

Democratic Services

Riverside, Temple Street, Keynsham, Bristol BS31 1LA
Telephone: (01225) 477000 *main switchboard*
Direct Lines - Tel: 01225 - 394414 Fax: 01225 394439
Web-site - <http://www.bathnes.gov.uk>

Date: 26 June 2012
E-mail: Democratic_Services@bathnes.gov.uk

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, Malcolm Lees, Dine Romero, Jeremy Sparks and Vic Pritchard

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Control Committee: Wednesday, 4th July, 2012

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 4th July, 2012 at 2.00pm** in the **Brunswick Room - Guildhall, Bath.**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 3rd July 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, 4th July, 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: 6TH JUNE 2012 (Pages 9 - 30)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 6th June 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 31 - 76)

11. QUARTERLY PERFORMANCE REPORT - JANUARY TO MARCH 2012 (Pages 77 - 86)

To note the report

12. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 87 - 90)

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.

This page is intentionally left blank

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 6th June, 2012

Present:- Councillor Gerry Curran in the Chair
Councillors Neil Butters, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees,
David Martin, Douglas Nicol, Bryan Organ, Vic Pritchard (Substitute for Martin Veal),
David Veale and Brian Webber

Also in attendance: Councillors Sally Davis, Caroline Roberts and Tim Warren

1 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

2 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Martin Veal whose substitute was Councillor Vic Pritchard. There was also an apology from Councillor Nicholas Coombes.

4 DECLARATIONS OF INTEREST

There was none

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

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

The Senior Democratic Services Officer stated that there were members of the public etc wishing to make statements on planning applications in Report 10 and that they would be able to do so when reaching those respective items in that Report.

7 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

8 MINUTES: WEDNESDAY 9TH MAY 2012

The Minutes of the meeting held on Wednesday 9th May 2012 were approved as a correct record and were signed by the Chair

9 MAJOR DEVELOPMENTS

The Development Manager stated that there were no updates on major developments at this time but that if Members had any questions they could be sent to the Senior Professional – Major Development direct

10 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
- An Update Report by the Development Manager on Item Nos 1, 2, 4 and 5, the Report being attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item Nos 1-3 and 5 and 6, the Speakers List being 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.

Item 1 Land rear of Holly Farm, Brookside Drive, Farmborough – Residential development comprising 35 dwellings with associated access, car parking and landscaping (Resubmission) – The Case Officer reported on this application and her recommendation (A) that the application be referred to the Secretary of State as a Departure from the Development Plan; (B) to authorise the Planning and Environmental Law Manager to secure an Agreement under S106 of the Town and Country Planning Act 1990 as detailed in the report to the Committee; and (C) upon completion of the Agreement, to authorise the Development Manager to permit the application subject to conditions. She drew attention to the Update Report which referred to a S52 Agreement in place on part of the application site which would need to be discharged. There was therefore an additional recommendation for the submission of a request for the revocation of the existing S52 Agreement. The Officer also pointed out that there was a requirement that a village shop be delivered before the new dwellings were occupied (Condition 21). (Note: Since the meeting, it became apparent that the provision of a shop could not be dealt with by condition and therefore this would need to be included as part of the S106 Agreement.)

The public speakers made their statements on the proposal which were followed by a statement by the Ward Councillor Sally Davis.

Members discussed the proposal. Councillor Bryan Organ gave his reasons for being against the proposal. He added that the Parish Council's views should be taken into account. Councillor Eleanor Jackson raised queries concerning public rights of way and provision of a village shop to which the Case Officer and the Senior Highways Development Control Engineer responded. The Development Manager

referred to the provisions of the Draft Core Strategy regarding the level of housing to be met and stated that the village shop had to be provided otherwise the development would be contrary to the policies in the Draft Core Strategy. Members continued to discuss the provision of the shop and also raised various other issues including the housing mix, the retirement age for occupation of the elderly housing provision and the access to the site. In response to a query concerning the effect of the National Planning Policy Framework (NPPF) on this application, the Development Manager stated that it was a material consideration and did not change the Officer recommendation. The application should not be considered as premature regarding the Local Plan and the Draft Core Strategy as, whilst the NPPF was silent on the matter, guidance still existed in the document Planning System – General Principles which followed the general theme that a pragmatic approach to the application should be considered, notwithstanding the fact that the Council has yet to adopt its Placemaking Plan. Councillor Eleanor Jackson moved that the Officer's recommendation be approved on the basis that the permission be delegated to the Development Manager to resolve the issue of the village shop. This was seconded by Councillor Liz Hardman.

Members debated the motion. Some concerns raised by Members were that the affordable housing should be "peppercotted" through the site and that the highway access was not ideal also being near a school. However, the details of the layout could be considered at the Reserved Matters stage. It was considered that the school should be consulted on the construction management plan. Most Members considered that it was a good site for housing with a good mix of development. The Chair summed up the debate and put the motion to the vote. Voting: 9 in favour and 3 against. Motion carried.

Item 2 Bowling Green and Tennis Courts, Royal Avenue, Bath – Erection of temporary ice rink 23rd November – 7th January for 2 consecutive years 2012/13 and 2013/14 – The Case Officer reported on this application and her recommendation to Permit with conditions. The Update Report commented on a further representation received. She stated that, although the application was for a temporary period of 5 years, she recommended a condition for a trial period of 1 year. She informed Members that a late representation had been received from the Bath Society objecting to the proposal.

The public speakers made their statements on the application. The applicants' agent stated that, although the application was for closing the ice rink at 10pm, it would actually close at 9pm. He also stated that a trial period of 2 years was preferred due to the setting up costs of the proposal.

Councillor Doug Nicol was unhappy about the proposed use of the site for 5 years. The noise from continuous music was a concern and there should be longer breaks to avoid repetition of music. Members raised concerns regarding wheel/push chair and emergency services access to the site. The Case Officer stated that staff would be available to assist on this aspect with a Manager taking full responsibility. Councillor Les Kew considered that this was an exciting proposal for the period around Christmas in the City. He felt that there would not be a particular problem for local residents from noise but that Officers in Environmental Services could deal with this issue. He therefore moved that the application be approved as recommended but for a trial period of 2 years rather than 1 year. Councillor Bryan Organ seconded the motion and stated that the financial outlay justified a 2 year trial period.

Members debated the motion and asked questions regarding consultation and security etc to which the Case Officer responded. In response to a query concerning the possibility of a Licence being required, the Senior Legal Adviser stated that would only be the case if late night food/alcohol was being served. Some Members raised other concerns and still felt that a 1 year trial period was better. The Development Manager responded to some of the queries by Members and stated that there were conditions recommended which would allow for the control of noise from the use in order to protect nearby residents and that this was normal practice. The access and security issues could be picked up in the Operational Statement. There was a safeguard in that this was a temporary permission. The Chair summed up the debate and put the motion to the vote. Voting: 7 in favour and 5 against. Motion carried.

Item 3 Parcel 1100 Compton Martin Road, West Harptree – 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 – The Case Officer reported on this application and her recommendation to permit with conditions.

The applicant's Agent made a statement in favour of the application followed by a statement by the Ward Councillor Tim Warren speaking against the proposal.

A Member queried whether the proposal was a commercial, as opposed to a private, use. The Development Manager responded that the proposal had been assessed on the basis of being a non-commercial use since there was no proposal to operate the stables for teaching/hiring out of the horses to third parties and no staff would be employed on the site. Members discussed the levels of the site and the potential impact of the proposal on the bungalow on the adjoining land. The issues of external lighting and materials were raised. Councillor Vic Pritchard felt that the siting of the stables was in the least obtrusive part of the field as it was close to other structures on the adjoining land. He felt that lighting would not be a problem. He therefore moved the Officer recommendation to Permit which was seconded by Councillor Liz Hardman who agreed that this was the best location. The Chair had concerns regarding the impact on the adjoining bungalow particularly with regard to the potential numbers of people and vehicles using the track to the proposed stables. He then put the motion to Permit with conditions to the vote. Voting: 6 in favour and 6 against. The Chair stated that he would use his casting vote against and therefore the voting was 6 in favour and 7 against. Motion lost. A motion to Refuse due to the proximity of the development to the nearby property and likely harm to the residential amenities of the adjoining occupiers by virtue of the likely noise and disturbance from use of the stables and track, together with the potential for the level of use to be similar to a commercial use, was therefore moved and seconded and put to the vote. Voting: 7 in favour and 5 against. Motion carried.

Item 4 Designer Composites, Fosseyway, Westfield, Radstock – Erection of 4 four bed detached dwellings, 2 two bed detached dwellings and 1 three bed detached dwelling following demolition of existing industrial buildings – The Case Officer reported on this application and her recommendation to (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 a sum to be agreed for Highways; and (B) upon

completion of the Agreement, authorise the Development Manager to permit the application subject to conditions. The Update Report referred to the receipt of some revised drawings and recommended that the contribution to Highways should be £10,084.80.

Councillor Eleanor Jackson referred to the objections raised by the Parish Council. She considered that the proposal would create traffic congestion and that density was an issue on this small site. Councillor Les Kew considered that this was a good application with a good mix of development and therefore moved the Officer recommendation. This was seconded by Councillor Doug Nicol.

Members debated the motion. Councillor Eleanor Jackson reiterated that the density was too high and had misgivings regarding the loss of another employment site to residential development. The Development Manager advised that the employment use in this case was not one that was protected by Local Plan Policy. Members generally felt that this was needed development with a good mix of styles suitable for its location. The motion was put to the vote and was carried, 11 voting in favour and 1 against.

Item 5 No 17 Lockingwell Road, Keynsham – Erection of a two storey side and a single storey side/rear extension (Resubmission) – The Planning Officer reported on this application and the recommendation to Authorise the Development Manager to Permit subject to conditions. The Update Report referred to a letter of objection from the adjoining resident.

The applicant spoke in favour of his proposal.

Councillor Bryan Organ considered the application to be satisfactory and was not overbearing on the adjoining property. He therefore moved the Officer recommendation which was seconded by Councillor Les Kew. The motion was then put to the vote and was carried unanimously.

Item 6 No 9 Old Newbridge Hill, Bath – Provision of a loft conversion including side dormers (Revised resubmission) – The Planning Officer reported on this application and the recommendation to refuse permission. The applicant made a statement in support of his application. The Ward Councillor Caroline Roberts made a statement supporting the proposal.

Councillor Doug Nicol moved that the recommendation be overturned and that the application be permitted as he considered that the streetscape was not significantly affected by the proposal. The motion was seconded by Councillor Liz Hardman.

Members debated the motion. Various Members had concerns regarding the impact on the streetscape and on the host building. One Member considered that the design was inappropriate for a World Heritage site and that the applicant's expanding family were not planning reasons for the development. The Chair summed up the debate and considered personally that the design was inappropriate for the dwelling in question having regard to its particular design and prominence in the street scene. He put the motion, which would include appropriate conditions, to the vote. Voting: 4 in favour and 8 against. Motion lost.

A motion to approve the Officer recommendation to Refuse was then moved by Councillor Eleanor Jackson and seconded by Councillor David Martin. Voting: 8 in favour and 2 against with 2 abstentions. Motion carried.

11 TREE PRESERVATION ORDER - 62 HIGH STREET, TWERTON, BATH

The Committee considered the report of the Senior Arboricultural Officer which (1) referred to a Tree Preservation Order provisionally made on 23rd February 2012 to protect an individual Sycamore which made a contribution to the landscape and amenity of the Conservation Area; (2) advised that an objection to the Order had been made by the owner of the land; 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 and explained the reasons for making the Order. Councillor Vic Pritchard considered that, although some pruning may be required to rebalance the shape of the tree, it was worthy of retention. He therefore moved the Officer recommendation that the Order be confirmed without modification which was seconded by Councillor Eleanor Jackson.

Members debated the motion. The issue of whether the tree was dangerous to people and children, as raised by the owner in his objection letter, was discussed. The Officer reassured Members that there was no evidence of the tree being dangerous and that Network Rail who owned the adjoining land had not raised any concerns. The Chair stated that the owner could still apply for work to be undertaken to the tree even if the Order was confirmed. The motion was then put to the vote.

RESOLVED 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.

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

To note the report

The meeting ended at 4.40 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

June 6th 2012

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

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	12/00722/OUT	Land Rear Of Holly Farm Brookside Drive Farmborough

It has been brought to the Local Planning Authority's attention since the finalisation of the Committee Report that a Section 52 Agreement is in place on part of the application site. This relates to the area where the access is proposed and cites that the land shall not be developed or used for any purpose other than the provision of playing fields and in particular shall not be used for the erection of dwelling houses.

As the Council is the owner of the land to which this relates (the school fields), Property Services would need to apply to discharge this legal agreement. There is no 'planning' reason why this S52 need not be discharged, particularly as the agent proposes a land swap and as such a playing field of an acceptable standard will be retained. Sports England has no objections to the development.

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) The submission of a request for the revocation of the existing S52 Agreement.
- (D) Upon completion of the Agreement and the revocation authorise the Development Manager to PERMIT the application subject to the following conditions: (as set out on the main agenda)

Item No.	Application No.	Address
02	12/00558/FUL	Bowling Green And Tennis Courts Royal Avenue Bath

A letter has been received from a third party who is unable to speak at Committee. This neighbour has previously objected and the comments have been summarised within the representation section of the Committee Report. The objector has requested that the additional letter be circulated to Members, but as Members will be aware, this is not a process that Officers would undertake. The letter is on the Public Access section of the website and Members can view it via this method.

The comments within this letter expand upon the objectors previous representations. Whilst the comments have been noted, they are not considered to present any new issues that would alter the recommendation as set out in the Committee Report.

It should be noted that the description of the original application stated - 'the erection of temporary ice rink 23rd November - 7th January for five consecutive years 2012/3 - 2017/8'. If Members are minded to follow the Officers recommendation, the description would need to be amended to follow the timescales as outlined in the Committee Report.

Item No.	Application No.	Address
04	12/00107/FUL	Designer Composites Fosseway Westfield Midsomer Norton Radstock

DESCRIPTION OF SITE AND APPLICATION:

Revised drawings have been received to address further the concerns of amenity. The two end plots of building type E have altered the roof profiles from half hipped to full hipped roofs which aids in reducing the bulk impact from the side elevation along the neighbouring boundaries.

House type F has been altered to a similar design to house type D, whereby the eaves have been lowered and the first floor windows are of a dormer style, this aids in reducing the overall bulk of the dwelling and balances out the proposed cul-de-sac.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: Would estimate approx 20 additional trips a day, therefore 20 x £504.24 = £10,084.80. At present the Cobblers Way estate is subject to a Section 38 Agreement to adopt the highways. Until such time the applicant would need the consent of the developer to extend/alter the existing highway. Once adopted it will be under the Local Authorities control and permission from the LPA highways department would be required.

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 £10,084.80 for Highways.

