/462, 1592/P/463, 1592/P/464, 1592/P/465, 1592/P/466, 1592/P/467, 1592/P/468, 1592/P/469, 1592/P/470, 1592/P/471, 1592/P/472, 1592/P/500, 1592/P/501 Rev A, 1592/P/502, 1592/P/503, 1592/P/504, 1592/SU/050 A, 1592/SU/051, 1592/SU/052, 1592/SU/053, 1592/SU/110, 1592/SU/111, 1592/SU/112, 1592/SU/113, 1592/SU/114, 1592/SU/115, 1592/SU/116, 1592/SU/200, 1592/SU/300 Rev A, 1592/SU/301, 1592/SU/310 Rev A, 1592/SU/311, 1592/SU/312 Rev A, 1592/SU/313, 1592/SU/314, 1592/SU/315, 1592/SU/316, 1592/SU/317, 1592/SU/503, 4648 03.21 ISSUE H, IMA 016 0815, IMA-11-016 PLAN 6A REV 1, IMA-11-016 PLAN 6B REV 1, 03.19, 03.20 ISSUE G, 03.21 ISSUE G, 20112-CRANWELLHOUSE-TPP-WG-1.1, 090902_CRANWELLHOUSE-SITE1_TCP_HPS_2.0, QD2500/M0101 P2, QD2500/MO103 P2, QD2500/MO201 P2, QD2500/MO203 P2, QD2500/MO301 P2,

QD2500/PLAN/EO0001 P2, 201 REV P4, 202 REV P3, 203 REV P2, 5091 05 P2, 5091 06 P2, 5091 07 P2, 5091 201 P4, 5091 202 P3, 5091 203 P2

Documents Titled:

A HISTORIC LANDSCAPE APPRAISAL, BUILDING AND ARCHAEOLOGICAL REPORT. ARBORICULTURAL IMPLICATIONS ASSESSMENT, DESIGN AND ACCESS STATEMENT, ECOLOGICAL APPRAISAL, HERITAGE IMPACT STATEMENT, LANDSCAPE STATEMENT, DESCRIPTION OF ENGINEERING, PLANNING STATEMENT, SUSTAINABLE CONSTRUCTION CHECKLIST, TRANSPORT ASSESSMENT, FLOOD RISK ASSESSMENT, OPERATIONAL STATEMENT, ACCESS CONSIDERATIONS, PHOTOS & SKETCH DATE STAMPED THE , 23rd JANUARY, 9th FEBRUARY, 16th ,17th 19th APRIL and 27th April 2012 .

FOOTNOTE: For the avoidance of doubt this consent does not grant permission for the erection of the new build hall/classrooms in the rear courtyard.

If the works of the proposal contained within the application require access scaffolding to be erected it is incumbent on all interested parties to ensure that it is undertaken adopting conservation best practice. Methods of erection which entail bolting scaffolding to the building using anchor ties will require listed building consent and are unlikely to be acceptable.

REASON FOR GRANTING CONSENT

The Council acknowledges that there are works which may be argued to cause harm to the special and architectural and historic interest of the listed building, such as the subdivision of the room on the ground floor to create a First Aid room and disabled WC. However, these are not regarded as substantial harm and the works are outweighed by the overall heritage benefits associated with the proposals. The other works by virtue of their location, design, detailing and use of materials, will preserve the building, its setting, and its features of special architectural and historic interest, and will preserve the character and appearance of the historic garden, Conservation Area and World Heritage Site.

Item No:	03	
Application No:	12/00488/FUL	
Site Location:	40 Audley Park Road, Lower Weston, Bath, Bath And North East Somerset	
Ward: Kingsmead	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of balcony, rendering of garage and utility and alterations to two storey side extension (Retrospective).	

Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Dr Stephen Hill
Expiry Date:	18th April 2012
Case Officer:	Rebecca Roberts

DECISION PERMIT

1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the east and south elevations at any time unless a further planning permission has been granted.

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

PLANS LIST:

This decision relates to drawing's titled site location plan, approved plan view, approved front elevation, approved south elevation, accepted rear elevation, accepted north elevation, proposed front elevation, proposed rear elevation, proposed south elevation date stamped 31st January 2012 and the proposed north elevation and proposed plan view date stamped 22nd February 2012.

REASONS FOR GRANTING APPROVAL

1. The proposed development is considered acceptable in terms of design, size, scale, siting and use of materials. The proposed development would preserve the existing built environment without detriment to the character and appearance of the streetscene and this part of the Conservation Area and setting of the World Heritage Site.

The proposed development is not considered to cause significant harm in terms of an overbearing presence, loss of privacy or overlooking to the detriment of neighbouring occupiers.

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

A.

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

D2 - General Design and public realm considerations

D4 - Townscape considerations

BH1 - Impact of development on World Heritage Site of Bath or its setting

BH6 - Development within or affecting Conservation Areas

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

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

B4 - The World heritage Site and its setting (will replace BH.1)

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

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

Item No:	04	
Application No:	12/00980/FUL	
Site Location:	Summerfield School Lime Grove Site, Lime Grove Gardens, Bathwick, Bath	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 13no. dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission).	
Constraints:	Agric Land Class 3b,4,5, Article 4, British Waterways, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Bloor Homes	
Expiry Date:	19th June 2012	
Case Officer:	Suzanne D'Arcy	

DECISION

Delegate to PERMIT

A Subject to the satisfactory completion of a Unilateral Undertaking to secure the following;

£68,357.20 for school places and youth provision

£18,000 for improvements to pedestrian facilities

£78,433.80 for parks and open spaces provision

The Developers to fund a Traffic Regulation Order to prevent parking on the new access road.

B Authorise the Development Manager to PERMIT subject to the prior completion of the above Unilateral Undertaking and with the following conditions:

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

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

2 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

3 No development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

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

4 Finished Floor Levels for the proposed development shall be set no lower than 21.86 m AOD.

Reason: To reduce the risk of flooding to the development and future occupants.

5 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

6 Prior to the commencement of development approved by this planning permission (or such other date or stage in the development as may be first agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

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

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

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the proposed development does not cause pollution of controlled waters.

7 The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

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

Reason: To retain adequate off-street parking provision.

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

Reason: In the interests of amenity and highway safety.

10 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Better publication, car share, car club information etc. The content of such packs shall have been first approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

12 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management and hours of working.

Reason: To ensure the safe operation of the highway.

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

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

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

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

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

(i) Implementation of the submitted Precautionary Working Method and plans showing location of protective fencing and confirmation that this is in place before works begin; all necessary measures for the protection of bats, badger and nesting birds

(ii) implementation of all recommendations of the submitted ecological reports: Extended Phase 1 Habitat Survey and Daytime Bat Assessment and Survey Of Land Ecosulis April 2010; Phase 2 Ecological Surveys Ecosulis October 2010; Update Bat Surveys Ecosulis August & September 2011; Badger Mitigation Strategy Ecosulis January 2012; Mitigation Strategy Ecosulis January 2012.

(iii) Implementation of the submitted plan showing proposed bat and bird features (Ecosulis January 2012), including incorporation of bat bricks into buildings

(iv) Further incorporation of wildlife habitat and native planting into the landscape and planting scheme, to include management specifications for habitat areas

(v) Details of the proposed bat friendly lighting scheme, including details of any proposed new lighting to adjoining footpaths. These details must clearly demonstrate, using lux level contour plans if appropriate, that there will be no harm to bat foraging activity and commuting routes, and that habitats on site and on adjoining land, including the old railway line, will not be affected by light spill from the development.

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

Reason: To safeguard existing wildlife on the site

16 The development shall be constructed in accordance with the noise mitigation measures detailed in Section 7.0 of the submitted acoustic report.

Reason: To safeguard the amenity of future occupiers.

17 No development activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

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

18 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

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

19 No development shall take place, except for site clearance and levelling works, until final details of the building heights have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the area.

20 Prior to the occupation of the development hereby approved, the mitigation measures detailed in Section 7.0 of the submitted Acoustic Report shall be implemented and retained in perpetuity.

Reason: To protect the amenity of future occupiers.

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

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

PLANS LIST: This decision relates to drawings numbered BHS_91-101 Rev A, -A1, -A2, -B, -C-D1, -D2, -G1, NPA/10488 P 501 Rev G, and Topographical Survey, and related Planning Statement, Design and Access Statement and Heritage Statement, Sequential Test, Construction Method Statement, Arboricultural Method Statement, Extended Phase 1 Habitat Survey, Phase 2 Ecological Survey, Update Bat Surveys, Badger Mitigation Strategy, Mitigation Strategy, Precautionary Method Of Working, Environmental Noise Report Revision B, Landscape Report and Strategy, Transport Statement, Statement of Community Engagement, Archaeological Evaluation, Flood Risk Assessment and Desk Study and Ground Investigation, received by the Council on 2nd March 2012 and drawings numbered BHS_91-102 Rev A, _91-103 Rev A, _00-104 rev A, _91-105 Rev A, _91-106, _91-106.2, _91-108 A, _91-109 A, _91-110 A, _91-111 A, _91-112 A and _91-113 A, received by the Council on 20th March 2012.

REASONS FOR GRANTING APPROVAL

1. The proposed development would represent an improvement on the existing derelict condition of the site, which is harmful to the Conservation Area. The scale, massing, siting, appearance and amount of development is considered to be acceptable and appropriate on the site and will not have an adverse impact on the surrounding Conservation Area. The relationship between the existing dwellings and the proposed dwellings will not result in a significant adverse impact on residential amenity. The siting of the dwellings will not lead to significant pressure for the loss of trees which are important features of the Conservation Area. There is sufficient access and parking for the development so there will not be an adverse impact on highway safety. Conditions can be used to mitigate the impact of the construction. The Sequential test includes evidence of that other sites have been assessed and are not available so is considered to be passed. The badger sett will not be disturbed on site and conditions can mitigate against other potential impacts on wildlife.

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

A.

IMP.1, D.2, D.4, BH.1, BH.6, BH.7, HG.1, HG.4, HG.7, HG.8, ES.12, NE.1, NE.4m NE.10, NE.14, T.1, T.24, T.25, T.26 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Planning Obligations Supplementary Planning Document - adopted July 2009

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

This permission is accompanied by a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990.

Item No:	05	
Application No:	12/00292/FUL	
Site Location:	53 Minster Way, Bathwick, Bath, Bath And North East Somerset	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of new detached dwelling in the grounds of the existing house and associated new vehicular access and hardstanding	
Constraints:	Agric Land Class 1,2,3a, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Mr Jon Avent	
Expiry Date:	3rd April 2012	
Case Officer:	Alice Barnes	

DECISION REFUSE

1 The proposed dwelling by reason of its siting close to the boundary of the Green Belt will detract from the openness and visual amenity of the Green Belt and is therefore contrary to Policy GB.2 of the Bath & North East Somerset Local Plan including Minerals and Waste policies - adopted October 2007.

2 The proposed development by reasons of its siting will result in overlooking and consequent loss of privacy to the neighbouring dwelling of number 53 Minster Way. The siting and height of the proposed dwelling will result in the development having a dominant and overbearing impact to the neighbouring property of number 55 Minster Way. The proposed development is therefore contrary to Policy D.2 of the Bath & North East Somerset Local Plan including Minerals and Waste policies - adopted October 2007.

3 The proposed development by reason of its siting scale and design is not of a high quality design and does not respond to the local context in terms of appearance, siting, spacing and layout. The proposal therefore fails to preserve the character and appearance of this part of the Conservation Area and would harm the setting of the World Heritage Site. The proposed development is therefore contrary to Policies D.2, D.4. BH.1 and BH.6 of the Bath & North East Somerset Local Plan including Minerals and Waste policies - adopted October 2007.

PLANS LIST:

Site location plan
Proposed plans 01C
Proposed elevations 02C
Existing site plan and section 03

Proposed site plan and section and roof plan 04C
Existing elevations 100A

Item No:	06	
Application No:	11/05320/FUL	
Site Location:	Leaning Pines, Thrubwell Lane, Nempnett Thrubwell, Bristol	
Ward: Chew Valley South	Parish: Nempnett Thrubwell	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a single storey dwelling following demolition of existing dwelling and associated outbuildings.	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Water Source Areas,	
Applicant:	Miss V. K. Withers	
Expiry Date:	13th March 2012	
Case Officer:	Victoria Griffin	

DECISION PERMIT

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

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

2 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, or any order revoking or re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1, Classes A-E of the order shall be carried out at the dwelling hereby permitted.

Reason: The implementation of permitted development rights may harm the openness of the green belt and the appearance of the area.

3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 the verandah and car port shall not be enclosed and shall remain open as shown on the approved drawings.

Reason: To safeguard the appearance of the building and to protect this part of the Green Belt from inappropriate development.

4 Notwithstanding the approved plans the basement area shall not be used other than for rainwater storage, storage of the ground source heat pump, boiler, hot and cold water storage system and domestic storage.

Reason: To safeguard the appearance of the building and to protect this part of the Green Belt from inappropriate development.

5 Details of the finished floor levels of the suspended floor and basement floor in relation to ground levels shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work.

Reason: To safeguard the appearance of the building and to protect this part of the Green Belt from inappropriate development.

6 Prior to the commencement of development details of the installation of the Ground Source Heat Pump System (pipework) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the existing rural landscape of the Green Belt and the existing trees and planting to be retained within the site.

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

Reason: In the interests of amenity and highway safety.

8 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway and to accord with the requirements of the Flood and Water Management Act 2010, details of which shall have been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

9 Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5m from the carriageway edge. The area between the edge of the carriageway and the gates shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

10 No demolition or construction activities shall take place until an arboricultural method statement with tree protection plan identifying measures to protect the trees and hedging to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained.

11 No demolition or construction activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

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

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

Reason: To ensure the provision of an appropriate landscape setting to the development, and to define the limits of the residential curtilage.

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

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

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

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

PLANS LIST: The decision relates to the following documents: Location plan, Site photos dated December 2011, 1208.102B, 1208.501B, 1208.103B, 1208.104B, 1208.105B, 1208.106A, 1208.107A, 1208.201B, Flood Risk Statement, Water colour sketch, Sustainable Construction Checklist, Design and Access Statement.

REASONS FOR GRANTING APPROVAL:

1. The proposed development will not have an adverse impact upon the streetscene, the amenity of the surrounding residential occupiers.

There is an extant planning permission on the site for a replacement dwelling; the proposed development is of a higher quality design than that previously approved.

The proposed replacement dwelling is not considered to harm the openness of the Green Belt. The environmental benefits of the renewable and sustainability systems including,

solar panels, ground source heat pump and rainwater harvesting are considered very special circumstances.

Due to the materials, siting and scale the proposal is considered to enhance the character of this rural locality.

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

A.

D2 - General Design and public realm considerations

D4 - Townscape considerations

HG14 - Replacement dwellings

GB1 - Control of development in the Green Belt

GB2 - Visual amenities of the Green Belt

T24 - General development control and access policy

T26 - On-site parking provision

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

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

CP6 - Environmental quality

CP8 - Green Belt

DW1 - District-wide spatial Strategy

D.2, D.4, HG.14, GB.2, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

The National Planning Policy Framework (March 2012) has been considered and does not conflict with the above policies. Paragraph 214 states that for a period of 12 months decision-takers can continue to give full weight to relevant local plan policies adopted since 2004, even if there is a limited degree of conflict with the NPPF. The relevant policies within the NPPF and those of the adopted Local Plan are referred to below in this report

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

DEVELOPMENT CONTROL COMMITTEE 9 MAY 2012

Committee update report for item 14 Land at Former Fullers Earthworks, Fosseyway, Combe Hay, Bath

1.0 It is necessary to report late representations to the Committee as well as additional information related to some of the detail of a representation from Ashfords, Solicitors acting on behalf of Gazelle Properties Limited, which is referred to within the main Report and further advice on the consideration of the period for compliance in the event that the Committee resolve to authorise the issue of enforcement notices in relation to the activities on this site.

2.0 Additional representations:

A representation has been made by Cllr Nigel Roberts, Ward Member for Odd Down. He is unable to attend the Development Control Committee Meeting but makes the following points:

- The development is not in Odd Down ward but does affect a lot of residents in particular those living in Sulis Meadows;
- Burning material has caused black smoke to go over the estate;
- Endless noise from beeping lorries reversing and to other noise associated with the site;
- Issues with scrambler motorcycles;
- Increased traffic from this and other developments causing problems along Wellsway and other roads;
- Most of the Sulis Meadows estate were built before this site started;
- The development has gone on too long doesn't fit with the green belt and should be enforced against.

It is not considered that the above representations raise issues that have not already been covered in previous Reports or the Report before you today..

3.0 The main Report at paragraphs 3.3 - 3.7 refers to the letter from Ashfords. This was received very close to the deadline for the writing of the report and contained a statement from Mr. Upshall upon which it was not possible to set out a considered view in the main Report. Mr. Upshall is a former employee who has had knowledge of the site for many years. The sworn statement is dated 2008, is not something that has been put to the Council previously, and is therefore additional to a previous statement by Mr. Upshall that had been submitted to the Council in 2006 as part of the Certificate of Lawful Existing Use (CLEU) application and referred to throughout the reports on this case.

In paragraph 1 of the 2006 Statement Mr Upshall records that he was given a plan showing the whole of the Fullers Earth site edged in red to assist him in making the statutory declaration. Mr Upshall commented that he was familiar with the site having been employed there in 1943 aged 17, and until the site closed in 1981. The Council have now been provided with a second statutory declaration dated 2008. Mr Upshall at that time, in addition to the red line plan, was shown a bundle of plans and photographs - the plan labeled A-E with which members will be familiar, and 2 aerial photographs of the site that he was told were taken in 1968 and in 1975.

Mr Upshall was employed as foreman and responsible for the day to day operation of the works

4.0 Mr Upshall' s Evidence

It is clear that the Fullers Earth site was in use in 1943, but the extent of that use is unclear. The evidence of Mr. Upshall is that during his time;

“ the works buildings were occupied solely for industrial processes comprising the processing and refinement of Fullers Earth and the manufacture of finished products.”

He also comments in the 2008 declaration that there was no need for fencing around the site and consequently;

“As there was no fence or any other form of boundary separating the industrial building their associated hard-standings and the surrounding land, the land to the south west, the south and the

northeast could be, and was, used freely for purposes connected with the industrial uses. Laportes did not allow any other uses to take place upon the surrounding land to the north east to the land surrounding the old addit to the South .”

