Bath & North East Somerset Council

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Date: 23 July 2013
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To: All Members of the Development Control Committee

Councillors:- Gerry Curran, Ian Gilchrist, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Douglas Nicol, Bryan Organ, Manda Rigby, Martin Veal, David Veale and Brian Webber and 1 Vacancy

Permanent Substitutes:- Councillors: Rob Appleyard, John Bull, Sarah Bevan, Sally Davis, Jeremy Sparks, Vic Pritchard and Nigel Roberts

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Control Committee: Wednesday, 31st July, 2013

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 31st July, 2013** at **2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 30th 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, 31st July, 2013
at 2.00pm in the Brunswick Room - Guildhall, Bath

A G E N D A

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

   At this point in the meeting, declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

   (a) The agenda item number and site in which they have an interest to declare.

   (b) The nature of their interest.

   (c) Whether their interest is a **disclosable pecuniary interest** *or* **other interest** (as defined in Part 2 A and B of the Code of Conduct and Rules for Registration of Interests)

   Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

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: 3RD JULY 2013 (Pages 9 - 30)

To confirm as a correct record the Minutes of the previous meeting held on Wednesday 3rd July 2013

9. MAJOR DEVELOPMENTS

The appropriate Officer(s) to report

10. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 31 - 62)

11. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 63 - 146)

12. PLANNING PERFORMANCE AND THE PLANNING GUARANTEE (Pages 147 - 150)

To note the report and its contents

13. SUSTAINABLE CONSTRUCTION AND RETROFITTING SPD (Pages 151 - 182)

To note the attached guidance and its contents prior to its consideration for adoption by Cabinet

14. QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2013 (Pages 183 - 194)

To note the report

15. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 195 - 204)

To note the report

16. UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY

The appropriate Officer(s) to provide an oral report to update Members on progress

17. DATE OF NEXT MEETING

To note that, to avoid the holiday period and with agreement of the Chair, the date of the next meeting has been put back a week to Wednesday 4th September (2pm)

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

Delegated List Web Link: http://www.bathnes.gov.uk/services/planning-and-building-control/view-and-comment-planning-applications/delegated-report

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 (Disclosable Pecuniary Interest *or* an **Other Interest)**

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, Principal Solicitor
   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.

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 3rd July, 2013

Present:- Councillor Gerry Curran in the Chair
Councillors Sally Davis (In place of David Veale), Ian Gilchrist, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Douglas Nicol, Bryan Organ, Manda Rigby, Dine Romero, Martin Veal and Brian Webber

Also in attendance: Councillors Charles Gerrish, Francine Haeberling, Caroline Roberts and Geoff Ward

19 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

20 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was an apology for absence from Councillor David Veale whose substitute was Councillor Sally Davis

22 DECLARATIONS OF INTEREST

There were no declarations of interest

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

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

The Senior Democratic Services Officer informed the meeting that there were 2 speakers wishing to make statements on the Local Enforcement Plan (Report 11) and that they would be able to do so when reaching that Item on the Agenda. There were also various members of the public etc wishing to make statements on planning applications in Report 10 and they would be able to do so when reaching those Items on the Agenda.

25 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

26 MINUTES: 5TH JUNE 2013

The Minutes of the previous meeting held on Wednesday 5th June 2013 were approved as a correct record and were signed by the Chair

27 MAJOR DEVELOPMENTS

The Chair stated that there was no update for this meeting on major developments but, if Members had any questions, these could be directed to Officers.

The Committee noted.

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

The Committee considered

- The report of the Development Manager on various applications for planning permission
- An Update Report on Item Nos 6 and 8, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item Nos 2 and 6-12, 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 No 169 Newbridge Hill, Bath – Erection of an 11 bed care home to the rear of the existing care home and associated works – The Team Leader – Development Management stated that it had just come to light that some of the planning history of the site had not been included in the report and that this would be a material consideration in this planning application. He therefore recommended that consideration of the application be deferred for an assessment of this information. He suggested that it may be useful to hold a Site Visit before a revised report on this application is reconsidered by Members at the next meeting.

Members debated the matter. Councillor Eleanor Jackson moved the Officer recommendation to Defer for consideration of the planning history and a Site Visit. The motion was seconded by Councillor Manda Rigby. The Chair stated that it was likely that, even without this new information, the application would have been deferred for a Site Visit. The motion was put to the vote and was carried unanimously.

Item 2 Former Little Chef, Lower Bristol Road, Farrington Gurney – Refurbishment of existing restaurant (A3) to create restaurant (A3) and takeaway (A6) including single storey extensions, installation of cod and canopy, installation of drive through lane and associated works to the site (Resubmission) – The Case Officer reported on this application and his recommendation to refuse permission.

The public speaker made a statement against the proposal.

Councillor Les Kew as Ward Member opened the debate and read out a letter from the Chairman of Farrington Gurney Parish Council. He referred to the issues of noise from cars that would use the “drive through” facility and the impact on adjoining houses - this was considered to be unacceptable. He therefore moved the Officer recommendation to refuse which was seconded by Councillor Doug Nicol.

Members debated the motion. It was generally felt that the increased use of the premises with a takeaway and “drive through” and, in addition, increased hours of operation, would create unacceptable disturbance. It would be detrimental to the amenities of adjoining residents.

The motion was put to the vote and was carried unanimously.

Items 3-5 Former Little Chef, Lower Bristol Road, Farrington Gurney – (1) Installation of 2 white acrylic “McDonalds” text signs and 2 yellow acrylic “golden arch” symbol signs (Revised proposal); (2) display of 1 internally illuminated gateway sign, 4 internally illuminated totem signs, 5 non-illuminated directional signs, 1 non-illuminated banner and 1 non-illuminated hero board; and (3) display of 1 internally illuminated freestanding 8m totem sign (Revised proposal) – Members considered the report of the Case Officer on these applications for advertisement consent and his recommendations to refuse consent.

Councillor Les Kew moved that these applications be refused as recommended. The motions were seconded by Councillor Doug Nicol. On being put to the vote, the motions were carried unanimously.

Item 6 Church Farm Barn, Washing Pound Lane, Whitchurch – Repair and rebuilding of existing dilapidated workshop/outbuilding, 1 one and a half storey dwelling with associated access, car parking area and garden area (Resubmission) – The Case Officer reported on this application and his recommendation to refuse permission. The Update Report corrected a reference in the report to a paragraph in the NPPF.

The applicant’s agent made a statement in support of the proposal.

Councillor Les Kew read out a statement on behalf of the Ward Member who was unable to be present and who supported the application. Councillor Kew considered that this proposal would not have a significant impact on the openness of the Green Belt. There had previously been a building on the site, it would tidy up the site which was currently an eyesore and the NPPF supported barn conversions. He therefore moved that permission be granted with appropriate conditions. This was seconded by Councillor Bryan Organ.

Members debated the motion. In response to a Member’s query, the Team Leader – Development Management stated that the planning history of the site was a material consideration of the application. It had been previously considered that rebuilding the barn was inappropriate and would conflict with Green Belt policy. Some Members supported the proposal as traffic was one way, the building would improve the site, there were no highway objections and it would add another dwelling to the number of houses required to be developed in the village. However, other Members were not

supportive as it would be “new build” in the Green Belt and therefore would affect its openness and would conflict with the purposes of preventing neighbouring towns from merging. The Chair summed up the debate and stated that he would vote against the motion.

He therefore put the motion to the vote. Voting: 5 in favour and 5 against with 3 abstentions. The Chair used his second and casting vote against the motion which was therefore 5 in favour and 6 against. Motion lost.

Councillor Eleanor Jackson moved the Officer recommendation to refuse permission which was seconded by Councillor Liz Hardman. The motion was put to the vote. Voting: 5 in favour and 5 against with 2 abstentions. The Chair used his second and casting vote in favour which was therefore 6 in favour and 5 against. Motion carried. (Note: Councillor Doug Nicol was absent for this vote)

Item 7 Costa Coffee, 50 High Street, Keynsham – Change of use of the highway to the siting of 2 tables and 4 chairs – The Planning Officer reported on this application and the recommendation to grant permission with conditions.

The applicants’ agent made a statement in support of the proposal which was followed by a statement by the Ward Councillor Charles Gerrish who spoke against the proposal.

Councillor Bryan Organ referred to the large number of objections received on this application. He considered that tables and chairs with their occupants would cause an obstruction in this location and was not acceptable on highway grounds. There was also the issue of public health as the tables and chairs would be located close to a pedestrian crossing with the consequent fumes from cars. He therefore moved that permission be refused on these grounds. This was seconded by Councillor Dine Romero.

Members debated the motion. It was considered that this was not a good location for tables and chairs being close to a pedestrian crossing on a busy road. There were no other tables and chairs on the pavement of the High Street close to the road. Some Members agreed that there was the health issue to be considered. Other Members felt that the proposal would create a more continental atmosphere and would enhance the ambience of the street. There was no highway objection.

The Chair summed up the debate and the issues that needed to be considered. The Team Leader – Development Management stated that the public health issue needed to be based on evidence and no harm had been identified.

The motion to refuse permission was put to the vote. Voting: 6 in favour and 4 against with 3 abstentions. Motion carried.

Item 8 No 54 High Street, Saltford – Erection of a two storey dwelling and a new double garage for use by No 54, modification works to retaining walls to create wider entrance and associated works following demolition of existing single garage and stone retaining walls – The Planning Officer reported on this application and the recommendation to grant permission with conditions. The Update Report referred to the withdrawal of Ward Councillor Matthew Blankley’s objection and his further comments on the matter.

The public speakers made their statements against and in favour of the application. The Ward Councillor Francine Haeberling made a statement on the proposal and suggested that a site visit would be useful.

Councillor Eleanor Jackson felt that there were quite of number of issues to be considered and agreed that a site visit would be useful in this instance. She therefore moved that consideration be deferred for a Site Visit accordingly which was seconded by Councillor Martin Veal.

The motion was put to the vote and was carried unanimously.

(Note: Councillor Sally Davis had left the meeting before this application was considered.)

Item 9 Ashes Hill Farm, Kilkenny Lane, Englishcombe – Change of use of the land and construction of an all-weather horse exercise arena (ménage) – The Planning Officer reported on this application and the recommendation to refuse permission.

The public speakers made their statements in support of the application.

The Team Leader – Development Management referred to the policy issue and NPPF guidance on the matter. This change of use from agricultural to equestrian was inappropriate in the Green Belt.

Councillor Les Kew stated that horse riders could already use the land and a fence could be erected without planning permission being required. A different surface was practically all that was required for bad weather. He considered that there would be no impact on the openness of the Green Belt and it was not inappropriate development. On that basis, he moved that permission be granted with appropriate conditions. This was seconded by Councillor Liz Hardman.

Members debated the motion. It was considered that there was no impact on the Green Belt or the farm and it would not affect the distinctiveness of the landscape. The surfacing could easily revert back to its current condition.

The Team Leader – Development Management reiterated that this was a change of use from agriculture to equestrian in the Green Belt. If Members wished to approve the proposal, it would need to be delegated to Officers for appropriate conditions including no public use of the land (eg gymkhanas) and non-contaminant surfacing to prevent leaching. The mover and seconder agreed.

The amended motion was put to the vote and it was carried unanimously.

Item 10 Hillside Gardens, Tadwick Lane, Tadwick, Bath – Erection of a single storey extension and covered terrace connecting to main house following demolition of dilapidated outbuildings, garages and sheds adjoining main house, remodelling of interior to main house, new windows and doors, renovation of outbuilding to create home office, removal of external hard surfacing, restoration of natural landscape and new permeable road surfacing – The Case Officer reported on this application and her recommendation to refuse

permission. She updated Members on the Ecologist's report and amended the wording of the third reason for refusal.

The applicant's agent made a statement in support of the proposal which was followed by a statement by the Ward Councillor Geoff Ward in support of the application.

Councillor Martin Veal, the Ward Member on the Committee, felt it was a good report but he disagreed with some aspects of it such as not respecting the host dwelling or affecting the AONB. He considered that the siting, scale and design were not harmful to the appearance of the Green Belt and the development would be in keeping with the host dwelling and the area as a whole. Local residents supported the proposal. On this basis, he moved that the application be delegated to Officers to permit subject to appropriate conditions. This was seconded by Councillor Liz Hardman.

The Team Leader – Development Management referred to the Ecologist's report and bat mitigation measures which could be dealt with by Officers under delegated powers - it was doubtful that the applicants could provide an assessment before the next meeting.

Members debated the motion. It was generally considered that the siting, scale and design would not be detrimental to the host dwelling or affect the AONB and Green Belt. The bat mitigation measures could be dealt with under delegated powers.

The motion was put to the vote and was carried, 11 voting in favour and 1 against.

Item 11 No 13 Lytton Gardens, Southdown, Bath – Installation of rear dormer – The Chair stated that the applicant, Mr O'Mara, had not given notice to speak but he was present and wished to do so. The Committee agreed that he be able to make a statement on this occasion.

The Case Officer reported on this application and her recommendation that permission be refused.

The applicant made a statement in support of his application.

Councillor Dine Romero, the Ward Member on the Committee, stated that this was a modern building and that the proposed dormer would not affect the building or the setting of the World Heritage site. There would be no overlooking and there were already similar dormers in the area. On this basis, she moved that permission be granted subject to appropriate conditions. This was seconded by Councillor Martin Veal.

Members debated the motion. It was generally felt that the dormer would not significantly harm the appearance of the building or the setting of the World Heritage site. Councillor Liz Hardman pointed out that the numerous Georgian and Victorian properties in the City had dormer windows. Councillor Eleanor Jackson considered that it would impinge on the roofline of the terrace and that the reasons put forward by the applicant for wanting a dormer were not reasons to grant permission. Councillor Martin Veal considered that some official guidance or policy was required on dormer windows. Councillor Les Kew stated that, if permission were to be granted, it was particularly important that a condition be added to ensure that the

materials were in keeping with the dwelling. The motion should therefore be delegate to Officers to grant permission subject to appropriate conditions. The mover and seconder agreed.

The amended motion was put to the vote and was carried, 9 voting in favour and 2 against.

(Note: Councillor Brian Webber left the meeting before this application was considered.)

Item 12 Old Dairy Cottage, Claysend Cottages, Clays End Lane, Newton St Loe – Erection of oak-framed outbuilding in rear garden – The Planning Officer reported on this application and the recommendation to refuse permission.

The applicant made a statement in support of the proposal.

The Chair explained the reason for his decision to bring the application before the Committee.

Councillor Eleanor Jackson considered that the removal of the outbuildings was an improvement to the appearance of the garden. The proposal would not affect the openness of the Green Belt or be inappropriate development in the Green Belt. She therefore moved that permission be granted subject to appropriate conditions including that the building not be used for garaging motor vehicles and only for horticultural or gardening equipment. The motion was seconded by Councillor Les Kew.

The motion was debated by Members. It was felt that the removal of the outbuildings and their replacement by one outbuilding of a good design would improve the visual appearance of the garden. The Team Leader – Development Management stated that the appearance was not so much of an issue as the use which would need to be conditioned.

The motion was put to the vote and was carried, 10 in favour and 0 against with 1 abstention.

29 LOCAL ENFORCEMENT PLAN

The Principal Enforcement Officer submitted a report regarding the Council publishing a Local Enforcement Plan to manage enforcement proactively in a way appropriate to its area as recommended to local planning authorities in the National Planning Policy Framework (NPPF). It recommended the Committee to note the Policy (Appendix A to the report) and its contents, and accept the use of the Enforcement Complaint Form (Appendix B).

Peter Duppa-Miller (Local Councils Association) and Caroline Kay (Chief Executive of the Bath Preservation Trust) made Statements on the Plan and requested some amendments (Note: Copies of their Statements are included in the Minute Book).

Members debated the issues raised in the report and Plan and requested consideration by Officers of the points raised by the public speakers. The following

comments were made together with suggested amendments for inclusion in the Plan:

- The principle of openness was welcomed
- What time limit would be imposed for concluding negotiations on enforcement matters?
- Agree that enforcement action be taken when expedient to do so and not relate to non-planning considerations
- Ward Councillors and Parish Councils should be kept informed on enforcement matters
- Where anonymous complaints are made, even if no investigation is done, there should still be some checks undertaken when resources allow
- There should be some protection for trees not covered by a TPO or outside a Conservation Area (Note: The Chair responded that this would not really be possible where trees had been removed; also there would not be the resource to undertake this huge task)
- Where there is some informal action on an enforcement issue, this should go into the public domain
- There should be clarity on the degree of protection of trees in the Conservation Area where they add to the ambience of the Area
- Regarding unauthorised demolition, wording should be added to cover whether deliberate or by wilful neglect

The Principal Enforcement Officer responded to some of the points raised.

Councillor Les Kew moved that the Committee (1) note the attached Policy and await the amended version; and (2) accept the use of the Enforcement Complaint Form. This was seconded by Councillor Bryan Organ and, on being put to the vote, was carried unanimously.

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

Members commented on some of the appeals and noted the report

31 UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY

The Principal Solicitor informed Members that an update report would be submitted to the next meeting. The Chair requested that it be the first substantive item on the Agenda.

The Committee noted.

The meeting ended at 5.33 pm

Chair(person) .....

Date Confirmed and Signed .....

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

3rd July 2013

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

Item 6

13/01606/FUL: Church Farm Barn, Washing Pound Lane, Whitchurch, Bristol

Update:

Please note that the officer assessment at page 104 on the Committee Main Agenda under the subheading 'Former Development on the Site' should refer to paragraph 90 rather than 89 of the National Planning Policy Framework 2012. The corrected version is set out below:

FORMER DEVELOPMENT ON THE SITE:

The former existence of buildings on the site has been discussed above. Whilst it is accepted that over ten years ago the building previously had a roof, the photographs also indicate that the building was not in use and could not have been secured at this time due to the absence of walls on the gable elevations. The length of time which has now passed would conclusively exclude any rebuilding of the barn from being considered as repair works. Paragraph 90 of the NPPF and policy ET.9 of the Local Plan both confirm that buildings must be of substantial construction to be converted and previous appeal decisions relating to this site have concluded that the proposal must considered as a new building. These circumstances would exist in any situation where a building is no longer capable of conversion without substantial or complete reconstruction.