PLANS LIST

This decision relates to drawing no's ORD-002, ORD-008, ORD-009, ORD-001 and the design and access statement date stamped 21st December 2011. Drawing no. ORD-006 date stamped 11th January 2012 and ORD-002 Rev D, RD00007A, RD00007A, RD00008A and RD00012A date stamped 28th May 2012.

REASONS FOR GRANTING APPROVAL

1. The proposed development is considered acceptable in terms of design, layout, scale and siting and is considered to have a neutral impact on the local built environment in this locality.

The proposed development is not considered to cause significant harm to the amenity of neighbouring occupiers.

The proposed development is not considered to impact highway safety in this locality and provides adequate parking and turning in accordance with the Local Plan.

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

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

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:

SV1 - Somer Valley Spatial Strategy (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 (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.

Item No.	Application No.	Address
05	12/01627/FUL	17 Lockingwell Road Keynsham

A further representation has been received on 30 May 2012 subsequent to the submission of the committee report for this application. This representation reiterates the concerns of the adjoining occupier at number 19 Lockingwell Road in relation to the visual impact of the development and the affect on residential amenity.

This page is intentionally left blank

**SPEAKERS LIST
DEVELOPMENT CONTROL COMMITTEE
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 6TH JUNE 2012**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

PLANS LIST - REPORT 10		
Land rear of Holly Farm, Brookside Drive, Farmborough (Item 1, Pages 69-93)	John Clay Catherine Jackson (Applicants' Agent)	Against For
Bowling Green and Tennis Courts, Royal Avenue, Bath (Item 2, Pages 94-101)	Anna Rutherford <u>AND</u> Major Tony Crombie (Bath Society) David Hambly (Applicants' Agent)	Against – To share 3 minutes For
Parcel 1100, Compton Martin Road, West Harptree (Item 3, Pages 102-108)	Nigel Salmon (Applicant's Agent)	For
17 Lockingwell Road, Keynsham (Item 5, Pages 118-122)	Mr Pollock (Applicant)	For
9 Old Newbridge Hill, Bath (Item 6, Pages 123-126)	George Rowntree (Applicant)	For

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

6th June 2012

DECISIONS

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
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	

DECISION

(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) The revocation of the existing S52 Agreement.

(D) Upon completion of the Agreement and the revocation authorise the Development Manager to PERMIT the application subject to conditions:

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
Application Type:	Full Application	
Proposal:	Erection of temporary ice rink 23rd November - 7th January for two consecutive years 2012/13 - 2013/14.	
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	

DECISION PERMIT

1 The use hereby permitted shall operate only between 23rd November 2012 - 7th January 2013, and 23rd November 2013 - 7th January 2014. The use hereby permitted shall be discontinued and the land reinstated to its use as tennis courts outside of these dates.

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 2100 hours on 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, refuse collection, details of associated music facilities, and emergency access. 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 2130 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: 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
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	

DECISION REFUSE

1 Due to the size of the stables, the development has the potential to have a similar impact as a commercial enterprise, and the noise and disturbance resulting from the use of the stables and the track in close proximity to the neighbouring dwelling is considered to result in undue harm to these neighbouring occupiers. The development is therefore considered to be contrary to policy D2 of the Bath and North East Somerset Local Plan, October 2007

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

Item No:	04	
Application No:	12/00107/FUL	
Site Location:	Designer Composites, Fosseway, Westfield, Midsomer Norton	
Ward: Westfield	Parish: Westfield	LB Grade: N/A
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	
Case Officer:	Rebecca Roberts	

DECISION

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 £10,084.80 for Highways.

B. Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to 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 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.

PLANS LIST:This decision relates to drawing no's ORD-002, ORD-008, ORD-009, ORD-001 and the design and access statement date stamped 21st December 2011. Drawing no. ORD-006 date stamped 11th January 2012 and ORD-002 Rev D, RD00007A, RD00007A, RD00008A and RD00012A date stamped 28th May 2012.

REASONS FOR GRANTING APPROVAL

1. The proposed development is considered acceptable in terms of design, layout, scale and siting and is considered to have a neutral impact on the local built environment in this locality.

The proposed development is not considered to cause significant harm to the amenity of neighbouring occupiers.

The proposed development is not considered to impact highway safety in this locality and provides adequate parking and turning in accordance with the Local Plan.

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.

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

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:

SV1 - Somer Valley Spatial Strategy (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 (March 2012) should be awarded significant weight, however this proposes little change to the policies of the Local Plan that are relevant to this application.

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.

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to the Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of the Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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
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	

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 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.

REASONS FOR GRANTING APPROVAL

1. The proposed development is considered to be of an acceptable siting, scale, size and design and uses appropriate material which complements the design of the existing dwelling and would not be visually detrimental to the character and appearance of the street scene. The proposal is not considered to have a detrimental impact on the residential amenity of the occupiers of the neighbouring properties.

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

A.

D.2: 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.

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.

Item No:	06	
Application No:	12/01706/FUL	
Site Location:	9 Old Newbridge Hill, Newbridge, Bath, BA1 3LX	
Ward: Newbridge	Parish: N/A	LB Grade: N/A
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	

DECISION REFUSE

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:	4th July 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.

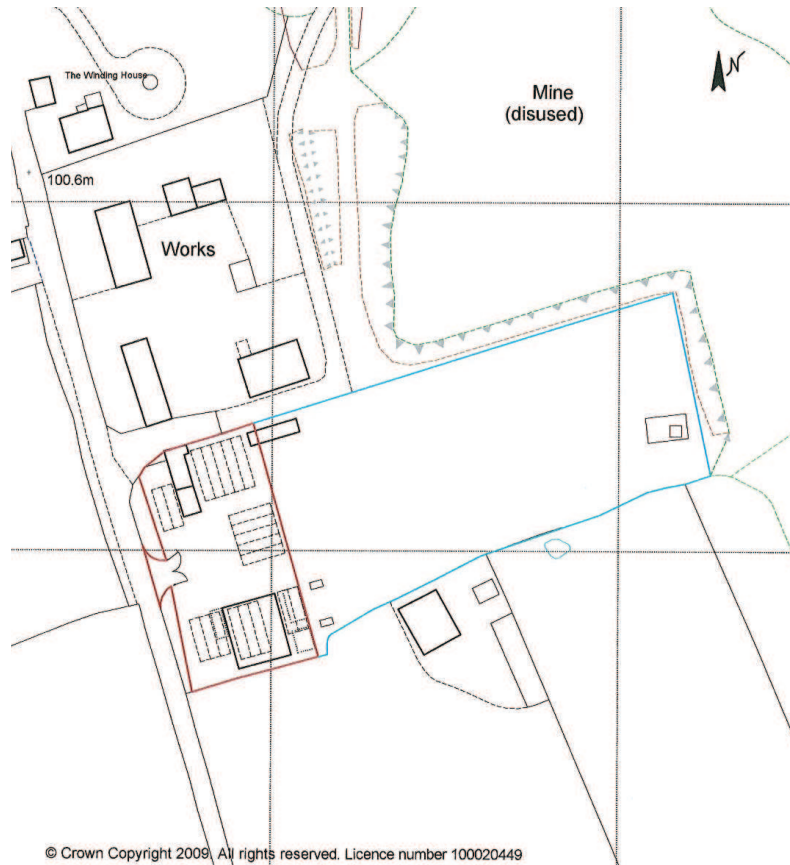
INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
1	11/05078/VAR 24 January 2012	Mr Pat Filer Tia Filers Coaches, Wick Lane, Stanton Wick, Bristol, BS39 4BU Variation of condition 4 of application WC 6174/E to increase number of coaches kept on site from 12 to 20 (Continued use of land as a coach depot on land at Pensford Colliery, Pensford, Bristol)	Clutton	Mike Muston	REFUSE
2	12/00879/FUL 22 June 2012	Jonathan & Shelagh Hetreed Paulton Engine, Hanham Lane, Paulton, Bristol, Bath And North East Somerset Extension and alteration of existing 3 bed house to provide 2 further bedrooms and dining room and demolition of 1960s single storey bathroom extension; reconstruction of roofless outbuilding to provide garage, workshop & studio over; erection of pair of semi-detached 2-bed holiday cottages; repair of derelict pigsties to provide potting sheds with bat loft; rebuilding of derelict stable; roofing & repair of 2 walls as open woodshed; lean-to greenhouse to replace kennels; rubbish clearance within site and landscape improvements.	Paulton	Andrew Strange	REFUSE
3	12/01653/FUL 8 June 2012	Mr & Mrs D Magner The Beacon, Mount Beacon, Beacon Hill, Bath, Bath And North East Somerset Erection of new dwelling within existing domestic curtilage with refurbishment of existing garage building	Lansdown	Jonathan Fletcher	REFUSE

4	12/00787/FUL 1 May 2012	Mr Chris Fry Farleigh House, 17 Bath Road, Peasedown St. John, Bath, Bath And North East Somerset Change of use of public land to private garden and erection of a palisade fence.	Peasedown St John	Andrew Strange	REFUSE
5	12/01597/FUL 11 June 2012	Mr Stuart Liddle Breach Farm, Lower Bristol Road, Clutton, Bristol, Bath And North East Somerset Erection of a two storey rear extension to enlarge the kitchen and add utility, wc, bedroom with ensuite	Clutton	Andrew Strange	REFUSE

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

Item No: 1
Application No: 11/05078/VAR
Site Location: Tia Filers Coaches, Wick Lane, Stanton Wick, Bristol



Ward: Clutton **Parish:** Stanton Drew **LB Grade:** N/A
Ward Members: Councillor Jeremy Sparks
Application Type: Application for Variation of Condition
Proposal: Variation of condition 4 of application WC 6174/E to increase number of coaches kept on site from 12 to 20 (Continued use of land as a coach depot on land at Pensford Colliery, Pensford, Bristol)
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
Applicant: Mr Pat Filer
Expiry Date: 24th January 2012
Case Officer: Mike Muston

REPORT
REASON FOR REFERRING APPLICATION TO COMMITTEE

This application is referred to Committee because of the past history of decisions on this site. The Ward Councillor has also requested that the matter be referred to Committee if refusal is recommended.

DESCRIPTION OF SITE AND APPLICATION

The application site is located in the countryside to the south of Pensford village on land forming part of the designated Green Belt. The site forms part of an area which was formerly used for coal mining and a number of buildings from this period remain close to the application site. To the north of the site are two former colliery buildings now converted into dwellings, 'The Winding House' and 'The Bath House'.

The application site fronts onto the east side of Wick Lane and measures 68m frontage by 40m depth. It is relatively flat but is in an elevated position. It forms part of the larger area presently used by Filers coaches (part of which is unauthorised) and is surfaced with hard core and includes a large workshop building and a number of smaller buildings used by the coach business. The site has a vehicle access onto Wick Lane, the remainder of the frontage being marked by a metal fence and a hedgerow, the side boundaries of the site also being marked with fences and hedgerows.

Filers Coaches presently have planning permission dating from 1984 for the use of an area measuring 40m by 68m adjacent to Wick Lane for the "continued use of land as a coach depot", with a maximum of 12 such vehicles permitted to be parked at the site. This is controlled by condition 4 of permission WC 6174/E. This states that "the number of coaches using the depot shall be limited to twelve". The reason given for the condition is "to control the extent of the development in the interests of the amenities and environment of the locality and of highway safety". This application seeks to increase the number of coaches kept on the site from 12 to 20. It does not involve any increase in the size of the site where coaches may be parked.

An additional area to the east of the approved site has also been taken into use for the parking of buses without planning permission, and this has been the subject of enforcement action by this authority.

RELEVANT PLANNING HISTORY:

Planning permission for the use of the site for the parking of coaches was first granted in 1979. This was a temporary permission and limited the number of coaches at the site to 12. Another temporary permission was granted in 1981, and then in 1984 planning permission ref WC6174/E was granted for the continued use of the land for parking of coaches. This gave a permanent rather than temporary permission and is the permission on which the present use of the site relies.

During 1990 it came to the Council's attention that land additional to that included in WC6174/E was being used for the parking of coaches. On 6th December 1991 two Enforcement Notices were served requiring cessation of the use of the land outside the permitted area for parking vehicles. Appeals were lodged against these Notices, but were dismissed in February 1993. The notices were then complied with to the satisfaction of the then Wansdyke Council.

In July 2007 an application was submitted for a Certificate of Lawful Existing Use for both the permitted and the unauthorised land for coach parking for 24 coaches and also the parking of two lorries at the site (07/02130/CLEU). The result of this was a split decision, with the parking of two lorries at the site accepted as lawful, but the parking of coaches over the whole site not being considered demonstrated to an acceptable level.

In June 2008 an Enforcement Report was taken to the Development Control Committee, relating to the siting of more than the permitted 12 coaches on the land approved for coach parking, and the use of additional land to the west for the parking of vehicles. It was resolved that Enforcement Action be taken and two Enforcement Notices were served on 23rd February 2009, one requiring the cessation of parking of more than 12 vehicles on the approved site, and the other the cessation of parking altogether on the remaining land to the east. The time for compliance of both these notices has expired.

In November 2009, an application (09/02418/FUL) was considered by Committee for a proposal to extend the site onto land to the east, and to increase the number of coaches on the site to 22. It was recommended for refusal but permitted by Members. The reasons given for granting permission were:-

"The Council considers that the proposed use of this previously developed site, with appropriate planning conditions would support valuable local transport services and also provide local employment. It is considered that the location of the application is very well placed to serve the surrounding rural communities which amounted to a sustainable approach to transport and represents very special circumstances to outweigh any harm to the openness of the Green Belt or Green Belt Policy. Furthermore it is considered that the proposal will maintain the amenity of any nearby residents, the character and appearance of the area and highway safety."

This permission was legally challenged by an objector. At the 20 January 2010 meeting of the DC Committee, Members were advised on the merits of this challenge in Exempt Session and the Committee "RESOLVED to consent to the quashing of the decision to grant the planning permissions issued under Ref No 09/02418/FUL". The permission was duly quashed by the High Court on 14 June 2010. The application was reported back to the Committee for its reconsideration and determination in September 2010, when it was refused for the following reasons:-

"1 The proposed expansion of the area to be used for coach parking would amount to inappropriate development in the Green Belt. It would harm the openness of the Green Belt and encroach into the countryside. All of this would be contrary to Policy GB.1 of the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007.

2 The proposed expansion of the area used for coach parking and the increase in the number of vehicles parked at the site would detract from the openness and rural character of this area within the designated Green Belt, contrary to Policy GB2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

3 The proposal would be likely to increase vehicle movements, including those of large vehicles, on the local road system, which is unsuitable to accept additional traffic by reason of its inadequate width, alignment and junctions. The proposal would therefore be

likely to result in congestion and inconvenience to other road users, contrary to Policy T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

4 The proposal is in a location remote from services and public transport facilities to enable staff to access the site, and would be likely to increase the vehicle journeys to and from the site both by coaches and other vehicles. This is contrary to Government Guidance in Planning Policy Guidance Note 13 and the objectives in respect of reducing the adverse impact of travel on the environment, set out in Policy T1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

5 The benefits of the proposal put forward by the applicant would not clearly outweigh the harm by reason of inappropriateness, and other identified harm, contrary to Policy GB.1 of the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007."