Mr. Upshall goes on to say that the land to the north east was used from time to time for storage of various items connected with the industrial use including;

- Unprocessed earth;
- Finished palletized bagged products (kept under tarpaulins);
- Pit props; and
- Miscellaneous materials and machinery.

This supports what was said in Mr. Upshall’ s 2006 declaration that;

If miners were particularly productive at Under Sow Hill there was not enough room within the site to store all of the material waiting to be processed. At such times the “green clay” would be stored outside on the area between the site and what is now know as the Odd Down Park and Ride. These storage piles could be extensive depending on how quickly the clay was processed. These stockpiles could be particularly large when ships from Avonmouth required emptying.

At the height of production the site was often full of material for use. Occasionally pressure on covered space meant that finished products were also stored on pallets outside and covered with tarpaulins until dispatch.”

A few matters arise. First, Mr. Upshall seems to address the buildings as ‘the site.’ Mr. Upshall describes stockpiles on land between ‘the site’ and ‘the Odd Down Park and Ride’ which correlates to part of Area E. It can be inferred from this description that the site at that time was viewed even by those who worked there to comprise those buildings and hardstandings at A, and not the whole of the area outlined in red. Storing material outside of area A it would seem was not the usual modus operandi, i.e. When miners were working normally, or when ships from Avonmouth did not require emptying. There is no other evidence about the extent or duration of this use, and so it is difficult to say on balance that there was any change of use at area E - even if those activities were undertaken.

The nature of those storage activities in area E as described by Mr. Upshall, and the photograph taken in 1968 led to the following conclusions in the January report;-

Clearly there was some overspill from the buildings at the height of production, but Mr Upshall is not specific about the length of time ‘the height of production’ continued, or how frequently products would have to be stored outside of the buildings. It would appear that this was only ‘occasionally.’ Furthermore, he doesn’t comment on the extent to which, if any, the products were stored other than in the immediate vicinity of the buildings and doesn’t specifically mention moving them onto the grassed area at E. Accordingly, it cannot be concluded that any area other than A was at that time in use for industrial purposes and storage on the basis of that evidence. The aerial photograph from 1968 does appear to show some encroachment on the neighbouring grassland, but it is not extensive, and there is nothing to suggest this use was anything other than temporary or that there was a change of the use of the neighbouring land which is now immune from enforcement action.

The later declaration however goes further that that made in 2006;

“10. We also used the land from time to time on which to deposit excess and waste fullers earth. The uses on the adjacent land varied in extent and intensity throughout my time at the site from 1943 right though to the 1970’s. The 1971 photo shows clearly our extensive use of the land to the north east all the way to the ancient hedgerow.”

Again, a distinction is drawn between the hardstanding and buildings and the ‘adjacent land,’ although it should be noted that in paragraph 9, Mr. Upshall states that he regarded the buildings and land as one site.

Dealing then with the assertion that the 1971 photo shows an extensive use of the land to the north east, interestingly, Mr. Upshall states the land to the north east of the buildings (predominately area E) was:-

“never used for any agricultural purpose at all from the end of the war until the plant closed in 1981. Indeed this land was not treated at all until the early 70’s when waste fullers earth was used to partially level the ground.”

Mr. Upshall then points to the 1975 photograph (although elsewhere he describes the photo as being from 1971) to demonstrate that the land was used extensively:-

“all the way to the ancient hedgerow”.

It seems however from Mr. Upshall’s comments, and because the photograph which is over exposed does not demonstrate stockpiling, that if anything, the image probably shows the leveling of the ground with waste Fullers Earth as explained in the Statutory Declaration. That would not be, or be ancillary to a B2 industrial use.

Certainly the 1968 photograph doesn’t show any stockpiling, or any signs that there had been recent use of the land for industrial purposes other than on area A. Any use of E for extensive stockpiling, if it had happened previously could be expected to have left a mark on the ground - particularly as the land at area E was untreated for decades.

Mr. Upshall also comments that excess clinker and fullers earth was tipped on land labelled B and C on the plan until 1981 when operations ceased. This however, is not supported by the photographic evidence that is available. If Mr. Upshall is right and that was the case, then the tipping must have been in small quantities, that would not have amounted to a change of use . Again, the land would be expected to bear the mark of recent industrial activity - the photographs show it does not.

Accordingly, the photographic evidence, and even the evidence of Mr. Upshall does not suggest activity sufficient to amount to a change of use, or indeed, continuous use of the whole of the area for industrial purposes, either before July 1948, December 31 1963, or for a period of 10 years at any point until the works closed in 1981. On balance, the new evidence does not suggest a different approach should be taken to the questions of immunity and expediency than have been recommended in the most recent report to Committee.

HUMAN RIGHTS ACT 1998

In order to be compatible with the European Convention of Human Rights (the Convention) regard must be had to Convention rights in the decision making process. Therefore the Council must strike a fair balance between the competing interests of individuals and the community as a whole.

5.0. CONCLUSIONS

In reaching a decision Members of the Committee need to take into account all the information set out in the previous reports, the main Report and this Update, all relevant representations made to the Committee and in light of these consider the following three questions:-

- Is what is there now lawful?
- Is it expedient to issue enforcement Notices at this time? And
- If it is considered to be expedient to take enforcement action, what is considered a reasonable time for compliance with any notices issued?

6.0 Period for compliance

If it is resolved by the Committee to authorise the issue of enforcement notices the period for compliance the Owner and occupiers will need to be given a sufficient period in which to comply, whilst enabling the negotiations to continue towards the delivery of an acceptable Residual Waste Facility on the site..

The Committee therefore needs to consider the time required for:-

- The continuation of negotiations towards the submission of a planning application ;
- The processing of an application as well as submission of reserved matters, the discharging conditions relating to other details;

Bearing this in mind, it is considered by Officers that it would be reasonable to allow an 18 month period to complete this process..

However if negotiations do not continue and a planning application is not submitted, there will be a need to relocate the businesses on the site that cannot be accommodated within 'Area A' and/or are not within the same use class as historic lawful use of that part of the site (B2). This would require the finding of alternative sites, the removal of all materials and other works required by the enforcement notice or notices as well as the carrying out of all other measures required by the notice or notices. It is considered that a reasonable period to comply with these requirements would also be 18 months.

7.0 Revised recommendation

Having taken into account all of the above delegate authority to the Divisional Director for Planning and Transport Development in consultation with the Planning and Environmental Law Manager to take any necessary enforcement action on behalf of the Local Planning Authority in respect of the alleged planning contraventions outlined above, by exercising the powers and duties of the Authority (as applicable) under Parts VII and VIII of the Town and Country Planning Act 1990 (including any amendments to or re-enactments of the Act or Regulations or Orders made under the Act) in respect of the above land.

The period for compliance if enforcement action is taken in accordance with the first recommendation is – 18 months.

General Note

This specific delegated authority will, in addition to being the subject of subsequent report back to Members in the event of Enforcement Action either being taken, not being taken or subsequently proving unnecessary as appropriate, be subject to:

- (a) all action being taken on behalf of the Council and in the Council's name;*
- (b) all action being subject to statutory requirements and any aspects of the Council's strategy and programme;*
- (c) consultation with the appropriate professional or technical officer of the Council in respect of matters not within the competence of the Head of Planning Services, and*
- (d) maintenance of a proper record of action taken.*

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	6th June 2012
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	12/00722/OUT 13 June 2012	Blue Cedar Homes Land Rear Of Holly Farm, Brookside Drive, Farmborough, Bath, BA2 0AY Residential development comprising 35 dwellings with associated access, car parking and landscaping (Resubmission)	Farmborough	Tessa Hampden	PERMIT
02	12/00558/FUL 24 April 2012	Excel Tennis Ltd Bowling Green And Tennis Courts, Royal Avenue, City Centre, Bath, Erection of temporary ice rink 23rd November - 7th January for five consecutive years 2012/3 - 2017/8.	Kingsmead	Tessa Hampden	PERMIT
03	12/00426/FUL 16 April 2012	Mr Richard Curry Parcel 1100, Compton Martin Road, West Harptree, Bristol, BS40 6EQ Change of use of land from agricultural (Sui Generis) to the keeping of horses (Sui Generis) and erection of stables and formation of replacement access and track.	Mendip	Tessa Hampden	PERMIT
04	12/00107/FUL 7 March 2012	Oval Estates (Bath) Limited Designer Composites, Fosseyway, Westfield, Midsomer Norton, Radstock Erection of 4no. four bed detached dwellings, 2no. two bed detached dwellings and 1no. three bedroom detached dwelling following demolition of existing industrial buildings.	Westfield	Rebecca Roberts	PERMIT
05	12/01627/FUL 20 June 2012	Mr B Pollock 17 Lockingwell Road, Keynsham, Bristol, Bath And North East Somerset, BS31 2HG Erection of a two storey side and single storey side/rear extension (Resubmission)	Keynsham North	Jonathan Fletcher	Delegate to PERMIT

06

12/01706/FUL
18 June 2012

Mr George And Mrs Joanne Rowntree
9 Old Newbridge Hill, Newbridge, Bath,
BA1 3LX,
Provision of a loft conversion including
side dormers (revised resubmission).

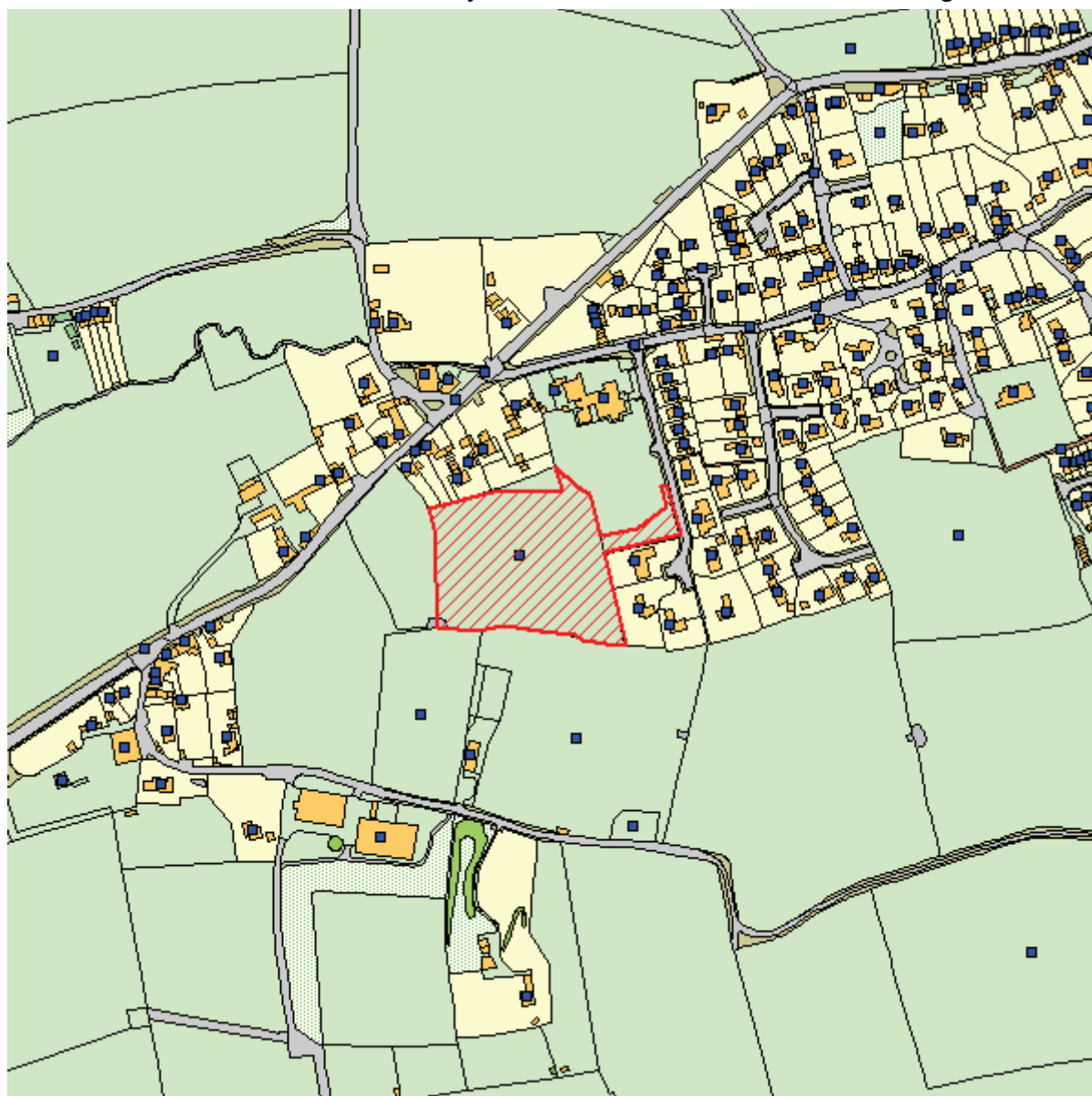
Newbridge

Jonathan
Fletcher

REFUSE

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

Item No: 01
Application No: 12/00722/OUT
Site Location: Land Rear Of Holly Farm, Brookside Drive, Farmborough, Bath



Ward: Farmborough

Parish: Farmborough

LB Grade: N/A

Ward Members: Councillor S Davis

Application Type: Outline Application

Proposal:	Residential development comprising 35 dwellings with associated access, car parking and landscaping (Resubmission)
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Housing Development Boundary, Public Right of Way, Safeguarded Land,
Applicant:	Blue Cedar Homes
Expiry Date:	13th June 2012
Case Officer:	Tessa Hampden

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Cllr Sally Davis has requested that this application is heard at Planning Committee for the following reason: to allow members of the committee to show, who are familiar with the site following a site visit with the previous application, consistency & allow them to see if the reasons they gave for refusal linked to various planning policies regarding layout & access have been addressed. Sustainability and access remain controversial issues as the application represents nearly an increase of 8% in the housing stock in the village.

Further the Parish Council object to the planning application for the following reasons: - there is a substantial local opposition to these plans which is considered to be in opposition to the philosophy laid out in the NPPF, development would represent the overdevelopment of the site, highway safety matters with regards to suitability of nearby junctions and access points near the school, and with regards to issues during the construction phase. Further concerns with the sustainability of the development, with the houses to be constructed in only the minimum building standards

DESCRIPTION OF SITE AND APPLICATION

The application site relates to a parcel of land of approximately 1.3 hectares in size, located to the south-west of the village of Farmborough. The land has previously been used for agricultural purposes. The site is bounded by residential development to the north and the south-east, by Farmborough Primary School and the associated playing field to the north-east, open fields to the west and a recreation ground to the south. The buildings to the north include listed buildings, including the Hollies and Richmond House.

The site is relatively level and set within well-defined boundaries comprising hedgerows, trees and fencing. The strip of land which will form the access to the site contains a number of trees. Two public right of ways run through the site, the first runs from Brookside Drive between no. 14 and the school playing fields and crosses the site to the north west corner. It is at this point that it meets the second right of way; this crosses the site to the south, leading to the recreation ground.

The application site is located outside of the Housing Development Boundary of Farmborough but the land is identified in Local Plan Policy GB.4 as safeguarded land. The site is adjacent to the designated Bristol/Bath Green Belt.

The application seeks outline planning permission for residential development comprising 35 dwellings, with detailed approval being sought at this stage only for the means of

access. The proposed access to the site is from Brookside Drive and a land exchange has been agreed with the school to allow for this. The application illustrates that the dwellings would be a mix of 12 retirement cottages, 11 open market dwellings and 12 affordable homes.

Outline planning permission was refused by the Planning Committee on 20th December 2011 for the erection of 38 houses at this site. The reasons for refusal were as follows:

1 The proposed development, due to the 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 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.

The application has been resubmitted in an attempt to overcome these previous reasons for refusal.

RELEVANT PLANNING HISTORY

DC - 11/02432/OUT - REFUSED - 20 December 2011 - Residential development comprising 38 dwellings with associated access, car parking and landscaping.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

Childrens' Services - a total contribution sought of £6,203.10

Sport England - No objection to the development subject to the inclusion of a condition

Urban Design - No objection subject to conditions - comments in line with previous application

Environment Agency - No objections subject to conditions

Wessex Water - analysed options put forward, and recognise that a number of the options may require access to third party land. Applicant advised to contact the development engineer to discuss the options above and to ensure that the layout of the on site sewers meet existing and imminent legislation

Arboricultural Officer - No objection subject to the inclusion of conditions and additional/updated information being submitted at reserved matters stage.

Strategic Housing - Support the application in principle subject to the issues of suitability being addressed in the full planning application and requests that the Housing Development Officer's recommendations should be included as Heads of Terms in the S106 Agreement

Ecology - No objections subject to condition

Planning Policy - The Council has a 5 year supply of deliverable housing sites including a 5% buffer and do not consider that a 20% buffer needs to be demonstrated. Brookside Drive forms part of the 5 year housing supply on account of the fact that it was identified as safeguarded land in the Local Plan for development beyond 2011 and can reasonably be expected to come forward before 2017. The Local Plan process established that Brookside Drive was the most sustainable site for development at Farmborough. Any review of that decision would likely result in the same conclusion subject to the provision of the village shop. The Core Strategy as a material consideration actively seeks to direct modest level of development to the most sustainable rural villages. A refusal would only serve to delay the development of this site until such time as a formal allocation was recommended to supersede its safeguarded status.

Highway Development - Given the outline nature of this planning application only the immediate point of access from Brookside Drive will be considered for detailed approval, and all internal access roads and driveways will be subject to further detailed approval if permission is granted on this outline application. The junction of the new access road with Brookside Drive is proposed with visibility splays of 2.4m x 43m to the north and 2.4m x 17m to the south, which are considered appropriate.

The lack of a full range of local services within the village and the limitations in the public transport provision, would result in a heavy reliance in the use of the private car as a main mode of travel. although it is accepted that the site has been allocated as a safeguarded site for residential development. The applicants have demonstrated a commitment towards improving the sustainability of the village with assistance being offered towards the setting up of a local community shop and a contribution towards improvements to public transport.