Item 8

13/01163/FUL: 54 High Street, Saltford

Update:

Please note that Councillor Matthew Blankley has withdrawn his objection to the proposal and has submitted the following comments.

"I am writing to ask that my objections stated previously are withdrawn. I would still request that the application be dealt with by the Development Control Committee because of the subjectivity and sensitivity of development in the conservation area, however the issue surrounding traffic has been remedied by the proposed widening of the applicant's driveway.

Unfortunately, I am still unable to attend next week's committee meeting because of other commitments, but I have been assured by the applicant of his desire to make the proposed building's appearance look as in-keeping with the area as feasibly possible."

SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC WHO MADE A STATEMENT AT THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY 3RD JULY 2013

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
PLANS LIST – REPORT 10		
Former Little Chef, Bristol Road, Farrington Gurney (Item 2, Pages 69-90)	Sarah Lewis	Against
Church Farm Barn, Washing Pound Lane, Whitchurch (Item 6, Pages 99-106)	Kit Stokes, Aspect 360 (Applicant's Agents)	For
Costa Coffee, 50 High Street, Keynsham (Item 7, Pages 107-112)	Rachel Leigh, Savills (Applicants' Agents)	For
54 High Street, Saltford (Item 8, Pages 113-127)	Mrs Pascoe Simon Corbett (Applicant's Agent)	Against For
Ashes Hill Farm, Kilkenny Lane, Englishcombe (Item 9, Pages 128-133)	Councillor David Bland, Englishcombe Parish Council Tom Killen (Applicant's Agent)	For For
Hillside Gardens, Tadwick Lane, Tadwick, Bath (Item 10, Pages 134-141)	Tom Rocke, PCL Planning (Applicant's Agents)	For
13 Lytton Gardens, Southdown, Bath (Item 11, Pages 142-145)	Mr O'Mara (Applicant)	For
Old Dairy Cottage, Clays End Cottages, Clays End Lane, Newton St Loe (Item 12, Pages 146-151)	Harvey Evans (Applicant)	For
LOCAL ENFORCEMENT PLAN – REPORT 11		
	Peter Duppa-Miller (Local Councils Association) Caroline Kay (Bath Preservation Trust)	Statement Statement

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE
3rd July 2013
DECISIONS

Item No:	01
Application No:	13/01529/FUL
Site Location:	169 Newbridge Hill, Newbridge, Bath, BA1 3PX
Ward: Newbridge	**Parish:** N/A **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Erection of a 11 bed care home to the rear of the existing care home and associated works
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Tree Preservation Order, World Heritage Site,
Applicant:	Mr Mehmet Iltas
Expiry Date:	12th June 2013
Case Officer:	Sarah James

DECISION Defer for a site visit to allow members to view the site and it's surroundings and to allow further consideration of the site's planning history.

Item No:	02
Application No:	13/01242/FUL
Site Location:	Former Little Chef, Bristol Road, Farrington Gurney, Bristol
Ward: High Littleton	**Parish:** Farrington Gurney **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Refurbishment of existing restaurant (A3) to create restaurant (A3) and takeaway (A5) including single storey extensions, installation of cod and canopy, installation of drive through lane and associated works to the site (resubmission).
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
Applicant:	McDonald's Restaurant Ltd
Expiry Date:	17th May 2013
Case Officer:	Daniel Stone

DECISION REFUSE

1 The proposed introduction of the A5 use and associated drive-through Takeaway facility would increase the intensity of the use of the site and would result in increased customer movements into and out of the site and activity within the site itself in the early morning and in the evening until 11:00 PM. The additional activity within the site would result in

increased noise, traffic and other disturbance that would cause unacceptable harm to the amenity and living conditions of the adjoining residents. The proposals would therefore be contrary to saved policy D.2 of the Bath and North East Somerset Local Plan.

2 The proposed development by virtue of the design, materials and appearance of the proposed fences and associated lamp posts, outdoor seating and bins would have an inappropriately hard, urban appearance which would fail to reinforce the local character and rural distinctiveness of the village and the setting of the listed building opposite. As such, the proposals would be contrary to policies D.2 (b) D.4 (a) of the Bath and North East Somerset Local Plan and policy CP6 (1, 2) of the draft Bath and North-East Council Core Strategy and the guidance contained in the National Planning Policy Framework.

PLANS LIST:
This decision relates to drawing nos:

- COD CANOPY
- 4971_8742_1002D BLOCK PLAN
- 4971_8742_1003 EXISTING SITE PLAN
- 4971_8742_1004G PROPOSED SITE PLAN
- 4971_8742_1005C EXISTING AND PROPOSED ELEVATIONS
- 4971_8742_1006B EXISTING AND PROPOSED INTERNAL LAYOUT
- 4971_8742_1001 SITE LOCATION PLAN
- BUTON FURNITURE
- DESIGN AND ACCESS STATEMENT
- FENCING DETAILS WITH PHOTO
- NOISE IMPACT ASSESSMENT
- PATIO FENCING ELEVATION
- PLANNING STATEMENT
- TRANSPORT STATEMENT
- COD AND CANOPY PHOTO
- TYPICAL BARRIER AND LAMP POST DETAIL
- PHOTOGRAPHIC AND PLAN SCHEDULE OF OUTDOOR SEATING

Decision Taking Statement
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the reasons outlined above and the applicant was advised that the application was to be recommended for refusal unless amendments to the scheme were supplied. The applicant was unable to submit revisions in a timely manner, and did not choose to withdraw the application. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	03
Application No:	13/01243/AR
Site Location:	Former Little Chef, Bristol Road, Farrington Gurney, Bristol
Ward: High Littleton	**Parish:** Farrington Gurney **LB Grade:** N/A
Application Type:	Advertisement Consent
Proposal:	Installation of 2no. white acrylic 'McDonalds' text signs and 2no. yellow acrylic 'golden arch' symbol signs (revised proposal).
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary
Applicant:	McDonald's Restaurant Ltd.
Expiry Date:	17th May 2013
Case Officer:	Daniel Stone

DECISION REFUSE

1 The proposed illuminated signage, by virtue of the location, size and illumination of the sign on the northern roofslope of the building and its relationship to the dwelling known as Thornton House to the north, would dominate and detract from the 1st floor outlook of this property, and unacceptably harm the living conditions of its residential occupiers. As such, the proposed development would be contrary to contrary to policies D.2 (f) and BH.17 (ii) of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

PLANS LIST:
This decision relates to drawing nos:

- 4971_8742_1002D BLOCK PLAN
- 4971_8742_1007A EXISITNG AND PROPOSED ROOF ADVERTISEMENT...
- 4971_8742_1009C EXISTING AND PROPOSED ADVERT ELEVATIONS
- SIGN 19 GOLDEN ARCH FASCIA
- SIGN 5 ALFRESCO ROOF LETTERS
- 4971_8742_1001 SITE LOCATION PLAN

Decision Taking Statement
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	04
Application No:	13/01244/AR
Site Location:	Former Little Chef, Bristol Road, Farrington Gurney, Bristol
Ward: High Littleton	**Parish:** Farrington Gurney **LB Grade:** N/A
Application Type:	Advertisement Consent
Proposal:	Display of 1no. Internally illuminated gateway sign, 4no. Internally illuminated Totem signs 5no. non-illuminated directional signs, 1no. non illuminated banner and 1no. non illuminated hero board. (Revised proposal)
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
Applicant:	MacDonalds Restaurant Ltd
Expiry Date:	30th May 2013
Case Officer:	Daniel Stone

DECISION REFUSE

1 In culmination with the external structures proposed as part of application 13/01242/FUL (fences, seating, bins) and the totem advert proposed as part of application 13/01388/AR, the signage at the front (north and west) of the building would result in significant visual clutter, which would erode the setting of the Listed Building and the rural character of the village. As such, the proposals would be contrary to policies D.2 (b), D.4 (a) and BH.17 (ii and iii) of the Bath and North East Somerset Local Plan and policy CP6 (1, 2) of the draft Bath and North-East Council Core Strategy and the guidance contained in the National Planning Policy Framework.

PLANS LIST:
This decision relates to drawing nos

- BANNER UNIT
- DIRECTIONAL SIGNS
- GATEWAY SIGN
- HERO BOARD
- SIGN 34 DRIVE THRU WALL MOUNTED SIGNS
- TOTEM 3 PRESALE BOARD
- TOTEM 4 3 BAY
- 4971_8742_1001 SITE LOCATION PLAN
- 4971_8742_1002D BLOCK PLAN
- 4971_8742_1003 EXISTING SITE PLAN
- 4971_8742_1008 REV F PROPOSED SITE ADVERTISEMENT PLAN

Decision Taking Statement
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into

correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	05
Application No:	13/01388/AR
Site Location:	Former Little Chef, Bristol Road, Farrington Gurney, Bristol
Ward: High Littleton	**Parish:** Farrington Gurney **LB Grade:** N/A
Application Type:	Advertisement Consent
Proposal:	Display of 1no internally-illuminated freestanding 8m totem sign (Revised proposal)
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
Applicant:	McDonalds Restaurant Ltd
Expiry Date:	30th May 2013
Case Officer:	Daniel Stone

DECISION REFUSE

1 The proposed sign by virtue of its excessive height would appear unduly prominent and would dominate and detract from the entrance to the village, and the setting of the Farrington Inn, a Grade II Listed Building opposite the site. As such, the proposed development would be contrary to contrary to policies D.2 (b), D.4 (a), BH.2 (v) and BH.17 (ii and iii)of the Bath and North East Somerset Local Plan, policy CP6 of the draft Bath and North-East Council Core Strategy and the guidance contained in the National Planning Policy Framework.

PLANS LIST:
This decision relates to drawing nos

- Drawing 4971_8742_1102D BLOCK PLAN SIGNAGE
- Drawing PROPOSED TOTEM POLE + SIGN - elevations and cross section
- site location plan

Decision Taking Statement
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Following the previous withdrawn application (12/04934/A) the Authority advised the applicant to reduce the height of the pole sign to that of the pre-existing Little Chef sign, but this advice was not folllowed. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application, and having regard to the need to

avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	06
Application No:	13/01606/FUL
Site Location:	Church Farm Barn, Washing Pound Lane, Whitchurch, Bristol
Ward: Publow And Whitchurch	**Parish:** Whitchurch **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Repair and rebuilding of existing dilapidated workshop/outbuilding to provide 1no. one and half storey dwelling with associated access, car parking area and garden area (resubmission).
Constraints:	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Greenbelt,
Applicant:	Mrs L Maddocks
Expiry Date:	13th June 2013
Case Officer:	Jonathan Fletcher

DECISION REFUSE

1 The proposal would result in construction of a new dwelling which would constitute an inappropriate form of development within the green belt which would be harmful to the openness of the green belt, the semi-rural character of the area and would conflict with the purposes of preventing neighbouring towns from merging and safeguarding the countryside from encroachment. The very special circumstances put forward by the applicant are not considered to be sufficient to clearly outweigh the harm caused by the development. The proposal is therefore contrary to policies GB.1 and GB.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 and the guidance set out in the National Planning Policy Framework 2012.

2 The proposed development, by reason of its scale, the required excavation works and the visibility from the surrounding area, would be harmful to the openness of the green belt and the semi-rural character of the area contrary to policies D.2, D.4 and GB.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

PLANS LIST:
Site Location Plan, PL001, PL202, PL204, PL205 received 17 April 2013.
PL002, PL003 received 18 April 2013.
PL201 received 18 June 2013.

Decision-taking statement:
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered

unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	07
Application No:	13/01412/FUL
Site Location:	Costa Coffee, 50 High Street, Keynsham, BS31 1DX
Ward: Keynsham North	**Parish:** Keynsham Town Council **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Change of use of highway to the siting of 2 tables and 4 chairs
Constraints:	City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Housing Development Boundary, Prime Shop Front,
Applicant:	South West Coffee Ltd
Expiry Date:	31st May 2013
Case Officer:	Sasha Coombs

DECISION Member overturn to Refuse

Item No:	08
Application No:	13/01163/FUL
Site Location:	54 High Street, Saltford, Bristol, Bath And North East Somerset
Ward: Saltford	**Parish:** Saltford **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Erection of a detached two storey dwelling and a new double garage for use by no 54, modification works to retaining walls to create wider entrance and associated works following demolition of existing single garage and stone retaining walls
Constraints:	Agric Land Class 1,2,3a, British Waterways Major and EIA, Conservation Area, Forest of Avon, Housing Development Boundary,
Applicant:	Mr Luke Pargeter
Expiry Date:	10th June 2013
Case Officer:	Chris Griggs-Trevarthen

DECISION Defer for a site visit to allow members to view the site and it's surroundings.

Item No:	09
Application No:	13/00471/FUL
Site Location:	Ashes Hill Farm, Kilkenny Lane, Englishcombe, Bath
Ward: Bathavon West	**Parish:** Englishcombe **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Change of use of the land and construction of an all weather horse exercise arena (menage)
Constraints:	Agric Land Class 1,2,3a, Forest of Avon, Greenbelt,
Applicant:	Mr Andrew Scurlock
Expiry Date:	13th May 2013
Case Officer:	Sasha Coombs

DECISION Member overturn to Delegate to allow the Development Manager to permit with conditions.

Item No:	10
Application No:	13/00596/FUL
Site Location:	Hillside Gardens, Tadwick Lane, Tadwick, Bath
Ward: Bathavon North	**Parish:** Swainswick **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Erection of a single storey extension and covered terrace connecting to main house following demolition of dilapidated outbuildings, garages and sheds adjoining main house, remodelling of interior to main house, new windows and doors, renovation of outbuilding to create home office, removal of external hard surfacing, restoration of natural landscape and new permeable road surfacing.
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt,
Applicant:	Mr Dan Pearson
Expiry Date:	26th April 2013
Case Officer:	Alice Barnes

DECISION Member overturn to Delegate to allow the Development Manager to permit with conditions.

Item No:	11
Application No:	13/01632/FUL
Site Location:	13 Lytton Gardens, Southdown, Bath, Bath And North East Somerset
Ward: Southdown	**Parish:** N/A **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Installation of rear dormer.
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Mrs N Tew-O'Mara
Expiry Date:	25th June 2013
Case Officer:	Alice Barnes

DECISION Member overturn to Delegate to allow the Development Manager to permit with conditions.

Item No:	12
Application No:	13/01316/FUL
Site Location:	Old Dairy Cottage Claysend Cottages, Clays End Lane, Newton St. Loe, Bath
Ward: Bathavon West	**Parish:** Newton St. Loe **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Erection of oak-framed outbuilding in rear garden
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
Applicant:	Mr Harvey G Evans, ACMA, CGMA
Expiry Date:	22nd May 2013
Case Officer:	Sasha Coombs

DECISION Member overturn to Delegate to allow the Development Manager to permit with conditions.

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Bath & North East Somerset Council

MEETING:	**Development Control Committee**	AGENDA ITEM NUMBER
MEETING DATE:	**31st July 2013**	
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)	
TITLE:	**SITE VISIT AGENDA**	
WARDS:	ALL	
BACKGROUND PAPERS:		

AN OPEN PUBLIC ITEM

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

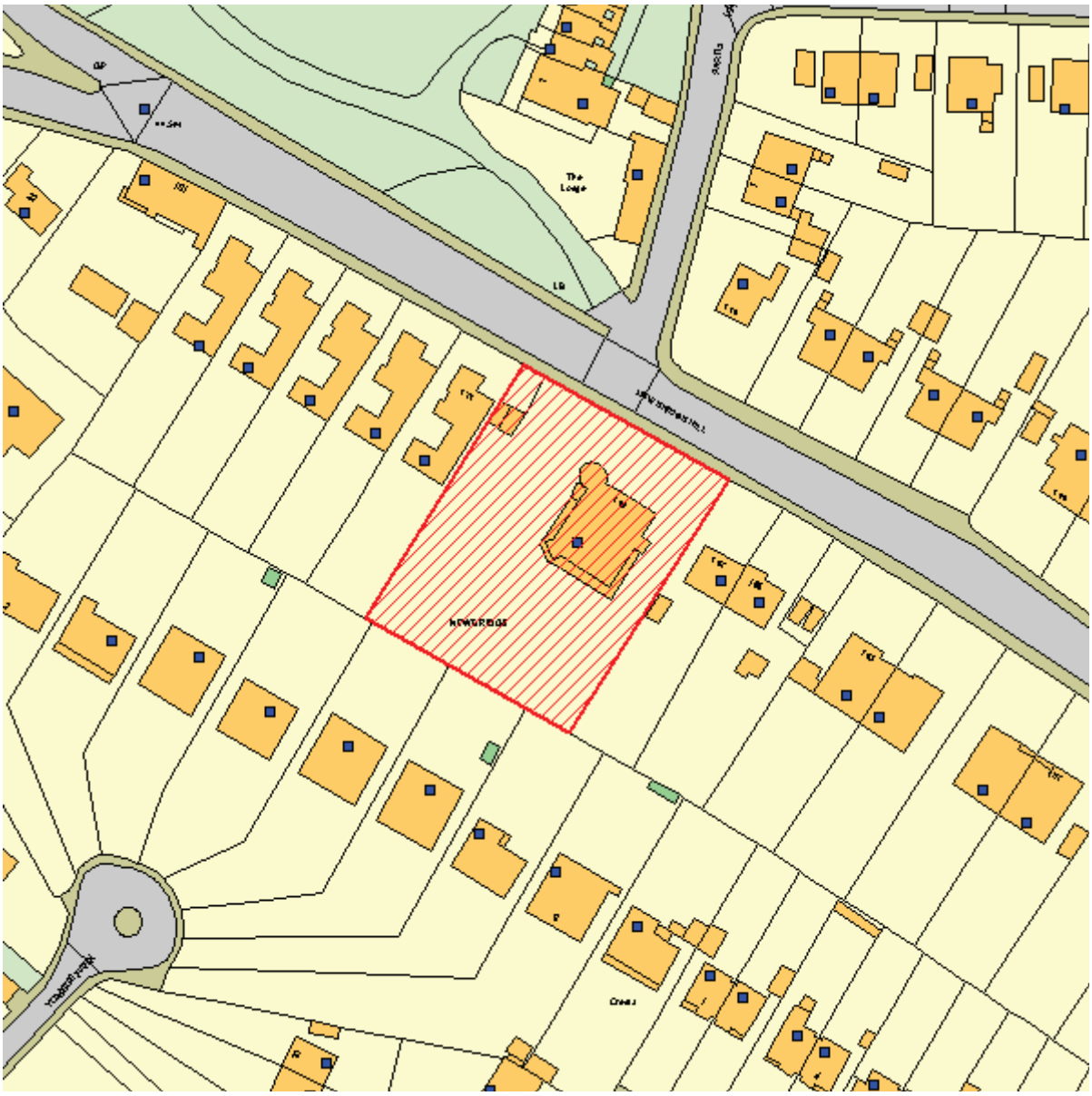
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	13/01529/FUL 12 June 2013	Mr Mehmet Iltas 169 Newbridge Hill, Newbridge, Bath, BA1 3PX, Erection of a 11 bed care home to the rear of the existing care home and associated works	Newbridge	Sarah James	PERMIT
002	13/01163/FUL 10 June 2013	Mr Luke Pargeter 54 High Street, Saltford, Bristol, Bath And North East Somerset, BS31 3EJ Erection of a detached two storey dwelling and a new double garage for use by no 54, modification works to retaining walls to create wider entrance and associated works following demolition of existing single garage and stone retaining walls	Saltford	Chris Griggs-Trevarthen	PERMIT