A subsequent application 11/03051/FUL for the same development, but supported by more information, was submitted and refused by Committee on 29 September 2011, for the same reasons.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

STANTON DREW PARISH COUNCIL: Strongly supports the application and express frustration that previous applications were refused. The proposal will not harm the openness of the Green Belt or encroach into the countryside. The firm provides vital transport and employment. The benefits put forward outweigh any harm.

HIGHWAYS: This application is similar (in terms of its highways impact) to previous recent applications which have been refused on highways grounds.

It is accepted that coaches have operated from the site for some years, and that the site as a whole has had an employment use for over one hundred years; it is the case however that the proposal will add a level of traffic on the local highway network compared to its current consented use.

The previous refusal decision contained two highways reasons:

1. The traffic generated would use a road which is considered unsuitable to accommodate the increase in traffic, and
2. The proposal is in a remote location and is therefore car-dependant, contrary to PPG13.

While there has been no change in policy since that time, this previous highways advice stated that there was a fine balance to be considered in terms of these two issues due to the following:

1. Highway Safety

Notwithstanding the fact that the local highway network is not to the standard that might be expected to serve a facility of this sort, which by definition attracts a significant proportion of larger vehicles (narrow carriageways, lack of forward visibility, no street-lighting etc.), there is no evidence to-date that a highway safety issue has resulted. There have been no casualty accidents in the area, or any record of highway safety concerns

raised with the Area Traffic Engineer. This must be considered in the context that a coach business has been in operation here for approx. 25 years. It is difficult therefore to prove a link with the use of the site to-date with any road safety consequence, or therefore that any issue will result from this development.

The proposal will result in an additional 8 coaches being kept on the site - less than that previously applied for. In addition, it could be argued that a more significant reduction in traffic on the wider highway network will result in the provision of alternatives to car travel.

Recent experience suggests that an objection on these grounds would be difficult to defend, and on balance therefore, recommends that this reason for refusal should not be imposed on this occasion.

2. Sustainability

The issue of the sustainability of the proposed development is not straightforward. Any employment usage at this location could be considered not to be accessible, due to the need to travel by private car (due to the lack of alternatives). However, the use of the site allows bus services to be delivered from a location which is close to its catchment. These services include local public services and school buses. The facility therefore provides important sustainable travel alternatives for the community as a whole, even though the development (considered in isolation) may not be considered sustainable.

The Competition Commission has published results of an investigation into the local bus market which found that a shortage of suitable depot sites (particularly in rural areas) was a barrier to entry in the market, and that access to depot facilities was a major factor in limiting the ability of some small operators to expand their operations. The evidence with this application would suggest that Filers Coaches have experienced these difficulties, which therefore represents a risk to this authority's delivery of sustainable travel to the public, such as home-to-school transport services, Greater Bristol Bus Network and other rural services.

The application has the support of Bath and North East Somerset Council's Public Transport Team Leader in this regard.

While therefore, there has been no change in policy, the Competition Commission comments highlight the risk to the delivery of sustainable transport to the general public and on balance therefore would recommend removal of the previous objection in this regard.

In summary therefore recommends no highways reason for refusal subject to the following conditions being added to any consent granted:

1. The area allocated for 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.

2. The turning space shown on the submitted plan shall be provided and maintained for that purpose only within the site.

Reason: In the interests of highway safety.

3. The permission shall endure for the benefit of the applicant only.
Reason: In the interests of highway safety.

This final recommended condition allows future reconsideration of the permission, should the site be sold to another operator whose purpose may not be for use for public service (i.e. with the potential to undermine the 'sustainability' justification).

Additional comments dated 10/04/1012:

Further to the above comments, and with regard to the sustainability discussions on the proposed application, the highways advice has been reviewed in the light of the introduction of the National Planning Policy Framework, which effectively supersedes the advice of PPG13 in this regard.

In effect, this new document continues to protect against unsustainable development (in transport/travel terms) in a similar way to PPG13, in that development decisions should be balanced in favour of sites which are sustainable i.e. well-served by a "real" choice of travel and/or reduce the need to travel.

It has never been considered that this site at Wick Lane is sustainable in itself - there is no question that the site is car-dependent for the vast majority of those who work there. The consideration therefore is in respect of the benefit the wider community get from the provision of sustainable transport. In this regard, considers that the benefit received by the public from this business outweighs the disbenefit which may be experienced by the travel of its comparatively minimal workforce.

The applicant appears to have demonstrated the need to expand, and that unsuccessful efforts have been made to relocate within a reasonably convenient distance from its catchment - this reinforces the balanced consideration that the minimal disbenefit of the unsustainable site should not outweigh the risk of losing of the provision of sustainable travel for the community as a whole.

Is conscious that a change of highways advice has resulted from the reduction in numbers of vehicles being kept on the site (from 22 to 20). There is no strict guidance on minor roads as to what constitutes a 'material' increase in traffic movements, and therefore what might be considered to be detrimental in purely numerical terms. While therefore the change in opinion might appear somewhat arbitrary, it is based in the main (as discussed previously) that there is absolutely no evidence that the existing use has resulted in any road safety or capacity issues in the previous 25 years of its use. As stated, this has always been a finely balanced judgement. Accepts that, in the past, it was possibly not reasonable to have recommended refusal on highways safety grounds given the site's history.

ENVIRONMENTAL HEALTH: No observations.

REPRESENTATIONS: Five letters received, objecting to the proposal on the following main grounds:-

Highway danger and congestion from more coaches using the narrow lanes around the site

Cannot see any difference between an extra 10 and an extra 8 coaches
Inappropriate development in the Green Belt
Problems with water running off the site from constant washing of coaches
Don't believe it will be possible to accommodate all the coaches within the authorised site
Don't accept that "very special circumstances" exist
The Council has failed to enforce the enforcement notice on the site
21 years of the use of this site have been unauthorised
Other sites exist that could be used as a coach depot
The Council uses some of the operators on the site to provide school buses and so has an interest in the site
The Council should still consider the full implications for the Green Belt when considering this application
The policy position in relation to the Green Belt is much stricter now than was the position when the original permission was granted
This new layout may result in coaches reversing onto the highway
A total of 9 coaches are actively engaged in providing school and public transport, with some 15 other coaches in various states of repair parked or stored in the yard
The applicant's search for alternative sites has been restricted to existing coach depots. A coach depot is similar to a B8 storage or B2 industrial use and anybody seriously trying to find an alternative site should explore opportunities such as this. As an example, the re-developed Winford Cattle Market site some 1 mile to the west of the B&NES Boundary has permission for B2 and B8 purposes and is currently available to let or purchase.

Two letters received, supporting the application on the following main grounds:-

This is a local business employing local people and reduces the need for employees to travel to work

The number of coaches on site now causes no problems whatsoever and contribute to the community.

POLICIES/LEGISLATION

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

GB.1, GB.2, ET.5, D.2, D.4, T.1, T.24

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:

CP8 - Green Belt

CP13 - Infrastructure Provision

The National Planning Policy Framework is also a material consideration.

OFFICER ASSESSMENT

The main issues in this case are considered to be:-

Whether the proposal amounts to inappropriate development in the Green Belt,
Whether there would be any impact on the openness of the Green Belt and the effect of the proposal on the character and appearance of the area
The effect of the proposal on the highway network
Whether the proposal would be sustainable development
The effect of the proposal on the living conditions of nearby residential properties
Any benefits of the proposal and, if it amounts to inappropriate development in the Green Belt, whether these benefits would clearly outweigh any harm to the Green Belt and any other harm, so as to amount to very special circumstances.

WHETHER INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT:

The application site lies within the designated Green Belt, to which Policy GB1 of the Local Plan applies. This policy advises that within the Green Belt permission will not be given for development, other than for certain types of development not related to this proposal, except in very special circumstances. This application is for a variation of a condition attached to an existing permission. However, it still amounts to an application for development in the Green Belt - essentially from a coach depot operating a maximum of 12 coaches to one operating a maximum of 20. The application needs to be considered in that context.

Paragraphs 89 and 90 of the National Planning Policy Framework (NPPF) imply that material changes of use are inappropriate development in the Green Belt (although this is not set out in the same explicit way as in PPG2). Paragraph 90 says that certain types of development are not inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include local transport infrastructure which can demonstrate a requirement for a Green Belt location.

The applicant's agent argues that the application complies with this policy test because the provision of a rural bus service and school bus transport operation in a catchment area predominantly falls within the Green Belt. They argue that these communities clearly have a need for the transport services provided on Filers yard and as a result, the development proposal meets the policy test of paragraph 90 of the NPPF and falls outside the category of 'inappropriate development' and therefore results in no 'definitional harm' and dispenses with the need to provide very special circumstances.

Whilst these points are appreciated, it is considered that the coach business on the application site has an understandable preference to locate within the Green Belt, given the nature of some of its business. It is not considered, from the evidence submitted, that this proposal passes the paragraph 90 test of demonstrating a "requirement" for a Green Belt location. In addition, even if it did, it still needs to pass the test of preserving the openness of the Green Belt. As the proposal would result in several more coaches being parked on the land than is currently permitted, it is considered that this would result in limited harm to the openness of the Green Belt.

As a result of the above, the application proposal is considered to amount to inappropriate development in the Green Belt. Paragraph 87 of the NPPF confirms that "inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." Paragraph 88 says that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations." These other considerations will be considered later in this report.

VISUAL AMENITY OF THE GREEN BELT/CHARACTER AND APPEARANCE OF THE AREA:

In terms of visual impact on the Green Belt and rural character, the proposal has to be considered in relation to the already permitted use of land at this site for vehicle parking. The application site is in an elevated location at the top of a hill, and is visible from surrounding land, including land to the west and north-west. Although the site is screened to some extent by the hedges and trees surrounding the site, it is considered that large and relatively high vehicles such as coaches would be visible on the site and detract from the openness of the landscape and the rural character of the area.

The increase in numbers of vehicles which would result from the proposal would increase the impact of the use above that which is generated by the permitted siting of twelve vehicles on the permitted site. It is accepted that during working hours, many of the coaches would not be parked on the site. However, at other times, the proposal would lead to an increase in the number of coaches parked on the site. Even if 3 coaches are parked in the workshop building, there would still be an increase of 5 coaches in the open (from 12 to 17) compared to the permitted position. It is considered that as a result the proposal would detract, albeit to a limited extent, from the openness of this part of the Green Belt, and the rural character of the area, contrary to Policy GB2 of the Local Plan.

HIGHWAY ASPECTS:

The application site is in a relatively remote rural location which is accessed by Wick Lane, a narrow and winding rural highway which has poor visibility and steep gradients in some places. Coaches are large vehicles and the local road system is not readily able to accommodate vehicles of this kind. The proposal would increase the permitted capacity of this site and thus the number of vehicle movements to and from the site along Wick Lane. However, the Highways Officer has come to the conclusion that this reduced proposal (20 coaches instead of the previously proposed 22) should not be refused on highway grounds. The reduction in numbers may seem small. However, the Highways Officer now accepts that the earlier applications should not have been recommended for refusal on highways grounds. On balance, no highway safety objection is raised to this application.

SUSTAINABILITY:

The application site is located in a rural location remote from any services or transport links, the nearest settlement being Pensford village to the north. A result of this is that staff attending the site are likely to travel to the site by car, as will any vehicles servicing the site. In addition, this location means that some of the coaches based at the site are likely to have to travel a significant distance to and from the site to collect their passengers, and to return to the site on completion of their journeys.

The proposal therefore does not represent a 'sustainable location' for this coach depot. However, it is acknowledged that the site is in a good location to serve the need for

coaches from surrounding villages and does provide sustainable transport. An objector has made the point that the coach depot could be relocated elsewhere, in a more sustainable location outside the Green Belt. However, it must be borne in mind that permission does exist for 12 coaches to operate from this site. On balance, it is not considered that an objection should be raised to this current proposal on the grounds of sustainability.

The NPPF also now puts forward the concept that "sustainable development" should be permitted. This is made up from economic, social and environmental factors. The proposal is considered to be economically sustainable, by providing local jobs and socially sustainable, by providing coaches that help run public transport services. The location of the site, remote from an urban area, is relevant to environmental sustainability, as it would generate more emissions than the same facility located in an area closer to where the employees live. However, looking at sustainability as a whole, the proposal is not considered to amount to unsustainable development.

LIVING CONDITIONS OF NEARBY OCCUPIERS:

The nearest residential property to the application site is 'The Winding House' which is approximately 90m north of the site boundary. Due to the distance, the occupiers of this house would not be significantly affected by the proposed increase in the number of coaches on the site. Planning Permission has also been granted for the conversion of a former colliery building to a dwelling, also to the north of the application site (05/02227/FUL permitted in August 2005 refers). The house formed would be 47m from the application site, although a residential annexe would extend to 7m from the application site. However, the distance of the main house from the application site would be such that the likely increase in use of the site would not have a material effect on these occupiers. It is not considered that the proposal would result in any material harm to the living conditions of occupiers of nearby residential properties.

BENEFITS AND FACTORS IN FAVOUR:

The Planning Statement that accompanied the application includes a section entitled "The Case for Granting Planning Permission". This sets out the following:-

The use of the site has been established with the benefit of planning permission since 1979 - 32 years.

The area involved already has permission as a coach depot

Both Filers coaches and Glenvic coaches provide a school bus and local private hire coach business..

In recent years, a number of other of coach operators have ceased trading, mainly through redevelopment of their sites. This has heightened the scarcity of coach depots in the district and the locational advantages of the application site. (Although the evidence submitted to support this statement is not compelling).

Somerbus use the site outside the terms of earlier permissions and operate as a public transport operator, and have done for the past 13 years. They are the only company to provide a bus service to the new hospital in Peasedown St John and have purchased a new bus to operate the 175 service between Midsomer Norton and Peasedown St John.

They also provide the only alternative to First bus travelling between Bath and Midsomer Norton. (Although note that an objector claims that only 9 coaches are actively involved in providing school and public transport.)

The site provides an important community function in transporting 185,100 school children per academic year but also an important role in reducing the need to travel by car, as many of the trips would otherwise have been undertaken by car.

Public transport operators are at their most sustainable when dead mileage is reduced to a minimum and in this case the site is efficiently located to serve the school and bus routes.

A lack of alternative sites is cited. Somerbus have contacted 12 commercial property agents and 4 other coach depots in an attempt to find alternative premises, but without success. (Although note that the lack of availability of alternative sites is disputed by the objector, as noted above.) The implications of not granting permission would directly threaten the public bus and school bus services operated by both Somerbus and Glenvic. Whilst the comments of the highway officer are noted, it is not considered that the evidence submitted amounts to compelling evidence that premises outside the Green Belt for this coach depot are not available.