Notes the concerns raised regarding the impact on the junction of The Street with the A39, and refer to the absence of personal injury accidents. This junction is not considered to be of an acceptable standard, but having regard to the level of development within the village, it would be difficult to argue that the proposed development would result in a material increase in the use of the junction.

Comments have also been made in respect of the concerns raised regarding the effect on existing parking, which seems to relate to the parking which takes place on Brookside Drive attributed mainly to the school. The control of such parking is within the Council's gift to restrict, if this is considered to cause highway safety problems, and therefore would not be a legitimate reason to object to the development.

It is recommend that any permission is withheld pending the completion of a legal agreement to secure the following:-

The construction of a footway within the existing highway, from the site access to the junction of Brookside Drive with The Street.

A contribution of £13,428.21 towards Strategic Highway and Transport Works.

A contribution of £26,000 towards improvements to public transport facilities, in the vicinity of the site.

A contribution of £5,000 towards traffic management measures in the vicinity of the site.

It is also recommended that a number of conditions are attached to any permission granted.

Public Rights of Way Team - Public footpaths CL9/18 and CL9/21 run through the application site as shown in purple on the attached plan. The 'Concept Plan' shows these footpaths following a new alignment however a public right of way can only be diverted by legal order and the Council does not currently have the resources to process diversion applications. The development would obstruct the current legal line of the rights of way and the PROW Team therefore object to the application. If permission is granted despite this objection then a condition should be applied to the permission prohibiting any works being carried out on the line of the right of way prior to the path being legally diverted

Police - No objection but further information is requested at any full planning application

Farnborough Parish Council - Object to the planning application for the following reasons:
- there is a substantial local opposition to these plans which is considered to be in opposition to the philosophy laid out in the NPPF, development would represent the overdevelopment of the site, highway safety matters with regards to suitability of nearby junctions and access points near the school, and with regards to issues during the construction phase. Further concerns with the sustainability of the development, with the houses to be constructed in only the minimum building standards.

25 objection comments have been received (although it is noted that additional comments from the same households have also been received). Further a letter and petition signed by 127 residents has been received. The comments can be summarised as follows:

Overdevelopment of the site

Increase in car usage, and increased congestion around the A39 junction.

Community shop will not meet everyone's need

Lack of need for the development - large developments in nearby villages

Child safety

Drainage and impact upon trees

Rubbish/recycling

Distance from bus stops

Unsustainable location

Brownfield sites should be considered first

Local opposition to the development -contrary to the Localism Act

Accidents not recorded

Little change from refused application

Construction and lack of information on how this will be managed

Damage to school field through works relating to sewerage etc.
Development out of keeping with the surrounding area
Contrary to the Direction of the County Engineer and Surveyor, dated 26th October 1988, in which the development of Brookside Drive was restricted
Loss in value of existing properties
Can the school cope with the additional children_
Lack of parking and resultant issues
Loss of views
Noise disturbance
Access road in close proximity to bedroom window
Lack of facilities
Land swap inappropriate
Development out of keeping with rural character of the area
Overlooking and loss of privacy
Loss of landscaping for access road
Intrinsic value and beauty of the countryside
Arable use of land should not be changed
Emergency vehicular access
Impact upon listed buildings
Protected species
Density of development

POLICIES/LEGISLATION

The National Planning Policy Framework - March 2012

The Planning System: General Principles - 2005

Draft Revised Regional Spatial Strategy for the South West (incorporating the proposed changes) - July 2008

SD1 The Ecological Footprint

SD3: The Environment and Natural Resources

Development Policy C: Development at Small Towns and Villages

Development Policy E: High Quality Design

HMA1: West of England HMA

HD1: Sub-Regional Distribution of Housing 2006-2026

RTS3: Parking

H1: Housing Affordability

H2: Housing Densities

H3: Mix of Housing

ENV1: Protecting and Enhancing the Region's Natural and Historic Environment

ENV5: Historic Environment

Joint Replacement Structure Plan - adopted September 2002

Policy 1

Policy 2

Policy 4

Policy 16

Policy 17

Policy 18

Policy 19
Policy 33
Policy 35
Policy 59

Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007

IMP.1: Planning obligations
D.2: General design and public realm considerations
D.4: Townscape considerations
ET.7 Use of agricultural land
GB.1: Control of development in the Green Belt
GB.2: Visual amenities of the Green Belt
GB.4: Safeguarded land
CF.3: Contributions from new development to community facilities
CF.2 Provisions of new or replacement community facilities
SR.1A Protection of playing fields and recreational open space
SR.3: Provision of recreational facilities to meet the needs of new development
S9 Retention of local needs shops outside of the identified centres and development of new small scale local shops
ES14 Unstable land
HG.1: Meeting the District housing requirement
HG.7: Minimum housing density
HG.8: Affordable Housing on allocated and large windfall sites
HG.10: Housing outside settlements (agricultural and other essential dwellings)
NE.1: Landscape character
NE.4: Trees and woodland conservation
NE.10: Nationally important species and habitats
NE.11 Locally Important Species and their habitats
NE.12: Natural features: retention, new provision and management
BH12 Important archaeological remains
T.1: Overarching access policy
T.24: General development control and access policy
T.25: Transport assessments and travel plans
T.26: On-site parking and servicing provision
Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Planning Obligations Supplementary Planning Document - adopted July 2009

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

DW1: District wide spatial strategy
RA1: Development in the Villages meeting the listed criteria
CP2: Sustainable construction
CP6: Environmental quality
CP8: Green Belt

CP9: Affordable housing
CP10: Housing mix

Policies IMP1, D.2, D.4, ET7, GB2, GB4, BH.2, HG.8, HG10, T.24, T.26, NE1, NE4, NE11, NE12, BH12, T1, T24, T26 are Saved Local Plan Policies

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

Farmborough is identified as an R1 village within Policy SC.1 of the Bath and North East Somerset adopted Local Plan. Policy HG.4 states that proposals for residential development within the Housing Development Boundary in R1 villages will be permitted provided other criteria are met. The proposed development site is however outside of the Housing Development Boundary but it is identified in Local Plan Policy GB.4 as safeguarded land, to meet demands for development beyond 2011. Policy GB.4 has been saved until its review through the Local Development Framework / Local Plan process.

Policy GB4 states 'Land defined on the proposals map between the existing limits of development and the Green Belt at Whitchurch and Farmborough is safeguarded during the period of the Plan to meet the demands for development beyond 2011. In the meantime Policy GB.1 will be applied.' It should be noted however that the site is not within the Green Belt.

The National Planning Policy Framework provides more detail on safeguarded land. This deals with defining the boundaries of safeguarded land. Of particular relevance is paragraph 85:

When defining boundaries, Local Authorities should, amongst other things, make it clear that safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development".

The Placemaking Plan (Site Allocations DPD) will be the vehicle for the review of the safeguarded land. Any development of this land ahead of this process would represent a departure from local planning policy. The Bath and North East Somerset Core Strategy was submitted to the Secretary of State for independent examination in May 2011 and is currently being examined by the Inspector. This means that the Core Strategy is a material consideration, albeit with limited weight at this stage.

Emerging policy identified Farmborough as a settlement capable of accommodating additional growth. Farmborough was identified as an RA1 Village within the Draft Core Strategy. However the informal changes to Policy RA1 removes the list of RA1 settlements. It is instead cited that there are a number of villages where access to facilities and public transport is best and there is capacity for development. These villages are now the focus for small scale development under Policy RA1.

The Housing Development Boundaries shown on the Proposals Map will also be reviewed as part of the Placemaking Plan to incorporate the sites identified in the Placemaking Plan. Residential development of an appropriate scale, character and appearance will be acceptable within the Housing Development Boundary provided the proposal is in

accordance with the spatial strategy for the District set out under policy DW1 and the village has a: at least 3 of the following key facilities within the village: post office, school, community meeting place and convenience shop, and b: at least a daily Monday-Saturday public transport service to main centres

Farmborough meets the criteria of policy RA1 with the exception of key facilities (having only 2 rather than the minimum 3 out of 4). Small scale development at Farmborough under Policy RA1 would be contingent on this criteria being met through the development, in this case the provision of a sustainable transport link to local shopping facilities or demonstrated financial support for a community shop as outlined in the Infrastructure Delivery Programme. Provided this is fulfilled, small scale development within the Housing Development Boundary (subject to other criteria) will therefore be considered appropriate in principle once the Core Strategy is adopted. The detail of this, including identifying and allocating appropriate sites in the qualifying villages, will be considered through the Placemaking Plan.

Following discussion with the agent, in order to meet the above criteria, the agent has confirmed that they would provide a financial contribution to aid in setting up a village community shop. It is apparent that a number of villagers have been actively involved in this, and a letter has been submitted by a member of the committee in support of this. At the time of the last application it was thought that the location of the shop would be the village hall. However it does not appear that this location is now certain. However, given the level of work that has been undertaken, and the support shown for the local shop, it is considered reasonable to expect that this shop will come forward in the near future. Farmborough would therefore meet the criteria of an RA1 village. However to ensure that this comes forward before the development, it is considered necessary to ensure that a condition is added to any permission that ensures that planning permission is granted for a shop prior to the commencement of development on the residential scheme.

It is noted that the Parish Council do not support this application, and a level of local support has not been demonstrated. It should however be recognised that 'demonstration of local support' has been informally removed as a criteria from emerging policy RA1 of the Core Strategy. This change was suggested in response to the Inspector's concerns that the community support criterion in policy RA1 effectively acted as a veto on development and that the policy was therefore unsound.

The Core Strategy as a material consideration actively seeks to direct modest level of development to the most sustainable rural villages. 250 units need to be accommodated overall. Under the emerging Core Strategy a scale of up to and around 30 dwellings is appropriate in those villages that meet the criteria of Policy RA1. The scale of the development at 35 dwellings is greater than that envisaged in the Core Strategy, and this will be fully considered as part of the planning application process. It is however recognised that the land is identified in the Strategic Housing Land Availability Assessment (SHLAA) as having the potential for approximately 35 dwellings. Given this, there is no objection in principle to the number of dwellings proposed.

The position on safeguarded land is discussed above. The previous application discussed the issue of prematurity, although the NPPF appears to be silent on this issue. Prematurity is however discussed in the Planning System - General Principles. This guidance was not cancelled by the NPPF. Unlike that included in the cancelled PPS3, this guidance does

not state that Local Planning Authorities should not refuse applications solely on the grounds of prematurity. However, it follows the theme that a pragmatic approach to the application should be considered. It is not considered that any cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD

As the land is identified in the SHLAA as having the potential for approximately 35 dwellings, the Council envisages this land coming forward for development in the next 5 years and whilst there is scope for this to be achieved within the programme for the review of local policy through the Placemaking plan (and provided the criteria of policy RA1 continue to be met), the procedural delay caused by awaiting this review of policy could be avoided in this instance. This applies to this particular site due to the previous consideration of its suitability for housing through the safeguarded land designation and it need not conflict with the aspirations of emerging local policy. Delaying the development of the site pending the outcome of the Placemaking Plan is considered to be imposing an artificial constraint on its delivery.

Notwithstanding the above, consideration needs to be given to Policy GB1, as in the current plan period Policy GB4 (which is also saved within the Core Strategy) states that ' in the meantime Policy GB.1 will be applied. '

Policy GB.1 is broadly in line with the NPPF and lists the criteria for which development is considered to be not inappropriate in the Green Belt. Point i lists the following circumstances for when the construction of new buildings is considered to be not inappropriate;

- a) agriculture or forestry;
- b) essential facilities for outdoor sport and recreation, for cemeteries and for other
- c) uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- d) limited extensions, alterations or replacement of an existing dwelling provided it is in accordance with Policies HG.14 and HG.15;
- e) infilling in accordance with Policy HG.6 in the villages defined by Policy SC.1 as R3 villages;
- f) affordable housing to meet local needs in accordance with Policy HG.9; or
- g) limited infilling or redevelopment of major existing developed sites identified in Policy GB.3.

The proposed development fails to meet the criteria set out in Local Plan Policy GB.1 and very special circumstances would therefore need to be demonstrated to allow for a departure from the normal policies of constraint.

The above 'prematurity' argument, which takes into account that the site is not within the Green Belt, is considered to contribute to very special circumstances to allow for this departure. The agent has provided further very special circumstances which are outlined below:

-The Council cannot demonstrate a 5 year supply of deliverable housing land (this will be fully discussed below)

- The site is included within the recently published SHLA as forming part of the Housing supply to be delivered over the next 5 years.
- The development would help sustain local facilities - the local primary school is operating under capacity
- The provision of a contribution towards a much needed community shop
- The provision of affordable housing
- The provision of elderly person's accommodation to meet an identified need
- The recommendation by the Local Plan Inspector that the site should be allocated for residential development

The above, particularly the fact that the development has been identified within the SHLAA and is likely to come forward for development within the next 5 years, and given national guidance on refusing applications on prematurity, is considered to represent very special circumstances which outweigh the harm by reason of its inappropriateness. It should be noted that there is only one other safeguarded site within the Local Plan, and this site has specific constraints, so the proposal is not considered to set a precedent for future development.

Whilst it is acknowledged that the site is not within the Green Belt, it is located adjacent to the Green Belt. Following consideration as to whether the development is inappropriate, which is harmful by definition to Green Belt, it must now be considered whether the proposed development is harmful to the openness of the Green Belt and its rural character. The site is currently open fields, bounded with hedgerows and by nature of the scale of the development, the proposal is considered to be harmful to the openness of the Green Belt. However, as recognised by the Local Plan Inspector, the development will have a close visual link to the existing built form, and the harm to the visual amenities of the Green Belt is not considered to be so significant as to warrant the refusal of this application.

HOUSING SUPPLY:

The agent has cited that they do not believe that the Local Planning Authority can demonstrate a 5 year land supply. However the LPA do not consider that the methods used by the agent to be the correct approach to calculating the 5 year housing land supply requirement at this time

The Council considers that it has a 5 year supply of deliverable housing sites i.e. a 5% buffer and do not consider that a 20% buffer (for persistent under delivery of housing numbers) needs to be demonstrated. However, this matter is still being examined by the Core Strategy Inspector.

The 5 year requirement is 3,170. Deliverable supply is 3,476 (5 years + 10%).

Brookside Drive forms part of the 5 year housing supply on account of the fact that it was identified as safeguarded land in the Local Plan for development beyond 2011 and can reasonably be expected to come forward before 2017. The Local Plan process established that Brookside Drive was the most sustainable site for development at Farmborough. Any review of that decision would likely result in the same conclusion. Nothing of a site specific nature has changed in the last 6 years.

LOSS OF PLAYING FIELD:

The main vehicular access to the site from Brookside Drive will involve the loss of a small section of the school grounds adjacent to the formal playing field. However, in order to facilitate this, a land swap agreement has been made with the school, which will be of equal value and will not compromise the ability of the school to use these facilities. Overall there will be no loss of playing field facilities for the school site and there will be no harm resulting from this arrangement. There have been no objections from Sports England with regards to this development.

HIGHWAY SAFETY:

The previous planning application for 38 dwellings was partially refused on the grounds of being in an unsustainable location and due to the detrimental impact upon highway safety due to the site being located close to the sub standard junction of the A39 and the Street and due to the effect on parking in the surrounding area. This will be fully considered in the following section.

The Planning Statement cites that the internal access roads have been increased from the previous scheme, and would now be of 5.5m width, together with 2m footways/service margins on either side. The junction of the new access road with Brookside Drive is proposed with visibility splays of 2.4m x 43m to the north and 2.4m x 17m to the south, which are considered appropriate for the form of development.

The proposal will require the provision of a continuous footway from the junction of the new access road to the north, to link with the footway by the School, at the junction of Brookside Drive with The Street, as had been suggested through pre-application advice and indicated on the previous scheme.

The Transport Statement considers the accessibility of the site and concludes that the site offers access by foot, cycle and public transport. However, the lack of a full range of local services within the village and the limitations in the public transport provision would result in a heavy reliance in the use of the private car as a main mode of travel. It is noted, however, that the Transport Statement has not been updated to reflect the changes in the scale of development now proposed. The applicants have submitted a Framework Travel Plan which sets out their objectives and initiatives to reduce the need to travel by residents of the development. As the access road to the retirement cottages is to be maintained by a Management Company, it is presumed that the Travel Plan Co-ordinator will be employed through the Company, and will provide information to all residents of the site.

Through consideration of the previous proposal, a Strategic Highway and Transport Works contribution was agreed on the basis that 85% of the 80 trips generated by the former proposed development of 38 dwellings would travel to Bristol and Bath, and therefore generating an impact on the schemes listed within the SPD. The rate per trip was calculated at £214.40. If this approach were to be adjusted to relate to the reduced development of 35 dwellings, and in the absence of any further details submitted by the applicants, the contribution has been calculated as £13,428.21, which differs from the sum included in the Heads of Terms.

The applicants had previously agreed to the local contributions of £26,000 towards improvements to public transport in the vicinity of the site, and £5,000 towards traffic management measures in the vicinity of the site, which is set out in their Heads of Terms for a Section 106 Agreement.

With regard to the development of the site, the Highway Development Officer has maintained concerns over the location of the site and its resultant accessibility and sustainability, although it is accepted that the site has been allocated as a safeguarded site for residential development.

The applicants have demonstrated a commitment towards improving the sustainability of the village with assistance being offered towards the setting up of a local community shop and a contribution towards improvements to public transport, and this was previously considered by Officers sufficient to outweigh any highway sustainability concerns.

The applicants' Transport Consultants have submitted comments on this application which address the highway reason for refusal given for the previous application. They have indicated the level of public transport services within the village, and also consider this latest proposal would generate less traffic than the previous scheme, due to the reduced number of units. Furthermore, as some of the residents will be retired within the age restricted retirement cottages, they consider this would reduce peak time movements from the development. This could be controlled through a legal agreement.

Whilst it is not considered that the public transport facilities offer the best options for alternative means of travel, due to the restricted number and frequency of services, the bus stops are well located in relation to the site and do offer connections to Bath and Bristol.

The agent has also comment on the concerns raised regarding the impact on the junction of The Street with the A39, and refer to the absence of personal injury accidents. Whilst this junction is not considered to be of an acceptable standard, having regard to the level of development within the village, it would be difficult to argue that the proposed development would result in a material increase in the use of the junction. Furthermore, having regard to the absence of any recorded accidents, there is no evidence to support a claim that the junction is unsafe.