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

Item No: 001

Application No: 13/01529/FUL

Site Location: 169 Newbridge Hill Newbridge Bath BA1 3PX



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

Ward Members: Councillor L Morgan-Brinkhurst Councillor C M L Roberts

Application Type: Full Application

Proposal: Erection of a 11 bed care home to the rear of the existing care home and associated works

Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Tree Preservation Order, World Heritage Site,

Applicant: Mr Mehmet Iltas

Expiry Date:	12th June 2013
Case Officer:	Sarah James

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been requested to be reported to Committee if approval is recommended on the request of Cllr Roberts due to the potential for impact on several nearby residents.

The application was deferred from consideration to allow Officers to review the planning history of thwe site and for a Members site visit to take place. That visit took place 22nd July 2013.

THE SITE

The site which measures 0.2ha is located on the south side of Newbridge Hill, within the urban area of the City of Bath. The site is broadly rectangular, 43 metres x 55 metres, with an existing residential care home "Newbridge Towers" located towards the north-east corner of the site, fronting Newbridge Hill. Newbridge Towers is a large 3 storey red brick property built in 1904. It contains 20 bedrooms. The building is set back from the road with a small tarmac area and soft landscaping with some large trees between the retirement home and the road. A gate in the site's north-eastern corner provides pedestrian access to the retirement home.

Vehicular access is located in the north west corner of the site, which leads to a double garage on the site's western boundary. Between the garage and the retirement home are a number of trees covered by a TPO, the largest and most significant of which is a Copper Beech located on the road frontage.

The surrounding area is predominately residential, with large detached and semi-detached houses fronting Newbridge Hill, set back from the road. Partis College which is a grade 1 listed building used as almshouses and the RUH hospital are in the general vicinity of the site being located to the north side of Newbridge Road. The houses in the immediate area are a mix of ages and architectural styles. To the east of the site on the south side of Newbridge Hill are modern dwellings and large Victorian semi-detached properties. To the west of the application site on the south side of Newbridge Hill are more modern detached houses. Directly to the south of the site are single storey bungalow type properties. These back onto the site and front Yeomede Road, which is a residential cul-de-sac.

THE PROPOSAL

The proposal seeks permission for the erection of a new build care home within the rear grounds of the existing Newbridge Towers residential care home. The proposed new care home would be a two storey building located in the south west corner of the site. Because of the natural slope of the site, the building would appear single storey from the north (Newbridge Hill) and the main entrance of the building would be from first floor level. The building would contain a total of 11 en suite bedrooms and would include associated communal areas. The proposed building would have a total floor space of 478 m² (GIA).

The building would be equipped and suitable for dementia patients. The building would have an overall total height (taken from the rear two storey element) of 9.5 metres to the top of the gable and 8 metres to the ridge.

Materials would comprise of black slate roof, red facing brick (to match the existing development) and Bath stone detailing.

The proposed building would utilise the existing vehicular access in the north west corner of the site. The existing garage building would be demolished. The internal access would provide occasional vehicular access into the site e.g for ambulances and mini buses. The development would operate on a car free basis as the existing care home does.

HISTORY

DC - 11/00552/FUL - PERMIT - 22 March 2011 - Provision of 2no. dormers, replacement of staircase, re-cladding of bathroom annexe and internal alterations to top floor.

12401/3 - Erection of a nursing home Refused 1986
12401/4 - Erection of a nursing home Refused 1987 - Appeal dismissed 1987 - key issues impact on character impact on amenity and highway danger.
12401/8 - Extension to nursing home Refused 1993 on basis of impact on conservation area and the character of the house, impact on amenity and parking inadequate and would impact on the existing trees/landscaping.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Highway officer comments made 7th May 2013 - No highway objections are raised subject to conditions to encourage sustainable transportation.

Additional comments made 28th May 2013 I note concerns have been raised in respect of the impact of additional commercial vehicle movements to the site i.e. those from service vehicles, deliveries, ambulances etc. In respect of ambulances, access will be available to the main entrance via the
access to the west of the site. Regarding all other servicing needs I would not anticipate the demands of the proposed additional 11 beds would be significantly more than that required for the existing 20-bed facility. An increase is quite possible, but certainly not as much as the 55% increase in occupancy, and the impact could not be described as either severe or significant, which is required as grounds for refusal of an otherwise sustainable development.

Arboricultural Officer comments made 16th May 2013 - Potential alterations to the surfacing of the existing drive and the extended drive down to the front (north) of the building would affect protected trees. Further detail is required as to the impacts of the construction to ensure these matters are properly controlled.

Archaeology Officer comments made 30th April 2013 - The proposed new care home lies close to Partis College in an area of Roman burial and occupation evidence recorded on the B&NES Historic Environment Record. Consequently a watching brief condition is suggested.

Landscape officer comments made 21st May 2013 - I have no objection to the principle of development in this location as long as the proposed building is subservient to the main one, which it clearly is. Newbridge Towers is a large and imposing building and there is ample space for an appropriately scaled new development.
The existing trees are of primary importance and must be retained and protected. The large Copper Beech is magnificent and the longer term treatment of the space below it is very important as it forms an important part of the overall street frontage. Likewise the hedge to the southern property boundary is particularly important and a comprehensive scheme of tree and shrub planting designed specifically to respond to this area is sought. A range of plant heights will allow for some selected views out of the site. The new development will not have any significant visual impact as there are few longer distance views and local views are restricted. The building would sit low down in relation to the adjacent taller buildings. Whilst the character of the immediate garden will change, it will make much better use of the space and I do not think this change would be unacceptable.
Should permission be granted then a high quality scheme of hard and soft landscape works should be agreed by condition before any clearing or construction works commences.

Urban design officer comments made 21st May 2013 - No objections in principle. The garden is of a large enough scale to accommodate an annex of the size proposed comfortably and that redevelopment might actually improve the setting because the garden is scruffy and scrubby. Reservations about the design of the building being a miniature in the style of the main building on site are raised on the basis that there is scope for the building to be designed specifically for its own context in the corner of the site. It could potentially be possible to lower the height of the building with a different architectural approach. The sustainable construction checklist refers to environmental orientation being considered for building design, fenestration, etc. which is supported by policy.
An adequate rear boundary is essential. The trees on site are really important for the character of Newbridge Hill. All hard surfacing must be permeable and the development should include retrofitting energy efficiency measures.

Historic Buildings officer comments made 16th May 2013. - The site is in the conservation area and the proposed development indicates a traditional design approach which would respect this context. The existing care home is an imposing early C20 red brick building with a distinct architectural character. It acts as a visual landmark in this part of the conservation area and in long views from the Twerton area. It adjoins 1960s two storey housing to the west.

It is considered that the architectural approach proposed for the detached extension is acceptable. It is separated from the existing building and reflects local built characteristics such as form, spans, use of traditional materials, proportions of openings and so on. It is set back from the Newbridge Hill frontage and its stepped form would respect the local topography and avoid any detrimental visual impact on the local street scene.

At the rear it will be seen in long distance views from further down the hill, but its design avoids any sky-line intrusion and it is not considered to have any harmful effect on the character, appearance or setting of this part of the conservation area.

There are therefore no objections from the historic environment aspect. It will be important to ensure use of high quality detailing and materials which reflect the local vernacular.

Wessex Water comments made 21st May 2013 advise of the need to agree points of connection onto existing drainage systems and/or new drainage systems with Wessex Water.

Third parties

26 Objections have been received from residents on the basis of the following:-
The density of the development is inappropriate for the site
The impact of additional parking on the local area, which is already adversely affected by overspill parking from the hospital
The adverse impact on the eastern views
The height of the development
The inappropriate style and scale of development within a conservation area
Inappropriate backland development that may set a precedent
Overdevelopment
Inadequate waste storage/disposal
Overlooking/loss of privacy
Light pollution
Inappropriate landscaping
Inadequate drainage
Loss of light
Noise
Design
Smells
Impact on property values

POLICIES/LEGISLATION
ADOPTED LOCAL PLAN
"Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007" was adopted October 2007. Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

SC.1 Settlement classification
D2 General Design and public realm considerations
D4 Townscape considerations
T24 General development control and access policy
T25 Transport assessment and travel plans
T26 On-site parking and servicing provision
ES.2 Energy conservation
ES3 Gas and Electric Services
ES.4 Water supply
ES.5 Foul and surface water drainage
ES.9 Pollution and nuisance
ES12 Noise and vibration
NE14 Flood Risk
BH1 World Heritage Site
BH6 Development within a conservation area

BH.12 Archaeology
BH22 External lighting
CF2 Provision of new or replacement community facilities
CF6 care Home facilities

The B&NES Local Development Framework Core Strategy is at an advanced stage of preparation, with consultation on the Draft Core Strategy having been completed in February 2011 and examination of the Draft Core Strategy took place early 2012.

Policy CP2 is relevant

NATIONAL PLANNING POLICY FRAMEWORK

National Planning Policy Framework (March 2012) can be awarded significant weight. In this case there are no conflicts between the NPPF and the local plan polices..

Adopted supplementary Planning Guidance The Bath City -wide Character Appraisal (adopted 2005) - The site is included within Area 4: Newbridge

Sustainable Construction and Retrofitting SPD adopted 2013

OFFICER ASSESSMENT
PLANNING HISTORY

Planning history material to this site has been taken into account. In particular two forms of development were previously proposed.

A new nursing home was proposed by applications in the 1980s. The scale of that proposal was significantly different than that currently under consideration in that it was for a 20 bed nursing home which was 2 storeys high on the north elevation and 3 part 4 storeys high on the south elevation. Whilst it was dismissed on visual impact and highway matters with regard to the impact on neighbour amenities the Inspector noted that there would be harm although commented that the harm was not so great as to warrant refusal in itself, but adds to the main issue of detrimental impact on character".

An extension to the existing nursing home was proposed in the early 1990s which was also dismissed at appeal. However that proposal was also of significantly greater scale than the current proposal comprising an extension of 4 stories plus partial basement. The issues in that case were residential and visual impact and highways.

The impact on the character of the area and the existing building and immediate surrounds as well as in longer range views was therefore significantly greater with regard to those proposals. Parking had been proposed on site. This would have been proposed to meet with the terms of policy guidance in place at the time and also as the development was larger it would have generated more parking. This does not apply here. No additional parking is being provided on site and in accordance with current parking polices taking into account the scale of the development this is considered acceptable. Previous proposals also impacted on trees as they were sited much closer to the trees higher up the site and again that issue does not apply in this case as confirmed by consultee comments due to the location of the building which is lower on site.

However in both cases the developments were of significantly different scale, siting, appearance, impact on host building and the conservation area. They were also considered 18 and 25 years ago respectively in the context of a different policy framework. Aside from the intentions of the development i.e to add additional nursing home accommodation to the site there is in the Officer's view few comparisons that can be drawn between the current and historic schemes. Consequently it is considered appropriate to consider the current scheme on its merits in the context of the adopted Local Plan and the National Planning Policy Framework.

HIGHWAYS

The proposed Care Home would utilise the existing access into the site from Newbridge Road. This would permit access into the site for servicing and emergency vehicles as currently provided, with no car parking for visitors or staff proposed. The existing care home operates on a car free basis and the proposed care home would operate in a similar way. The new accommodation would employ an additional 12 staff, as well as some part-time staff. Due to the health of the residents, it is extremely unlikely that any would own a car. Therefore the highway impact has been considered on the basis of movements generated by the new staff, and additional visitors. In accordance with the Local Plan parking standards, a development of this scale would
require a maximum of 8 parking spaces. Any compromise to this maximum is based on the accessibility of the site and the potential to travel by alternative means, as well as the potential impact on-street. The applicant's Transport Statement has therefore considered the impact of the additional parking demand (8 cars maximum), and a basic 'snapshot' survey has been undertaken of existing parking demand in the local area. At the times when demand from the development is at its maximum (at 9.15 when staff arrive, and at 21.45 when demand from residents is likely to be greatest). There remains on-street capacity and the Council's highway officer is raising no objection to the development subject to travel plan conditions.

ECOLOGY

The site has no special interest for ecology that would be affected by these proposals.

NOISE

The use as proposed is acceptable in a residential area. In the event that unacceptable noise nuisance was created there are mechanisms through other legislation to address this. The occupants of the site would have the same requirements for quiet as residents surrounding the site and therefore noise is not expected to a be issue on a daily basis. Emergencies may arise but these are anticipated to be occasional and not create levels of disturbance that would warrant refusal.

DESIGN

Notwithstanding that there are alternative designs that might be equally appropriate there is no objection raised on design grounds. Both the conservation officer and urban design officer accept that the development is not harmful in terms of design and it is agreed that is the case. It has been suggested to the applicant that further consideration is given to

the roof of the proposal as it is felt this could be reduced in height, assisting in meeting some of the concerns of residents. However this would require a redesign and withdrawal of the current scheme and the applicant has chosen not to take this further at this stage. Consequently the building has been considered on its merits. The building is in that regard considered to be acceptable in its appearance, including its height. It would appear as single storey in views into the site from Newbridge Hill and wider views would be maintained. From the south, looking back toward the site, the development would be seen against the backdrop of the existing site and the development is not considered harmful to the conservation area or World Heritage Site.

Although this development would be of a reasonable size in terms of its footprint, it would be subservient to the existing home, Newbridge Towers, which is a very substantial three storey building with 20 bedrooms. In the context of this site, which is also substantial relative to surrounding plots, being effectively double the width, it is considered that the site can accommodate the level of development as proposed acceptably. It is also considered that the characteristics of the site and in particular the plot size is unusual and in that regard it is not considered this ancillary building would set a precedent for similar schemes in the vicinity.

Residential amenity in relation to design is discussed below.

ADJOINING RESIDENTS

The key issue in this case is considered to be the effect on adjoining neighbours in particular those to the south of the site as a consequence of the scale and massing of the proposals relative to adjoining neighbours. The proposed development would be located toward the rear of the site close to the rear boundary which would be between 7.5 and 9.5 metres away from the rear boundary. There are no opportunities to move the development further from the boundary due to the location of the protected trees to the immediate north at the front of the site. Nearest properties to the south have rear gardens of approximately 18 metres; the distance between existing rear walls and the proposal being consequently over 25 metres. This distance between residential properties would usually be regarded as acceptable.

In this case there are 2 other factors of significance in that the existing nearest residential properties to the south are on lower land and they are single storey albeit some have roof accommodation. In this case however the slope of the land and differentiation in heights is considered to have some advantage, reducing direct relationships between the two developments. At ground floor (or lower ground floor level in the case of the split level proposal) it is considered that adequate screening (as discussed in the landscape section) can be conditioned. The upper floor of the proposal (ground floor level) would have an eyeline above the single storey buildings and that would reduce direct overlooking between the properties.

Notwithstanding that the principle of bedrooms at the upper levels of the proposal is accepted and not found to be harmful , the original proposal included a south facing communal room and this would be more intensively used. This was advised to be unacceptable. However the applicant has submitted design amendments to address this issue. Amended drawings have repositioned the upper window to the communal lounge from the south to the

east elevation and this is considered acceptable.

The proposed development is located to the north of its closest adjoining neighbours and its location would minimise any loss of light. Direct sunlight would not be lost and there would be no direct overshadowing of properties to the south. There may be some overshadowing to the west but this is minimised due to the design of the roof (hipped on the west side) and the slope of the site and in that regard this is not considered an unacceptable impact sufficient to warrant refusal.

Since the initial submission the applicant has reduced the height of the roof to bring the ridge approximately 1 metre lower than the original submission which is an overall improvment. Taking account of all mitigating factors, the nature of surrounding development, the slope of the site and the design which incorporates a roof design which slopes away from the south side and is hipped to the west side are on balance factors which make the overall relationship of the development to its neighbours acceptable.