The NPPF offers some support for the application.

CONCLUSIONS

This proposal is considered to be inappropriate development in the Green Belt. Substantial weight should be attached to harm caused by reason of inappropriateness. In addition, the proposal would also cause limited harm to the openness of the Green Belt, its most important attribute, and to the rural character of the area.

It is considered that the factors put forward in favour of the proposal are insufficient to "clearly" outweigh the harm by reason of inappropriateness and the limited harm to the openness of the Green Belt and the rural character of the area identified above. On this basis, it is recommended that the variation of the condition be refused.

It is acknowledged that the level of harm is less than was the case when an extension of the site was being considered. However, the benefits of the scheme are similar to those considered before and still not in your officers' opinion sufficient to meet the test now set out within the NPPF.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

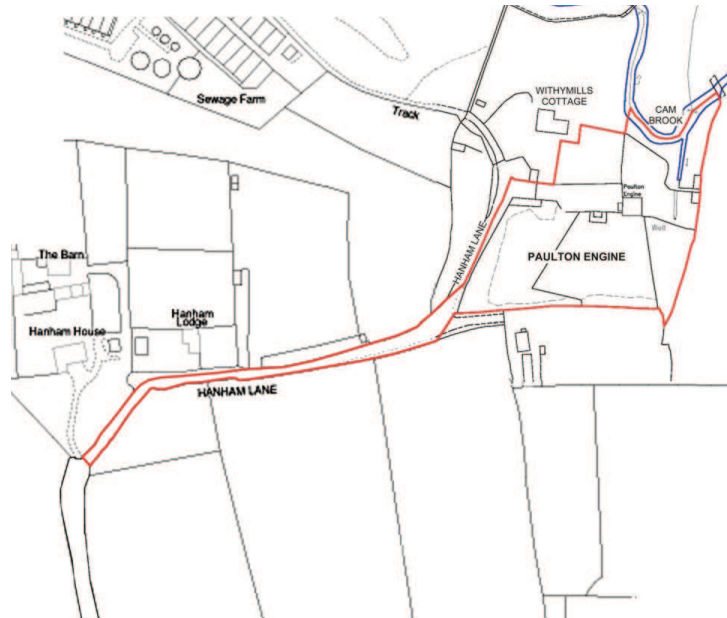
1 The proposed increase in the number of coaches on the site would amount to inappropriate development in the Green Belt. It would harm the openness of the Green Belt and encroach into the countryside. All of this would be contrary to Policy GB.1 of the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007.

2 The proposed increase in the number of vehicles parked at the site would detract from the openness and rural character of this area within the designated Green Belt, contrary to Policy GB2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

3 The benefits of the proposal put forward by the applicant would not clearly outweigh the harm by reason of inappropriateness, and other identified harm, contrary to Policy GB.1 of the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007.

PLANS LIST: Drawings PL 2678/2A and 2678/4, and Planning Statement with Appendices, received on 25 November 2011 and drawing PI 2678/1A, received on 29 November 2011.

Item No: 2
Application No: 12/00879/FUL
Site Location: Paulton Engine, Hanham Lane, Paulton, Bristol



Ward: Paulton **Parish:** Paulton **LB Grade:** N/A

Ward Members: Councillor J A Bull Councillor Liz Hardman

Application Type: Full Application

Proposal: Extension and alteration of existing 3 bed house to provide 2 further bedrooms and dining room and demolition of 1960s single storey bathroom extension; reconstruction of roofless outbuilding to provide garage, workshop & studio over; erection of pair of semi-detached 2-bed holiday cottages; repair of derelict pigsties to provide potting sheds with bat loft; rebuilding of derelict stable; roofing & repair of 2 walls as open woodshed; lean-to greenhouse to replace kennels; rubbish clearance within site and landscape improvements.

Constraints: Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Public Right of Way, Sites of Nature Conservation Imp (SN),

Applicant: Jonathan & Shelagh Hetreed

Expiry Date: 22nd June 2012

Case Officer: Andrew Strange

REPORT

The ward councillor has requested that this application be determined by the Development Control Committee in the event that officers do not support the application because the

Parish Council supports the application and the proposals provide "an excellent opportunity to achieve restoration of the Paulton Engine House, a building important in the industrial history of Paulton and could form the basis of tourism potential in future."

The Application Site

The application site is in the countryside outside Paulton. It is also in the Paulton Conservation Area. The site includes the ruins of Paulton Foundry, a pair of semi-detached cottages lived in as a single house until about 11 years ago, several partly ruinous outbuildings and a number of small sheds and enclosures built as kennels.

Paulton Foundry was opened in 1807 and operated as a general iron and brass foundry serving the mines, the canal and the local region, supplying steam engines, bridges (including those over the canal in Sydney Gardens in Bath), gates, fences and general iron and brassware. It is understood that one of the steam engines built at the Foundry is now in a museum in Bristol.

The evidence submitted by the applicant suggests that the foundry business moved to Radstock in 1890 and that the site has decayed since that time.

The site is about 1 ha and it is at the northern end of Hanham Lane, east of the Batch and adjoining the southern bank of the Cam Brook. A spring rises within the eastern part of the site.

The southern part of the site comprises a paddock that is divided from the northern part of the site by an east-west wall, now partly derelict but historically forming a 75m long south façade to the former foundry buildings complex.

The northern part of the site comprises the remains of the former foundry buildings and extends to the south bank of the Cam Brook.

The application includes an outline of the site's historical development and its relationship to other features in the area that were developed in the nineteenth century.

The site has a somewhat derelict air about it. Although it is evident that it has become overgrown in recent years, the owners are in the process of clearing vegetation to better reveal the site.

Access to the site is off Hanham Lane, which is also a public footpath. Hanham Lane provides access to a number of other residential properties.

There are public footpaths along the site's eastern boundary and also in proximity to the site's southern boundary.

Withymills Cottage, a detached two storey house, is to the north west of the site and there are sewage works further to the north-west. The Cam Brook is to the north and there are some rural buildings on the site to the south.

The Proposals

The current proposals principally comprise the:

- development of stables at the entrance to the site (described as "stables re-built");
- development of 2 new two storey holiday cottages in proximity to the site entrance;
- extension of the existing dwelling with a substantial two storey wing on the west elevation and deck and pergola on the south elevation;
- development of a greenhouse within the paddock to the north of the existing house to replace existing kennels;
- rebuilding of a single storey woodshed in the site's north west corner;
- rebuilding of the pigsties on the site's eastern boundary to provide potting sheds and a bat loft; and
- development of the easternmost foundry building ruins to provide a new garage and workshop on the ground floor with studio and training room over.

The proposed development of the easternmost foundry building and woodshed would incorporate a blue/black powder coated corrugated aluminium roof sheet with solar PV panels to the roof of the larger building. The proposed holiday cottages would incorporate sedum green roofs. Wall materials for the proposed developments would include local stone and self-coloured render with some glazing set in colour coated aluminium frames. The foundry building would be developed by incorporating straw bale walls within the existing stone walls.

Other works around the site include raising the levels within the walls of the former foundry, removal and thinning of some trees, new planting, the creation of a driveway within the site and the formation of a 16m diameter, 3m high mound within the paddock from the majority of stable material from the tipped areas within the site.

The applicant states that the foundry ruins "are in a parlous state". The proposals therefore include works to the foundry ruins including the clearance of vegetation, lime mortar masonry repairs and rubble capping of the walls to halt frost damage and prevent further collapse. The applicant has also submitted a draft archaeological method statement for the

The development of the existing house would enable its uses as a single dwelling with 2 no. bed and breakfast rooms. The applicant's further clarification has been sought in respect of the proposed use of the easternmost foundry building that would have a combined ground and first floor area of approximately 300 square metres gross, but it is understood that the intention is that it will be used in a manner that is ancillary to the use of the existing house.

The applicant is proposing to develop all of the accommodation to "very high environmental standards using passivhaus design principles" that "will render conventional space heating and cooling virtually unnecessary". The proposals include the cladding of the south elevation of the proposed foundry roof with solar PV panels "subject to cost".

Relevant Planning History

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Paulton Parish Council supports the application but notes that:

- the proposed use of blue/black aluminium sheeting for the roof of the garage/studio is not appropriate;
- right of access to the property over a private access road should be determined;
- a flood risk assessment should be carried out;
- a contaminated land report should be obtained; and
- the statement in the application that there is no change of floor space in the non-residential use area should be queried.

The Highways Officer objects to the proposal on the basis that:

- the proposals do not demonstrate a safe and adequate means of access to the site;
- it would result in an intensification in vehicular use of an existing public footpath, to the detriment of safety of the users of that right of way;
- it is outside the limits of the housing development boundary, remote from local services, amenities and public transport services and will result in increased reliance in the use of the private car; and
- the development is therefore contrary to development plan policies and the requirements of the NPPF.

The Highways Officer (Drainage) states that part of the site is within flood zone 2 and a flood risk assessment should therefore be provided and the Environment Agency consulted about the proposals. Infiltration testing should be carried out and a Flood Defence Consent will be required from the Environment Agency for any surface water outfalls to the existing watercourse.

The Contaminated land Officer recommends that conditions be attached to the permission requiring detailed investigation of the site's contamination and, if necessary, subsequent remediation and monitoring.

The Environment Agency has no objections subject to conditions.

The Coal Authority has no objection.

The Environmental Health Officer has no objection.

The Arboricultural Officer has no objection subject to conditions to protect the existing ash tree to the north of the site access.

The Ecologist's comments are awaited.

The Council's Archaeologist's comments are awaited.

Two letters of representation have been submitted by the same people commenting on the proposals:

- they support the renovation of the cottage;
- the proposals to revive interest in this historic site are commendable;
- however, they object to the proposed holiday homes and the impact of the traffic associated with them;
- the holiday homes would be contrary to development plan policies and there is no market for them;
- previous proposals for holiday lets off Hanham Lane have not been successful and are now used as long term rental accommodation;
- the proposed holiday accommodation would set a precedent for other similar proposals in the area;
- the enabling arguments and financial case for the development of the holiday cottages is difficult to substantiate and the capital required to develop the holiday cottages could be invested in the repair and maintenance of the ruins;
- the proposals would increase traffic and have an unacceptable impact on Hanham Lane;
- Hanham Lane is not suitable for construction traffic;
- the proposals would change the tranquil, rural character of the setting and undermine the conservation area designation;
- they object to the reburial of any asbestos containing material on the site.

POLICIES/LEGISLATION

The saved Local Plan policies that are of relevance to the determination of this application are:

D.2 - General design
D.4 - Townscape
BH.6 - Conservation Areas
BH.8 - Walls, fences and surfacing in conservation areas
BH.12 - Archaeology
GB.1 - Green Belt
GB.2 - Visual amenity of the Green Belt
ES.1 - Renewable energy
NE.1 - Landscape conservation
NE.4 - Trees and woodlands
NE.10 - Protected species
NE.12 - Natural features
NE.14 - Flood risk
NE.15 - Water courses
T.5 and T.6 - Cycling
T.24 - Transport
T.26 - Parking

The National Planning Policy Framework (NPPF) is material consideration in the determination of this application.

Emerging planning policies in the Council's Draft Core Strategy with Proposed Changes Incorporated March 2011 are of only limited weight in the determination of this application bearing in mind that the Examination Stage is on-going. The Core Strategy does however note, in relation to the Somer valley, that:

Tourism opportunities to build upon a mining and industrial heritage and rich natural environment are not yet realised.

However, the strategy envisages that the focus of such development should be in existing local centres.

The Paulton Conservation Area Character Appraisal was adopted as an SPG in 2003 and is material to the determination of this application.

The Paulton Community Plan (2010) includes the exploitation of the area's industrial heritage, including the regeneration of the canal and railway area as a priority, but has categorised it as a "low" priority because of the likely funding requirements.

There is a legislative requirement that the local planning authority pays special attention to the desirability of preserving or enhancing the character or appearance of the Paulton Conservation Area.

English Heritage has produced guidance about enabling development that is relevant to the determination of this application: Enabling Development and the Conservation of Significant Places (available at: <http://www.english-heritage.org.uk/content/publications/publicationsNew/enabling-development-and-the-conservation-of-significant-places/enablingwebv220080915124334.pdf>).

The applicant sought pre-application advice about their proposals that stated that the site's development in the manner proposed would be contrary to development plan policies. In particular, the applicant was advised that:

- the proposed means of access was not suitable to accommodate the likely traffic that would be generated by the proposal;
- the proposed holiday accommodation would be contrary to policies that seek to limit such developments outside the Local Plan Housing Development Boundary;
- the workshop proposal would be contrary to policy ET.9;
- the extension to the house would not be subservient to the host building;
- the rebuilding of the potting sheds and stables is acceptable in principle.

OFFICER ASSESSMENT

The application comprises a number of discrete proposals for the site's development. This assessment seeks to deal with each one in turn, although it is also important to consider the impact of the proposals as a whole in particular when considering their impact on the character and appearance of the Paulton Conservation Area.

At the outset, it is worth noting that the Paulton Conservation Area Character Appraisal states:

Paulton has a proud coal mining and industrial heritage which is reflected in its buildings and landscape.

'The coming of the industrial revolution, the advent of steam driven machinery and the availability of local fuel, saw Paulton flourish along with the neighbouring towns of Midsomer Norton and Radstock. Iron founding was very important and even today the remains of the products made at the old Evans foundry in the form of stiles, bollards and railings can be seen in the local landscape.

Paulton was then and still is a working village which grew rapidly in the 19th and 20th centuries and is continuing to develop in the 21st.'

The Paulton conservation area and its character appraisal acknowledges this heritage and seeks its preservation, enhancement and enjoyment.

The application site is therefore an important part of the Paulton Conservation Area as it comprises the ruins of a former foundry that forms part of a wider landscape that includes remnants of the industrial revolution.

The Character Appraisal notes that the site is in character area 7 and the summary of the character of that area includes the tranquillity of the area and how that belies the former intense industrial activity of the foundry. The appraisal notes that the Paulton Engine works is derelict and becoming engulfed by vegetation colonising from the streamside. The appraisal does not note any neutral or negative elements within this part of the Conservation Area.

The foundry ruins, in their current state, are therefore identified as a positive element in the Conservation Area that contribute to its character and appearance. It is therefore important that their future is secured.

The applicant is seeking to repair the remaining ruins and to limit their further decay and is proposing a number of developments within the Paulton Engine site, some of which are proposed to help fund these works. However, the applicant has not submitted details of funding arrangements for the repair and maintenance of the ruins as part of this application.