Comments have also been made in respect of the concerns raised regarding the effect on existing parking, which seems to relate to the parking which takes place on Brookside Drive attributed mainly to the School. The control of such parking is within the Council's gift to restrict, if this is considered to cause highway safety problems, and therefore would not be a legitimate reason to object to the development.

The Transport Statement has not been updated with regard to the level of parking proposed for the development, or the allocation of such spaces. The appropriate level and allocation of spaces would, however, need to form part of any reserved matters application. The Design and Access Statement cites that dwellings with garages will provide covered storage for two bicycles, with those properties having car ports only being provided with under cover cycle stands. The plans submitted with the application do not provide details of the garage sizes, and this is acceptable as layout is not a reserved matters to be determined at this stage.

Having regard to the above and on the basis that the merits of development are considered sufficient to outweigh any highway sustainability concerns it is considered that the detailed internal arrangements can be agreed through a reserved matters submission. Given the status of the site as a safeguarded site, the highway development officer comments with regards to highway safety, the reduction in house numbers, and the additional information submitted by the agent with regards to the reason for refusal, it is not considered that the previous reason for refusal could be sustained.

The Highway Development Office recommends that any permission is withheld pending the completion of a legal agreement to secure the following:-

The construction of a footway within the existing highway, from the site access to the junction of Brookside Drive with The Street.

A contribution of £13,428.21 towards Strategic Highway and Transport Works.

A contribution of £26,000 towards improvements to public transport facilities, in the vicinity of the site.

A contribution of £5,000 towards traffic management measures in the vicinity of the site. commencement of development.

PUBLIC RIGHTS OF WAY: The Transport Statement refers to the two public rights of ways which are within the application site, and states that one of the routes (CL9/18) will be generally incorporated within the access road layout, and the other route (CL9/21) is proposed to be legally diverted to allow for the development on the western side of the site.

A public right of way can only be diverted by legal order. The development would obstruct the current legal line of the rights of way and the PROW Team therefore object to the application. If permission is granted then a condition should be applied to the permission prohibiting any works being carried out on the line of the right of way prior to the path being legally diverted. The applicants are aware of the need to divert one of the rights of way, and if permission is granted, they would seek to make an application for the diversion.

CHARACTER AND APPEARANCE OF THE PROPOSED DEVELOPMENT:

It is recognised that the previous application for 38 dwellings was refused on the grounds of the overdevelopment of the site and as such the application has been submitted with 35 units. This is in line with the Council's SHLAA (May 2011) which identifies the site as having the potential to deliver approximately 35 dwellings. The density is now 27 dwellings per hectare.

Although the application is an outline application, indicative details of the design and layout have been put forward. There are some concerns with this indicative layout in that it does not demonstrate fully how the scheme integrates with the wider context and community. It is critical that the new housing on this site will be readily assimilated into the landscape and visual context without detriment to the character of the area. Further work

is needed with regards to concept development in relation to a numbers of factors to ensure the successful integration of this development. There is concern that the retirement community appears to be segregated from the proposed development and the wider community although it is recognised that the northern dwellings address the main access route, and this is welcomed. This part of the development should be connected to the street, space and green infrastructure.

A key factor in the success of the development lies with the landscape treatment and the protection of the hedgerows. There is scope for landscape enhancement within the scheme and this could include planting a specimen tree within a central focus space or elsewhere in the development. The entrance from Brookside Drive also has the potential for an avenue landscape treatment.

A density of 27 dwellings per hectare is proposed which is considered appropriate for this edge of settlement location. The previous application proposed a density of 29 dwellings per hectare. The indicative layout indicates that it is likely that this density can be achieved without compromising the overall character and appearance of the site and the rural character of the wider area. However, it is noted that this may not be in the form of the indicative layout submitted due to the concerns previously raised, including parking and access issues within the development. Any future development is likely to require changes to this indicative layout, which may include the reduction in house sizes, the omission of a number of the garages etc in order to accommodate this number of houses successfully.

An indicative building design has also been put forward. On balance, this would seem to be acceptable, proposing a mixture of individual and grouped buildings to reflect the identified character of the village. The heights of the buildings will vary, reflecting the character and appearance of the surrounding development and the rural area of the application will therefore not be compromised. It is stated that the materials and styles of the buildings will reflect the local character of the area, and again full consideration will be given to this during any future application.

The development will be set in close proximity to listed buildings and any development needs to be designed to ensure that the development does not impact upon their setting. The concept plan illustrates that the buildings have been positioned to minimise the disruption to the setting of the listed buildings by placing a buffer in the form of open space between the listed buildings and the proposed development. Careful consideration would need to be given to the scale of the adjacent buildings at the time of any future reserved matters application.

On balance, it is considered that the development proposed could be achieved without harming the rural character of the area, and at the density proposed would have an acceptable overall appearance, subject to the approval of the details at reserved matters stage. Given the reduction in the number of units proposed, and the analysis above, it is not considered that the development would result in the overdevelopment of the site, and as such would overcome the recent reason for refusal relating to the overdevelopment of the site.

RESIDENTIAL AMENITY:

The access road will pass number 14 Brookside Drive, which will result in a significant number of vehicles passing this property and its associated curtilage. It is considered that appropriate screening should be put in place, which may involve the erection of an acoustic fence, to ensure that the occupiers of this property do not suffer from an unacceptable level of noise and disturbance. This can be fully considered at reserved matters stage.

Enhanced planting is proposed along the boundaries with the existing residential boundaries and this is necessary to provide the required screening between these properties and the proposed development. The layout plan is only indicative at this stage, but it is considered that, subject to satisfactory details being submitted relating to proposed screening and the design, siting and orientation of the dwellings, the privacy of the existing neighbouring occupiers can be safeguarded. In the indicative layout the larger units have generally been located away from the boundaries with the neighbouring properties, and this would be encouraged in any full planning application in order to reduce the impact on these neighbouring occupiers. It should be noted that any full planning application may need to make alterations to the proposed layout to ensure that there is no harm to the amenity of these occupiers.

The impact upon the neighbouring occupiers will be fully considered at reserved matters stage. It is essential to carefully consider these details to ensure that the occupiers of these properties are not unduly harmed by this development, with regards to loss of privacy, light, overbearing impact upon any other noise and disturbance.

AFFORDABLE HOUSING:

Policy HG.8 of the Local Plan requires 35% affordable housing contribution without public subsidy. The application meets this criterion. The mix of the affordable dwellings is as follows and is considered to be acceptable meeting the requirements of the policy.

3 x 1 bed (2 person) dwellings
7 x 2 bed (4 person) dwellings
2 x 3 bed (5 person) dwellings

The applicant has proposed a tenure split of 8 social rented and 4 intermediate housing units. This does not meet policy requirements. The issue is easily resolved upon the applicant confirming a revised intermediate housing mix and this can be done at reserved matters stage. The applicant has provided a range of one & two bed open market accommodations to help serve a range of income levels and create a balanced community. This is in line with NPPF requirements.

B&NES SPD affordable housing + annexes require that planning applications provide detailed affordable housing information. This application has a supporting Affordable Housing statement within which the applicant confirms: 'The applicant is aware of Bath and North East Somerset's requirement that the affordable homes be designed to accord with the minimum space standards sought within Annex B of the council's Planning Obligations SPD, Homes and Communities Agency -Design and Quality Standards, HQI,

CSH4 and confirms that these will be met through provision within the Section 106 Agreement.

The indicative layout geographically groups the affordable housing into one main section and although the section has breaks in the form of turning heads and car parks, the massing of affordable housing ensures the clustering of the affordable units is contiguous and thus considered over the 8 max grouping as required by the SPD. However this issue may be resolved by locating the Intermediate dwellings (shared Ownership) in such a way as to break up the grouping of the rented dwellings. The applicant is advised to consider this opportunity at the reserved matters stage. The car parking attributed to the affordable housing on the indicative layout is largely on plot and helps to maintain a tenure blind development.

The Strategic Housing Services support the application in principle (subject to the issues above being suitably addressed in the full application) but asks that the following recommendations are to be included as Heads of Terms in the Section 106 Agreement.

1 35% of the overall residential provision is affordable and grant free, with a 75/25 percent split between Social Rent and Intermediate Market housing. (Affordability, including service charges and size mix as set out in the Housing Development Officer's report).

2 The affordable housing obligation is secured in perpetuity through a section 106 Agreement as set out in the Development Officer's report.

3 Lift the stair casing restrictions for New Build Homebuy Lessees and instead ring fence the released equity.

4 The Council has full nomination rights as set out in the section 106 Agreement.

5 All the affordable housing units must fully comply with the current Homes & Communities Agency (HCA) 'Design and Quality Standards' and that the Code for Sustainable Homes (CSH) level 4 will be achieved. It is the Developers responsibility to take on board future improvements to the HCA and CSH standards.

6 All the affordable housing units must fully comply with the B&NES SPD design, layout & construction standards. In particular;

7 Certification submitted showing that 60% of the affordable housing will achieve lifetime home standards and be identified on plan &

8 Certification submitted showing that 10% of the affordable housing will achieve full wheelchair user standards and be identified on plan. (1 x two bed house)

9 To transfer the units to an approved partnering Registered Housing Provider (HP) or other Affordable Housing Provider (AHP) as approved by the Council.

10 The affordable housing land is transferred to a HP or AHP at nil cost.

11 Public subsidy (grant) will only be made available in the event that the HP's or AHP's supportable deficit is insufficient to pay for the build costs. Grant will be subject to a comprehensive financial viability assessment.

12 A 'pepper potting' strategy is included in the Section 106 Agreement and that the development is tenure blind.

13 Phasing conditions on affordable housing triggers to be set out in the Section 106 Agreement.

FLOODING:

A Flood Risk Assessment (FRA) and Drainage Strategy has been prepared for the site. The FRA concludes that as the site is located within Flood Zone 1 there is a low risk of it flooding. The Environmental Agency have raised no objection to this development subject to the inclusion of a condition to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal. It is requested that the surface water drainage scheme for the proposed development must meet a number of set criteria. This can be secured through the inclusion of a condition. Wessex Water has also assessed the information submitted and analysed the options put forward. The developer has been advised to contact Wessex Water with regards to the development.

ECOLOGY:

An updated and revised ecological assessment has been submitted. This incorporates measures to address all the points and concerns raised arising from the previous application 11/02432/OUT and it is therefore considered that the proposal is ecologically acceptable subject to securing the implementation of all the ecological mitigation set out in the report (Ecological Appraisal, Malford Environmental Consulting 8th February 2012).

LAND CONTAMINATION:

A Ground Investigation has been submitted with the application and has been assessed by the Environmental Health Team. In view of the observations of the contamination investigation standard conditions should be applied in respect of land contamination on any planning permission granted.

CRIME:

The Crime Prevention Design Advisor has no objection to the scheme as proposed but notes that it is expected that the affordable housing element will require Secured by Design certification, part 2, as a minimum requirement. The rest of the site should not be built to a security standard below this minimum standard.

ARCHEOLOGY:

Detailed Archaeological reports have been submitted as part of this application and on the basis of these, the Archaeological Officer has no objection to the development subject to the inclusion of a condition relating to a watching brief.

SUSTAINABILITY

The agent has confirmed that the affordable housing will be built to Code Level 4 with the remaining units to Code Level 3.

PLANNING OBLIGATIONS:

The following are proposed to be dealt with via a Section 106 agreement:

Highway Works/contributions

The construction of a footway within the existing highway, from the site access to the junction of Brookside Drive with The Street.

A contribution of £13,428.21 towards Strategic Highway and Transport Works.

A contribution of £26,000 towards improvements to public transport facilities, in the vicinity of the site.

A contribution of £5,000 towards traffic management measures in the vicinity of the site.

Strategic Housing:

1 35% of the overall residential provision is affordable and grant free, with a 75/25 percent split between Social Rent and Intermediate Market housing. (Affordability, including service charges and size mix as set out in the Housing Development Officer's report).

2 The affordable housing obligation is secured in perpetuity through a section 106 Agreement as set out in the Development Officer's report.

3 Lift the stair casing restrictions for New Build Homebuy Lessees and instead ring fence the released equity.

4 The Council has full nomination rights as set out in the section 106 Agreement.

5 All the affordable housing units must fully comply with the current Homes & Communities Agency (HCA) 'Design and Quality Standards' and that the Code for Sustainable Homes (CSH) level 4 will be achieved. It is the Developers responsibility to take on board future improvements to the HCA and CSH standards.

6 All the affordable housing units must fully comply with the B&NES SPD design, layout & construction standards. In particular;

7 Certification submitted showing that 60% of the affordable housing will achieve lifetime home standards and be identified on plan &

8 Certification submitted showing that 10% of the affordable housing will achieve full wheelchair user standards and be identified on plan. (1 x two bed house)

9 To transfer the units to an approved partnering Registered Housing Provider (HP) or other Affordable Housing Provider (AHP) as approved by the Council.

10 The affordable housing land is transferred to a HP or AHP at nil cost.

11 Public subsidy (grant) will only be made available in the event that the HP's or AHP's supportable deficit is insufficient to pay for the build costs. Grant will be subject to a comprehensive financial viability assessment.

12 A 'pepper potting' strategy is included in the Section 106 Agreement and that the development is tenure blind.

13 Phasing conditions on affordable housing triggers to be set out in the Section 106 Agreement.

Parks and Open Spaces

Financial contributions of £83,588.91

Community shop - Financial contribution of £10,000 and planning permission to be granted prior to commencement of development

Retirement Housing - The dwellings hereby permitted shall be occupied only by:

- i) persons aged 65 or over;
- ii) persons living as part of a single household with such a person or persons;
- iii) persons who were living as part of a single household with such a person or persons who have since died."

CONCLUSION:

The proposed development is considered to be acceptable in principle, and, given the advice in national guidance, it is not considered reasonable to refuse the application on prematurity grounds. The applicant is considered to have provided very special circumstances which allow for a departure from the normal policies of constraint. An acceptable access is to be provided for the development and the scheme is not considered to result in significant harm to highway safety. Although there are concerns with the indicative layout, the concerns can be addressed at reserved matters stage and as such is not considered to result in significant harm. Whilst the reasons for refusal with regards to the previous application have been given weight, the application as proposed is considered to have addressed these reasons for refusal and it is not considered that these could be sustained.

RECOMMENDATION

(A) Application be referred to Secretary of State as a departure from the Development Plan.

(B) 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 to Committee.

(C) Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the following conditions:

CONDITIONS

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

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

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

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

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

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

4 No development activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

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

5 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

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

6 The development hereby permitted shall be carried out only in accordance with the recommendations and ecological mitigation measures described in the approved Ecological Appraisal Malford Environmental Consulting dated 8th February 2012 or any amendment to the Appraisal, as approved in writing by the Local Planning Authority.

7 Before the access hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access onto Brookside Drive and points on the carriageway edge 17m to the south and 43m to the north of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 150mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.
Reason: In the interests of highway safety.

8 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.
Reason: To ensure the safe operation of the highway.

9 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

10 Finished floor levels should be set no lower than 300 mm above surrounding ground level.

Reason: To protect the development from flooding.

11 The hedgerows as marked on the 'concept plan' or as otherwise agreed in writing by the Local Planning Authority shall be retained in perpetuity. In the event that they die or become seriously damaged or diseased they shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: To safeguard the rural character of the area

12 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

13 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in any approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 No materials arising from the demolition of any existing structure(s), the construction of the new dwelling, nor any material from incidental works shall be burnt on the site.

Reason: In the interests of neighbouring amenity

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

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

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

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

the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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

21 PLANNING PERMISSION FOR SHOP

22 The development hereby permitted shall be carried out only in accordance with the recommendations and ecological mitigation measures described in the approved Ecological Appraisal Malford Environmental Consulting dated 8th February 2012 or any amendment to the Appraisal, as approved in writing by the Local Planning Authority

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

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

REASONS FOR GRANTING APPROVAL:

1 The proposed development is considered to be acceptable in principle, and it is not considered reasonable to refuse the application on the prematurity grounds. Although the development is not within the Green Belt, policy GB1 applies. The applicant is considered to have provided very special circumstances which allow for a departure from the normal policies of constraint. An acceptable access is to be provided for the development and the scheme is not considered to result in significant harm to highway safety. Although there are concerns with the indicative layout, the concerns can be addressed at reserved matters stage. The development is not considered to result in an increase in flooding, or significantly harm residential amenity. Subject to a satisfactory design, siting and scale, it is considered that the development will integrate successfully with the surrounding area.

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

Policies set out below at A.

A.

IMP1, D2, D4, ET7, GB1, GB2, CF1, CF2, SR1A, SR3, S9, ES14, HG1, HG7, HG8, HG10, NW1,

NE4, NE10, NE11, NE12, BH12, T1, T25, T26, of the Bath & North East Somerset Local Plan

including minerals and waste policies - adopted October 2007.

The developer is advised to contact the development engineer Peter Weston (01225 522157) at Wessex Water to discuss the options above to ensure that the layout of the on site sewers meet existing and imminent legislation

Item No: 02
Application No: 12/00558/FUL
Site Location: Bowling Green And Tennis Courts, Royal Avenue, City Centre, Bath



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Douglas Nicol Councillor A J Furse
Application Type: Full Application
Proposal: Erection of temporary ice rink 23rd November - 7th January for five consecutive years 2012/3 - 2017/8.
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, HotSpring Protection, World Heritage Site,
Applicant: Excel Tennis Ltd
Expiry Date: 24th April 2012
Case Officer: Tessa Hampden

REPORT

Site description and proposal

The application relates to the tennis courts located off Royal Avenue, which runs through Victoria Park close to the centre of Bath. The site is set within the City of Bath Conservation Area and the wider World Heritage Site. To the south-east of the site lies Queens Parade, which is a terrace of Grade II listed buildings.

The application seeks planning permission for the erection of a temporary ice rink from 23rd November - 7th January for five consecutive years. The ice rink and associated facilities would be located on two of the hard surface tennis courts located on the east side of the sports and leisure complex. The rink itself comprises of a skating area of 20 metres x 20 metres with walkways around two sides. An 'L' shaped marquee wraps around the south and west boundaries of the rink providing ancillary accommodation. The development includes a temporary cafe area to serve the customers of the proposed operation.