TREES

The submitted Arboricultural Impact Assessment confirms that the proposed development would only involve the removal of one small tree and there is no objection to that removal. The proposed access path would run down the western boundary of the site. Whilst acceptable in principle, more detail is sought to ensure that construction would be adequately controlled so as not to impact on protected trees and that would be provided and suitable conditions imposed. However it is considered that there is an acceptable solution and the Arboricultural officer does not consider this would warrant refusal and therefore no objection on grounds of tree impact is raised.

LANDSCAPING

A landscaping scheme has been proposed and includes the provision of additional planting around the boundaries of the site and the provision of a sensory garden which provides useable outdoor space for those requiring dementia care. Landscaping has a key significance in this case with regard to the acceptability of the landscaping of the boundary and whilst a landscape scheme has been proposed officers are not satisfied that this is sufficiently detailed at this stage. A landscape scheme would be conditioned that would provide a mix of shrubs of different heights and densities along the rear boundary allowing selective views into and out of the site rather than a dense and unrelenting hedge.

ARCHAEOLOGY

Archaeological conditions are applied as a precautionary measure taking account of local archaeological evidence.

DRAINAGE

Points of connection onto drainage systems will need to be agreed with Wessex Water. In light of concerns raised by residents a condition to ensure that details are provided to the Local Planning Authority is suggested.

JOB CREATION AND COMMUNITY BENEFITS

The provision of additional nursing home care for which there is a demand and the creation of jobs are both benefits in this case. The NPPF advocates sustainable development and there are economic benefits and social benefits attached to the proposed development to which I have given weight.

WASTE

Proposals to dispose of waste will need to be provided and are conditioned.

OTHER MATTERS

taking account of the nature of the amendments made the revised plans have not been subject to further formal re-notification.

CONCLUSION

Taking all of the above into account the recommendation in this case on balance is approval of the development. It is considered there would be no significant highway impact, the design is acceptable and the relationship of the proposal to off site development is acceptable.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

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

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

3 No development shall commence until a sample panel of all external walling materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The panels shall be of a size to be agreed in writing with the local planning authority.
Reason : In the interests of the appearance of the development and the surrounding area.

4 Plans showing a secure and sheltered parking area (providing for at least 8 cycles) shall be submitted to and approved in writing by the Local Planning Authority before the

development is commenced. This area shall be provided before the development is occupied and shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

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

Reason: In the interests of sustainable development.

6 No development shall commence until sewage disposal and surface water drainage works have been carried out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason : To ensure the adequate provision of drainage infrastructure.

7 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.

8 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.

9 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered.

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

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals and to ensure that the approved method statement is complied with for the duration of the development.

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

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

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

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

13 No works or deliveries required to implement this development shall take place outside the hours of 8.00 am and 6.00 pm Monday to Saturday and at no time on Sundays or bank holidays.

Reason : To safeguard the amenity of nearby occupiers.

14 The development hereby approved shall not be used other than for purposes ancillary to the existing nursing home located within the site ('Newbridge Towers') as shown on site location plan drawing P001.

Reason : In the interests of residential amenity of the existing and proposed occupiers and surrounding residents.

15 No development shall commence until details of refuse storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be

occupied until the refuse storage has been provided in accordance with the details so approved, and thereafter shall be retained solely for this purpose. No refuse shall be stored outside the building(s) other than in the approved refuse store(s).

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

16 The use hereby approved shall not commence until details of proposed extract/ventilation systems have been submitted to and approved in writing by the local planning authority. The system shall thereafter be retained in accordance with the approved details.

Reason : To safeguard the amenities of local occupiers.

17 Prior to commencement of development a detailed external lighting scheme shall be submitted and approved in writing by the Local Planning authority. No external lighting shall be erected other than that approved by virtue of the details submitted by this condition.

Reason : In the interests of residential amenity.

18 No development shall take place until a plan showing existing and proposed ground levels across the site and details of slab levels for the new development has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with
the approved details.
Reason : To ensure a satisfactory appearance to the development

PLANS LIST:

1 PLANS LIST: 290101-B1-E-010, 011, 012, 013, P - 001, 002, 003, Site - D - 01, 02, 03, 04, Site - P - 001, 002, 010, 011, Site - S 001, 002.

Statement of proactive working

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

2 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) BH1, BH6, SC.1, D2, D4, T24, T25, T26, ES.2, ES3, ES.4, ES.5, ES.9, ES12, NE14, BH12,
BH22, CF2, CF6

2. The proposed development is considered acceptable in this location. The scheme will provide for a use on site that is locally in demand and would be an acceptable addition to the mix of uses currently in the vicinity. It would provide some local employment. The development would not be visually harmful and would take account of trees within the site so as not to adversely impact upon them. There would be no harm created by traffic. The development would not unacceptably reduce neighbouring amenities.

Item No: 002

Application No: 13/01163/FUL

Site Location: 54 High Street Saltford Bristol Bath And North East Somerset BS31 3EJ

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

Ward Members: Councillor F Haeberling Councillor Mathew Blankley

Application Type: Full Application

Proposal: Erection of a detached two storey dwelling and a new double garage for use by no 54, modification works to retaining walls to create wider entrance and associated works following demolition of existing single garage and stone retaining walls

Constraints: Agric Land Class 1,2,3a, British Waterways Major and EIA, Conservation Area, Forest of Avon, Housing Development Boundary,

Applicant: Mr Luke Pargeter

Expiry Date:	10th June 2013
Case Officer:	Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Matthew Blankley has requested that the application be determined by the Development Control Committee if it is recommended for approval for the following reasons.

- A transport statement/assessment has not been submitted.
- The properties driveway is on a hairpin from the High Street and The Shallows is a very narrow lane.
- Failure to see how such a modern-build would make a positive contribution to such a historic area.

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee as there are a number of objections from local residents and both Ward councillors and there are highways issues with the application.

This application was deferred from the 3rd July 2013 Development Control Committee meeting for the Committee to visit the site which has now taken place.

DESCRIPTION OF SITE AND APPLICATION

The application site is at the end of a large garden belonging to No. 54 High Street. The site slopes steeply up to the west so that the rear of the site is significantly elevated above the level of the road. The western boundary is demarcated by a retaining wall which serves the garden of 7 The Batch immediately adjoining the site. There are a number of mature trees along the southern boundary and a natural stone wall along the eastern boundary with The Shallows.

The site is within the Saltford Housing Development Boundary and the Conservation Area, the character and appearance of which in the immediate vicinity is of substantial houses in appropriately sized and well landscaped mature plots. Immediately to the east of the site is designated as Green Belt and further to the east lies the route of the Bristol to Bath cycle path which crosses the old railway bridge in view of the application site. The Grade II listed building, The Old Rectory, lies to the south of the application site.

This application is for the erection of a detached, split level dwelling and double garage within the garden of No. 54 High Street. The proposal includes the demolition of the existing single garage and the removal of a 4m section of stone wall to widen the existing access.

RELEVANT HISTORY

08/00595/OUT - Erection of detached dwellinghouse (Outline) - REFUSED - APPEAL DISMISSED

In dismissing the above appeal the inspector considered that:

"The restricted size of the plot and the loss of the trees would fail to preserve or enhance the character and appearance of the Conservation Area and the proposal would be contrary to Policies BH.6, D.2 (a) and D.4(a) of the adopted Bath & North East Somerset Local Plan."

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS OFFICER

The proposal involves the demolition of the existing single garage for No.54, and the erection of a 4-bedroom detached dwelling with integral single garage, together with a new double garage for No.54. The access is also proposed to be amended to create a wider entrance and a shared driveway for the existing and new dwellings, which will provide for shared on-site turning facilities.

The existing driveway rises steeply up to the existing garage, and can provide for up to three cars parked on its length, but there are currently no on-site turning facilities. The visibility from the existing point of access is virtually nil in both directions, due to the high boundary retaining walls, and only a 1m footway across its frontage.

The proposed alterations to the access would involve the removal of a 4m length of wall to create a 9.6m opening which could allow for two cars to pass in the access, although the alignment of the driveway may make this difficult, particularly having regard to the likely gradient of the driveway, of which details have not been submitted. It seems however that two cars wishing to pass would be a relatively rare event as the driveway would be for two dwellings only.

While visibility will be improved, it remains below standard. I am however conscious of the Planning Inspector's comments for a similar application in 2008 application (refused on grounds of highway safety), that an access solution to "safely accommodate vehicles" was possible by way of a "sympathetic realignment" of the wall.

It seems therefore that the solution proposed is the best which can be achieved, and which would therefore appear to accord with the Inspector's comments.

I am conscious that the development of one additional dwelling will generate only a small level of additional traffic. In addition, given there will be a widened access, a marginally improved visibility splay and inclusion of turning space (allowing cars to exit and enter in forward gear), and that there is no existing record of road accidents along this length of road (notwithstanding several other examples of substandard access), I would not raise a highway objection to the proposed development subject to the 3 recommended conditions.

HIGHWAYS (DRAINAGE) OFFICER

No objection, subject to condition requesting details of surface water drainage.

ARBORICULTURAL OFFICER

The proposed development will necessitate the removal of 2 No. Lawson's Cypress, 2 No. Holly and a group of hazel. None of these trees are worthy of a TPO.

Provided the submitted tree protection is implemented the trees to be retained will not be adversely impacted by the proposed development. 3 conditions are recommended.

ECOLOGIST
The proposal affects a large garden and its vegetation including impacts on a number of trees.

I have no objection to the proposal in principle however the garden is likely to support a range of wildlife and could also be used by protected species which if present could be affected by the proposals. In particular the site (including habitats that would be affected by the proposal) may support reptiles and there are records of slow-worm from very close proximity to the site.

An ecological survey and assessment by a suitably experienced ecologist must therefore be undertaken, and any necessary mitigation measures proposed and agreed, prior to works beginning at the site. This must include in particular surveys for reptiles and full details of all necessary measures for protection of reptiles and mitigation for any unavoidable impacts. The report should also include consideration of potential use of the site by nesting birds, bats, badger and other wildlife, and provide details of appropriate protection and mitigation measures for each.

Due to the nature of the site, the low risk of impacts on European protected species, and the likelihood that all necessary mitigation can be accommodated within the site, I do not in this case request the ecological assessment to be completed prior to any consent for this proposal. It must however be completed prior to works including any tree or vegetation removal.

Please note that a further condition has been included within the recommendation to confirm the requirement for an ecological survey to be undertaken and mitigation measures to be incorporated. Condition recommended.

SALTFORD PARISH COUNCIL
Comments only - Concerns about access and egress to the site; the preservation of trees; the steep gradient undermining the ground and the effect on drainage; possible contravention of policy BH.6; the massing and glass feature at the front section of the building.

COUNCILLOR BLANKLEY
A Transport statement has not been submitted as part of this planning application. The NPPF states that 'plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people'. I make this point because the property's driveway is accessed by a hairpin from High Street end of The Shallows, otherwise the property is access from The Shallows, which is a very narrow road also accessed by a hairpin from Bath Road.

The NPPF states that 'In determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness'. I cannot see from the application that this issue has been addressed and I fail to see how such a modern-build would make a positive contribution to such an historic area.

COUNCILLOR HAEBERLING

I strongly object to the proposal for this development. Firstly, as a next door neighbour I did not receive an official notification of the application which although it is in the garden of 54 High Street the development will actually be in The Shallows, which as anyone who lives near will tell you is a single track road in parts, very busy and attracting many visitors particularly at the weekends. Secondly, it is far too large for the site, it is in a conservation area, and the design is totally out of keeping with the surrounding properties and cannot in any way be considered as preserving or enhancing area.

THIRD PARTIES/NEIGHBOURS
6 letters of objection have been received. The main issues raised are:
- The site is in a prominent position in the Saltford conservation area, the Avon Valley and is adjacent to the Grade II listed building, the Old Rectory.
- Harm to the open aspect of the site.
- Would set an undesirable precedent.
- It will in-fill the existing garden
- It will be detrimental to the setting of nearby landmarks, e.g. the cycle track.
- Concern about the impact upon the retaining wall at the rear of the site.
- Dwelling has wrongly been described as two-storey when, in fact, it is three-storey.
- The Shallows is a narrow, busy lane and introducing more traffic will be dangerous.
- The site entrance is on a blind bend and is dangerous.
- Builder's access to the site will be hazardous.
- Taking down the stone wall to widen the access will detract from the character and appearance of the conservation area.
- The style and materials of the proposed dwelling do not respect the local context
- The proposed design does not complement the neighbouring Victorian and listed buildings.
- It will divide a historic landscaped garden.
- Impact upon ecology and wildlife.
- Loss of established mature trees and impact upon root systems of remaining trees.
- The site spacing and layout does not reinforce or compliment the local context.
- Adverse effect on natural site drainage.
- Will dominate the outlook of 7 The Batch, Saltford.
- Concern that a Bed and Breakfast would be operated from the site.
- A previous appeal on the site was dismissed.
- Removal of greenery from the site.
- Does not respect the existing urban grain in relation to street pattern, plot size, rhythm or silhouette.
- Pressure to remove trees in the future.
- Fails to preserve the setting of the adjacent listed building.
- Light intrusion to neighbouring property
- Loss of privacy to the Old Rectory
- Impacts upon the Coach House of the Old Rectory which is proposed to be converted.
- Inadequate off-street parking

1 letter of support has been received. The main points raised are:
- Overall appearance of the proposed house is attractive
- Design is not slavish copy of older houses, but is sympathetic to the area
- The striking gable echoes that of the houses above
- Both houses will have adequate garden space

- The site entrance is at the widest part of the road
- Assuming that technical issues of drainage and arboriculture have been satisfactorily addressed.

POLICIES/LEGISLATION

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

D.2 - General Design and public realm considerations
D.4 - Townscape considerations
BH.2 - Listed buildings and their settings
BH.6 - Conversation areas
GB.2 - Visual amenity of the Green Belt
T.24 - General access and development control policy
T.26 - Parking

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. Policies D.2, D.4, GB.2, BH.2, BH.6, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

National guidance in the National Planning Policy Framework (NPPF) is also a material consideration. The following sections are of particular relevance:

Section 7: Requiring good design
Section 12: Conserving and enhancing the historic environment

OFFICER ASSESSMENT

INTRODUCTION

The site falls within the Saltford Housing Development Boundary where the principle of new residential development is acceptable in accordance with policy HG.4 of the Bath and North East Somerset Local Plan (2007).

The main issues to consider in respect of this application are the impact upon the character and appearance of the conservation area, the impact upon residential amenity and the impact upon highways safety and parking.

A previous appeal for the erection of a dwelling on this site was dismissed in 2008. The Inspector's comments in relation to that appeal are a significant material consideration in the consideration of the current application and shall be discussed in the relevant sections below.

CHARACTER AND APPEARANCE

The area immediately surrounding the site on The Shallows is characterised by several traditional properties with large landscaped gardens.

The Inspector for the previous appeal considered that the proposed sub-division of the plot under application 08/00595/OUT would result in a narrow rectangular form with a relatively small garden. It was considered that the narrowness of the plot, being only 15m in width, and resultant small garden would make the proposed dwelling appear cramped in relation to others nearby and out of keeping with the spaciousness of this part of the conservation area. The perception of the narrow plot was considered to be heightened due to the need to fell mature trees within the site.

The current scheme has significantly increased the size of the application site and has proposed a more even sub-division of the plot. The plot width has been increased to approximately 25m. The proposed sub-division follows the existing landform and, therefore, avoids the creation of a rigid rectangular plot. The proposed application site is considered not to appear too narrow or cramped and creates a reasonably sized garden for the proposed dwelling whilst retaining a good sized garden for No. 54 High Street.

Whilst the sub-division of the existing large plot will inevitably have some impact upon the overall spaciousness of the site, the resultant plots are considered to be adequately sized to preserve the character and appearance of the conservation area. The impacts of this sub-division are also mitigated to a degree by the organic layout of the boundary and the use of a lightweight stock fencing combined with planting to define the northern boundary.

It is accepted that future occupiers may wish to construct a more substantial and permanent boundary fence. The erection of a 2m closed boarded fence or other similarly harsh boundary treatment along this boundary would adversely affect the overall spaciousness of the site. It is, therefore, considered necessary to apply conditions requiring further details of the proposed boundary treatment and planting and to restrict permitted development rights for the erection of fences and other means of enclosure.

The enlargement of the application site over the previous appeal scheme means that the proposed dwelling has been shifted to the north avoiding the need to remove as many trees from the southern boundary. The proposed development will necessitate the removal of 2 No. Lawson's Cypress, 2 No. Holly and a group of hazel. The Council's Arboriculturalist considers that none of these trees are worthy of a Tree Preservation Order (TPO).

Replacement planting is proposed in mitigation for the loss of these trees including a Field Maple, a Holly and an Apple tree along with a mixed native hedge along the northern boundary.

The most significant and mature trees on the site are those directly along the southern boundary. These make a significant contribution towards the character and appearance of the conservation area and contribute towards the visual amenity of the site when viewed in the wider landscape, such as from the cycle path to the east. They also form part of the setting of the adjoining listed building, The Old Rectory, and delineate the southern boundary of the site.

The applicant has set out a scheme of tree protection during construction phase which has been assessed by the Council's arboriculturalist. Provided the submitted tree protection plan is implemented, the trees to be retained along this boundary will not be

adversely impacted by the proposed development. Conditions are proposed to ensure the implementation of these tree protection measures.

The proposed dwelling lies to the north of the existing mature trees which cast shadows over parts of the site. However, the enlarged size of the application site over the previous appeal site means that the proposed dwelling will have more usable garden space that is not entirely shaded and there will be less pressure to fell these trees in the future.

It is therefore considered that the proposal has overcome the concerns of the previous appeal Inspector in regards to the restricted size of the plot and the loss of trees.

Turning to the design of the proposed dwelling, there are a variety of styles and designs in the surrounding area including a number of Victorian properties which are prevalent throughout the conservation area.