English Heritage has published guidance about enabling development and the NPPF also acknowledges the possibility that enabling development may be required to secure the future of heritage assets. However, in the absence of, inter alia, any detailed proposals for the funding of the repair and maintenance of these works and an analysis of alternative approaches to securing this, little weight should be attached to the applicant's argument that some elements of the current proposals are required to fund these works.

Proposed Holiday Cottages

Neither the saved Local Plan policies, nor the emerging Core Strategy policies deal specifically with proposals for new tourist accommodation such as this in the countryside.

The proposed new cottages have however been designed as new dwellings and are capable of independent occupation. Notwithstanding that their proposed use could be restricted to holiday accommodation by way of planning conditions and/or obligations, this aspect of the application should be considered against Local Plan policy HG.10.

The proposed new dwellings are outside the Housing Development Boundary of Paulton and in the countryside. The dwellings are not required for agricultural or forestry workers and they are therefore contrary to policy HG.10.

The NPPF confirms that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would be appropriate enabling development to secure the future of heritage assets.

Although the applicant has indicated that the proposed holiday cottages are required to enable the site's development, evidence has not been submitted with the application to demonstrate that the proposed holiday cottages are necessary to fund the preservation of the remains of the former foundry buildings and the site's industrial archaeology.

Furthermore, no evidence has been submitted to suggest that there is a need for such accommodation in this area that could not be accommodated within the existing towns and villages, or by converting existing buildings to provide tourist accommodation in the area.

Finally, the proposed design and appearance of the cottages is appropriate for the area. However, their development on the site would introduce a substantial new built form into the landscape of this part of the countryside that is identified in the Conservation Area Character Appraisal as being derelict and engulfed in vegetation. The proposed new buildings would be at odds with and would harm this character and would therefore be contrary to Local Plan policy BH.6.

The proposals for the holiday cottages are therefore unacceptable in this location.

Proposed new Building within the Easternmost Foundry Building

The proposals for the development of the new building within the easternmost foundry building would result in the development of a substantial new structure with a floor area of about 300 square metres. The applicant states that it will be occupied in a manner that is ancillary to the existing house on the site, but that the upper floor will be used as an artist's studio for the occupier of the house and that it would also be used in conjunction with the proposed holiday cottages and bed and breakfast accommodation (see following section). It therefore appears that the use of the proposed building will predominantly be in a manner that is ancillary to the use of the existing dwelling on the site.

The proposal is to develop the building within the ruins of the easternmost former foundry building and to preserve the ruins of the existing foundry structure and the adjacent structure to the west. The intention is that the new building becomes a "positive symbol and feature of the Paulton Engine project that this part of the complex is reconstructed in scale."

However, the proposed scale of the new building is substantial and, although it would replicate the scale of the original building that previously existed on the site, it is not necessary to recreate a building of a similar scale to the original to ensure an understanding of the site.

Local Plan policy D.4 requires that new development responds to its local context and that extensions respect and complement their host building. Policy D.2 requires development to be of a high quality design and Policy BH.6 requires that development preserves or enhances the character or appearance of the Conservation Area.

The proposed new building would not "reinforce or complement the attractive qualities of local distinctiveness" by introducing a substantial new building within the walls of the foundry ruins. The ruins are, by themselves, locally distinctive and their development in the manner proposed would harm the character and appearance of the Conservation Area and be contrary to policy BH.6.

Although the proposals substantially comprise a new building, it is also appropriate to consider them in the context of policy D.4 that requires that extensions respect and complement their host building. The proposals would effectively extend the existing ruins upwards. However, their overall scale would not respect or complement the existing ruins and the proposals are therefore contrary to policy D.4.

Proposed Extensions to the Existing Dwelling

The existing dwelling on the site is in a dilapidated state and it is understood that it was last in use some 11 years ago. Despite its state, it is still recognisable as a dwelling and its use does not appear to have been abandoned.

The proposals to extend the existing dwelling need to be considered particularly in the context of policy BH.6, but also policies D.2 and D.4.

The proposed scale of the extension is substantial and will have a footprint of approximately 10.5m by 6.5m and will be taller than the existing house. The applicants have set out the rationale for the proposed extension in their design and access statement. It is based on the footprint of the original linked two storey building that previously existed on the site and it seeks to broadly reproduce the gable of that former building that remains on the site.

However, the proposed extension is larger (taller) than the building that was previously linked to the house and that formed part of the foundry complex. The gable of the southern end of that former building remains and it is evident that the proposal will result in a slightly taller building than previously existed on the site. The proposal for a substantial glazed lean-to will add to the scale of the proposed extension to the existing dwelling.

Policy D.4 requires that the appearance of extensions respect and complement their host building. The current proposals will however dominate the existing dwelling and will not respect or complement their host building.

Although an extension to the existing dwelling based on the form of the building that previously existed on the site could be developed in a manner that would respond to the site's context, the current proposal is considered to be excessive in its scale and would neither preserve or enhance the character or appearance of this part of the Conservation Area. It would therefore be contrary to saved Local Plan policy BH.6

Other proposals for the main dwelling include the installation of a verandah to the south elevation and balcony/verandah to the east elevation. Both proposals will complement the original dwelling, will not harm the amenity of neighbours and will preserve the character and appearance of the Conservation Area.

The applicant is intending to provide bed and breakfast accommodation from two of the rooms within the development. However, it is possible that this scale of use, by itself, may be ancillary to the use of the existing house. The applicant has not sought permission to change the use of the property to a guest house specifically to provide bed and breakfast accommodation. This application is therefore considered on the basis that it is for an extension to an existing dwelling, rather than to extend the building and to change its use to a guest house.

Proposed Wood Store, Piggeries Greenhouse and Stable

The application also includes the rebuilding/repair of a number of single storey outbuildings on the site and the development of a new lean-to greenhouse adjacent to the wall that forms part of the foundry ruins and that runs through the central part of the site.

The proposals for the repair/replacement of these outbuildings with development of a high quality design that does not significantly harm the amenity of neighbouring properties and that preserves the character and appearance of the Paulton Conservation Area are acceptable.

Other matters

Transport

The Council's Highways Officer has recommended that the application be refused for a number of reasons.

The site is currently accessible by vehicles via Hanham Lane and the public footpath that leads to the site and Withymills Cottage. This route is included within the planning application site. The increase in the use of this route that would arise from the development of the holiday cottages would not be substantial and if necessary, Grampian style conditions could be used to secure the surfacing of this route or the provision of lay-bys to allow vehicles to pass each other to address the highway objections. The potential for conflict with pedestrians using the route is unlikely to be substantial given the nature of the proposals. It is not therefore recommended that the application be refused on highway safety grounds.

The site's location away from local services is noted, but that is one of the reasons why the development of new houses is restricted in this location. The highways officer's concern about this matter is therefore covered by the requirement in respect of the holiday

cottages that they are restricted in the countryside and a separate reason for refusal is not recommended in respect of this matter.

Contamination

The applicant has submitted a desk top review of the site's potential contamination and has included a summary of a report about Land Contamination at Foundry Sites. The applicant maintains that the report suggests that early foundries such as this site "have been found to be relatively uncontaminated" (although the report notes that: The data collected from 15 foundry sites suggested that land contamination may be less significant than at other types of heavy industrial sites. However, a considerable variability was found between and within sites and site-specific risk assessments will always be required to evaluate potential pollutant linkages and suitability for proposed uses).

The Council's Contaminated Land Officer has recommended that planning conditions be attached to the permission to address the site's potential contamination and this would be an appropriate way forward in the context of Local Plan policy ES.15 and guidance in the NPPF.

However, in the context of the submitted review, a phased approach to the investigation and, if necessary, remediation of the site's contamination is acceptable in this instance. The Contaminated Land Officer's suggested conditions could, if permission were to be granted, be amended to allow for a phased approach to site investigations.

Future Management of the Industrial Archaeology

The applicant has included proposals for recording and conserving the site's industrial archaeology and the future management of the site and the remnants of the industrial buildings. Although the proposals do not include a detailed timescale for this work, these matters could be secured by planning conditions and/or obligations in a s106 agreement. This approach would ensure that the proposals accord with Local Plan policy BH.12.

Flood Risk

The applicant has not submitted a stand-alone flood risk assessment with their application, but has included a section within the report that accompanies the application "Restarting the Engine". It suggests that there is no significant flood risk within the Paulton Engine site because only the north western part of the site is within an area at risk of flooding. This is evident from the Environment Agency's records.

The site does however incorporate a spring and associated stream that flows to the Cam Brook.

The applicant is proposing to use permeable gravel surfacing throughout the site where hard surfaces are required and is intending to harvest rainwater from the hard surfaced roofs of the proposed new holiday cottages and building within the existing foundry building.

The proposals are unlikely to be susceptible to flooding or increase the risk of flooding elsewhere and the proposed use of permeable hard surfaced areas and a sustainable

urban drainage system is appropriate in this location. The proposals would therefore accord with Local Plan policy NE.14.

Ecology

The applicant has submitted a phase one habitat survey and species surveys in support of the application. The studies note that "with the exception of the Cam Brook and its immediate surrounds the habitats recorded on the site were of low ecological value."

The bat surveys suggest that "the vast majority of the buildings and associated structures were assessed as having high potential to support roosting bats". The cottage and attached outhouse afford summer roost and winter hibernation opportunities for bats and at least 8 bat species use the site. Proposed measures to mitigate the impact of the development on bats include a "bat house" encompassing the former pigsty outbuildings along the site's eastern boundary and measures within other individual buildings and structures.

A licence for the works will be required from Natural England and the demolition of affected buildings and structures will need to be scheduled to avoid maternity and hibernation periods. The Council's Ecologist's comments on the application are awaited, but it is noted that the proposals include mitigation measures to address the impact of the proposals on protected species in accordance with Local Plan policy NE.10. The proposals for mitigation could be the subject of planning conditions.

However, the Habitats Regulations require more than this. Bats are notoriously fickle and may not in fact use alternative structures prepared for them, no matter how carefully. There is therefore a presumption that the bats should preferably remain undisturbed. The Regulations contain 3 tests, and case law in the last few years has established that these are for a local planning authority to consider at application stage. All three of these tests must be met for a permission to be granted and any permission granted not in compliance with these tests would be susceptible to legal challenge.

The three tests are:-

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.
2. There is no satisfactory alternative.
3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

As it stands, it appears that that the tests set out in the Habitats Regulations are not satisfied. However, discussion are on-going with the applicants and the Council's ecologist in relation to these matters and further information will be provided prior to the meeting.

Other surveys identified that the site is used by badgers and that there were possible signs of use of the river bankside habitat by otters. The river and bankside habitats will need to be protected from harmful run off during development.

Arboriculture

The proposals could have an impact on one significant existing tree within the site - an Ash tree adjacent to the driveway into the site. The application is accompanied by an impact assessment for this tree and includes suitable proposals for mitigation. The development would not therefore harm any significant trees within the site and the proposals would therefore accord with Local Plan policies NE.4 and NE.12.

Conclusions

The proposals seek to conserve the foundry ruins, ensure that their further decay is arrested and to enable a better understanding of the site and the wider area's history. However, the site is currently appreciated for its ruinous state and although proposals to arrest the further decay of the ruins are welcome, the applicant has not demonstrated that the scale and nature of the proposals in this application are necessary to enable this.

In the absence of any evidence that the works are necessary to enable the conservation of the foundry ruins, the current proposals are contrary to development plan policies that seek to restrict the development of new buildings in the countryside and to preserve or enhance the character or appearance of the Paulton Conservation Area.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The site's current derelict state is identified as an important part of the character and appearance of this part of the Paulton Conservation Area in the Paulton Conservation Area Character Appraisal. Although the conservation of the foundry ruins is welcome, the applicant has not demonstrated that the proposals for the holiday cottages and new garage/workshop/studio building (that are contrary to the development plan policies set out in the reasons below) are necessary to enable the future of the foundry remains to be secured on the site. These developments and the extension to the existing dwelling would, for the reasons set out in 2. 3. and 4. below, harm the character and appearance of the Paulton Conservation Area and be contrary to saved policy BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies).

2 The proposed development of the holiday cottages in this location would result in 2 new dwellings outside the defined Housing Development Boundary of Paulton, away from existing services. The development of the holiday cottages would also harm the character and appearance of this part of the Paulton Conservation Area by introducing new built development into the landscape of this derelict site. The proposals would therefore be contrary to saved policies HG.10, BH.6 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies).

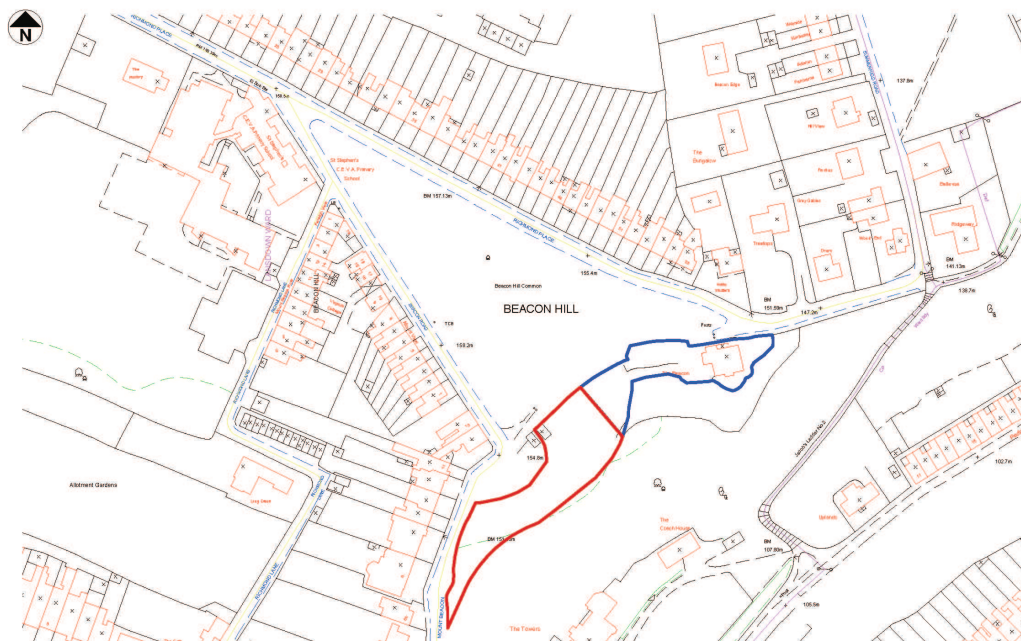
3 The proposed new garage, workshop and studio building would, by reason of their scale and design and appearance, harm the character and appearance of this part of the Paulton Conservation Area and would therefore be contrary to saved policy BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies). The proposals would also, by reason of their scale and appearance, fail to complement and respect their host building (the foundry ruins) and would therefore also be contrary to Local Plan policy D.4.

4 The proposed extension to the western end of the existing dwelling would, by reason of its height and the inclusion of a substantial glazed lean-to, fail to respect and complement the host building and would harm the character and appearance of this part of the Paulton Conservation Area. The proposal would therefore be contrary to saved policies D.4 and BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies).