Relevant planning history

There is no planning history directly relevant to this planning application

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - No objection due to the sustainable location of the development

Environmental Health - No objections subject to the inclusion of conditions

Bath Preservation Trust - Generally supportive of these proposals, and consider that this site is generally appropriate in terms of use, access and visual impact. However object to permission for five consecutive years and would prefer that this application is for one year initially, so that the impact in practice could be assessed before further renewal. Conscious of the existing issue of light pollution from the Excel Tennis and suggest that the excessive lighting at this location should be reduced before adding further lighting with the ice rink itself.

17 objection comments and 2 general comments have been received. The comments can be summarised as follows:

- Noise from customers, equipment and music
- Development should not be for 5 years
- Operation should only be in place in daylight hours
- Noise from the music
- Parking issues - demand already high at this time of year
- Increase in through flow of visitors - increase in noise and litter
- Lack of WC facilities
- Increase in traffic in the area
- Light pollution
- Safety issues - evacuation of injured skaters
- Operation times differing to those of the tennis courts
- Inaccurate information within the statement
- Impact upon wildlife

- More appropriate site within the park
- Previous problems experienced in Queen Square
- Further commercial activity close to residential properties
- Visual impact and impact upon the listed buildings
- Cafe would take business away from the Royal Pavilion Cafe

POLICIES/LEGISLATION

Bath and North East Somerset Local Plan (including minerals and wastes) adopted October 2007

BH1 World Heritage site and its setting

BH2 Listed buildings and their settings

BH6 Development within or effecting a Conservation Area

D.2: General design and public realm considerations

D.4: Townscape considerations

NE5 Forest of Avon

NE11 Locally important species and habitats

NE13a Bath Hot Springs

ES12 Noise and vibration

S6 A3, A4, and A5 uses in Bath City Centre

S.7 Siting of tables and chairs outside of A3 or A4 uses in Bath City Centres

BH22 External lighting

T24 General development control and access policy

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

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered D2, D4, NE5, NE13A, B4, BH2, BH6, T24, S7

The NPPF which was published in March 2012 is a material consideration but is not considered to conflict with the above policies.

OFFICER ASSESSMENT

Principle of development

There is no objection to the principle of the development in the tennis court area, which is already of a commercial/leisure use. The application also proposes an ancillary cafe area which will be in place for the duration of the operation. Concerns have been raised with regards to its location in close proximity to the existing Royal Pavilion cafe. However, it is not the role of the planning system to restrict competition or preserve existing commercial interests. The development is located in close proximity to the local shopping centre, but is not considered to impact upon the vitality or viability of the nearby shopping centre. There is therefore no objection in principle objection to this part of the development.

Overall therefore there is no objection to the development in principle but a full assessment of whether this is an acceptable location needs to be undertaken as part of this application process.

Character and appearance of the development

The area in which the development is set is of a commercial nature, being used as tennis courts and a bowling green. The development is therefore not considered to be out of character with the existing use. The site is currently covered by hard surfacing and 3 metre high metal wire fencing and during the winter months two of the lower tennis courts are covered by large inflatable domes. The ice rink, marquees and associated development are considered, given their proposed use and in the context of this site, to be of acceptable design, scale and siting. The topography of the land means that the structures would have limited impact upon the street scene and would not be readily visible from the Royal Avenue.

Although the equipment and marquees would be sited in close proximity to a listed building, there is a degree of visual separation due to a mature landscape boundary. Given that the operation would be for a temporary period only and that the proposals would bring significant economic and social benefits to the local area, the proposals are considered acceptable for a limited period.

The structure of the rink 'floats' over the existing tennis court surface and will be entirely removable afterwards, returning the courts to an unaffected playing surface. It is not considered that the development will have an impact upon the character or appearance of the area once the development is removed from the site.

The development proposes additional lighting within the site. The design and access statement states that external lighting is to be provided on 3 metre high posts which extend out from the structure of the marquee and provide lighting angled down onto the rink. This is supplemented with a series of matching 3 metre high columns along the eastern edge of the rink, which also provide lighting angled down. The level of lighting will be kept to the minimum possible. Low level lighting is already provided around the footpaths and access-ways which serve the existing facilities, and provides adequate light levels. The floodlights over the four tennis courts within the bubble are in constant use during the hours of darkness at this time of year and will provide additional background lighting to the area.

It is considered that the lighting proposed is acceptable in principle and as long as the lighting is of a low level and angled so that the light is focussed on the ice rink, the development will not result in an unacceptable level of light pollution. To ensure that any proposed lighting is appropriate, a condition is recommended, which will ensure that the character and appearance of the area will be safeguarded.

Overall therefore the temporary development is not considered to have an adverse impact upon the siting of the listed buildings, or the character and appearance of this part of the City of Bath Conservation Area or the universal outstanding values of the World Heritage Site.

Highway safety

The site is set within a sustainable location, within walking distance of the city centre. The site is also located in close proximity to Charlotte Street Car Park, which is one of the main car parks within the city centre. It is recognised that the city and this car park can

become particularly busy during the Christmas period, which is when the development will be in place, but given the accessibility of this site to the city centre, the development is not considered to have a significant detrimental impact upon highway safety. The Highway Development Officer has raised no objections to the development.

Residential amenity

A number of third party objectors have suggested that the development should be sited in more appropriate locations in the park away from the properties in Queen Parade. It is recognised that other events, such as the fair, are located further into the park, where it is perceived that there will be less of an impact upon the residential amenity of any neighbouring occupiers. However, the Local Planning Authority must consider the location that is put before them.

The applicant has submitted an Environmental Noise Report which contains a background noise assessment which has assessed the existing background noise levels at the nearest noise sensitive premises. The report also includes an assessment of noise emission associated with an ice rink at Cribbs Causeway, Bristol. The assessment predicts that the cumulative noise level from the ice rink, based on the assessment at Cribbs Causeway, will not exceed 55dB(A) which the World Health Organisation has set as a trigger value for community annoyance. A condition can be included to ensure that this development will not exceed this level at the nearest noise sensitive premises.

The site, as a tennis facility within the main city centre park, can be expected to generate some noise and disturbance to the neighbouring occupiers, and the increase in this, if the site is managed properly in line with the submitted details and an approved operational statement is not considered would result in an undue increase in noise and disturbance.

Low level music will be provided, and given the existing use of the site, this is considered to be acceptable during the day time/early evening period when there is a degree of activity on this site. A condition can be attached to ensure that the music and any other amplified music is not heard from the nearest sensitive property after 7pm.

The application proposes that the operational hours will be 10.00am to 10.00pm Monday to Saturday, and 10.00am and 8pm on Sunday and bank holidays. These are considered to be reasonable opening hours, but will need to be conditioned to ensure that the applicant adheres to these times.

The agent has stated that the rink will be fully staffed with a minimum of two members of staff during quiet periods, rising to five during the busy periods. Both full time and part time staff are likely to be used. Out of the rink's operational hours, the facilities will be secured and protected by a security company to ensure protection of the equipment and safety of the area. This level of staffing should ensure that the development is effectively managed, reducing the impact of the development upon the living conditions of neighbouring occupiers.

On balance, subject to appropriate conditions, the proposed development is not considered to have a significant detrimental impact upon the residential amenity of the neighbouring occupiers. However, if the application is not carried out in accordance with the approved details or the conditions are not complied with, there is the potential for the

living conditions of the neighbouring occupiers to be harmed. The applicant has applied for a 5 year period, but it is considered that in this instance a trial period is more appropriate. It is therefore considered that a one year period would be more appropriate. Following this period of time, if it is demonstrated that the development does not result in any harm, it is unlikely that the LPA would have any objections to the renewal of planning permission

Ecology

A number of the third party have raised concerns with regards to the lighting and the resultant disturbance of bats in particular. However, given the existing lighting, and the time of year that the event will be taking place, the development is not considered to result in any ecological issues. Further, a condition can be included on any permission to reduce light spill, to ensure that the lighting is focussed on the ice rink and immediate facilities.

Other issues

Overall, subject to the inclusion of conditions, it is not considered that the development will result in any significant harm to the residential amenity of the neighbouring occupiers. Given the temporary nature of the development, there is not considered to be significant harm to the character or appearance of the City of Bath Conservation Area, the setting of nearby listed buildings, or the wider World Heritage Site. Given the sustainable location there are not considered to be any significant issues with regards to highway safety. No other significant issues have arisen as a result of the proposed development and subject to the inclusion of planning conditions, the application is recommended for approval. It is however considered appropriate to only allow this development for a one year period, to test the impacts of the development, in particular in relation to the impact of the development on neighbouring occupiers.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 The use hereby permitted shall operate only between 23rd November 2012 - 7th January 2013 and the use hereby permitted shall be discontinued and the land reinstated on or before the 7th January 2013

Reason: To enable the Local Planning Authority to review the impact of the development in particular in relation to the impact of the development upon the living conditions of neighbouring occupiers.

2 Noise from any amplified music or amplified voices shall not be audible at the nearest noise sensitive property outside the hours of 1000 to 1900 hours on any day.

Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interest of amenity.

3 The use hereby approved shall not be carried on and no customer shall be served or remain on any part of the premises outside the hours of 1000 to 2200 hours any day.

Reason: To safeguard the amenities of nearby occupiers.

4 No works or deliveries required to implement this permission shall take place outside the hours of 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. No works or deliveries shall take place on Sundays or Public Holidays.

Reason: To safeguard the amenities of nearby occupiers.

5 No development shall commence until an Operational Statement has been submitted to and approved in writing by the Local Planning Authority to include details of an emergency 24 hour contact number , a programme of works relating to the setting up and dismantling of the ice rink and other structures, and refuse collection. The development shall be carried out in accordance with the approved Operational Statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of the neighbouring occupiers

6 Noise emissions from the ice rink shall not exceed 55 dB LAeq (30min) at the nearest noise sensitive premises.

Reason: In the interest of residential amenity.

7 At all times during the operation of the ice rink, the noise mitigation measures detailed in section 9 of Environmental Noise Report dated February 2012 shall be fully complied with.

Reason: In the interest of residential amenity

8 No development shall take place on site until details of the external lighting to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include details of the measures to be taken in order to prevent the spillage of light beyond the site boundaries and the lighting shall thereafter be installed and maintained in accordance with the approved plans. No additional lighting shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of local residents and in order to safeguard the character and appearance of this part of the Conservation Area and World Heritage Site.

9 The external lighting approved under condition No 8, with the exception of the scheme for security lighting, shall not be used outside the hours of 1000 to 2200 hours on any day.

Reason: To protect the amenity of nearby occupiers and the character and appearance of this part of the Conservation Area and World Heritage Site.

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

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

PLANS LIST: Plans: 3515/002, 3515/003, 3515/010, 3515/011, 3515/15, 3515/016, design and access statement and environmental noise report date stamped 6th February 2012

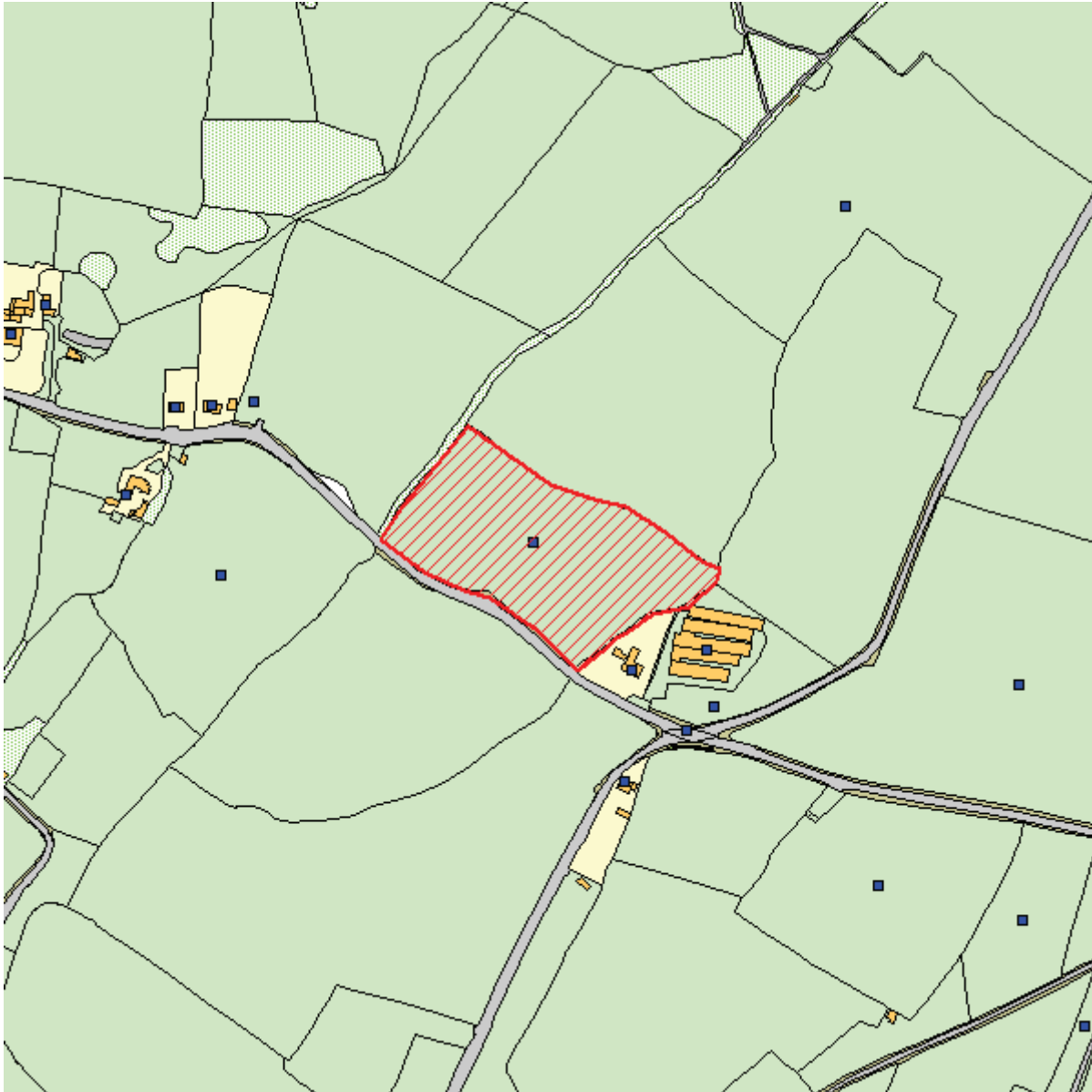
REASONS FOR GRANTING APPROVAL

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

A Bath and North East Somerset Local Plan (including minerals and wastes) adopted October, D.2, D.4, S.6, S.7 BH.1, BH.2, BH.6, BH22, NE5, NE11, NE13a T.24, T26, ES12

Subject to conditions, the development is not considered to result in a detrimental impact upon the living conditions of neighbouring occupiers. Given the temporary nature of the development, there is not considered to be significant harm to the character and appearance of this part of the City of Bath Conservation Area, the setting of listed buildings, or the wider World Heritage Site. Given the sustainable location there are not considered to be any significant issues with regards to highway safety. No other significant issues have arisen as a result of the proposed development.

Item No: 03
Application No: 12/00426/FUL
Site Location: Parcel 1100, Compton Martin Road, West Harptree, Bristol



Ward: Mendip **Parish:** West Harptree **LB Grade:** N/A
Ward Members: Councillor T Warren
Application Type: Full Application
Proposal: Change of use of land from agricultural (Sui Generis) to the keeping of horses (Sui Generis) and erection of stables and formation of replacement access and track.
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,
Applicant: Mr Richard Curry
Expiry Date: 16th April 2012
Case Officer: Tessa Hampden

REPORT

Reason for referring application to committee

Cllr Tim Warren, Mendip Ward Cllr, requested that this is heard at Committee if officers are minded to approve the application. In addition, the Parish Council have objected to the development.

Site description and proposal

The application relates to a parcel of land located off Compton Martin Road, in between the villages of Compton Martin and West Harptree. The site is located within an Area of Outstanding Natural Beauty (AONB).

The application seeks planning permission for the change of use of land from agricultural to the keeping of horses and the erection of stables and formation of a replacement access and track

Relevant planning history

DC - 11/04357/FUL - PERMIT - 19 December 2011 - Formation of replacement vehicular access

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - No objection to the development as long as the development is for private use rather than as a commercial enterprise. Conditions suggested

Cllr Tim Warren - Mendip Ward Cllr - requests that this is heard at Committee. His comments can be summarised as follows:

No objection to the change of use and building of stables in principle, but of the proposed location. The proposed siting of the building is in very close proximity to Fairash Bungalow, and the increased traffic movements caused by the proposed development will cause a nuisance. There is also the potential for light pollution again at unsocial hours. The proposed site position will also be very visible in the AONB.

Parish Council - Object to the planning application. The comments can be summarised as follows:

The proposed structure sited in totally the wrong place, equestrian use does not fit into the landscape and could be used for commercial use in the future, higher than the existing hedge, will increase number of flies/pets, close to farm store and egg room, increase in vehicular movements, nuisance to neighbours

One objection has been received. The comments can be summarised as follows:

Resultant vermin/flies/smell, loss of view, stables more visible if poultry buildings demolished, no info with regards to light/power, danger to highway safety if horse ridden on the road.

POLICIES/LEGISLATION

D.2: General design and public realm considerations
D.4: Townscape considerations
NE.2: Areas of Outstanding Natural Beauty
T.24: General development control and access policy
ET7 Use of Agricultural land

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

Guidelines for Horse related Development for the Mendip Hills AONB - Revised 2012

The NPPF was published in March 2012 and is a material consideration but is not considered to conflict with the above policies.

OFFICER ASSESSMENT

Use of agricultural land

The development is not considered to have an adverse impact upon the efficient operation of an agricultural enterprise, or lead to the fragmentation or severance of a farm holding. There is therefore no objection to the change of use in principle.

Effect on the Landscape

It is important to ensure that the development does not have a detrimental impact upon the landscape qualities of the Mendip AONB. The guidance with the Supplementary Planning Guidance (Guidelines for Horse related Development for the Mendip Hills AONB) has therefore been considered in the determination of this planning application.