The scale of the proposed dwelling is in keeping with the other substantial dwellings surrounding it on this part of The Shallows. It is built into the slope with a split level design to reduce the overall excavation require for it construction. Although raised above the level of the road, the proposed dwelling is lower than the neighbouring coach house associated with The Old Rectory and does not project above the retaining wall at the rear of the site. It is therefore read against the backdrop of the slope and the surrounding vegetation and does not appear unduly prominent in wider views.

The form of the proposed building is not out of keeping with the surrounding area where there are a variety of forms including gables and bays. The projecting bay on the proposed front elevation represents a contemporary approach to the more traditional style bays in surrounding area and also echoes the gable of No. 7 The Batch which sits above the application site to the west.

The majority of buildings in the surrounding area are constructed using natural lias stone. The proposed dwelling would utilise some of the traditional materials found in the surrounding area including coursed blue lias stone for the main elevations and natural slate for the roof. However, some of the detailing will use more contemporary materials such as green oak for the proposed balcony and projecting bay and aluminium frames for the windows.

It is considered that the overall approach to the design respects the predominate character of the conservation area in respect of its scale, form, massing and main materials, but avoids appearing pastiche by incorporating some clearly contemporary elements and materials.

The proposed double garage replaces the existing single garage in a similar position. Although close to the boundary with the Shallows, the proposed garage set behind the existing stone wall which is approximately 2.7m in height. The bulk of the replacement garage is kept down through the incorporation of a hipped roof form and the proposed materials match those proposed in the main house.

The proposal also includes the removal of a 4m section of the existing stone wall to widen the access to the site. Natural stone walls, such as this, are common throughout the surrounding streets and make a positive contribution towards the character of the

conservation area. In considering the proposals to remove part of this stone wall the previous appeal Inspector's comments are relevant.

In dismissing the previous appeal the Inspector did not support the Council's second reason for refusal which asserted that it was not possible to secure safe access to the site for an additional dwelling without causing further harm to the character and appearance of the conservation area. The Inspector considered that:

"a sympathetic realignment would be possible to improve the visibility sufficiently to safely accommodate vehicles likely to need access to the new dwelling and still maintain the value which the wall contributes to the appearance of the Conservation Area."

It is considered that the proposed scheme represents a 'sympathetic realignment' of the boundary wall which strikes the appropriate balance between providing safe access to the site and preserving the value which the wall contributes towards the appearance of the conservation area. The section of wall to be removed is lower than the more substantial wall further towards the High Street and the resultant opening of approximately 9.6m in length is considered not to harm the character and pattern of boundary treatment along this part of The Shallows.

Overall, it is considered that the proposal represents a contemporary design approach on an adequately sized plot which protects the valuable trees on the site and preserves the character and appearance of the conservation area. Furthermore, as the existing trees along the southern boundary will remain the proposed development is considered to preserve the setting of the adjacent listed building, The Old Rectory.

RESIDENTIAL AMENITY

As previously discussed, the proposal creates adequate outdoor garden space for the proposed dwelling and No. 54 High Street. The distance between No. 54 High Street and the proposed dwelling is approximately 21m. This is considered sufficient to reduce the inter-visibility between the properties to an acceptable level.

Both properties will share the access and part of the driveway. The lightweight nature of the proposed northern boundary also means that the gardens of the two properties will not be formally separated, as would be the case if a closed boarded fence were erected. However, given the nature of the shared driveway and access and the benefits of maintaining the overall openness of the site, it is considered that this approach will still provide an adequate level of privacy and amenity. Furthermore, there will be a degree of caveat emptor for the potential and future occupiers.

There is currently an application being considered for the conversion of the Coach House at The Old Rectory to be converted into self-contained ancillary accommodation (13/01688/FUL). There are two windows on the north elevation of the Coach House which face towards the application site. One of these windows serves the proposed bathroom and one is high level window serving the proposed living area.

There is a change in levels between the Coach House and the application site. The change in levels means that the window serving the Coach House's proposed bathroom is

in line with the ground level of the application site. There are only very limited views into and from this existing window due to the existing vegetation and low stone wall along the boundary and the proposed dwelling would not alter this. The proposed high level window is adjacent to the very rear of the application site and, due to the change in levels and the position of the existing shed, will not result in any significant loss of privacy to either property.

No. 7 The Batch lies directly to the west and its garden extends up to the retaining wall at the rear of the application site. The ridge of the proposed dwelling is set approximately 1.7m below the top of the retaining wall and sits below the garden of No. 7 The Batch. Although visible from within the rear garden, the primary outlook from the rear of 7 The Batch will not be adversely affected by the proposed dwelling.

HIGHWAYS AND PARKING

The existing access to No. 54 High Street is off The Shallows. The Shallows is a narrow lane and the access is located at the end of a bend. There is poor visibility due to the stone boundary walls either side of the existing access and insufficient space for turning on the site.

The proposal to widen the access by 4m will create an opening of 9.6m and will enable two cars to pass one enough. It will also improve visibility for egress from the site and provide on-site turning space.

The Highways Officer considers that the proposed access is still sub-standard. However, it represents an improvement upon the existing situation and is considered to be in line with the previous appeal Inspector's comments that a 'sympathetic realignment' would be possible to allow the access to 'safely accommodate vehicles'.

Furthermore, it is considered that the development of one additional dwelling will generate only a small level of additional traffic and there is no existing record of road accidents along this length of road. In light of this, the Highways Officer has raised no objection to the proposed access.

The application proposes 2 off-street parking spaces within the replacement double garage for the use by No. 54 High Street and 2 off-street parking spaces (1 garage, 1 driveway) for use by the proposed dwelling. The level of off-street parking proposed is considered acceptable.

OTHER MATTERS

A number of concerns have been raised about the potential impact of the proposed development upon the retaining wall on the western boundary of the site. The proposed dwelling, utilising a split level design, avoids excessive excavation and the applicant's design and access statement includes results of a ground investigation and details of contiguous piled retaining wall proposed to the perimeter of the excavation. The proposal would also be subject to approval under building regulations which would consider issues of ground stability.

Concerns have also been raised about the site's drainage. However, the Highways (Drainage) Officer has no objections to the proposal and a condition is proposed which requires details of the site's surface water drainage to be submitted to and approved by the Council.

CONCLUSION

In conclusion, the application proposes a sensible sub-division of the existing garden resulting in two reasonably sized plots with a layout which enables the significant mature trees along the southern boundary to be protected. It is considered that the proposed design, whilst incorporating contemporary elements, respects the predominant character of the conservation area and does not harm the amenities of adjoining occupiers. The widened access provides an improvement on the existing situation whilst maintaining the value of the stone wall along The Shallows.

It is therefore considered that the proposed scheme overcomes the previous appeal Inspectors concerns and preserves the character and appearance of the conservation area.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

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

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

3 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interest of flood risk management.

4 Prior to the occupation of the dwellinghouse hereby approved the means of enclosure separating the garden of No. 54 High Street from the garden of the approved

dwellinghouse shall be erected in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of privacy and the character and appearance of the conservation area.

5 No development shall be commenced on site until a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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

6 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.

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 fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of the dwellinghouse hereby approved without a further planning permission being granted.

Reason: To maintain the spaciousness of the site and in the interests of the visual amenity and character and appearance of the conservation area.

8 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 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.

9 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 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.

10 No development shall commence until a detailed Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The statement shall include tree protection measures during site preparation (including clearance, demolition and level changes, taking into account disposal of soil resulting from excavations on site), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as storage, handling and mixing of materials on site, burning, movement of people, plant and machinery.'

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

11 No development activity shall commence until the protective measures as stated in the Arboricultural Method Statement are implemented. The Local Planning Authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for protection.'

Reason: To ensure that the trees to be retained are protected from potentially damaging operations.

12 No development or other operations shall take place except in complete accordance with the approved arboricultural method statement unless agreed in writing by the Local Planning authority. Interim Site Inspection Reports and a signed Certificate of Compliance shall be submitted to the Local Planning Authority on completion.

Reason: To ensure that the approved Arboricultural Method Statement is complied with for the duration of the development.

13 The garaging 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.

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

Reason: In the interests of amenity and highway safety.

15 The development hereby permitted shall not be occupied until the access improvement works shown on the submitted plan have been provided. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety

16 No development shall take place until an Ecological Survey and Assessment report together with full details of a Wildlife Protection and Enhancement Scheme produced by a suitably experienced ecologist have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Survey and mitigation proposals for the protection of reptiles
(ii) Survey for habitats and all other wildlife including survey for use of the site by protected species as applicable
(iii) Details of all necessary wildlife protection and mitigation measures
(iv) Details of appropriate ecological enhancements

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

Reason: In the interests of securing an appropriate survey and mitigation measures for protected species which may be on the site and in accordance with policy NE.11 of the Bath and North East Somerset Local Plan (2007).

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

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

PLANS LIST:

1 Site Location Plan
SCA-1214-001
SCA1214-002
SCA1214-003
SCA1214-004
SCA1214-005
SCA1214-006
SCA1214-007
SCA1214-010
SCA1214-011
RF-P-022-100 Revision 01

REASON FOR APPROVAL
The proposed dwelling, due to its layout, siting, design, form and materials, preserves the character and appearance of the conservation area, does not significantly harm the amenities of adjoining occupiers and does not prejudice highways safety. The proposal is therefore in accordance with policies D.2, D.4, BH.2, BH.6, GB.2, T.24 and T.26 of the

Bath and North East Somerset Local Plan (2007) and guidance in the National Planning Policy Framework.

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

2 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.

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Bath & North East Somerset Council

MEETING:	**Development Control Committee**	AGENDA ITEM NUMBER
MEETING DATE:	**31st July 2013**	
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

BACKGROUND PAPERS

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

[1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.

[2] Department work sheets relating to each application/proposal as above.

[3] Responses on the application/proposals as above and any subsequent relevant correspondence from:

(i) Sections and officers of the Council, including:

Building Control
Environmental Services
Transport Development
Planning Policy, Environment and Projects, Urban Design (Sustainability)

(ii) The Environment Agency
(iii) Wessex Water
(iv) Bristol Water
(v) Health and Safety Executive
(vi) British Gas
(vii) Historic Buildings and Monuments Commission for England (English Heritage)
(viii) The Garden History Society
(ix) Royal Fine Arts Commission
(x) Department of Environment, Food and Rural Affairs
(xi) Nature Conservancy Council
(xii) Natural England
(xiii) National and local amenity societies
(xiv) Other interested organisations
(xv) Neighbours, residents and other interested persons
(xvi) Any other document or correspondence specifically identified with an application/proposal

[4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

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

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

[2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.

[3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.

[4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	13/01965/FUL 7 August 2013	Mr T Smart Old Colliery Yard, Wick Lane, Pensford, Bristol, Bath And North East Somerset Use of land for 12 pitches for Gypsy and Traveller use with associated works - 12 dayrooms and hardstanding (resubmission).	Clutton	Jonathan Fletcher	REFUSE
02	12/05477/OUT 3 April 2013	Edward Ware Homes Ltd Land Between Hillside View And Bath Road, Greenlands Road, Peasedown St. John, Bath, Erection of 89 dwellings (72 houses/17 flats) and 288 sq m of Class B1 floorspace. Provision of public open space (including allotments) and landscaping. 2 no. vehicular accesses from Greenlands Road. Undergrounding of existing overhead lines	Peasedown St John	Rachel Tadman	Delegate to PERMIT
03	13/02028/FUL 8 July 2013	MC Roberts And Sons Trident Works, Marsh Lane, Clutton, Bristol, BS39 5AZ Erection of two storey extension to provide new rest room and office including new roof over existing rear stores.	Clutton	Tessa Hampden	PERMIT
04	13/02218/FUL 30 July 2013	Bath Bun Tea Shoppe Cutting Edge , 7 North Parade Passage, City Centre, Bath, Bath And North East Somerset Change of use of No. 7 North Parade Passage at ground floor level only from Hairdressers (Use Class A1) to Tea Shop (Use Class A3)	Abbey	Rebecca Roberts	REFUSE

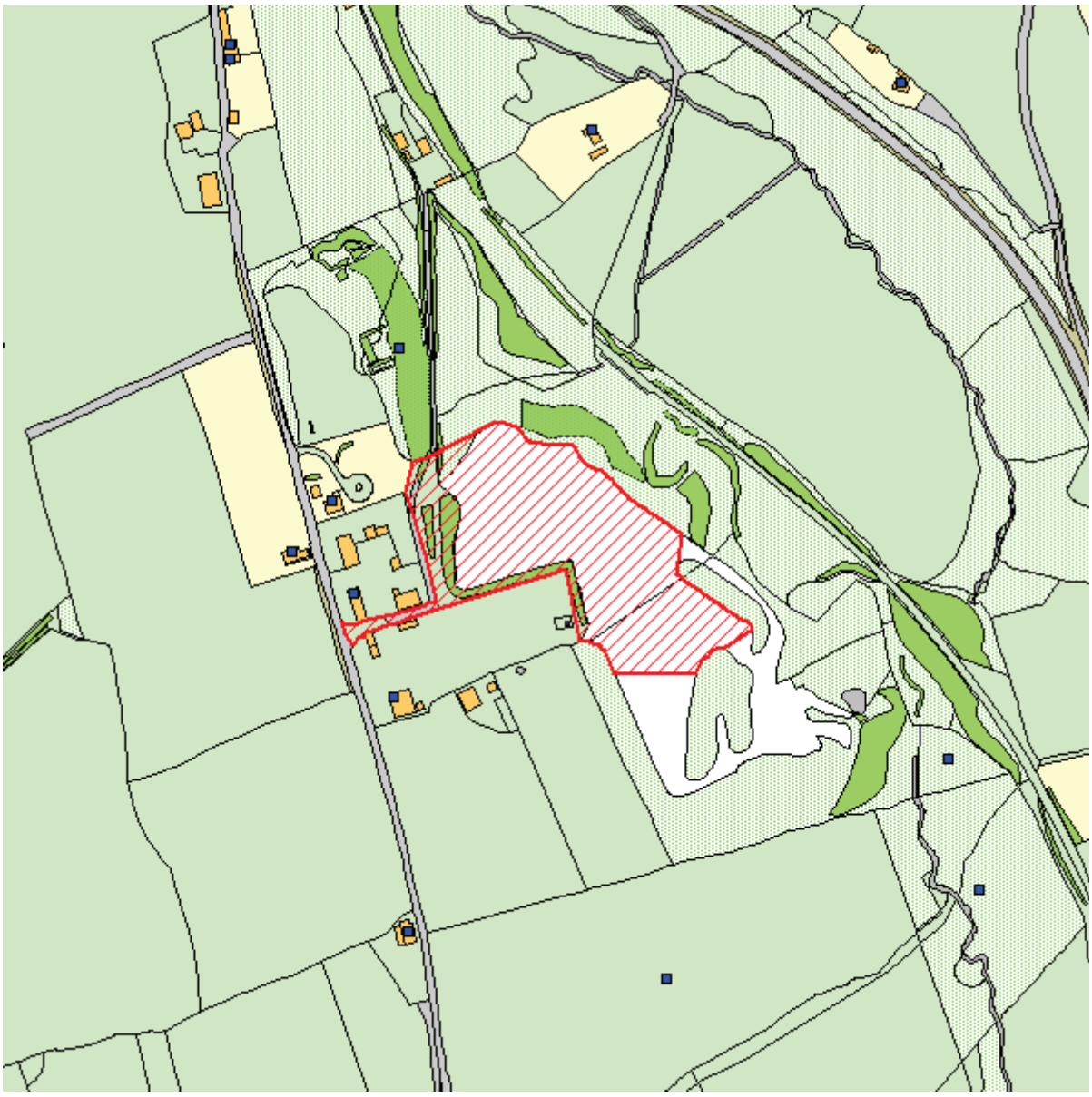
05	13/02112/FUL 15 July 2013	Mr Lionel Tonizzo 4 Lime Grove, Bathwick, Bath, Bath And North East Somerset, BA2 4HF Conversion of student lets into 2no maisonettes and 1no self contained apartment with first floor extension at the rear (Resubmission of 12/01925/FUL).	Bathwick	Rebecca Roberts	PERMIT

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

Item No: 01

Application No: 13/01965/FUL

Site Location: Old Colliery Yard Wick Lane Pensford Bristol Bath And North East Somerset



Ward: Clutton	**Parish:** Stanton Drew	**LB Grade:** N/A
Ward Members:	Councillor Jeremy Sparks	
Application Type:	Full Application	
Proposal:	Use of land for 12 pitches for Gypsy and Traveller use with associated works - 12 dayrooms and hardstanding (resubmission).	
Constraints:	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Sites of Nature Conservation Imp (SN), Tree Preservation Order,	
Applicant:	Mr T Smart	
Expiry Date:	7th August 2013	
Case Officer:	Jonathan Fletcher	

REPORT

REASON FOR REPORTING THE APPLICATION TO THE DEVELOPMENT CONTROL COMMITTEE: A request has been received from Councillor Tim Ball for the application to be referred to the Committee in light of the level of public interest and the Chairman has agreed that the application should be determined by the Committee for this reason.

The application relates to a site which is located within the Bristol/Bath Green Belt and forms part of an SNCI. The application seeks planning permission for the use of the site for a Gypsy and Traveller use with associated works. The development is comprised of the formation of 12 pitches and a play area. Each pitch would accommodate a mobile home, touring caravan and a dayroom.

The area within the application site boundary is a shale tip which has been created from the former operation of the site for mining. The site is served by a vehicular access from Wick Lane which also provides access to the former colliery buildings adjacent to the western boundary of the application site. The site is located in the open countryside between Pensford and Stanton Wick and is currently undeveloped with vegetation growing across the site. Two of the former colliery buildings at the northern end of the former colliery site have been converted to residential dwellings. The Filers coach depot has also been established to the southern end of the former colliery site.