PLANS LIST:

400/S/1 - site survey & location plan
400/S/2 - site photographs
400/S/3 - site photographs
400/S/17 - site photo 1910 & aerial photo 1946
400/S/19 - site photographs
400/S/21 - 3d model view of foundry at its 19thC peak
400/S/22 - 3d model view of foundry in current ruinous state
400/P/1 - proposed site plan
400/P/2 - proposed house ground floor plan
400/P/3 - proposed house first floor plan
400/P/9 - proposed site sections
400/P/10 - proposed elevations of the house
400/P/21 - potting sheds, woodshed, holiday cottages, live-stock shed
400/P/22 - proposed plans, section and elevations to east foundry building (garage/studio)
400/P/31 - 3d model view of Paulton Engine buildings as proposed
400/P/32 - proposed & existing kennels, greenhouse, foundry plans & elevations
400/P/33 - livestock shed proposed north elevation
400/P/34 - ash tree drive impact assessment & mitigation
400/P/51 - batloft plan & section
DAS figs 2, 4 - 19thc maps
DAS fig 14 - eco-mitigation plan
DAS fig 16 - grassy mound cross-section
DAS fig 17 - EA flood risk map
DAMS fig 1 - archaeology site plan
DAMS fig 2 - wall repairs details
DAMS figs 3, 4, trial pit photographs

Item No: 3
Application No: 12/01653/FUL
Site Location: The Beacon, Mount Beacon, Beacon Hill, Bath



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Patrick Anketell-Jones Councillor Anthony Clarke
Application Type: Full Application
Proposal: Erection of new dwelling within existing domestic curtilage with refurbishment of existing garage building
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Sites of Nature Conservation Imp (SN), Tree Preservation Order, World Heritage Site,
Applicant: Mr & Mrs D Magner
Expiry Date: 8th June 2012
Case Officer: Jonathan Fletcher

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

Two requests have been received from Councillor Anthony Clarke and Councillor Patrick Anketell-Jones 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 the residential curtilage of a detached dwelling located within the Bath Conservation Area and the Bath World Heritage Site. The site is also designated as a Site of Nature Conservation Interest (SNCI) and there are a number of trees protected by Tree Preservation Order (TPO). The application site slopes down steeply from north to south and the existing property is located in an elevated position to the northeast corner.

The garden area of the existing dwelling extends to the southwest and is bounded by an area of dense woodland. To the north of the site there are a range of terraced properties which face onto Beacon Hill Common.

The application seeks planning permission for the erection of a new dwelling within the garden of the existing dwelling which would be served by the existing garage which is proposed to be refurbished. The dwelling would be formed with a flat roof and would be set into the slope of the site. The external walls of the dwelling are proposed to be constructed within a combination of render, timber cladding and large areas of glazing.

RELEVANT HISTORY:

03/00552/FUL - Refused - 6 May 2003 - Erection of double garage with mower shed and garden store under following demolition of existing single garage

03/02092/FUL - Refused - 13 October 2003 - Erection of double garage with garden store and mower shed under after demolition of existing single garage (Resubmission)

04/01465/FUL - Refused - 1 July 2004 - Erection of double garage with garden store and mower shed under, after demolition of existing single garage

04/03619/FUL - PERMIT - 14 January 2005 - Erection of single garage with garden room and storage under after demolition of existing.

11/01156/FUL - Withdrawn - 22 June 2011 - Erection of new dwelling within existing domestic curtilage with replacement of existing garage building

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboriculture: No objection is raised to the application subject to three conditions.

Conservation Officer: An objection is raised to the application as the proposal is considered to be harmful to the character and appearance of the conservation area and the setting of the world heritage site.

Ecologist: An objection has been raised to the application as insufficient information has been submitted to determine the impact of the development on the ecological interest of the site.

Highway Development Officer: No objection is raised to the application subject to four conditions and an informative.

Landscape Architect: An objection is raised to the application as the proposal is considered to be harmful to the character and appearance of the conservation area and the setting of the world heritage site.

Representations: Twelve letters have been received in objection to the application which raise concern in the following areas:

- Visual impact within the conservation area and the world heritage site.

- Ground stability
- Highway safety
- Ecology
- Tree protection

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

BH.6: Development within or affecting Conservation Areas

HG.4: Residential development in the urban areas and R.1 settlements

T.24: General development control and access policy

NE.1: Landscape character

NE.3: Important hillsides (Bath and Radstock)

NE.9: Locally important species and habitats

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 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 principle of new residential development, the visual impact of the development, highway safety, ecology and residential amenity. The planning history for the application site identifies that three separate applications dating back to 2004 have been refused which sought planning permission for the replacement of a single garage with a larger double garage. This was due to concerns in relation to the impact of the increased volume of development on a visually important hillside which forms part of the Bath World Heritage Site and the Bath Conservation Area. The scheme was subsequently revised to propose a replacement single garage of a similar scale to the existing which was granted planning permission. More recently an application was submitted for a detached dwelling proposed to be sited adjacent to the single garage which was withdrawn following the same concerns from officers that the development would be harmful to a visually important hillside. The current application is a resubmission which has been revised to reduce the scale of link between the dwelling and garage.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

The application site is located within the built up area of Bath and policy HG.4 confirms that new residential development is acceptable in principle in this location. No objection is raised to the proposal on this basis.

VISUAL IMPACT

The application site is located in Beacon Hill to the north of the City of Bath. The site forms part of Mount Beacon which occupies a prominent position within the topography of the City. This hillside is visible from a variety of locations across the city including Beechen Cliff, Prior Park College, Warminster Road and the Endsleigh former MOD site. The visibility of the hillside from the surrounding area contributes to the garden city character of Bath. The importance of such hillsides is set out in the Statement of Outstanding Universal Values which relates to the Bath World Heritage Site designation. The proposal is therefore considered to relate to an important hillside within the remit of policy NE.3. Careful consideration needs to be given the visual impact of this development within the landscape setting of the world heritage site and the conservation area. The consultation responses from the Landscape Architect and Conservation Officer have raised concern in relation to these issues.

The application has been submitted with a visual impact assessment to assess the long range views to the development within the City of Bath. The visibility of the application site identified in this assessment emphasises the importance of these hillsides for the setting of the World Heritage City. Although the height of the dwelling has been contained by adopting a flat roof, the proposal would introduce a significant volume of development which would erode the open character of this hillside. The width of the proposed dwelling and the existing garage would extend across approximately 21.5 metres of the site. In addition, an area of hard-standing would need to be created to the west of the site to provide a vehicular access. The development is proposed to be screened through the retention of existing trees within the site however this is not deemed to be sufficient to justify the development. The creation of a new dwelling would lead to longer term pressure on the trees within the site to be felled in order to exploit the views from the development across the city which would be harmful to the woodland character of the hillside. Moreover, any screening provided by the trees would be compromised by the large areas of glazing across the front elevation of the development which would reflect light during the daytime and would omit artificial light in the evenings. The development would also increase the burden on drainage and land stability within the site which is likely to lead to future problems in maintaining the topography of the area. Paragraph 121 of the NPPF confirms that ground conditions and land stability are key considerations which must be taken into account when determining planning applications. No information has been submitted with the application to demonstrate that these issues have been addressed. For these reasons the proposal is considered to be harmful to the landscape setting of the world heritage site and the character and appearance of the conservation area contrary to policies NE.3, BH.1 and BH.6.

The Conservation Officer has also raised concern in relation to the design of the proposed dwelling. A contemporary approach is deemed to be acceptable however it is noted that this should also reflect the local vernacular through its form and/or materials. The

development of substantial flat roof structure, comprised predominantly of timber cladding and glazing, would be an incongruous architectural style in this context. The development would occupy a prominent position within the conservation area and world heritage site which would exacerbate the impact of the development. Again, this would be harmful to the setting of the world heritage site and the character and appearance of the conservation area contrary to policies BH.1 and BH.6.

HIGHWAY SAFETY

The Council's Highway Development Officer has raised no objection to the application. There is considered to be sufficient off-street parking to serve the existing and proposed dwellings. The vehicular access to the west of the site would provide an acceptable level of visibility.

ECOLOGY

The Council's Ecologist has raised an objection to the application as insufficient information has been submitted to assess the impact on the ecological interest of the SNCI. The Extended Phase 1 Survey which has been submitted does not refer to the SNCI status of the site and more detailed mitigation proposals are required. It cannot be demonstrated at this stage that the proposal complies with policy NE.9 and therefore the application is recommended for refusal on this basis.

RESIDENTIAL AMENITY

The new dwelling would not be located in close proximity to the existing dwelling or the other properties adjacent to the application site. The proposal would therefore not impact on the level of light or privacy enjoyed by the occupiers of these properties. As noted above, the development would be served by adequate off-street parking and consequently the proposal is unlikely to result in further parking on the highway.

CONCLUSION

The proposal is considered to be harmful to the setting of the Bath World Heritage Site and the character and appearance of the Bath Conservation Area. Insufficient information has been submitted to assess the impact of the development on the ecological interest of the SNCI. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed detached dwelling would erode the open woodland character of a visually important hillside and, by reason of its design, scale, massing, materials and prominent siting, would present an incongruous form of development which would be detrimental to the landscape setting of the Bath World Heritage Site and the character and appearance of the Bath Conservation Area and contrary to policies NE.3, BH.1 and BH.6 of the Bath &

North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

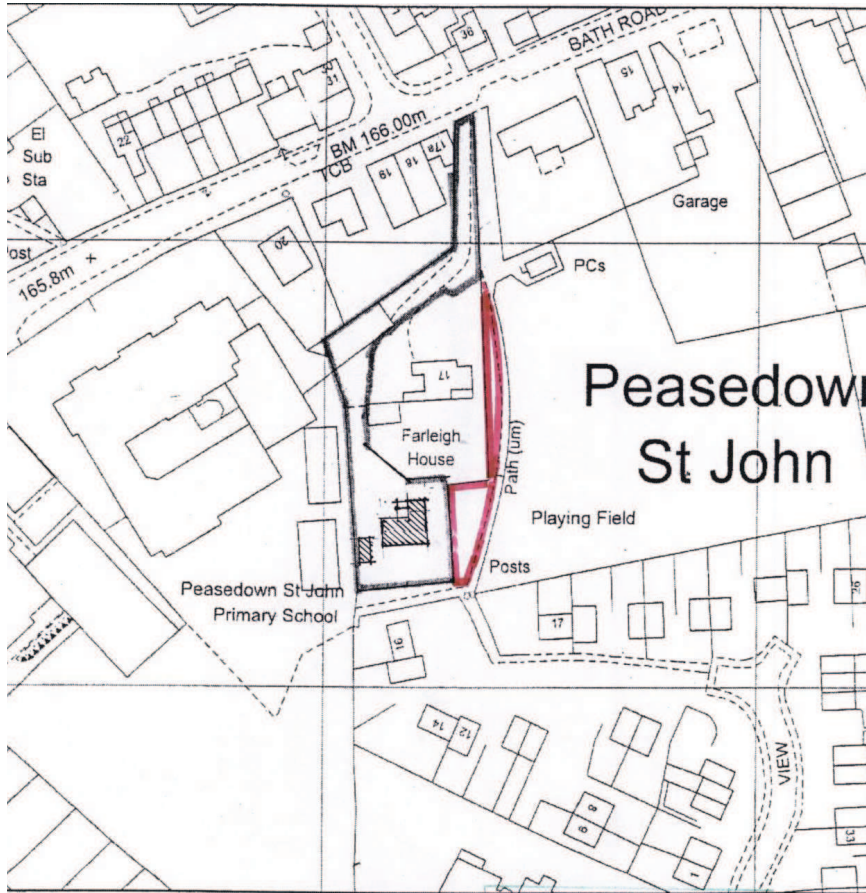
2 Insufficient information has been submitted to determine the impact of the proposed development on the ecological interest of the SNCI contrary to policy NE.9 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

PLANS LIST: 10.1391.A SK00, 10.1391.A SK01, 10.1391.A SK02, 10.1391.A SK03, 10.1391.A SK05, LTS_009 (08) 101, LTS_009 (08) 102, LTS_009 (08) 103, LTS_009 (08) 104 received 13 April 2012.

10.1391.A SK04 received 25 April 2012.

LTS_009 (08) 101 A received 01 May 2012.

Item No: 4
Application No: 12/00787/FUL
Site Location: Farleigh House, 17 Bath Road, Peasedown St. John, Bath



Ward: Peasedown St John

Parish: Peasedown St John

LB

Grade: N/A

Ward Members: Councillor S F Bevan Councillor N L R L Hartley

Application Type: Full Application

Proposal: Change of use of public land to private garden and erection of a palisade fence.

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,

Applicant: Mr Chris Fry

Expiry Date: 1st May 2012

Case Officer: Andrew Strange

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The case officer's recommendation for refusal is contrary to the Parish Council's and Ward Councillor's support for the proposal and the Committee Chair has decided that the application should be considered by Committee.

PROPOSAL: Change of use of public land to private garden and erection of a palisade fence

SITE LOCATION: Farleigh House, 17 Bath Road, Peasedown St John

THE SITE AND SURROUNDINGS

The application relates to an irregularly shaped area of land of approximately 200 square metres adjoining a public footpath (designated BA19/25a) in a residential area. The footpath runs north/south and links Bath Road to Sunnyside View. It also links to a footpath leading to Peasedown St John Primary School. To the east of the path is a playing field, where the boundary with the path is formed by a metal palisade fence about two metres in height.

To the west of and adjoining the path is the land the subject of the application. Beyond this, further to the west, is Farleigh House, a residential property, in addition to a relatively recent residential property in what was formerly part of the curtilage of Farleigh House. The boundary between the application land and Farleigh House is formed by temporary-looking wooden panels with gaps along some sections of the boundary.

The land the subject of the application is currently not enclosed and is occupied by a mix of grass, weeds, brambles and shrubs. There are also some tree stumps on the land.

THE APPLICATION PROPOSAL

The application proposes a change of use of the land from public space to the private garden of Farleigh House. The land would be enclosed, with the boundary between the extended garden and the public footpath formed by a new two metre high metal palisade fence.

The application refers to proposals for planting, including a hedge adjacent to the proposed fence and six Silver Birch trees near the southern end of the site. Although full details of this have not been provided on a drawing, it would be possible to impose a condition requiring submission of these details.

The applicant states that "the existing boundaries are invaded on a regular basis" and that an outbuilding has been burgled.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development Officer: No objections. The line and width of the public footpath should be maintained during and following development.

Peasedown St John Parish Council: Support - the land is of no use and is used for dumping rubbish. The proposal would be a better use of the land.

Councillor Nathan Hartley - the land has been underused for many years. It is used for dumping/fly-tipping and features unsightly graffiti. The proposal will enhance the environment.