It is considered that in terms of the impact on the AONB, the stables are sensitively sited. They will be seen in context with the existing adjacent farm buildings and the neighbouring bungalow. The visual link with the existing cluster of buildings will reduce the impact of this building upon the natural beauty of the AONB. The development is considered to respect the topography of the site and is not considered to be in located in a particularly elevated position, being sited on a lower part of ground within the parcel of land.

The stables are of a fairly standard design which is typical of stables in rural areas. The scale is considered to be acceptable ensuring that the building will not be overly dominant in this location. The materials as proposed are considered to be appropriate, with the timber frame being less visually intrusive than other materials such as concrete block.

The field access has been approved under a previous planning application, where it was not considered to have an adverse impact upon the rural character of the area. The track access leading from the field entrance to the stables is proposed as two narrow strips of scalplings with a grass central core. The agent has stated that the scalplings would quickly green over with vegetation and consequently be insignificant in the field. Although the principle of limestone scalplings is considered to be acceptable, as the colour of these can vary. A condition should therefore be added to ensure that the materials chosen are appropriate in the rural landscape.

No external lighting is proposed and conditions can be included to ensure that this is not installed at a later date or to ensure that any that are installed (such as security lighting) are appropriate and do not cause unnecessary light pollution which could have a resultant impact upon the AONB.

The application relates to the change of use of the land and as such is likely that jumps etc may at times be placed on the land. As a temporary feature, the harm that this would bring is not considered to be significant. A condition can be attached to any permission to ensure that jumps should be removed after use and stored on site. Any fixed structures would require the benefit of planning permission.

On balance, the change of use of the land and the stables, and associated work are not considered to have a detrimental impact upon the rural character of the area or the character and appearance of the Area of Outstanding Beauty in which the site is set.

Highway safety

The existing access to the site is sub-standard. Whilst the replacement access (not yet implemented), permitted by way of planning permission 11/04357/FUL, affords some improvements and benefits to highway safety, it remains substandard. With or without the proposed development, the existing field and access could be used for the keeping of livestock. The agent has confirmed that the development is to be used for private equine use and a condition can be added to ensure that the development is not used as a commercial enterprise. If this is the case, it is considered that any potential intensification in use of the site is likely to be de minimis and negated by the proposed improvements to the access.

There is some concern with regards to the safety of the adjacent road in terms of a route to ride horses. However this is only a small distance from more acceptable routes off Harptree Hill. Given that this is for small scale private use rather than a larger commercial enterprise, it is not considered that any harm would be significant enough so as to warrant a reason for refusal.

On balance therefore the proposed development is not considered to result in any undue harm to highway safety and there are no objections raised on these grounds.

Residential amenity

Within the representations received, concerns have been raised with regards to the impact of the development upon the residential amenity of the neighbouring occupiers at Fairash Bungalow. It has been suggested that the stables should be sited towards the road away from the bungalow. However, the Local Planning Authority must consider the siting that has been put forward. Further the agent has, within the Design and Access Statement, justified the chosen siting.

Concerns have been raised with regards to the loss of view from the neighbouring bungalow. Whilst it is accepted that the development may alter the view from parts of the garden in particular, in planning terms there is no right to a view. The stable building is not considered to dominate the outlook from this area or any habitable windows. In this

regards, the development is therefore not considered to significantly harm the neighbouring amenity.

The development, used as private stables, is not considered to result in an unacceptable level of noise and disturbance for these neighbouring occupiers. The neighbouring bungalow is located adjacent to poultry farm buildings, and although this use has recently ceased, would have typically resulted in a level of noise and disturbance which would be greater than that of a small scale private stable facility. Given the scale of the development and the acceptable distance between the development and the neighbouring property, it is not considered that the development would have any significant detrimental impact upon the neighbouring occupiers in terms of increased flies, smells and other nuisance. Provisions have been made for the storage of dung, and this is considered to be appropriate, away from the neighbouring properties. The adjacent property is sited next to a former poultry farm and the field currently has an agricultural use. This form of development as proposed is not uncommon in a rural environment.

The proposed development is not considered to result in an undue detrimental impact upon the residential amenity of the neighbouring occupiers.

Conclusions

Overall, the proposed development is considered to be of an appropriate siting, scale and design, which will ensure that the rural character of the area, and the character and appearance of the site is safeguarded. Subject to conditions, there are not considered to be any significant issues with regards to highway safety or the residential amenity of the neighbouring occupiers. For these reasons, the application is recommended for approval.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 No external lighting shall be installed on the site unless details are first submitted to and approved in writing by the Local Planning Authority. Any lighting shall thereafter only be installed and retained in accordance with these approved details.

Reason: In the interest of the rural character and appearance of the area.

3 Any jumps or associated paraphernalia should be removed when not in use and stored on site.

Reason: To safeguard the character and appearance of the Area of Outstanding Natural Beauty

4 No development shall commence until details of the limestone scalplings to be used in the construction of the track have been submitted to and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with these approved details.

Reason: To safeguard the character and appearance of the Area of Outstanding Natural Beauty

5 The development hereby permitted shall not be occupied until the proposed access has been constructed in full accordance with the requirements of and details approved in writing by the Local Planning Authority. The access shall then be maintained in accordance with these approved details thereafter.

Reason: In the interests of highway safety

6 The access, between the carriageway and the gates, shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

7 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8 The access hereby permitted shall not be brought into use until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

9 The existing vehicular access shall be closed and its use permanently abandoned, concurrently with the provision of the new access hereby approved being first brought into use, and the verge crossing reinstated, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include a programme of the works, together with details of appropriate traffic management. The development shall then only be constructed in accordance with that approved plan.

Reason: To ensure the safe operation of the highway.

11 The use of the proposed development and site shall be limited to non-commercial equine uses for the benefit of the individual site owner, or individual tenant, and their immediate family.

Reason: In the interests of highway safety

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

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

PLANS LIST: PL 2995/2A, PL3045/1A, PL2995/5, PL3045/3A, PL2995/3A, PL2995/4 date stamped 20th February 2012 and PL3045/3A date stamped 27th January 2012

REASONS FOR GRANTING APPROVAL

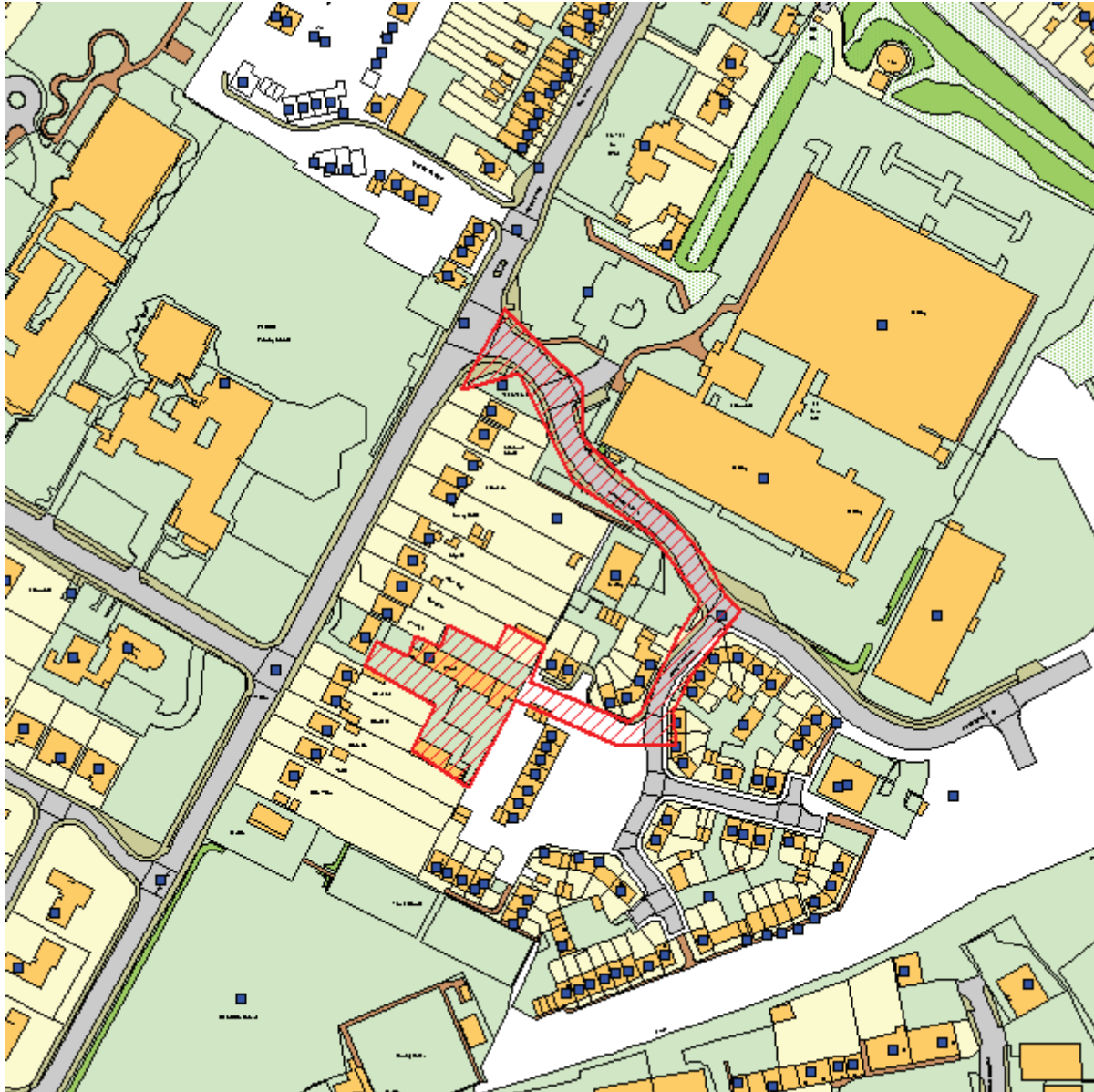
1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A Bath and North East Somerset Local Plan (including minerals and wastes) adopted October 2007 D2, D4, NE4, T24, ET7

The change of use of the land is considered to be acceptable in principle, with the appropriate siting, scale and design ensuring that there is no resultant harm on the Area of Outstanding Natural Beauty in which the site is set. Subject to conditions, the development is not considered to result in significant harm to highway safety or the residential amenity of the neighbouring occupiers. No other significant issues have arisen as a result of this planning application.

2 The applicant should contact the Highway Maintenance Team on 01225 394337 with regard to securing a Licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current specification.

Item No: 04
Application No: 12/00107/FUL
Site Location: Designer Composites, Fosseway, Westfield, Midsomer Norton



Ward: Westfield **Parish:** Westfield **LB Grade:** N/A
Ward Members: Councillor R Appleyard Councillor Robin Moss
Application Type: Full Application
Proposal: Erection of 4no. four bed detached dwellings, 2no. two bed detached dwellings and 1no. three bedroom detached dwelling following demolition of existing industrial buildings.
Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, General Development Site, Housing Development Boundary, Tree Preservation Order,
Applicant: Oval Estates (Bath) Limited
Expiry Date: 7th March 2012

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Recommendation contrary to Parish Council comments and level of objections. Chair referred to committee.

DESCRIPTION OF SITE AND APPLICATION:

The application site is located within the Housing Development Boundary to the south east of Midsomer Norton within the Westfield area and relates to an industrial site located to the rear of a row of dwellings on the Wells Road, which back onto the St Peters Factory housing development site known as Cobblers Way.

The site comprises of multiple single to one and half storey buildings with pitched roofs. An accountancy firm occupies the front building situated between the dwellings of Owendale and Rosedale and forms part of the street scene in this locality. Access is provided off Wells Road to the rear of the site, where parking is available. The buildings are located on the north-east and south-east sides of the site separated from the adjoining gardens by a small parcel of land which appears to have been used for storage, but has been left unmaintained and become overgrown.

The site is within the Housing Development Boundary of Radstock. Under policy HG.4 there is a favourable presumption towards development.

The application proposes the demolition of the existing industrial units and the erection of 7 detached dwellings which will comprise of 4 styles of dwellings;

- 3 proposed of Type E. This is a 4 bed, two storey half hipped roof design with a two storey hipped gable projection to the facade, the dwellings will be accessed from the side elevation to create a more active elevation. The finish will be a mix of re-constituted lias stone and render with double roman tiles to the roof.
- 1 Type F is proposed. This is a larger version of type E and will be finished in re-constituted lias stone with double roman tile roof.
- 1 Type D is proposed. This is an 'L' shaped 3 bed cottage style dwelling which has a reduced eaves height with the second floor rooms situated within the roofspace and will be finished in re-constituted lias stone and double roman roof tiles with an open car port to the side.
- 2 Type P are proposed. These are hipped roof 2 bed bungalows with integral garages which will be finished in re-constituted lias stone and double roman tiles.

It is proposed to create a new access off Upper Court in the new Cobblers Way development. The Wells Road access will remain for the use of the accounts firm fronting Wells Road. The proposed access is within the ownership of the applicant. Upper Court is currently a dead end cul-de-sac which provides access and turning for the dwellings and associated garages. The existing fence will be partially removed and the road/pavement extended into the site providing access and turning space.

The application has been supported by the submission of a design and access statement.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

WESTFIELD PARISH COUNCIL: Object on the grounds that the access and egress to the development would be severely hampered by the volume of new homes.

HIGHWAYS: No objection subject to conditions. The length of driveway and car port for Unit 1 is sufficient to accommodate 2 cars, providing no doors are erected at the entrance to the car port in which case the driveway length falls below the 5.5 metres minimum length to enable the doors to be opened without a car parked in front overhanging and obstructing the highway footway. A suitable condition is therefore required to prevent the erection of doors within the driveway/car port. All remaining driveways are considered to be of sufficient length for the adequate parking of vehicles. However, the garages to plots 2, 5, 6 and 7, whilst of adequate length and able to accommodate a standard parking space of 2.4m x 4.8m, are very narrow. Regarding the proposed estate for street serving the development, this is an extension of an existing cul-de-sac. However, carriageway construction extends beyond the line of the edges of carriageway and so it is necessary to include verges/footways for adoption adjacent to all edges of the adoptable carriageway.

The contributions SPD is triggered by the proposal and a financial contribution is required as part of the proposal.

HIGHWAYS DRAINAGE: The applicant's proposal is located outside of the flood zones. Indicated that surface water will be disposed of via soakaways. We support this approach. Infiltration testing to BRE Digest 365 standards should be carried out. If infiltration rates are found to be too low for a feasible soakaway design, an alternative drainage methodology should be proposed and approved before use.

CHILDRENS SERVICES: Should this development go ahead, we estimate that the children generated by the development will create the following need and we would be seeking a Developer Contribution for Children's Services as follows.

Early Years age 0-2 places - 0.288 places at a cost of £0 (sufficient provision in the area)

Early Years age 3-4 places - 0.912 places at a cost of £0 (sufficient provision in the area)

The Childcare Act 2006 made law from April 2008 that Local Authorities have a statutory duty to ensure sufficient childcare is provided, and this was to be evaluated through a childcare sufficiency report. Bath & North East Somerset's report and an assessment of the impact of the development on existing capacity in the area identifies Midsomer Norton as an area of childcare sufficiency. Therefore total for Early Years provision = £0 (Sufficient provision in the area)

Primary age pupil places - 0.656 places at a cost of £8,523.02

Secondary age pupil places - 1.268 places at a cost of £0 (sufficient provision in the area projected)

Post 16 places - 0.445 places at a cost of £0 (sufficient provision in the area projected)

Projections for the area indicate that by 2015, all places in Primary School year groups Year R and Year 2 will be full with no surplus capacity available. Two year groups will therefore be at capacity for the next few years as they continue to move through the school. There is projected to be sufficient available capacity in the other five primary year groups to accommodate the pupils generated by the development. We are therefore seeking a contribution for two year groups of primary age pupils. The total number of

primary age pupils generated by the development is calculated to be 2.298. $2.298 / 7$ year groups = 0.328 per year group. 0.328×2 year groups = 0.656 places required. Therefore total for school places = £8,523.02

Youth Services provision places - 1.05 places at a cost of £1,400.70

This contribution applies to all new houses of 2 beds or more as existing provision in Bath and North East Somerset is sufficient to meet the needs of the current population only. Therefore total for Youth provision = £1,400.70

Total contribution sought of £9,923.72

OTHER REPRESENTATIONS: 6 x objections, 1 x general comment

- concerned over the safety of our children and their friends, who at present can enjoy a certain amount of freedom along the cul-de-sac - the addition of the houses with the amount of cars they will bring to the area will mean that we can no longer have peace of mind of the quiet street we have become used to.

- Will transform our gardens into dungeons, having 2 storey buildings either side
- May be argued that the current industrial building is unsightly, but I would rather my bedroom window looked out onto that than another house's wall
- Other companies have built new houses in the area which have remained unsold and empty for over a year so there is obviously no demand for this type of housing here
- Increased traffic
- Damage will be caused to new roads by extra traffic and construction vehicles
- Intrude on my right to privacy in my new home & garden
- Drawings show new trees in neighbouring gardens to screen the development however no permission has been given for applicant to plant in my garden.
- Existing turning for block of garages will be compromised and will result in reversing into a trafficked highway.
- Over development of the site
- Why can't the existing Wells Road access be used?

POLICIES/LEGISLATION

The planning issue in this application are whether the proposal results in the overdevelopment of the site to the detriment of the character and appearance of this locality, and whether there will be harm to highway safety and particular residential amenity.

RELEVANT PLANNING HISTORY:

11/03349/FUL - Withdrawn - 21 December 2011 - Erection of 6no. four bed detached dwellings and 1no. three bedroom dwelling following demolition of existing industrial buildings.

POLICY CONTEXT:

BATH LOCAL PLAN:

SC.1 - Settlement Classification

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

CF.3 - Contributions from new development to community facilities

D.2 - General Design and public realm considerations
D.4 - Townscape considerations
NE1 - Landscape character
T24 - General development control and access policy
T26 - On site parking and servicing provision

SUBMISSION CORE STRATEGY

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

SV1 - Somer Vally Spatial Startegy (replaces policy HG.4)

D.2, D.4, CF.3, NE.1, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

NATIONAL PLANNING POLICY FRAMEWORK

National Planning Policy Framework (March 2012) should be awarded significant weight, however this proposes little change to the polices of the Local Plan that are relevant to this application.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE: This application site is situated within the urban area and on previously developed land (Brownfield site). In policy terms there is a favourable presumption towards suitable development of such land but the following issues must also be considered. It is considered that the site shown offers sufficient space to accommodate 7 dwellings.