RELEVANT HISTORY:

38125 - Erection of Lamp Room - PERMIT 13 April 1957

48345 - The use of buildings and yard at Pensford Colliery for the manufacturing of concrete products - PERMIT 19 October 1959

55864 - The Conversion of the Old Power House at Pensford Colliery for use in connection with the storage for agricultural fertilisers - PERMIT 30 December 1960.

55864/B - Continued use of the Old Power House at Pensford Colliery for the storage of agricultural fertilisers - PERMIT 20 January 1966.

55864/C - Continued use of the Old Power House at Pensford Colliery for the storage of agricultural fertilisers - PERMIT 03 February 1971.

98/02751/FUL - PERMIT - 9 October 1998 - Conversion of engine house to dwelling as amended by revised plans received on 28th September 1998.

99/02260/FUL - REFUSE - 10 December 2001 - Reclamation of spoil heap to form pasture land and erection of four loose boxes.

04/00129/RF - APPEAL WITHDRAWN - 1 September 2005 - Conversion of existing buildings to dwelling and ancillary residential buildings

04/00026/CLEU - INVALID WITHDRAWN - 25 October 2004 - Stationing of 1 no. caravan for residential purposes (Re-submission)

04/00509/FUL - REFUSE - 1 July 2004 - Conversion of existing buildings to dwelling and ancillary residential buildings

05/01513/FUL - WITHDRAWN - 24 June 2005 - Conversion of existing building to 1 dwelling and conversion of remaining buildings to ancillary residential accommodation.

05/02227/FUL - PERMIT - 9 August 2005 - Change of use from B2 site to provide one residential dwelling, ancillary residential accommodation, B1 floorspace and garaging for 5 vehicles.

06/00075/FUL - PERMIT - 20 April 2006 - Provision of new vehicular access

10/01429/FUL - REFUSED - 30 December 2010 - Change of use and conversion of ancillary accommodation (building 1) to a self-contained dwelling and variation of condition 7 of planning permission 05/02227/FUL.

10/03029/REN - PERMIT - 18 March 2011 - Renewal of application 05/02227/FUL (Change of use from B2 site to provide one residential dwelling, ancillary residential accommodation, B1 floor space and garaging for 5 vehicles.)

13/00125/FUL - WITHDRAWN - 1 May 2013 - Change of use of land from B2 to 12 pitches for Gypsy and Traveller use with associated works - 12 dayrooms, and hardstanding.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
CONSULTATIONS:

Arboricultural Officer: No objection is raised to the application subject to two conditions to secure tree protection measures.

Archaeologist: No objection is raised to the application subject to two conditions to ensure features of architectural interest are examined and recorded.

Chelwood Parish Council: An objection is raised to the application as it is considered to present inappropriate development within the green belt and would be detrimental to highway safety.

Chew Magna Parish Council: An objection is raised to the application due to the appropriateness of the development and the potential for contamination on the site.

Children Services: A financial contribution of £13771.96 would be required for primary school places and £1600.80 for services for young people.

Coal Authority: The site falls on the edge of the Coal Mining Development Referral area and therefore no objection has been raised.

Contaminated Land Officer: An objection is raised to the application as insufficient information has been submitted to assess the potential impact from land contamination at the site.

Councillor Tim Ball: A request has been received for the application to be referred to the Development Control Committee.

Drainage Technician: An objection is raised to the application as it relates to a site over 1 hectare and is not supported by a flood risk assessment.

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

Environment Agency: An objection is raised to the application as it relates to a site over 1 hectare and is not supported by a flood risk assessment.

Highway Development: An objection is raised to the application to the unsustainable location of the development and the impact on highway safety.

Natural England: An objection is raised to the application as insufficient information has been submitted to assess the impact on the ecological interest of the site.

Publow and Pensford Parish Council: An objection is raised to the application on the basis of the appropriateness of the development within the green belt, sustainability, the impact on local communities, land contamination, suitability of the site, planning history and access to local services.

Stanton Drew Parish Council: An objection is raised to the application due to the planning history of the site, the inaccuracies in the application form and background documents, land contamination, land stability, ecology, highway safety, the appropriateness of the development within the green belt and sustainability.

REPRESENTATIONS: A total of 295 representations have been received with 290 in objection and 5 making general comments. The following issues have been raised within these representations:

Affordable Housing: There is a lack of affordable housing in the area for existing residents which should be prioritised over this type of development.

Anti-social Behaviour / Vandalism: There are insufficient facilities to occupy children in their spare time. The proposal may lead to increased levels vandalism and anti-social behaviour.

Arboriculture: The trees which have been removed from the site were protected by TPO.

Archaeology: The site is of potential archaeological significance.

(Repeated later)
Consultations: Inadequate consultations have been carried out to assess the proposal.

Costs: The application has resulted in a substantial financial burden at the expense of the taxpayer. Future management of the site would incur further costs.

Drainage / Utilities: The site is not served by a drainage system or utilities to accommodate the proposed use. Drainage from the site could contaminate Salter's Brook.

Ecology: The site provides a habitat for nationally and locally important species which would be adversely affected by the proposal.

Education: There is inadequate provision within local schools to accommodate the development.

Employment: There are insufficient employment opportunities in the area for future occupiers of the site.

Flood Risk: The application is not supported by a flood risk assessment.

Green Belt: The proposal is deemed to constitute an inappropriate form of development within the green belt which would be harmful to openness and no very special circumstances have been demonstrated. The site is not previously developed land.

Highway Safety: The intensification of the use of the access serving the site and the increased volume of traffic on the local road network would have an adverse impact on highway safety.

Inaccuracies: The application incorrectly refers to the B2 use of the site. The details set out the application form are inaccurate. The background documents refer to the B2 use of the site and have not been commission specifically for this application. The red line boundary does not include the entire site layout.

Intensification: The pitches are oversized. The site would be more valuable with a greater number of pitches and it would not be possible to prevent intensification in the future.

Land Contamination: The previous use of the site will mean that the area is unsafe and unsuitable for Gypsy and Traveller occupation.

Local Community: The settlements in the area are not of sufficient scale to support the increase in population which would be created by the development. The proposal would overwhelm local communities.

Local Opposition: There is strong local opposition to the proposal.

Planning History: Planning permission has previously been refused for other forms development on this and adjacent sites.

Plan-making Process: The allocation of Gypsy and Traveller sites, in addition to changes to the extent of the green belt, should be undertaken through the plan-making process, not by a planning application. The site has previously been assessed under the DPD process and was considered to be unsuitable. Other sites would be more suitable.

Planning Policy: The proposal is contrary to national and local policies relating to Gypsy and Traveller Sites.

Procedure: The representations for the previous application should be transferred to this application. The applicant should not be entitled for a resubmission without paying another fee. The process of assessing the application is not transparent.

Public Consultation: The applicant has not undertaken public consultation prior to the submission of the application.

Residential Amenity: The increased numbers of people will cause increased levels of disturbance for residents in the area. The proposal would result in increased level of disturbance, a loss of privacy and a loss of a view for occupiers adjacent to the site.

Sustainability: The site is located in an isolation position with inadequate access to public transport, medical centres and other local services and would not be readily accessible by foot.

Unstable Land: The previous use of the site has created unstable land which has rendered the site unsafe for development.

Visual Impact: The proposal would have a harmful impact on the visual amenity of the surrounding landscape and is located in close proximity to the Pensford Conservation Area and Stanton Drew Stone Circles. The existing buildings are an important feature which should be protected.

NB: The consultation period for this application extends until 26 July 2013 and any further reponses will be reported to the Committee as a update.

POLICIES/LEGISLATION
LOCAL POLICY:

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

D.2: General design and public realm considerations

D.4: Townscape considerations
BH.6: Development within Conservation Areas
GB.1: Control of development within the Green Belt
GB.2: Visual amenities of the Green Belt
HG.16: Gypsy and Traveller Sites
ES.4: Adequacy of water supply
ES.5: Foul and surface water drainage
ES.14: Unstable land
ES.15: Contaminated Land
NE.1: Landscape character
NE.4: Trees and woodland conservation
NE.9: Locally important wildlife sites
NE.10: Nationally important species and habitats
NE.11: Locally important species and habitats
NE.12: Natural features: retention, new provision and management
BH.6: Development within or affecting Conservation Areas
T.1: Overarching access policy
T.24: General development control and access policy
T.26: On-site parking and servicing provision

Bath & North East Somerset Draft Core Strategy December 2010

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

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

NATIONAL POLICY:

National Planning Policy Framework (NPPF) - March 2012

Policy Paper - Planning policy for traveller sites (PPfTS) - 2012

Written Ministerial Statement by Local Government Minister Brandon Lewis Originally given at House of Commons - July 2013

OFFICER ASSESSMENT

INTRODUCTION: The primary issues to consider when determining this application are the allocation of Gypsy and Traveller sites in Bath and North East Somerset, the appropriateness of the development within the green belt, the visual impact of the development, the sustainability of the location of the site, highway safety, residential amenity, the ecological interest of the site and land contamination. The application is a resubmission of application 13/00125/FUL which was withdrawn following advice from officers in relation to the accuracy of the submitted plans.

PLANNING POLICY: The application should be considered in relation to the requirements of policy HG.16 of the Local Plan. This policy confirms that Gypsy and Travellers will be permitted outside the scope of policies GDS.1, HG.4 and HG.6 providing the following criertia are met:

i) the site has good access to local services, facilities and public transport;
ii) it has safe and convenient access to the road network;
iii) it is capable of being landscaped to ensure that it blends in with its surroundings;
iv) adequate services including foul and surface water drainage and waste disposal can be provided;
v) there would be no harmful impact on the amenities of local residents by reason of noise or fumes

These criteria are addressed in the assessment set out below. Policy CP11 of the draft Core Strategy is also a material consideration however this policy cannot be given full weight as it is not yet part of the statutory Development Plan.

SITE ALLOCATION: The Council is progressing a site allocations DPD to specifically allocate land to meet the local need for Gypsies, Travellers and Showpeople. This will form a constituent part of the Local Development Framework (LDF) sitting alongside the Core Strategy once completed. There are currently no allocated sites within Bath and North East Somerset. The DPD is timetabled for adoption by winter 2014 and there have been two stages of public consultation undertaken within this process so far. The second stage of consultation (Preferred Options) focused on 6 sites which included the application site (reference GT.2) which was considered for a maximum of 15 permanent pitches and 5 traveller sites. It should be noted however that the area of the site within the Preferred Options consultation included both the shale tip and former colliery buildings whereas the current application relates solely to the shale tip. The Council's Cabinet resolved that this site should be removed from further consideration under the DPD process on the basis of evidence presented at the meeting of 12 September 2012. The areas of concern which were highlighted in relation to this site were highway safety, the impact on the ecological interest of the site and the conclusions of a viability assessment which indicated that the costs of implementing the development would be prohibitive to it being brought forward. Since this time the Council has reviewed the work on the DPD and an update report was presented to Cabinet on 12 June 2013. The refreshed GTAA 2012 identifies an on-going need for 24 permanent traveller pitches between 2012 and 2017. The sites identified within the preferred options public consultation document which remain under consideration could provide a total of 22 permanent pitches. An additional 29 sites have also been put forward within the DPD process, as reported at the Cabinet meeting on 12 June 2013.

GREEN BELT: The proposal must be considered in the context of the presumption against inappropriate development within the green belt. Policy E of the PPfTS confirms that traveller sites constitute an inappropriate form of development within the green belt. Although there is a general provision for the redevelopment of previously developed land within the green belt this is not deemed to be applicable in this instance. The glossary to the NPPF includes a definition of previously developed land which confirms that '...land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures...' is excluded from this definition. In this case the question arises as to whether the shale tip

of the former colliery yard is previously developed land as the former colliery buildings are not included within the application site boundary. Planning permission was granted in 1959 (ref 48345) for the use of the former colliery buildings for the purposes of concrete manufacturing. The file documents for this planning permission indicate that the Local Planning Authority engaged in consultation with the applicant when determining this application to establish landscaping measures for the shale tip area. The definition in the NPPF specifically excludes sites developed for minerals extraction where such restoration provision has been secured. It is recommended therefore that the site should not be considered as previously developed land.

Notwithstanding the above assessment in relation to the definition of previously developed land, paragraph 89 of the NPPF specifies that this exception to the presumption against development within the green belt can only applied where a development does not conflict with the purposes of including land within the green belt or have a materially greater impact on openness. In this case the proposal would result in the development of a site which is isolated from established settlements which would be contrary to the purpose of preventing encroachment into the open countryside. The site currently provides an area of pleasant open space to the rear of the former colliery yard buildings which slopes up in stages to the east boundary of the site. The formation of the twelve pitches with temporary and permanent structures would erode the openness of this area and would substantially change the character to a residential use. Although the level of development would be consistent with the 2008 good practice guidance, the proposed layout of the pitches would extend up to each boundary of the application site which would emphasise the density of development being proposed. The associated paraphernalia which would result from this use would also have a significant impact on the openness of the green belt.

For the reasons set out above it is considered that the proposal constitutes an inappropriate form of development which would conflict with the purposes of the green belt and would have detrimental impact on openness. In order to justify the development therefore, very special circumstances would need to be demonstrated which would serve to outweigh the harm caused to the green belt. This assessment can only take place once all of the areas of benefit and harm are considered in the round.

SUSTAINABILITY: The Council's Highway Development Officer has recommended that the application should be resisted on the basis of the unsustainable location of the site. The former colliery site is located on Wick Lane approximately equidistant between Pensford and Stanton Wick. It would be necessary to walk just under a mile to the centre of either settlement on a section of highway with no footways and with poor visibility. Furthermore, these settlements provide only limited services and it should be noted that Stanton Wick is not defined by a housing development boundary. It has been highlighted in the representations received in relation to this application that the nearest doctors' surgery is located in Chew Magna and the local facilities in the area would not be able to cope with the additional demand brought by the development. Whilst these comments are noted, it is the separation from the village centre of Pensford which is of primary concern in this case.

This is a comparatively small village which is designated as R.3 under policy SC.1 of the Local Plan and is washed over by the green belt however further limited residential development could be supported within the housing development boundary on the basis of current planning policies. The application site does not have satisfactory access to this

or any other settlement and consequently the future occupiers of the site are likely to be reliant on private car journeys in order to meet their day-to-day needs. The ability to access local services and public transport by foot is a key objective of sustainable development which is reflected in policies HG.16 and T.1 of the Local Plan.

LOCAL COMMUNITY: Concern has been raised by local residents that the scale of the development would have an adverse impact on the adjacent settlements of Pensford and Stanton Wick. In particular it is suggested that local services could not meet the demand from the development and that the number of residents would overwhelm the existing communities. Paragraph 23 of PPfTS 2012 states the following:

Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

The current proposal would provide 12 pitches with the total number of occupiers being derived from the makeup of individuals within each group/family. It should be noted that the total number of residents could not be controlled by a condition attached to a planning permission however the number of caravans and day rooms would be enforceable and could be controlled in this way. Although it is not possible therefore to state precisely how many people would occupy the site, any future expansion of the level of accommodation would require a further planning permission. Whilst the comments which have been submitted are noted, there is not considered to be sufficient justification to warrant a further reason for refusal based on the impact on local communities. The fact that the site is not adequately connected to either Pensford or Stanton Wick has generated concern that the future occupiers of the site would be reliant on private car journeys. It is recognised that the adjacent settlements are relatively small scale however it is anticipated that, because the site would be remotely located from these settlements, future occupiers would access services across a wider area. The effect of the additional population created by the development is unlikely therefore to be directed to a single community or settlement. The Council's Children Services Department have requested a financial contribution for school places if planning permission is granted. This would ensure that no undue pressure is placed on schools in the area.

RESIDENTIAL AMENITY: The application site is bounded by the curtilage of a residential property to the east (The Winding House) and there is a further dwelling located to the opposite side of Wick Lane (The Bath House). Both of these properties have been created through the conversion of former colliery buildings. Pitch 2 would be located in the closest proximity to The Winding House with the mobile home being sited approximately 10m from the boundary and 50m from the rear elevation. This level of separation is considered to be sufficient to prevent an unacceptable loss of privacy for the occupiers of this property.

The development is not proposed to incorporate any commercial activities on the site and the level of noise or other disturbance generated by the development would be limited to that associated with the residential use. It is noted that the remaining former colliery buildings could be reoccupied for a general industrial use which would cause a substantial level of disturbance for the adjacent residential occupiers. The Filers coach depot to the

south of these properties will also cause a degree of disturbance through the movements of large vehicles. Although the proposal would inevitably change the character of the area through the introduction of a residential use on an undeveloped piece of land, this is not considered to present sufficient harm to residential amenity to warrant a further reason for refusal. This development would change the outlook from the adjacent properties however there is no provision within the planning system to resist development on the basis of the loss of a view.

Concern has also been raised in relation to the impact on the wider area and the potential for anti-social behaviour and vandalism. There is no evidence submitted to support the view that this type of development would lead to these problems arising. The effect on the wider area is deemed to be limited.

HIGHWAY SAFETY: The Council's Highway Development Officer has also raised concern in relation to the impact of the development on highway safety. The development is proposed to be served by the existing access from Wick Lane. The primary areas of concern are the restricted level of visibility from the access and the impact on the highway network in the vicinity of the site.

The reference within the Transport Statement to the fall back position of the former colliery yard buildings being brought back into a B2 use has been highlighted within the representations. It is understood that the concrete works ceased operating from the site in 2003. These buildings are excluded from the application site boundary and the implementation of this proposal would not prevent these buildings from being reoccupied for a general industrial use. The application should therefore be assessed on the basis that the proposed Gypsy and Traveller use and a general industrial use could both generate vehicular movements using this access if planning permission is granted.