PLANNING ISSUES

- Effect on safety and perception of safety of users of the footpath.
- Whether the proposal would prevent vandalism/other crime.
- Whether the land is required to meet a community need.
- Impact on the amenity of the area and the public realm.

PLANNING HISTORY

None.

POLICIES/LEGISLATION

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

- CF.1 – Protection of Land and Buildings used for Community Purposes
- D.2 – General Design and Public Realm Considerations
- T.1 – Overarching Access Policy
- T.3 – Promotion of Walking
- T.24 – General Development Control and Access Policy

OFFICER ASSESSMENT

Policy D.2 seeks to ensure that development creates safe and secure environments for all users of the public realm, with a high level of natural surveillance, and that the character of the public realm is maintained or enhanced. Policy T.1 seeks to maximise the safety of all types of movement. Policies T.3 and T.24 seek to promote walking by providing safe, convenient and pleasant facilities for pedestrians.

The proposed fence would be erected adjacent to the footpath for the length of its boundary with Farleigh House. On the opposite side of the path is an existing fence of similar design and appearance. At present, the more open aspect on this side of the path and its association with the footpath, rather than the adjacent private garden, helps ensure a relatively open feel to this important pedestrian route.

The current proposals would have the effect of making the path feel relatively narrow and enclosed and would create a less inviting environment for users and could increase the perception of danger and fear of crime for its users.

The increased sense of enclosure for users of the path would also harm the character of the public realm by replacing the path's pleasant open character with a less pleasant enclosed character.

The effects described above could discourage people from using the path and this would be contrary to the aims of current Local Plan policies.

At the time of the site visit (mid-afternoon on a weekday), the footpath was well used and there was no evidence of the application site being used for the dumping of rubbish.

Although the wooden panels forming the boundary with Farleigh House had some graffiti, this does not necessarily justify enclosing this additional land, as the erection of a more permanent and higher quality boundary structure along the existing garden boundary and the planting of thorny shrubs could discourage such activity.

CONCLUSION

The proposal would be harmful to the character and quality of this public footpath route and the public realm by potentially increasing the fear of crime for users of the path and it is therefore contrary to Local Plan policies.

RECOMMENDATION

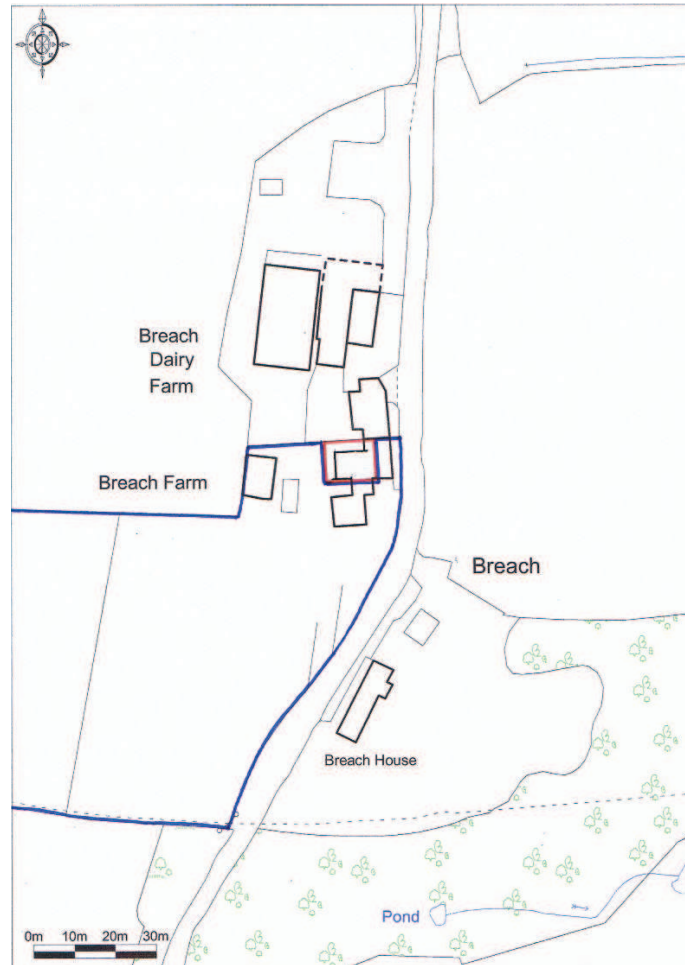
REFUSE

REASON(S) FOR REFUSAL

1 The proposed development would enclose an important public footpath route and would reduce its attractiveness for users, would harm the character of the public realm and would not create a safe and secure environment for all users of this route. The proposals would therefore be contrary to policies CF.1, D.2, T.1, T.3, T.24 and the Bath and North East Somerset Local Plan, including minerals and waste policies. adopted October 2007.

PLANS LIST: Site Location Plan, Site Plan (Drawing 1481.02 Rev C), Fencing Details (Drawing 1481.34) Photographs/Email Trail

Item No: 5
Application No: 12/01597/FUL
Site Location: Breach Farm, Lower Bristol Road, Clutton, Bristol



Ward: Clutton **Parish:** Chelwood **LB Grade:** N/A

Ward Members: Councillor Jeremy Sparks

Application Type: Full Application

Proposal: Erection of a two storey rear extension to enlarge the kitchen and add utility, wc, bedroom with ensuite

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,

Applicant: Mr Stuart Liddle

Expiry Date: 11th June 2012

Case Officer: Andrew Strange

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The Parish Council supports the application, but as the recommendation is to refuse permission the Chair has decided that this application should be considered by Committee.

The Application Site

The site is a semi-detached property in a remote location outside the settlement of Clutton. The property is constructed from natural stone and has a pitched roof, with a long sloping roof to the rear that projects over a single storey lean-to.

This application is to develop a two storey extension to the rear of the property to provide an enlarged kitchen, utility room, downstairs WC to the ground floor and an additional bedroom with en-suite bathroom to the first floor. The extension would project 7m from the main rear elevation of the existing house and it would be built using natural stone under a clay tile roof to match the existing dwelling. The proposals involve the demolition of a lean-to extension on the rear of the house.

The house sits at the bottom of a sloping garden. Part of the land directly to the rear of the house has been excavated to provide a patio at ground floor level enclosed by a retaining wall with access to the lawn via a set of steps. The proposed extension would encroach into this area and would require the further excavation of the rear garden.

PLANNING HISTORY

WC 014121 A - permission was granted to develop a "granny annex" attached to the south of this dwelling in 1991. The annex is complete and is the subject of a condition that it be occupied only by members of the same family occupying the house that is the subject of this application

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CHELWOOD PARISH COUNCIL: Supports the application as the scale of the extension is not disproportionate to that of the existing dwelling and it will not harm the rural character of the area as it will be hidden.

OTHER REPRESENTATIONS / THIRD PARTIES

None

POLICIES/LEGISLATION

POLICY CONTEXT:

DEVELOPMENT PLAN: The saved policies of the Bath and North East Somerset Local Plan are of most relevance, including policies GB.1 and GB.2 (green belt), D.2 and D.4 (amenity and design) and HG.15 (extensions to dwellings in the green belt).

OTHER MATERIAL CONSIDERATIONS:

The National Planning Policy Framework (NPPF) is relevant in respect of the green belt in particular.

Existing Dwellings in the Green Belt SPD.

PLANNING ISSUES:

Whether the proposals:

- comprise appropriate development in the green belt; or
- cause significant harm to the amenity of neighbouring occupiers.

OFFICER ASSESSMENT

PLANNING CONSIDERATIONS

- The main considerations in the determination of this application are:
- whether the proposals are appropriate development in the Green Belt and whether they would result in a disproportionate addition to a dwelling in a Green Belt;
- whether, if the proposals are inappropriate development in the Green Belt, there are any special circumstances which would justify the grant of planning permission;
- whether the appearance of the proposed extension respects and complements its host building; and
- whether the effect of the proposal will have an acceptable impact on the amenities of neighbouring properties.
- -

GREEN BELT:

Policy GB.1 of the Local Plan states that permission will not be given for development, inter alia, except for limited extensions, provided it is in accordance with Policy HG.15. Policy HG.15 of the Local Plan states that: Proposals to extend a dwelling in the Green Belt will be permitted unless they would:

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

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

Policy HG.15 would suggest that the cumulative impact of extensions can only be taken into account under limb ii) of the policy when assessing whether rural character is harmed. It should be noted that whilst this is the adopted policy of the Council, this is not strictly in line with the advice contained in PPG 2 (which is now cancelled but relevant at the time) as this interpretation means that whilst a single large extension may conflict with limb i) of the policy, a proposal for a relatively small extension, that came after other extensions, would meet the requirements of limb i) and would not conflict at all with the policy unless it also harmed rural character under limb ii). Not all Green Belt areas fall within rural areas and furthermore this would allow for infinite small additions to a dwelling to take place as long as rural character remained unharmed. Your officers are using the current SPD guidance on the basis that cumulative impact can be considered under Policy HG15 because it is also necessary to consider Policy GB1 which was been drafted with the now

cancelled PPG2 in mind, but noting that the relevant parts of PPG2 have been reflected in the policies within the more recent NPPF.

The existing dwelling has been extended in the past to provide a single story annex ancillary to the main house that includes a shared lobby/entrance. It is understood that this extension was developed after the demolition of other outbuildings that previously existed on the site. Nevertheless, in itself, it represents a substantial addition to the existing dwelling.

The existing dwelling also benefits from an existing lean-to to the rear that would be demolished to accommodate the proposed extension. It appears that this lean-to has been in existence for some time.

The applicant's agent states that the original dwelling had a volume of 760 cubic metres with an outbuilding of about 138 cubic metres. The applicant's agent states that the outbuilding was demolished and replaced by the current annex that has a volume of 242 cubic metres. It is stated that the proposed extension will increase the volume of the existing dwelling by a further 167 cubic metres.

Our own calculations indicate that:

- the original two storey dwelling has a volume of approximately 260 cubic metres; and
- the lean-to extension to the dwelling that could be original and that would be demolished has a volume of about 85 cubic metres.

The volume of the original dwelling therefore appears to be about 365 cubic metres. The proposed extension would increase this by about 145 cubic metres (250 cubic metre extension minus the volume of the existing lean to (to be demolished) of about 85 cubic metres). The proposed extension would represent an increase in volume of the existing dwelling (excluding the annex and lobby) of about a third.

However, the annex and lobby have been developed more recently than the "original dwelling" and it is therefore necessary to take them into account in considering the overall increase in volume.

The applicant states that the annex has a volume of about 242 cubic metres and that this replaced an outbuilding of about 138 cubic metres. In addition, the proposed lobby has a volume of about 85 cubic metres and the combined volume of the lobby and annex is therefore about 327 cubic metres. If this replaced an outbuilding with a volume of about 138 cubic metres, the overall increase in volume of the annex and lobby would have been about 190 cubic metres.

It appears that the overall volume of the original house (including the existing lean-to and former outbuilding) would have been about 500 cubic metres (365 plus 138 cubic metres). The combined increase in volume of the annex, lobby and extension now proposed is about 335 cubic metres (190 plus 145 cubic metres). This represents an increase in volume of about 67%, substantially more than the guidance in the Council's SPD.

Although the proposed extension, being at the rear of the existing dwelling, would not harm the visual amenity of the green belt (Local Plan policy GB.2), it would represent a disproportionate addition to the original dwelling that would therefore be inappropriate development in the green belt and contrary to policies GB.1 and HG.15.

AMENITY

The proposed extension is to the south of the neighbouring attached dwelling. Although it would be set in from the boundary with the neighbouring property by about 3 metres, it would project 7 metres to the rear. The proposed extension would have a significant impact on the amenity of the neighbour to the north by reason of overshadowing and it would therefore also be contrary to Local Plan policy D.2.

There are three first floor windows that face towards and overlook the neighbour to the north. However, conditions could be imposed to ensure that these are obscure glazed to minimise the opportunity for overlooking. The proposed extension in addition to those that have previously been added will result in a volume increase of well over 30% of the original dwelling and is contrary to guidance in the adopted SPD and Policies GB.1 and HG.15 of the Bath and North East Somerset Local Plan. Although the extension has been designed to complement the host building, it will cause significant harm to the amenity of the neighbour to the north by reason of overshadowing.

CONCLUSION

The proposed extension in addition to those that have previously been added will result in a volume increase of well over 30% of the original dwelling and is contrary to guidance in the adopted SPD and Policies GB.1 and HG.15 of the Bath and North East Somerset Local Plan. Although the extension has been designed to complement the host building, it will cause significant harm to the amenity of the neighbour to the north by reason of overshadowing.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1. The proposed extension would, taking into account the previous annex and lobby extensions, represent a disproportionate addition to the original dwelling. It would therefore be inappropriate development in the green belt and would be contrary to saved policies GB.1 and HG.15 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007.

2. The proposed extension, by reason of its height, mass and bulk, would overshadow and have a harmful impact on the outlook of the occupiers of the attached house contrary to Policy D.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007.

PLANS LIST:Location Plan,BFB.EXP.001 - As-Existing Plans and Elevations,BFB.PRP.002 - Proposed Plans and Elevations,BFB.BLK.003 - Block and Roof Plan Existing,BFB.BLK.004 - Block and Roof Plan Proposed

This page is intentionally left blank

Bath & North East Somerset Council		
MEETING:	Development Control Committee	
MEETING DATE:	4 July 2012	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report Jan – Mar 2012	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
None		

1 THE ISSUE

- 1.1 At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function. This report covers the period from 1 Jan – 31 Mar 2012. ***Please note - comparative planning application statistical data with neighbouring authorities is no longer published quarterly by the Department for Communities and Local Government and thus has been removed from this report.***

2 RECOMMENDATION

- 2.1 Members are asked to note the contents of the performance report.

3 THE REPORT

3.1 Commentary

Members' attention is drawn to the fact that as shown in **Table 1** below, performance on 'Major' was above government target during Jan – Mar 2012, still an improvement on the Jul –Sept quarter. 'Minor' and 'Other' were also comfortably above target during this period.

Performance on determining 'Major' applications within 13 weeks fell slightly from 69% to 61% during Jan – Mar 2012. Performance on determining 'Minor' applications within 8 weeks rose from 64% to 77%. Performance on 'Other' applications within the same

target time of 8 weeks also improved, from 77% to 82%. Overall, 2011/12 performance on planning application determination has improved on the 2010/11 % – Majors: 48% to 65%, Minors: 64% to 71%, Others: 74% to 79%.

Table 1 - Comparison of applications determined within target times

Government target for National Indicator 157	B&NES Apr - Jun 2011	B&NES Jul - Sept 2011	B&NES Oct - Dec 2011	B&NES Jan - Mar 2012
'Major' applications 60%	11/12 (92%)	4/11 (36%)	9/13 (69%)	11/18 61%
'Minor' applications 65%	88/122 (72%)	116/159 (73%)	98/152 (64%)	86/111 77%
'Other' applications 80%	268/355 (75%)	334/409 (82%)	258/333 (77%)	256/314 82%
Number of on hand 'Major' applications (as report was being prepared)			45	40

Note: An explanation of 'Major', 'Minor' and 'Other' categories are set out below.