CHARACTER AND APPEARANCE:

The requirements relating to design are that development should respond to its local context and, respect and compliment their host dwelling. It is proposed that the dwellings be constructed of a re-constituted lias stone used in other dwelling developments locally and a clay double roman tile to match those in the local area. The design of the cul-de-sac will replicate the domestic architectural style of the neighbouring properties, and the wider area, thereby responding to the local context.

The dwellings have been designed so as to provide clearly legible frontages and entrances offering a high degree of natural surveillance ('secured by design' approach). This link between the built environments contributes positively to the public realm.

Due to the linear layout and siting of the buildings along Wells Road, views between structures are constantly available which enhances the sense of spaciousness within this urban environment; the proposed development would encroach towards the boundaries, but has been designed so as to leave a gap between the structures in order to preserve this physical attribute which is a positive feature within the built environment of this locality. Furthermore the dwellings which back onto the business premises on Wells Road have been designed as bungalows to preserve the open character visible at this point within the street scene.

RESIDENTIAL AMENITY: The proposed internal and external arrangement demonstrates acceptable standards of residential amenity for future occupiers.

There is the potential for harm to the amenity of neighbouring occupiers by the increased development of this site above that currently experienced in terms of increased sense of enclosure and overbearing impact to the amenity spaces of the existing dwellings.

Concern has been raised that the proposed units in particular type E within proximity of Upper Court will result in the gardens being adversely affected. The garden areas of Upper Court which run perpendicular to the site are approximately 16 metres in length and are enclosed by close boarded fencing and screened from the development site by shrubs, hedging and mature trees, which were preserved during the development of Cobblers Way and result in overshadowing of the gardens, which are of a north-western orientation. The blank side elevation close to the rear boundary of Upper Court has the potential to cause an overbearing presence to the users of the rear amenity spaces of the houses behind. However due to the existing boundary treatment the effect will be lessened to an extent where it is not considered unacceptable.

Dwelling type E will be located approximately 30 metres from the rear elevation of Glendare on Wells Road. The garden of Glendare appears to be split into three areas, a patio area close to the dwelling which surrounds the conservatory, the middle lawn area which is enclosed by shrubs and a hard standing area to the rear which has a shed/greenhouse positioned within this area and some young trees which creates a buffer zone from the existing industrial site. The outlook of Glendare will be altered. At present the site is semi open, whilst the proposal will result in a two storey dwelling situated at the end of the garden. Concerns were raised that the proposed would result in overlooking and loss of privacy, however the two small windows on the side elevation relate to bathroom windows and will thus be obscurely glazed, reducing the potential for overlooking. However the introduction of a two storey structure on the boundary of the garden and the addition of a bungalow to the north of the garden (although of a single storey, part of the hipped roof will be visible above the fence line) will have the potential to be overbearing and result in an increased sense of enclosure. The new dwellings will result in some overshadowing of the rear end of the garden of Glendare and appear overbearing from part of the garden. However, due to the length of the garden and the distance from the house itself, the harm caused is not considered to be significant enough to warrant a reason for refusal. The bungalow to the north of the site is of a hipped roof design and will slope away from the boundary of Glendare. Although the roof will be partially visible, it will preserve the open nature of the site and is not considered, when combined with Type E to result in an unacceptably increased sense of enclosure.

The two bungalows to the rear of the existing single storey office on Wells Road will preserve the open nature of the break between the dwellings on Wells Road.

The dwelling extensions of Rosedale and Owendale have not been illustrated in the block plans. Rosedale has had a small rear extension and Owendale has been significantly extended to the rear and side in addition to a conservatory which has increased the depth of the dwelling. The existing one and half storey industrial buildings are located to the rear of the office building (on Wells Road) and run along the side boundary of Rosedale. These will be replaced by a bungalow and will be set back away from the rear line of the dwellings on Wells Road, creating a more open outlook to the south. The far end of what would have originally been Rosedale's plot forms part of the existing industrial site and has become overgrown. It is proposed to be cleared and a type F dwelling erected. This dwelling will be approximately 22.8 metres from the rear elevation of Rosedale. The

existing boundary line/fence will remain as existing and will be bordered by the garden of House type F. The main amenity space of Rosedale appears to be the area closest to the dwelling and the rear end is made up of shrubs and a garden shed. The rear windows on house Type F have the potential to cause some overlooking of the garden of Rosedale and vice versa, however due to the current open nature of the site and large gardens, overlooking of neighbouring gardens is a common characteristic. Due to the separation of the proposed and existing dwellings the level of overlooking of the habitable rooms is not considered significant and will not result in unacceptable loss of privacy to the detriment of the occupiers of Rosedale.

Part of the rear section of garden of Owendale has been included within the site and it is proposed to erect a Type D dwelling within this space. This low eaves two storey dwelling will be approximately 34 metres from the rear elevation of Owendale and does not propose any dormer windows, which would have the potential to overlook the site. Although part of the existing garden of Owendale will be developed, Owendale will still have a large rear amenity space. Due to the siting of the proposal and the open nature of the neighbouring sites, the proposal is not considered to cause loss of privacy or result in overlooking or cause an overbearing presence which would be cause unacceptable detriment to the occupiers and users of the amenity space of Owendale and Witts End.

Some harm will be caused to the living conditions of neighbouring occupiers of the development site. On balance however, due to the siting, orientation, spacing and existing boundary treatments, the level of harm caused in terms of overbearing impact, overlooking and overshadowing is not considered significant enough to warrant a reason for refusal.

HIGHWAYS:

The proposed development proposes to access the site from Upper Court within the Cobblers Way development. A highway runs to the border of the site as it provides access to garages of Upper Court. A new access will be created by removing the existing fencing and scrub and it is proposed to extend the existing highway into the site and create a hammerhead turning area for vehicles with access onto private driveways of each dwelling. An extension of the pavement is also proposed to provide safe movement for pedestrians.

Concern has been raised by local residents regarding highway safety and the potential for conflict with children using the local area. However, the highways officer has assessed the scheme and considers there to be no potential harm to the users of the local highway. Pavements have been provided for safe passage of pedestrians through the urban area.

The highway officer has raised no concerns with regards to the potential for conflict with the existing users of Upper Court and the proposed site and is considered to provide an adequate level of parking in accordance with the Council's guidelines. Furthermore, the proposed site is located within a sustainable location within walking distance of local facilities and schools and local bus stops to provide further access into the local Town Centres of Radstock and Midsomer Norton.

The proposed level of development triggers the requirements for contributions towards highway maintenance and it is proposed to request a financial contribution in accordance with the Contributions Supplementary Planning Document.

It is therefore recommended to approve this application subject to the inclusion of conditions and subject to the agent's agreement to enter into a S106 agreement in relation to financial contributions to Highways and Education.

RECOMMENDATION

A. Authorise the Planning and Environmental Law Manager to prepare an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure ; - a contribution of £9,923.72 for education and £.... for Highways.

B. Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the following conditions:-

CONDITIONS

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

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

2 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

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

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

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

the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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

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

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

8 The garage(s) hereby approved shall be retained for the purpose of parking a motor vehicle(s) associated with the dwelling.

Reason: To retain adequate off-street parking provision.

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

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

Item No: 05
Application No: 12/01627/FUL
Site Location: 17 Lockingwell Road, Keynsham, Bristol, Bath And North East Somerset



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Brian Simmons Councillor C D Gerrish
Application Type: Full Application
Proposal: Erection of a two storey side and single storey side/rear extension (Resubmission)
Constraints: Airport Safeguarding Zones, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
Applicant: Mr B Pollock
Expiry Date: 20th June 2012
Case Officer: Jonathan Fletcher

REPORT

APPLICANT: Mr B Pollock

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

An objection has been received from Keynsham Town Council and consequently the proposal has been referred to the Chairman as Officers are minded to approve the application. The Chairman has confirmed that the application should be determined by the Development Control Committee.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a semi-detached property located within the Keynsham North Ward. The prevailing character of the surrounding area is residential. There are a mixture of semi-detached and detached properties in the area.

The application seeks planning permission for the erection of a part single, part two storey side extension and a single storey rear extension. The extensions to the side of the property are formed with a lean-to structure incorporating an attached garage with a hipped roof to the first floor extension above. The width of the existing single storey rear extension is proposed to be increased across the width of the proposed side extension. The extensions are proposed to be constructed with external walling and roofing materials to match the host building.

RELEVANT PLANNING HISTORY

12/00581/FUL - Withdrawn - 11 April 2012 - Erection of a two storey side extension and single storey side/rear extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development Officer: No objection is raised to the application subject to three conditions relating to highway safety.

Third Parties: One letter has been raised raising concern in relation to the visual impact of the development and residential amenity. Two letters have been received in support of the application as the extensions are considered to have an acceptable visual impact within the street scene.

NB: The consultation period for this application expires on 24 May 2012. Any further responses received following the submission of this report will be provided to the Committee as an update.

POLICIES/LEGISLATION

Bath and North East Somerset Local Plan (including minerals and waste policies) - adopted October 2007.

The following policies are relevant in this case:

D.2: General design and public realm considerations

D.4: Townscape considerations

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

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

Bath & North East Somerset Draft Core Strategy - December 2010

Consideration has also been given to the Bath & North East Somerset Draft Core Strategy however only limited weight can be attached to this document until it is formally adopted.

National Planning Policy Framework - March 2012

The National Planning Policy Framework was published on 27 March 2012 and has been considered in relation to this application. The NPPF guidance in respect of the issues which this particular application raises is in accordance with the Local Plan policies set out above.

OFFICER ASSESSMENT

INTRODUCTION:

The primary issues to consider when determining this application relate to the visual impact of the development, highway safety and the residential amenity of adjoining occupiers. A previous application was withdrawn following concerns from the Town Council and adjoining occupiers. The current application is a resubmission which has been revised to set the first floor element of the side extension further back from the front elevation of the host building.

VISUAL IMPACT:

The host building is a semi-detached dwelling which is formed with a gable end to the front elevation and a hipped roof above.

The proposed extensions are considered to preserve the character and appearance of the host building and the street scene. The two storey part of the side extension would be set back from the front elevation which would serve to maintain the level of separation between dwellings. This would also be achieved through the height of the extension which would be substantially set down from the ridgeline of the host building. The resulting scale of the extensions would form a subservient relationship to the host building. The extensions would be integrated within the application site and the wider street scene through the use of matching external walling and roofing materials.

HIGHWAY SAFETY:

The Council's Highway Development Officer has raised no objection to the application. The proposal demonstrates that a sufficient level of off-street parking would be provided to serve the development. Therefore, the proposal would not have an adverse impact on highway safety.

RESIDENTIAL AMENITY:

One letter has been received from an adjoining occupier which raises concern in relation to the impact on residential amenity. The host building is located to the south of the adjoining detached property and therefore there is an existing degree of overshadowing throughout the day. The two storey extension would be set down from the ridgeline of the host building and therefore the level of light would not be unduly affected by this proposal. There are no windows to the side elevation of the adjoining property and the ground floor window to the side elevation of the proposed extension would be glazed with obscure glass. The projection of the single storey rear extension which would be formed with a hipped roof would not have an overbearing impact on the adjoining property. In light of these considerations there is not deemed to be sufficient grounds to recommend a refusal of the application on the basis of residential amenity.

CONCLUSION:

The proposal is considered to the character and appearance of the host building and the street scene. The proposal would not have an adverse impact on highway safety. The proposal would maintain the residential amenity of adjoining occupiers.

RECOMMENDATION

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

CONDITIONS

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

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

2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

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

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

Reason: To retain adequate off-street parking provision.

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

Reason: In the interests of amenity and highway safety.

5 Any entrance gates erected or maintained within the site access shall be hung to open away from the highway only and shall not be capable of opening out over any part of the public highway, including footway.

Reason: In the interests of highway safety and amenity.

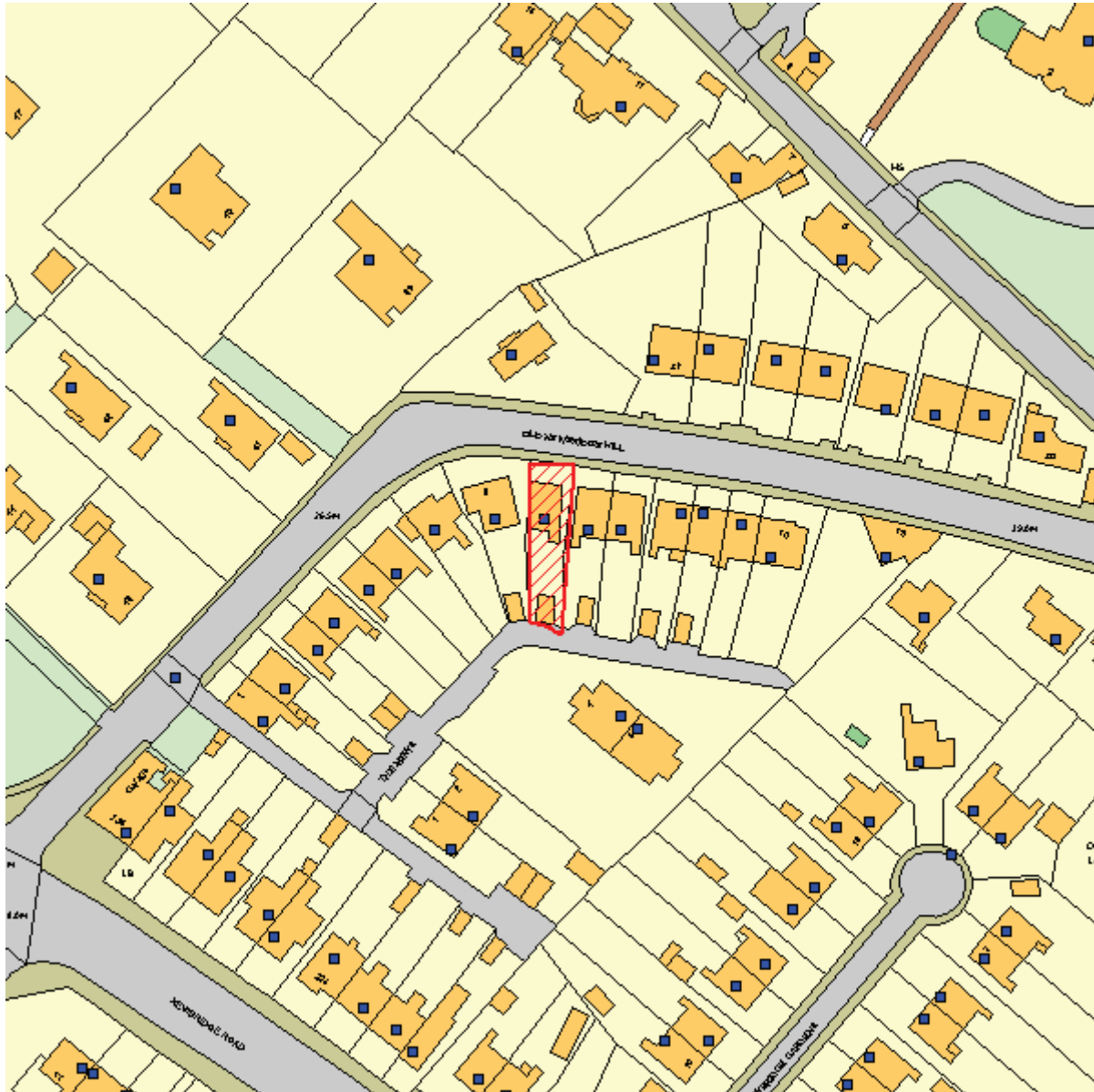
6 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST: BLOCK PLAN, EXISTING AND PROPOSED ELEVATIONS, EXISTING AND PROPOSED PLANS, SITE LOCATION PLAN received 11 April 2012.

Item No:	06
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Application No: 12/01706/FUL
Site Location: 9 Old Newbridge Hill, Newbridge, Bath, BA1 3LX



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor L Morgan-Brinkhurst Councillor C M L Roberts
Application Type: Full Application
Proposal: Provision of a loft conversion including side dormers (revised resubmission).
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: Mr George And Mrs Joanne Rowntree
Expiry Date: 18th June 2012
Case Officer: Jonathan Fletcher

REPORT

APPLICANT: Mr George And Mrs Joanne Rowntree

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

A request has been received from Councillor Caroline Roberts for the proposal to be referred to the Committee if officers are minded to refuse the application.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a detached property located within the Bath World Heritage Site. The prevailing character of the surrounding area is residential. The host building is located to the south side of Old Newbridge Hill within a row of properties which are constructed in the same architectural style.

The application seeks planning permission for the provision of a loft conversion with dormer windows which are proposed to be sited to both sides of the main roof. The dormer windows are designed with flat roofs and would project from the ridgeline of the host building. The vertical planes of the dormer windows would be finished with tile hanging to match the main roof.

RELEVANT PLANNING HISTORY:

11/04973/FUL - RF - 23 December 2011 - Provision of a loft conversion including a side dormer.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Third Parties: One letter has been received from an adjoining occupier raising concern in relation to the impact of the development on residential amenity.

NB: The consultation period for this application expires on 24 May 2012. Any further responses received following the submission of this report will be provided to the Committee as an update.

POLICIES/LEGISLATION

Bath and North East Somerset Local Plan (including minerals and waste policies) - adopted October 2007.

The following policies are relevant in this case:

D.2: General design and public realm considerations

D.4: Townscape considerations

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

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

Bath & North East Somerset Draft Core Strategy - December 2010

Consideration has also been given to the Bath & North East Somerset Draft Core Strategy however only limited weight can be attached to this document until it is formally adopted.

National Planning Policy Framework - March 2012

The National Planning Policy Framework was published on 27 March 2012 and has been considered in relation to this application. The NPPF guidance in respect of the issues which this particular application raises is in accordance with the Local Plan policies set out above.

OFFICER ASSESSMENT

INTRODUCTION:

The primary issues to consider when determining this application relate to the visual impact of the development and the residential amenity of adjoining occupiers. A previous application for a single side dormer window was refused as it was considered to have an unacceptable impact on the street scene. The current application seeks to overcome this reason for refusal by reconfiguring the loft conversion with two dormer windows.