The Council's Highway Development Team provided pre-application advice in relation to this proposal and had recommended the following mitigation measures:

1. The site access will need to be laid out in a similar and with similar dimension as the adjacent coach depot.
2. A visibility splay in accordance with current standards will need to be provided to ensure appropriate visibility to the north for emerging vehicles.
3. The Traffic Regulation Order (TRO) which enforces a vehicle width restriction north of the coach depot access will need to be amended to move it further north to a point north of the proposed site access. If this were not done any large vehicle leaving the site could turn right because they had legitimate access to premises within the restricted length of the lane.
4. The potential to make visibility improvements for vehicles emerging from Stanton Wick Lane onto A368 should be investigated.
5. The potential to provide additional passing places in Stanton Wick Lane and Wick Lane should be investigated.

The intensification of the use of the access is a primary concern due to the restricted visibility for vehicles emerging from the site onto Wick Lane. The suggested visibility splays could improve this situation however this is not proposed under the current application and it has not been demonstrated that the applicant has control of sufficient land to secure such splays. In terms of the surrounding highway network, the

improvements to the level of visibility and the incorporation of passing places does not appear to have been pursued and is not set out within the submission. The TRO is also not included within the submission however this could be secured by way of a section 106 legal agreement to ensure that no development is commenced until the TRO is in place. In the absence of the suggested mitigation measures being implemented it is recommended that the proposal would have an adverse impact on highway safety contrary to policy T.24.

ECOLOGY: The Council's Ecologist and Natural England have raised an objection to the application on the basis of the lack of information to demonstrate the impact of the development on the ecological interest of the site. The site forms part of the Pensford Complex Site of Nature Conservation Interest (SNCI) and supports a range of habitats of ecological value and botanical interest. The site is also likely to be used by a range of species which are protected by European and National Legislation including, Greater Horseshoe and Lesser Horseshoe bats, other bat species, Barn Owls, Little Ringed Plovers and Badgers. The Council's Ecologist has noted that the ecological report which has been submitted was produced (commissioned by B&NES) for the purpose of a general assessment of the potential suitability of the site for use as a gypsy and traveller site. This report does not assess the potential ecological impacts of this proposal and is not suitable to use for the purpose of ecological survey and assessment for this planning application. Furthermore, the details of the proposal do not appear to have been designed in response to the findings of the submitted ecological report nor its recommendations and conclusions. The proposed development and layout would cause unacceptable harm to the ecological value of the site and the SNCI. No mitigation measures have been incorporated into the scheme.

In order to address these concerns surveys would need to be undertaken to assess the impact of the development on habitats and species in order to establish whether the proposals are acceptable and whether any mitigation measures are required. In the absence of this information the application is contrary to policies NE9, NE10, NE11, and NE12.

CONTAMINATED LAND: The former use of the site as a colliery yard has generated concern in relation to the potential for sources of land contamination. The application has been submitted with a Contamination Liability Report and a Preliminary Land Quality Risk Assessment however these documents have not been specifically prepared for the purposes of this development. The Council's Contaminated Land Officer has concluded that these documents do not provide sufficient information to assess the potential impact of land contamination issues. No further information has been submitted at this stage and therefore the application is contrary to policy ES.15.

LAND STABILITY: The Coal Authority have confirmed that the site falls outside of the Coal Mining Development Referral Area and therefore no objection has been raised to the proposed development. It remains however the development would be located on a shale tip which is in parts formed with sheer edges which are not supported and are vulnerable to land slippage. The proposed layout of the site extends to the boundaries of the shale tip and there is considered to be the potential for health and safety issues to arise if the development is brought forward. No details have been provided with the application to assess the potential dangers from land instability. Policy ES.14 confirms that where there is a risk of land instability it must be demonstrated that the site is capable of development without adversely affecting stability within the site or on adjacent land and, if necessary,

that mitigation measures would not be harmful to local amenities of environmental interests. The preamble to this policy confirms that the onus is on the developer to investigate and address this issue. In the absence of any information to assess land stability the proposal is considered to be contrary to policy ES.14 and the NPPF.

FLOOD RISK: An objection has been raised by the Environment Agency and the Council's Drainage Technician in relation to the assessment of the potential impact of flooding. The site falls within Flood Zone 1 where there is generally a low risk of flooding however a flood risk assessment is required as the area of the site is larger than 1 hectare. The application refers to the need for a flood risk assessment which is to be submitted in due course. No further details have been submitted within the application process. In the absence of any information to assess flood risk the proposal is considered to be contrary to policy NE.14.

CONSERVATION: A numbers of concerns have been raised in relation to the wider visual impact of the development on the Pensford Conservation Area and the Stanton Drew Stone Circles. The setting of these heritage assets is secured under planning policy however the site is deemed to be sufficiently separated from these areas to prevent any adverse impact.

LANDSCAPE IMPACT: The proposed development would have a substantial impact on the character of the surrounding landscape. Although the site benefits from a degree of screening provided by the vegetation to the boundaries in addition to the former colliery yard buildings adjacent to the highway, the development would remain visible from public view points. There are long range views to the site from the A37 to the east and the development would also be visible in the immediate vicinity of the site from the public footpath located to the boundary of the Winding House. The topography of the site rises up towards the east and it would not be possible to completely screen the development without high level boundary treatments which would be out of character in this context. The open aspect to the rear of the former colliery buildings would be entirely lost as a result of the proposed formation of pitches which would extend to the boundaries of the site. The proposal is therefore considered to be harmful to the character of the landscape contrary to policy NE.1.

BENEFITS OF THE PROPOSAL: The proposed development would provide significant benefits in terms of the delivery of traveller sites. In this case B&NES has a lack of authorised pitches to meet the identified need for 24 pitches as set out in the GTAA. The provision of a site with 12 pitches would therefore go some way to meeting an unmet housing need. There are however no details within the submission which identify that the site is needed to accommodate a particular group of Gypsies and Travellers. The site is currently unoccupied and consequently the determination of this application will not directly affect the human rights or personal circumstances of any particular individual(s).

VERY SPECIAL CIRCUMSTANCES: The application is supported by a Design and Access Statement and Cover Letter which set out the rationale for the development with reference to the assessment undertaken within the DPD process in addition to national level policy guidance. These documents do not explicitly state whether there are contended to be any very special circumstances associated with the development however the following issues are relevant to this assessment.

Policy H of the PPfTS states that 'Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.' As noted above, there are currently no allocated sites within Bath and North east Somerset and the evidence included within the GTAA indicates that 24 permanent pitches are required between 2012 and 2017. The Written Ministerial Statement by Local Government Minister, Brandon Lewis which was published in July this year, subsequent to the application being registered, provides confirmation in relation to the weight to be attached to the supply of deliverable sites when considering whether very special circumstances exist. This statement was issued in response to a number of decisions which had been taken by local planning authorities and the Planning Inspectorate where ministers' had considered that the protection of the green belt had not be given sufficient weight. The following extract is taken from this statement.

'The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt'.

This statement prescribes a clear direction to the interpretation of planning policy in this area. It is recommended in this case that the current lack of allocated sites in Bath and North East Somerset cannot be relied upon, in isolation, to establish very special circumstances associated with the development. Moreover, the possibility of allocating sites within the green belt through the DPD process does not support the case to approve such developments through the determination of a planning application. Paragraph 15 of the PPfTS provides the relevant guidance on this issue:

'Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application'.

The Design and Access Statement refers to the characteristics of the site and the suitability for this Gypsy and Traveller use. The proposed development would however constitute an inappropriate form of development which would conflict with the purpose of safeguarding the countryside from encroachment and would be harmful to openness and the character of the surrounding landscape. Furthermore, the site is an unsustainable location for this type of development. Insufficient information has been submitted to demonstrate the potential harm from land contamination, land instability and flood risk or the impact on the ecological interest of the site. The benefits which have been identified in relation to this scheme would not clearly outweigh these areas of harm and therefore very special circumstances do not exist in this case.

OTHER ISSUES:

ACCURACY OF SUBMISSION: A number of concerns have been raised within the consultation period in relation to the procedure for the assessment of the application. It is

understandable that local residents are concerned about the accuracy of the details within the submission and the agent has been notified of these issues. A revised site location plan has been received to reflect the proposed layout of the site and the site area on the application form has been amended. The agent has agreed that the description of the proposal should be changed to omit the reference to the B2 use and the application has been re-advertised on this basis. Whilst there remains aspects of the application form and background documents which refer to the B2 use, the application can be determined on the basis of the submitted drawings. In light of the in principle objection to the development it was not considered to be expedient to request the submission of revised background documents which do not refer to a B2 use as this would have put the applicant to further unnecessary costs.

CONCLUSION: For the reasons set out above the proposal is considered to be unacceptable and is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed Gypsy and Traveller site would constitute an inappropriate form of development within the green belt which would conflict with the purpose of safeguarding the open countryside from encroachment and would be detrimental to the openness of the green belt and the character of the area. No very special circumstances have been demonstrated which would serve to clearly outweigh the harm to the green belt and other areas of identified harm and therefore the proposal is contrary to policies GB.1, GB.2 and NE.1 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 and the guidance within Planning Policy for Traveller Sites 2012 and the National Planning Policy Framework 2012.

2 The proposed Gypsy and Traveller site, by reason of the unsustainable location of the site which is remote from local services and public transport, would lead to future occupiers of the site being dependent on private car journeys contrary to policies HG.16 and T.1 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 and the guidance within the National Planning Policy Framework 2012.

3 The proposed Gypsy and Traveller site, by reason of the intensification of the use of an access with substandard visibility and the increased number of vehicular movements on a section of the highway with restricted width carriageways and substandard visibility, would have an adverse impact on highway safety contrary to policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

4 Insufficient information has been submitted to demonstrate that the proposal would not have an adverse impact on the ecological interest of the site contrary to policies NE9, NE.10, NE.11 and NE.12 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

5 Insufficient information has been submitted to demonstrate that the proposed development would not be adversely affected by potential sources of land contamination

on the site contrary to policy ES.15 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

6 Insufficient information has been submitted to demonstrate that the proposed development and adjacent sites would not be adversely affected by the potential dangers from land instability contrary to policy ES.14 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

7 Insufficient information has been submitted to demonstrate that the proposed development would not be adversely affected by flood risk contrary to the guidance within the National Planning Policy Framework 2012.

PLANS LIST:

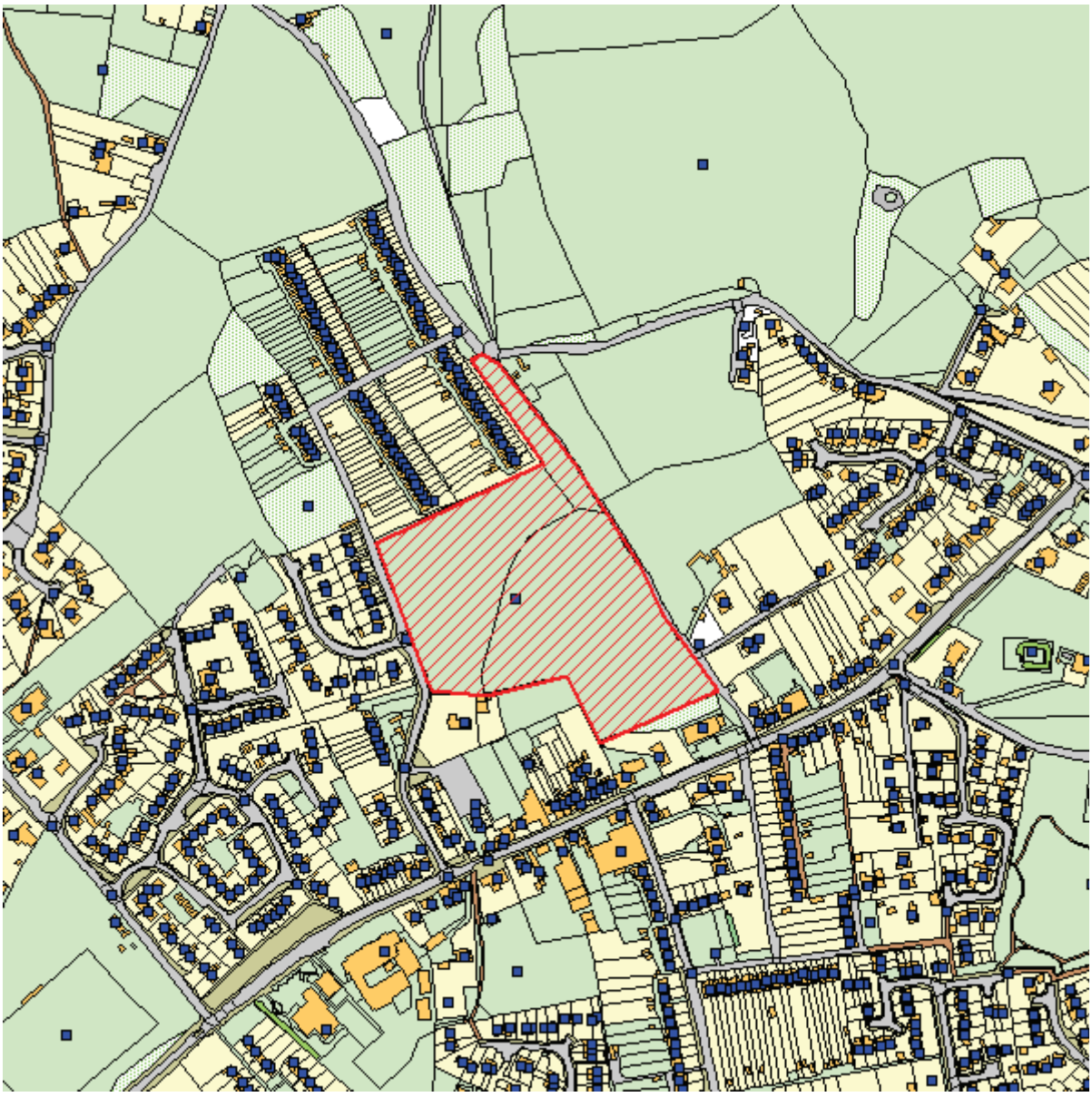
1 1271/01, 1271/02a, 1271/03, 1271/04, 1271/05, 1271/06 received 08 May 2013.

1271/SP received 02 July 2013.

Item No: 02

Application No: 12/05477/OUT

Site Location: Land Between Hillside View And Bath Road Greenlands 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: Outline Application

Proposal: Erection of 89 dwellings (72 houses/17 flats) and 288 sq m of Class B1 floorspace. Provision of public open space (including allotments) and landscaping. 2 no. vehicular accesses from Greenlands Road. Undergrounding of existing overhead lines

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Tree Preservation Order,

Applicant:	Edward Ware Homes Ltd
Expiry Date:	3rd April 2013
Case Officer:	Rachel Tadman

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been requested to be reported to Committee by Councillor Gerry Curran due to concerns that the site is located outside of the Housing Development Boundary.

DESCRIPTION OF THE DEVELOPMENT

The proposed development is on the edge of the village of Peasedown St John sited to the north of the Bath Road. The existing site comprises a sloping field divided into three partd separated by mature hedgerow containing a number of trees. The site is approximately 3.05 hectares (7.5 acres) in size.

The site is enclosed on three sides by existing development. This comprises residential dwellings in Hillside View to the North, Greenlands Road and Highfield Road to the West. To the south the site is bound by dwellings on Greenlands Road and the rear gardens of dwellings fronting Bath Road. The eastern boundary to the site has a mature hedgerow alongside a public footpath running from Keels Hill to Bath Road. The site also includes a strip of land running north between Hillside View to the West and the public footpath to the East that also gives direct access onto Keels Hill.

The proposed development is for the erection of 89 dwellings (72 houses/17 flats) and 288 sq m of Class B1 floorspace. The proposal also includes the provision of public open space (including allotments) and landscaping. It is proposed that 2 no. vehicular accesses are provided from Greenlands Road. Existing overhead power lines are also proposed to be grounded. The proposal is in outline with access under consideration. All other matters are reserved.

The development proposes two points of vehicular access from Greenlands Road on the Western boundary. Pedestrian only links are proposed into the adjoining public footpath to East.

It is proposed that the development will contain underground attenuation tanks to deal with surface water drainage that are to be located under in the area to the front of Hillside View.

The scheme has provided an indicative layout that forms part of a masterplan for the site. This indicates that the site can accommodated 89 dwellings within a range of dwelling types from one to five bedroom dwellings. The proposal also includes area of open space along with 0.80 ha of allotments.

Councillors will recall that a Committee site visit was undertaken to the site on Friday the 24th May 2013.

EIA SCREENING:

A screening opinion has been adopted in accordance with the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011 Ref: 11/05121/SCREEN.

The adopted screening opinion considered that the proposed development comprises an urban development project under Paragraph 10(b) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this regard, although the site does exceed the 0.5 hectare threshold it, at the proposed level of 89 dwellings and 288 sq m of Class B1 floor space, falls well below the threshold of 1000 dwellings and that the significance of the impact of the development would be localised.

Based on an assessment of the relevant regulations and guidance it was considered that the proposed development is not classified as EIA Development.

Relevant History:

There is no relevant history for this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
PLANNING POLICY:

1. The current relevant adopted Development Plan is B&NES Local Plan (2007). Local Plan policies can only be given weight according to their conflict with the policies within the NPPF (Paragraph 215).

2. The draft Core Strategy was approved by the Council for Development Management purposes at the Council meeting on March 2013. However, some policies can be given limited weight due to unresolved objections (NPPF Paragraph 216).

3. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. According to the NPPF Paragraph 14, for decision-taking this means: where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;
- specific policies in this Framework indicate development should be restricted.

4. Accordingly, the proposal is assessed in the context of achieving sustainable development.

Provision of housing

5. The draft Core Strategy makes provision for 2,400 homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John. The Strategic Housing Land Availability Assessment (SHLAA) identified 2,100 homes taking into account existing commitments, likely development on large vacant brownfield sites and an allowance for

small windfall developments. Therefore 300 dwellings need to be identified to meet the housing requirements. The Housing Development Boundary will be reviewed in the Placemaking Plan to enable provision of around 2,400 homes. However, an outline application for 164 dwellings at Fosseway South, Westfield (12/05546/OUT) was approved at the Development Committee on 6th May which counts towards the overall requirement for 2,400 dwellings in this area.