<p>'LARGE-SCALE MAJOR' DEVELOPMENTS – <u>Decisions to be made within 13 weeks</u></p> <ul style="list-style-type: none"> • Residential – 200 or more dwellings or site area of 4Ha or more • Other Land Uses – Floor space of more than 10,000 sq. metres or site area of more than 2Ha • Changes of Use (including change of use or subdivision to form residential units) – criteria as above apply <p>'SMALL-SCALE MAJOR' DEVELOPMENTS – <u>Decisions to be made within 13 weeks</u></p> <ul style="list-style-type: none"> • Residential – 10-199 dwellings or site area of 0.5Ha and less than 4Ha • Other Land Uses – Floor space 1,000 sq. metres and 9,999 sq. metres or site area of 1Ha and less than 2Ha • Changes of Use (including change of use or subdivision to form residential units) – criteria as above apply <p>'MINOR' DEVELOPMENTS – <u>Decisions to be made within 8 weeks</u></p> <ul style="list-style-type: none"> • Residential – Up to 9 dwellings or site up to 0.5 Ha
--

- Other Land Uses – Floor space less than 1000 sq. metres or site less than 1 Ha

‘OTHER’ DEVELOPMENTS – *Decisions to be made within 8 weeks*

- Mineral handling applications (not County Matter applications)
- Changes of Use – All non-Major Changes of Use
- Householder Application (i.e. within the curtilage of an existing dwelling)
- Advertisement Consent
- Listed Building Consent
- Conservation Area Consent
- Certificate of Lawfulness
- Notifications

Table 2 - Recent planning application performance statistics

Application nos.	2010/11				2011/12			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
On hand at start	576	544	562	478	496	550	505	462
Received	601	629	499	577	601	605	496	578
Withdrawn	59	56	36	43	57	68	40	58
Determined	575	555	547	516	489	579	498	443
On hand at end	542	562	478	496	551	508	461	539
Delegated	557	528	520	502	477	564	492	433
% Delegated	96.8	95.1	95.0	97.2	97.5	97.4	98.4	97.7
Refused	99	81	99	71	63	93	73	69
% Refused	17.2	14.5	18.0	13.7	12.8	16.0	14.6	15.5

Table 2 above shows numbers and percentages of applications received, determined, together with details of delegated levels and refusal rates.

Due to seasonal variation, quarterly figures in this report are compared with the corresponding quarter in the previous year. During the last three months, the number of new applications received and made valid has risen by 0.1% when compared with the corresponding quarter last year. This figure is 2% down on the same period two years ago, and 14% up on three years ago. Over the whole 11/12 financial year, planning application activity appears to be similar to that of 09/10, but down on 10/11, and still much down on pre-recession 07/08.

The current delegation rate is 98% of all decisions being made at officer level against cases referred for committee decision. The last published England average was 90% (year ending Dec 2011).

Table 3 - Planning Appeals summary

	Apr – Jun 2011	Jul – Sept 2011	Oct – Dec 2011	Jan – Mar 2012
Appeals lodged	16	29	24	29
Appeals decided	22	26	18	32

Appeals allowed	2 (13%)	6 (35%)	4 (31%)	5 (17%)
Appeals dismissed	14 (87%)	11 (65%)	9 (69%)	24 (83%)

The figures set out in **Table 3** above indicate the number of appeals lodged for the Jan – Mar 2012 quarter has risen slightly when compared with the previous quarter. Overall, total numbers received against the same four quarters a year ago has seen a rise in planning application appeals of 17%, and a fall of 3% compared to two years ago.

Members will be aware that the England average for appeals won by appellants (and therefore allowed) is approximately 32%. Because of the relatively small numbers of appeals involved figures will fluctuate slightly each quarter, but the general trend over the last 12 months for Bath & North East Somerset Council is that of the total number of planning appeals decided approximately 23% are allowed against refusals of planning applications, which demonstrates good performance by the authority.

Table 4 - Enforcement Investigations summary

	Apr – Jun 2011	Jul – Sept 2011	Oct – Dec 2011	Jan – Mar 2012
Investigations launched	160	131	142	159
Investigations on hand			255	276
Investigations closed	175	141	143	146
Enforcement Notices issued	0	1	1	2
Planning Contravention Notices served	4	0	4	5
Breach of Condition Notices served	0	0	0	0

The figures shown in **Table 4** indicate that more investigations were received this quarter, when compared with the previous 2 quarterly figures. However, the 2011/12 total of 595 cases received is 12% down on the 10/11 total of 675. Resources continue to be focused on the enforcement of planning control with 7 legal notices having been served during this quarter. In order to strengthen the enforcement team function, two posts were recently advertised. We are seeking to provide some high level professional expertise and as such a Principal Enforcement Officer and an Implementation Manager post were both filled end of May. The recruitment of these positions will assist in providing an efficient and effective enforcement function which can focus more clearly on communication with customers and Members.

Tables 5 and 6 - Transactions with Customers

The planning service regularly monitors the number and nature of transactions between the Council and its planning customers. This is extremely valuable in providing management information relating to the volume and extent of communications from customers.

It remains a huge challenge to ensure that officers are able to maintain improvements to the speed and quality of determination of planning applications whilst responding to correspondence and increasing numbers of emails the service receives.

Table 5 - Letters

	Jul – Sept 2011	Oct – Dec 2011	Jan – Mar 2012
Number of general planning enquiry letters received	126	51	64

Table 6 - Number of monitored emails

	Jul – Sept 2011	Oct – Dec 2011	Jan – Mar 2012
Number of emails to 'Development Control'	1566	1402	1576
Number of emails to 'Planning Support'	1384	1732	1678
Number of emails to Team Administration within Development Management	3169	3310	3603

The volume of incoming e-mail is now substantial, and is far exceeding the volume of incoming paper-based correspondence. These figures are exclusive of emails that individual officers receive, but all require action just in the same way as hard copy documentation. The overall figure for the Jan – Mar 2012 quarter shows yet another increase in volume of electronic communications when compared to the previous quarter, and decrease for traditional postal methods, highlighting the continuing shift in modes of communication with the service over the last few years.

Table 7 – Other areas of work

The service not only deals with formal planning applications and general enquiries, but also has formal procedures in place to deal with matters such as pre-application proposals, Householder Development Planning Questionnaires and procedures for discharging conditions on planning permissions. **Table 7** below shows the numbers of these types of procedures that require resource to action and determine.

During the last quarter there has been a 26% rise in the overall volume of these procedures received in the service.

Table 7

	Jul – Sept 2011	Oct – Dec 2011	Jan – Mar 2012
Number of Household Development Planning Questionnaires	147	134	170
Number of pre-application proposals submitted	158	154	195
Number of 'Discharge of Condition' requests	125	106	124
Number of pre-application proposals submitted through the 'Development Team' process	1	2	3
Applications for Non-material amendments	28	12	24

Table 8 – Works to Trees

Another function that the Planning Service undertakes involves dealing with applications and notifications for works relating to trees. **Table 8** below shows the number and percentage of these applications and notifications determined. The figures show fluctuations in the numbers of applications and notifications received. However, during Jan – Mar 2012, performance on determining applications for works to trees subject to Tree Preservation Orders and performance on dealing with notifications for works to trees within a Conservation Area remained above 95%.

Table 8	Jul – Sept 2011	Oct – Dec 2011	Jan – Mar 2012
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	18	20	22
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	100%	100%	100%
Number of notifications for works to trees within a	169	181	151

Conservation Area (CA)			
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	97%	88%	97%

Table 9 - Customer transactions using Council Connect

As outlined in previous performance reports, Members will be aware that since 2006, 'Council Connect' has been taking development management related 'Frequently Asked Questions' (FAQs).

Table 9 below shows an extract of volumes of customer transactions for the previous three quarters:

	Jul – Sept 2011	Oct – Dec 2011	Jan – Mar 2012
Total customer transactions to Council Connect	998	1273	1305
Total customer transactions (and percentage) resolved at First Point of Contact	696 (70%)	1027 (80%)	1070 (82%)
Number of Service Requests to Development Management	302	246	235

235 'Service Requests' were made by customer service staff to Planning Information Officers and these types of requests usually relate to more complex matters, which need research in order to provide the customer with complete information. The transactions shown in the table above show a sizable volume of requests to resolve complex planning issues and Council Connect taking development management related FAQs.

Table 10 - Electronic transactions

The Planning Services web pages continue to be amongst the most popular across the whole Council website, particularly 'View planning applications online' and 'Apply for planning permission'. Last winter we replaced our Public Access website that was for viewing planning applications online with a more advanced version of application searching and viewing web facility. Searching by address in particular is much more efficient. Publicity activities surrounding this improved self-service facility included a news item in the winter issue of Connect magazine that was distributed to over 76,000 households throughout the area.

Over 65% of all applications are now submitted online through the Planning Portal link on the Council website, and **Table 10** below shows that the authority received **398 (70%)** Portal applications during the Jan – Mar 2012 quarter, compared with **79%** during the previous quarter. Overall, for 2010/11 online applications received stood at 54%, for 2011/12 they now

reach 68%. All previous quarterly figures far exceed the current national target of 10%. This provides good evidence of online self-service by the public.

Table 10 - Percentage of planning applications submitted electronically (through the national Planning Portal)

	Government target	Apr – Jun 2011	Jul – Sept 2011	Oct – Dec 2011	Jan – Mar 2012
Percentage of applications submitted online	10%	61%	63%	79%	70%

Table 11 - Scanning and Indexing

As part of the move towards achieving e-government objectives and the cultural shift towards electronic working, the service also scans and indexes all documentation relating to planning and associated applications. Whilst this work is a 'back office' function it is useful to see the volume of work involved. During the Jan – Mar 2012 quarter, the service scanned nearly 15,000 planning documents and this demonstrates that whilst the cost of printing plans may be reduced for applicants and agents, the service needs to resource scanning and indexing documentation to make them accessible for public viewing through the Council's website.

Table 11

	Apr – Jun 2011	Jul – Sep 2011	Oct – Dec 2011	Jan – Mar 2012
Total number of images scanned	19,616	18,085	14,167	14,752
Total number of images indexed	6,963	6,415	4,934	6,152

Table 12 - Customer Complaints

During the quarter Jan – Mar 2012, the Council has received the following complaints in relation to the planning service. The previous quarter figures are shown for comparison purposes. Further work is currently underway to analyse the nature of complaints received and to implement service delivery improvements where appropriate.

Table 12

Customer Complaints	Jul – Sept 11	Oct – Dec 11	Jan – Mar 2012
Complaints brought forward	4	2	5
Complaints received	21	28	24

Complaint upheld	2	2	3
Complaint Not upheld	20	17	18
Complaint Partly upheld	1	3	2
Complaints carried forward	2	5	6

Table 13 - Ombudsman Complaints

The council has a corporate complaints system in place to investigate matters that customers are not happy or satisfied about in relation to the level of service that they have received from the council. However, there are circumstances where the matter has been subject to investigation by officers within the authority and the customer remains dissatisfied with the outcome of the investigation. When this happens, the customer can take their complaint to the **Local Government Ombudsman** for him to take an independent view. **Table 13** below shows a breakdown of Ombudsman complaints lodged with the Local Government Ombudsman for the previous four quarters.

Table 13

Ombudsman Complaints	Apr – Jun 11	Jul – Sept 11	Oct – Dec 11	Jan – Mar 12
Complaints brought forward	4	1	0	5
Complaints received	1	1	6	7
Complaints upheld		1	0	0
<i>Local Settlement</i>		1		
<i>Maladministration</i>				
<i>Premature complaint</i>				
Complaints Not upheld	4	1		5
<i>Local Settlement</i>				1
<i>No Maladministration</i>	3			
<i>Ombudsman’s Discretion</i>				4
<i>Outside Jurisdiction</i>	1			
<i>Premature complaint</i>		1	1	
Complaints carried forward	1	0	5	7

Contact person	John Theobald, Data Technician, Planning and Transport Development 01225 477519
Background papers	CLG General Development Control statistical returns PS1 and PS2
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council	
MEETING:	Development Control Committee 4th July 2012
MEETING DATE:	
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: 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: 12/00511/FUL
Location: Bickfield Farm Bickfield Lane Compton Martin Bristol
Proposal: Installation of photovoltaic solar panels
Decision: REFUSE
Decision Date: 19 April 2012

Decision Level: Delegated
Appeal Lodged: 23 May 2012

App. Ref: 12/00452/FUL
Location: Nempnett Farm Greenhouse Lane Nempnett Thrubwell Bristol
Proposal: Installation of photovoltaic solar panels
Decision: REFUSE
Decision Date: 19 April 2012
Decision Level: Delegated
Appeal Lodged: 28 May 2012

App. Ref: 12/00453/FUL
Location: Oxleaze Farm Greenhouse Lane Nempnett Thrubwell Bristol
Proposal: Installation of photovoltaic solar panels
Decision: REFUSE
Decision Date: 19 April 2012
Decision Level: Delegated
Appeal Lodged: 28 May 2012

App. Ref: 12/00318/FUL
Location: 22 Durley Park Oldfield Park Bath
Proposal: Erection of a single storey front extension.
Decision: REFUSE
Decision Date: 23 March 2012
Decision Level: Delegated
Appeal Lodged: 29 May 2012

App. Ref: 11/05179/FUL
Location: Old Mead The Street Ubley Bristol
Proposal: Erection of a dwelling in the garden of Old Mead.
Decision: REFUSE
Decision Date: 23 March 2012
Decision Level: Delegated
Appeal Lodged: 7 June 2012

App. Ref: 12/00352/FUL
Location: 12 Lansdown Park Lansdown Bath BA1 5TG
Proposal: Provision of a loft conversion with 3no. dormer windows.
Decision: REFUSE
Decision Date: 21 March 2012
Decision Level: Delegated

Appeal Lodged: 7 June 2012

App. Ref: 12/00490/LBA
Location: 29 Sion Hill Lansdown Bath BA1 2UW
Proposal: Internal and external alterations for the provision of an oval window to the rear ground floor of the dwelling.
Decision: REFUSE
Decision Date: 2 April 2012
Decision Level: Delegated
Appeal Lodged: 12 June 2012

App. Ref: 12/01183/FUL
Location: 178 Bailbrook Lane Lower Swainswick Bath BA1 7AA
Proposal: Conversion and extension of roof to create an additional storey and erection of a front sunroom and porch.
Decision: REFUSE
Decision Date: 4 May 2012
Decision Level: Delegated
Appeal Lodged: 12 June 2012

This page is intentionally left blank