VISUAL IMPACT:

The host building is a detached dwelling which is formed with a hipped roof and a two storey bay window to the front elevation. The property is located to the south side of Old Newbridge Hill.

The side dormer windows are considered to have an adverse impact on the character and appearance of the host building and the street scene. The hipped roof forms of the host building and adjoining properties are an important characteristic of the area. The proposal would introduce a large bulk of development projecting from the ridgeline of the host building which would substantially alter the shape of the roof. The two dormer windows would have the effect of creating a flat roof across the width of the host building. The dormer windows would be clearly visible to the front of the application site and would compromise the level of separation between the adjoining properties. Although there are other properties on Old Newbridge Hill which have been enlarged with side dormer windows, these structures have not been implemented on detached properties. These existing dormer windows serve to illustrate the harm caused by this type of development which would be particularly pronounced if implemented on a detached property.

Whilst there is considered to be clear harm to the character and appearance of the host building and the street scene, the proposal would not affect the qualities which justified Bath's inscription as a World Heritage Site. Therefore, no objection is raised to the proposal on this basis.

RESIDENTIAL AMENITY:

A letter has been received from an adjoining occupier which raises concern in relation to the impact of the development on residential amenity. Whilst these comments are noted, there is not considered to be sufficient justification to warrant a further reason for refusal based on this issue. The windows would serve the landing area and bathroom and therefore the level of overlooking from the attic would be minimal. Although it is

recognised that the scale of the dormer windows would reduce the separation between buildings this would not unduly affect the level of light to the adjoining properties.

CONCLUSION

The design of the proposed side dormer windows would have an adverse impact on the character and appearance of the host building and the street scene. The proposal is therefore contrary to policies D.2 and D.4.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed side dormer windows, by reason of their design, scale, massing and prominent siting, would have a detrimental impact on the character and appearance of the host building and the street scene contrary to policies D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

PLANS LIST: 01 A received 13 April 2012.

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	6 th June 2012
TITLE:	Tree Preservation Order: Bath and North East Somerset Council (62 High Street, Twerton, Bath No. 270) Tree Preservation Order 2012
WARD:	Twerton
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Plan of Site</p> <p>Copy of letter of objection to the Tree Preservation Order</p>	

1 THE ISSUE

1.1 An objection has been received by the owner following the making of the Tree Preservation Order entitled Bath and North East Somerset Council (62 High Street, Twerton, Bath No. 270) Tree Preservation Order 2012 (“the TPO”), which was provisionally made on the 23 February 2012 to protect an individual Sycamore (identified as T1) which makes a contribution to the landscape and amenity of the conservation area.

2 RECOMMENDATION

2.1 The Development Control Committee is asked to confirm the Tree Preservation Order entitled Bath and North East Somerset Council (62 High Street, Twerton, Bath No. 270) Tree Preservation Order 2012 without modification.

3 FINANCIAL IMPLICATIONS

3.1 Financial: Under the law as it stands the owner of a tree cannot claim compensation from the Council for making a tree the subject of a tree preservation order. However if the tree is covered by a tree preservation order and the Council refuses an application to fell the tree, the owner may be able to claim compensation if he or she suffers a loss or damage as a consequence of that refusal.

3.2 Staffing: None.

3.3 Equalities: In deciding to make the TPO the provisions of the Human Rights Act 1998 have been taken into account. It is considered that Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property) of the convention rights apply in this matter. Confirmation of the TPO is however, considered to be a proportionate interference in the wider public interest.

3.4 Economic: None.

3.5 Environment: The tree which is the subject of this report makes an important contribution to the landscape and amenity of the conservation area.

3.6 Council Wide Impacts: The confirmation of the TPO will involve officers from Legal Services. and Officers from Development Control will need to take account of the tree when considering any application for development or alterations on the site which might affect the tree.

4 THE REPORT

4.1 Background

4.2 The tree which is the subject of the TPO is one mature Sycamore growing within the rear garden of 62 High Street, adjacent to the railway embankment, encircled within the black line and marked T1 on the attached plan.

4.3 A planning application, reference 11/01144/OUT, was received for the erection of a dwelling which would have prejudiced the future vitality of this tree and others. The potentially adverse effect on trees was included as one of four reasons for refusal. An appeal was lodged and dismissed and the Inspector agreed with the Council with regards to the significance of the tree. Since the tree was in the Conservation Area it was provided with protection so a TPO was not considered necessary at this time.

4.4 A notification has subsequently been received for the felling of the Sycamore , reference 12/00380/TCA. The tree was assessed and considered to be of sufficient landscape merit to be worthy of a Tree Preservation Order.

4.5 Letter of objection to the Tree Preservation Order

4.6 The Council are required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

4.7 One letter of objection has been received by the owner. The Committee are advised to read the letter of objection attached.

4.8 The main objections as detailed within the letter are summarised below.

- i) The owner can not see what contribution the tree makes to the area.
- ii) The owner considers that the size of the tree means that it is dangerous and states that branches fall off it regularly which have damaged a neighbouring garage roof and the owner is concerned that falling branches will cause an injury.
- iii) The tree is a Chestnut, not a Sycamore.
- iv) The only reason why this tree was not removed along with all the other trees on the railway embankment was because it was growing on the owners side of the boundary fence.

4.9 The objections to the Tree Preservation Order outlined in section 4.8 above have been considered by Officers and the following comments are made:

- i) The Councils Arboricultural Officer has assessed the tree for amenity value as part of the TPO process and found that the tree was important within the locality. The tree is visible to the general public and is in reasonable condition with an acceptable safe useful life expectancy. The Planning Inspector agreed that the tree made a significant contribution to the amenity of the area and commented that it was prominent in views from passing trains when considering the appeal relating to 11/01144/OUT.
- ii) The size of a tree does not automatically mean that the tree is dangerous. No supporting arboricultural reasons which are based on an assessment of the condition of the tree have been provided to support this statement. No supporting evidence has been provided to indicate that live and outwardly healthy branches have failed. The tree shows no apparent management other than the severance of ivy. Most trees will produce some deadwood over time which will be shed unless removed. There are no signs within the canopy that branches have failed regularly. A TPO does not prevent reasonable work but an application would be necessary unless the work was exempt. Exemptions include the removal of deadwood.
- iii) The tree is a Sycamore, there are clear distinguishing features between a 'Chestnut' (it has been assumed that this refers to a Horse Chestnut) and a Sycamore, whether in leaf or not. The species of the tree in this case has no bearing on the visual contribution which it makes.
- iv) The fact that the tree is the one of the last remaining means that its importance within the conservation area setting is greater. The ownership of the tree does not alter the amenity value.

4.10 Relevant History

4.11 10/04108/TCA – Felling of conifer – NO OBJECTION

4.12 11/01144/OUT - Erection of 1no dwelling following demolition of existing garage
- REFUSED, DISMISSED ON APPEAL.

5.0 LEGAL AND POLICY FRAMEWORK

Tree Preservation Order

5.1 A tree preservation order is an order made by a local planning authority in respect of trees and woodlands. The principal effect of a tree preservation order is to prohibit the:

Cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of trees without the council's consent.

5.2 The law on tree preservation orders is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which came into effect on 6th April 2012 .

5.3 A local planning authority may make a tree preservation order if it appears

“Expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”

5.4 The Council's Arboricultural Officers have a written method for assessing the 'Amenity' of trees and woodlands considered to be under threat. This is in keeping with Government guidance, and takes account of the visual impact of the trees and their contribution to the landscape, their general overall health and condition, their longevity and their possible or likely impact on services and property.

5.5 This assessment concluded, having taken account of, visual amenity, tree health considerations and impact considerations, that it would be expedient in the interest of amenity to make provision for the preservation of the tree. The TPO was made on 23 February 2012 and took effect immediately and continues in force for a period of six months.

Planning Policy

5.6 Bath and North East Somerset Local Plan including minerals & waste policies 2007

C2.22 'Trees are an important part of our natural life support system: they have a vital role to play in the sustainability of our urban and rural areas. They benefit:

- the local economy – creating potential for employment, encouraging inward investment, bringing in tourism and adding value to property;
- the local environment by reducing the effects of air pollution and storm water run off, reducing energy consumption through moderation of the local climate, and providing a wide range of wildlife habitats;
- the social fabric in terms of recreation and education'

C2.23 'Much of the tree cover in the urban areas is in a critical condition and there is little or no replacement planting for over-mature trees in decline. Infill development has often reduced the space available for planting large tree species. In addition, new tree planting takes many years to mature. The management and retention of significant trees is therefore pressing'

C2.25 'Bath & North East Somerset has a duty under the Town and Country Planning Act 1990 to ensure tree and woodland preservation wherever it is

appropriate. The Council will continue to protect trees and woodlands through Tree Preservation Orders (TPOs) as appropriate. There is also a level of protection afforded to trees in Conservation Areas (CAs). However there are many trees of value outside these designations and careful consideration should be given to the removal of any tree'

6. CONCLUSION

6.1 The tree makes a significant contribution to the landscape and amenity of the area.

6.2 Confirmation of the TPO would ensure the retention of the tree. Should it be found in the future that it would be unreasonable to retain the tree the Council will then be able to ensure appropriate replacement planting.

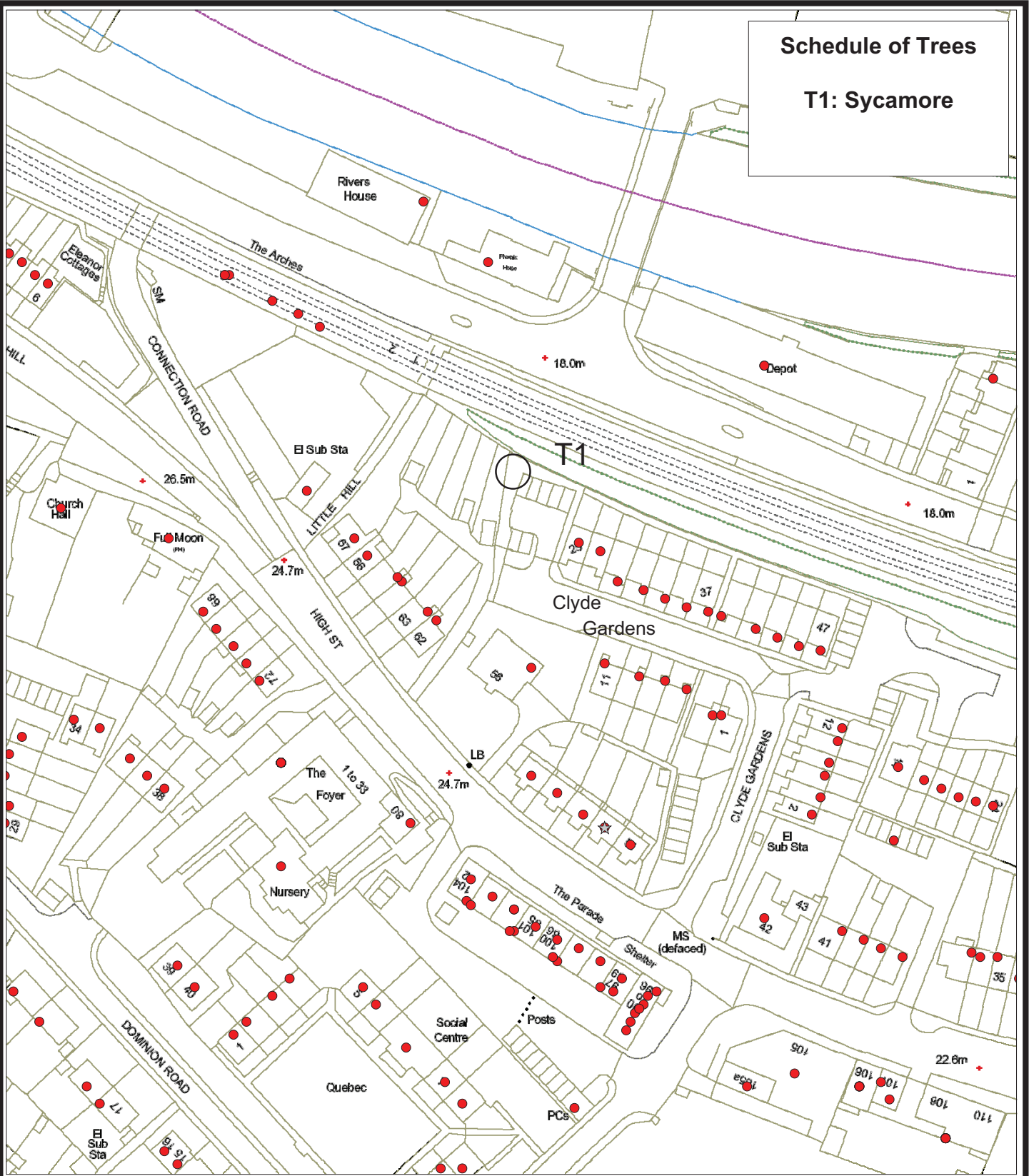
6.3 In keeping with the Council's commitment to conserve and enhance the environment, it is recommended that the Committee confirm the TPO without modification.

Contact person	Jane Brewer 01225 477505
Background papers	The file containing the provisional Tree Preservation Order, relevant site notes, documentation and correspondence can be viewed by contacting Jane Brewer on the above telephone number.

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Schedule of Trees

T1: Sycamore



Scale 1:1250

Date: February 2012

Plan No: 500/270

Grid Ref: ST 725 647

Title:
TOWN AND COUNTRY PLANNING ACT 1990
BATH AND NORTH EAST SOMERSET COUNCIL
(62 High Street, Twerton, Bath No. 270)
TREE PRESERVATION ORDER 2012

I hereby certify that this plan referred to in
the BATH AND NORTH EAST SOMERSET
COUNCIL (62 High Street, Twerton, Bath No. 270)
TREE PRESERVATION ORDER 2012

Divisional Director, Planning & Transport Development

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19.3.2012.

T/8500/270

MR. P. Norris
62 High St
TWERTON
BATH
BA2 1DD

REF. NO: 12/00380/TCA.



No. 270

I would like to object against the decision to a t.p.o. that is now on my tree. I applied for planning permission to take the tree out. We had no objections by neighbours / Parish council,

my objections are as follows.

- ① I cannot see what significant contribution this one tree makes to the area, there are no other trees nearby, the tree is on the back of my garden next to railway bank, which is also at the end of my private road
- ② The tree is dangerously big with big heavy branches which do fall off constantly, worse in wet + windy weather.
- ③ It has done damage to a neighbouring garage roof as shown in pics.
- ④ I have had tree surgeons around more than one company say it is a Chestnut tree not Sycamore??
- ⑤ My concern is that my grandchildren use this land to play and the branches keep falling down will hurt them.
- ⑥ There was trees along the railway bank, this tree was planted wrong on my side of the boundary, The railway have removed the trees from the railway bank and would have removed the one on my ground if it was the other side of boundary.

I do not want responsibility of this tree in case of injury to children, people, railway, or any damage it may cause in the future.

P S Norris

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	6th June 2012
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281)
	AGENDA ITEM NUMBER
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 11/03396/COND
Location: 4 Northampton Street Lansdown Bath BA1 2SN
Proposal: Discharge of condition 5 of application 07/01852/LBA (Conversion of the vacant public house into a single family house retaining existing features and reconverting the bar and basement areas)
Decision: REFUSE
Decision Date: 19 October 2011
Decision Level: Delegated
Appeal Lodged: 14 May 2012

App. Ref: 11/05398/FUL
Location: 34 Rosslyn Road Newbridge Bath BA1 3LH
Proposal: Provision of a loft conversion to include 1no. side and 1no. rear dormer.
Decision: REFUSE
Decision Date: 30 January 2012
Decision Level: Delegated
Appeal Lodged: 10 May 2012

App. Ref: 12/00747/FUL
Location: 70 Bloomfield Drive Bloomfield Bath BA2 2BG
Proposal: Installation of a side dormer and a rear velux.
Decision: REFUSE
Decision Date: 25 April 2012

Decision Level: Delegated
Appeal Lodged: 17 May 2012

App. Ref: 12/00870/FUL
Location: Midsomer Pet Lodge Paulto' Hill Paulton Bristol BA3 2XS
Proposal: Erection of replacement cattery and isolation kennels
Decision: Non-determination
Decision Date: 4 May 2012
Decision Level: Delegated
Appeal Lodged: 4 May 2012

APPEAL DECISIONS

App. Ref: 11/05170/FUL
Location: 59 Norman Road Saltford Bristol BS31 3BH
Proposal: Erection of a detached garage and gym to replace existing detached garage
Decision: REFUSE
Decision Date: 12th January 2012
Decision Level: Delegated
Appeal Lodged: 9th February 2012

Appeal APP/F0114/D/12/2169492 for the erection of a detached garage and gym to replace existing detached garage has been dismissed.

The inspector disagreed with the council that the proposed building was a disproportionate addition to the host dwelling, stating that a large proportion of the garden would remain undeveloped.

The inspector agreed with the council that the building would harm the living conditions with the neighbouring dwelling. Given its height, length and proximity to the boundary the inspector consider that the roof would be a dominant feature in the outlook from the single storey dwelling. Therefore the appeal was dismissed.

App. Ref: 11/02780/FUL
Location: 87 Fairfield Road Fairfield Park Bath BA1 6JR
Proposal: Provision of loft conversion to include flat roof rear dormer and new rooflights to front elevation roof slope. (Resubmission)
Decision: REFUSE
Decision Date: 16th December 2011
Decision Level: Delegated
Appeal Lodged: 1st February 2012

Appeal APP/F0114/D/12/2169363 for the provision of a loft conversion to include a flat roof rear dormer window and new rooflights to the front elevation of the roof slope has been dismissed.

The inspector agreed with the council that the proposed dormer would be at odds with the more traditional form and scale of the host dwelling and its neighbours. Views of the proposed dormer would be clearly gained from the footway from where the dormer would be seen as a prominent and dominant feature on the roof of the host dwelling. Due to its size and scale relative to that of the dwelling the dormer would appear as an incongruous feature out of context with the form and appearance of the host dwelling in conflict with the aims of LP2 policy D.4 which advises that development which is inappropriate in its context should not be accepted. Therefore the appeal was dismissed.

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