6. The Council is seeking to identify and allocate the sites through the Placemaking Plan. In accordance with the Localism Act the Council will undertake this work with the close involvement of the local community. Work has commenced on the Placemaking Plan. It is anticipated that consultation will take place on a Launch Document in early summer, moving towards a Preferred Options document late 2013/early 2014.

7. In determining planning applications now for residential development outside the HDBs a prematurity argument could be raised. It would be preferable to assess whether this is the most sustainable location for development relative to other opportunities that may be available in order to achieve the most sustainable solutions. However, if it is accepted that only limited weight can be attached to the prematurity argument then an assessment will need to be undertaken as to whether the application site represents a sustainable solution (when judged against the policies in the NPPF) to meeting the overall housing requirement for the district.

8. Even though only limited weight is afforded to the housing policy, the Vision for the area is relevant in considering the proposal. The overriding Vision for the Somer Valley is that the southern part of the District will become more self-reliant, facilitated by economic-led revitalisation alongside local energy generation, building on its industrial expertise and improving skill levels.

9. This vision was formulated to address issues identified through extensive consultation with communities. The issues include the imbalance between jobs and homes, high levels of out-commuting, lack of local employment opportunities, a high level of existing housing commitments, transport congestion and limited opportunities for large scale transport intervention.

10. Past job losses, following the closure and relocation of large employers and incremental housing development on vacant industrial land, has created a significant imbalance between jobs and homes and further housing development will exacerbate this imbalance, further contributing to out-commuting.

11. The Core Strategy Inspector has recognised these issues and stated in his preliminary conclusions (ID28), 'it would be unsound to preclude the prospect of additional housing above existing commitments, particularly given the economic restructuring which is occurring in the area and the Council's plans for town centre redevelopment. Conversely, if the number of new homes were to be greatly increased above expected job growth there would be a much greater increase in out-commuting which is a disadvantage in the planning balance.'

12. These concerns are reflected in the NPPF Core Planning Principles which require that the Planning system should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in

locations which are or can be made sustainable. Therefore additional housing needs to be considered taking into account local issues, particularly the imbalance between jobs and homes and high levels of out-commuting.

13. The Planning Statement for the proposal states that there are potential to employ around 30% of the economically active residents generated by the proposed 89 dwellings. Even though the proposal acknowledges and intends to address out-commuting and encourage local economy by providing small office space to serve local enterprises of 10 or less employees, it still increases in out-commuting which is a disadvantage in the planning balance.

Conclusion
14. Whist I have concerns in relation to increasing out-commuting by exacerbating the imbalance between jobs and homes, it is not considered, in the context of achieving sustainable development, that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal in contributing to the supply of both market and affordable housing in the district.

Highways Development Officer: Whilst the proposed level of residential parking may be adequate, this depends upon the eventual size, type and tenure of dwellings and whether or not the parking is allocated. This information is currently illustrative and, therefore, the location and whether or not parking is allocated should be a reserved matter, despite the description of development.

Regarding the proposed on-street visitor parking bays, parallel parking should be avoided as the illustrated layout is long culs-de-sac, so drivers wishing to turn will need to travel to the end of the highway in order to do so easily. It is, therefore, strongly recommended that visitor parking be provided square to edge of carriageway.

Furthermore, the provision of parallel, lay-by type parking within the adoptable highway results in additional paved highway to maintain, as does the use of enlarged turning heads and squares. This, together with use of non-standard materials, which are unnecessary for highway purposes, are likely to result in increased maintenance liability for the Council and, therefore, commuted sums are likely to be sought in line with Council Policy set out in Single Executive member Decision E2074 dated 1st April 2010. However, the details of the estate street layout and construction is a reserved matter and this will need to be dealt with as part of any future S38 Adoption Agreement based upon a detailed design.

Regarding B1 parking provision, Council Policy (T26 of the Local Plan) requires a maximum of 1 space per 30 sq.m. The proposed number of parking spaces, rounded to the nearest whole number, therefore complies with this maximum.

The Council is currently proposing a 20mph speed limit for Peasedown St. John. Bearing this in mind, this will be a future consideration in determining the acceptability of any detailed design, i.e. where possible, the design should deliver a layout where the speed limit is self-enforcing.

The site immediately abuts a public footpath (BA19/4) which runs along its eastern boundary and to which connections are proposed (and required). However, the proposed development will result in increased use of that right of way and, therefore greater

potential damage and maintenance liability regards its construction. Bearing this in mind, the fill length of this right of way should be resurfaced with bound material at not less than 1.0 metres in width and in accordance with details to be submitted to and approved in writing by the Council.

Furthermore, this right of way provides a direct and convenient route to the centre of the village and village facilities, thereby increasing the sustainability of the proposed development.

Regarding sustainability, Peasedown is well provided for with regards local amenities, shops, etc. and a frequent bus service runs along Bath Road (3 per hour). With upgrading of the public footpath, referred to above, the development site has good connections to the village centre and facilities and is considered sustainable in highway terms, despite it being located outside the Housing Development Boundary.

On the matter of layout, it is strongly recommended that an estate street connection if made within the site to enable access from either of the proposed junctions. This would negate the need for the provision of a separate emergency access given the length of the proposed cul-de-sac. Furthermore, a footway should be provided for the full length of the application site frontage to Greenlands Road, together with suitable pedestrian crossing provision.

Regarding the two proposed access locations, these are considered acceptable subject to the provision of junction visibility splays in accordance with Manual for Street, i.e. 2.4m x 43.0 m, should the speed limit remain 30mph, or 2.4 m x 25.0 metres should changes to the speed limit result in an 85th percentile speed of traffic of 20mph or less. However, the provision of these junctions is likely to result in the displacement of existing on-street parking and the possible need for TRO's, to be funded at the applicant's expense.

The trip rates set out in the submitted Transport Assessment have been accepted by our Transportation Planning Team.

Regarding the Council's SPD on Planning Obligations, and using the trip rates in the applicants Transport Assessment and a contribution rate of £387-49/trip, to reflect the fully funded nature of some schemes set out in the SPD, this equates to a required strategic contribution of £387-49 x 518 = £200,719-82.

On the matter of local works, these have been identified above: the resurfacing of the public footpath and any TRO's that may be required as a result of the access proposals, arising from an independent Road Safety Audit.

Re on-site works, these have also been identified above re the required connections to the public footpath and the need for a 20mph layout design, etc.

The above contributions should be secured by way of S106 Agreement prior to/concurrent with the grant of any planning permission.

Bearing in mind the above, and subject to the completion of the required s106 Agreement, the highway response would be one of NO OBJECTION, subject to conditions.

FURTHER RESPONSE - 18th February 2013

Further to the resurfacing work to the PRoW referred to above, I have had further discussions with the Council's PRoW Team and understand part of its length has been resurfaced so this should only refer to the remainder of its length. However, there are also additional problems regarding the PRoW which needs to be addressed by the required S106 Agreement and these relate to maintenance of the site boundary hedge, in order to prevent it overgrowing the right of way, and to matters relating to the introduction of positive drainage for the rights of way to enable it to be used by residents of the proposed development in all weather conditions.

Landscape Officer: Not acceptable in its current form.

As this is an outline application with all matters other than access reserved for future determination, it is important to focus on the primary issues - which are (1) the principle of development and (2) the proposed means of access. These comments are made on the assumption that matters regarding wider planning policy, and with specific regard to paragraphs 49 & 14 of the NPPF, can be or already have been addressed.

This is not an allocated site and it is outside the development boundary. It is a steeply sloping site on the western edge of Peasedown St John. There is residential development on 3 of the 4 boundaries. There is also some residential development on the 4th boundary, although this is located up to 150m away for at least 50% of the eastern boundary.

The site is generally not visible from anywhere other than the houses / roads directly beside it i.e. Greenlands Road to the west, Keels Hill to the north and the access road / PROW leading to Greenview Farm to the east of the site. There are restricted views in / out of the lower parts of the site but there are longer distance views from the higher areas of the site towards Tunley, 2k away to the NW. Development on the site (as shown) would definitely impact on views from Nos 42 to 60. Remaining properties generally look more directly to the west for their longer distance views. Although the actual impact would be high, the number of receptors is relatively low.

This development would obviously result in the loss of agricultural land but these fields do not appear to be high quality and I do not think this is a primary issue. There would also be a loss of 'openness' but again, the impact of this would be limited to a relatively small number of receptors.

There is a visually important hedge dividing the site, with an important large tree in the centre of this hedge and this must be retained. This is a primary feature that also needs to be retained. In the current version of the scheme, whilst the hedge is retained, it has not been given any importance. I would like to see a greater amount of space to each side of the hedge that can be used for public access and maintenance and management operations.

I would question why views across or out of the higher part of the site have not been seen as a primary part of the landscape strategy as set out in the Cooper Partnership report in (4.5). Viewpoint 2 has been included and clearly shows long range and open views across the upper part of the site. In the Visual Impact Table, Appendix 5, it goes on to describe

how 'new boundary hedge and tree planting along this frontage will create an attractive green edge treatment. The landscape concept diagram (4) does not show vegetation along this boundary.

Proposed development on the very highest part of the site will block these views and it may be more appropriate to relocate some of the lower Open Space up to this higher area to retain some green space and views out at the initial entrance area. I am also not convinced with the need for or appropriateness of Industrial Units being located at the highest and most prominent part of the site.

I do not think there will be a significantly adverse Visual Impact from longer distance view points as this development will generally sit below the horizon line and the lower level houses would generally not be visible.

The views from longer distances will generally read this development in the context of existing houses. There will be a loss of views from some of the dwellings nearest to the site (on Greenlands Road), but views from here are generally focussed directly to the north and not just towards this site.

In conclusion, whilst I would be able to support the principle of development, I do not think the scheme as shown makes best use of the site and its features. The development is therefore, in my opinion, not acceptable in its current form.

Ecology: Further to my comments of 20th May further revisions have been made to plans. These provide commitments to provision of minimum areas of habitats, and do address the concerns I previously raised.

Subject to these documents being listed as approved documents under any consent, and all measures also being secured by condition, I confirm I have no objection on ecological grounds to the proposal.

Arboricultural Officer: The outline application relates to access only into the site from Greenlands Road which does not affect any trees.

Further comments: Additional comments have also been received in relation to the lack of an Arboricultural Impact Assessment and the failure of the Tree Constraints Plan to include the shading potential of existing trees.

Urban Design: Object.

The site is an undeveloped field outside of the HDB outside the edge of the Bristol Bath Green belt to its north. Views from the south of the site enable open views across the Cam Valley (Greenlands Road). The green character of the site also features in the setting to Peasedown when viewed from the north green belt. (Keels Hill). This makes the site both a valuable visual green asset. However, the site and views are limited to those from the site boundary.

A significant amount of the hillside north/west of the Fosseway has been developed for housing setting a wider context of hillside development.

The site is within close proximity of local high street facilities. However the c20m ascent from the lower area makes the connection more challenging for the less able.

Whilst there are public rights of way skirting the site, there is no public access and evidence of community use.

The existing hedgerow and trees make a significant contribution to the character of the site and screening of existing development.

Principle of Development - The site can be argued to be in a sustainable location, but proximity must be balanced with topography. The site is of local landscape value but does not make a strategic contribution to the setting of the settlement. This is protected by the green belt.

However, development will cause major change and remove a local green buffer between pre-existing housing areas on the slopes.

The loss of this element of green hillside will harm to locally distinctive valley side forming part of the setting of Peasedown, it is a relatively sustainable location but topography will compromise accessibility. However under current circumstances it may be considered that in principle, development does not demonstrate a level of harm to clearly outweigh the need to address housing supply.

Use - a housing led development of the site is the most suitable development scenario. The proportion of affordable housing and amount of amenity space will be assessed in landscape/open space and housing comments.

The severe topography may lead to the need for reprofiling of the site and loss of landscape.

Therefore in-principle I maintain my objection.

However, in the context of the current Core Strategy circumstances, I recognise the particular circumstances may give less weight the assessed degree of harm.

If the in-principle issue is overcome, I would object to the scheme in its current form due to distribution of development.

Archaeology: The above proposed housing development lies in close proximity to the Fosse Way Roman road on an area of high ground above the Cam Brook where there is the potential for early settlement or burials. The application has been submitted with a desk based archaeological assessment of the site (Avon Archaeology Unit, December 2012), in which summary concludes that site is of "some low" archaeological potential:

Whilst I agree with the assessment that there is potential for previously unknown archaeological deposits on this site, without further field evaluation (geophysical survey and, dependant of results, trial trenching) this potential could be low, moderate or high. I would therefore recommend that that archaeological conditions are attached to any planning consent, to ensure (1) a field evaluation of the site, (2) a subsequent programme

of archaeological work or mitigation, and (3) publication of the results. The scope of conditions 2 and 3 will depend on results of the field evaluation (condition 1).

Historic Environment: No designated heritage assets are directly affected by the proposed development.

However, consideration should be given to the physical and visual impact it would have on the setting of the adjoining distinctive rows of surviving early C20 miner's brick terraced housing at Hillside View immediately to the north west of the site. The terraces are a local heritage asset for historic and architectural reasons and their heritage significance should be considered when making planning considerations. Their value is also recognised in the Parish Design Statement.

Despite external alterations and additions, the distinct pattern and layout of the terraces remains intact. Their character also derives from their stand-alone setting with open countryside on all sides, with the social history adding to their significance.

Proposed Development
Developing immediately adjacent to Hillside View would change the local character and the setting of the terraces from that of a stand-alone built group in the countryside to them being linked with the rest of the settlement. The significance of the miner's terraced housing derives not only from its physical presence but also its setting, and this would be harmed by directly linking it with the new development proposed on the adjoining site.

Views: The development would be extremely prominent in views from the surrounding countryside. Therefore significant landscaping and tree planting on the rural edge and also within the developed area itself should be sought to ensure that any adverse visual impact is minimised.

Environmental Health: No objections subject to conditions/informatives .

The applicant has not identified an agreed target noise criteria within the noise assessment at the sensitive receptors for the construction stage. This causes concern on the applicant's ability to attenuate and control noise exposure to nearby residents for all stages of the construction process. The applicant needs to mitigate the exposure to noise in accordance with the "best practicable means" outlined in BS 5228.

The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126).

Highways Drainage: Following the submission of additional information and the consultation response received from the Environment Agency we wish to withdraw our earlier objections to the proposed development subject to conditions. We also support the placing of the conditions requested by the Environment Agency on any planning permission.

Wessex Water: No objections subject to conditions.

The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's Advice Note 16 for further guidance.

There is an existing 150mm diameter public foul sewer which crosses the site. The applicant has indicated this sewer be diverted which will be in accordance with Section 185 of the Water Industry Act 1991.

The downstream foul sewerage system has limited capacity to accommodate additional foul flow; network modelling will be required to determine the nature and cost of capacity improvements required to reduce the risk of downstream flooding. The developer is expected to contribute to the cost of network modelling and recommended capacity improvements.

The applicant has indicated that surface water will discharge to a culverted watercourse north of the site, this will be subject to approval by your Authority and the Environment Agency. In view of the circumstances there is no objection subject to conditions.

There is adequate capacity at the downstream sewage treatment works to accommodate the additional flows.

Environment Agency: The Environment Agency has received updated and additional information from the applicant's consultants dated 11 March 2013, which was sent to your Council. In addition we have also received an updated drainage appraisal Drawing No. E.005.

The failure to maintain surface water drainage schemes could result in increased flood risk to the development and elsewhere. Government Guidance (see notes below) recommends that the management and maintenance of a surface water drainage scheme may be more appropriately addressed within a Section 106. We would recommend this approach for this application.

The Environment Agency can now WITHDRAW our earlier objection to the proposed development, subject to the inclusion of the conditions.

Further comments dated 1 July 2013: The Environment Agency has received additional information from the applicant's agent dated 17th June 2013 written in response to Matthew Price's concerns. This was addressed to the Local Planning Authority (LPA).

The Environment Agency's position is that we accept the Iesis design approach, which is sufficient for this Outline planning application. We appreciate that HR Wallingford explained that the HOST values should not be changed manually, however, in this instance we understand why Iesis have done this. We consider a 1:1 year runoff rate of 16.1 l/s for the 3.1 Ha sloping site more realistic than 5 l/s. Likewise, the storage volume calculated is acceptable for this Outline stage. Iesis have also highlighted that runoff will be restricted to the 1:1 year event for all return periods, which represents a betterment on the existing Greenfield situation.

We appreciate the Residents Protecting Peasedown's concerns regarding the attenuation volume and proposed drainage ditch, however, we are satisfied that these aspects can be considered further and dealt with through the detailed design stage through the discharge of a relevant surface water drainage condition. Certainly, further site investigation is

required to inform the design of the proposed drainage ditch to ensure it does not cause land instability issues.

We are aware that BANES drainage have investigated the drainage concerns regarding the receiving watercourse and are recommending that improvement drainage works are conditioned should planning permission be granted.

Contaminated Land Officer: Due to the sensitive nature of the development (i.e residential) and significant scale of the development, I advise that appropriate conditions are applied to the application if granted.

Coal Authority: The application site does not fall within the defined Development High Risk Area. The application site is located instead within the defined Development Low Risk Area.

The Coal Authority Recommendation to the LPA: In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Avon and Somerset Police: At this early stage where only outline planning is sought, it is very difficult from a crime reduction/prevention point of view to give any detailed comments. I note all the comments within the Design & Access statement and it's reference to Secured by Design which should be expanded on when a detailed planning application is submitted. It is a requirement to include a section that shows that security and safety have been considered. Failure to include this at planning application stage will result in an objection.

Affordable Housing: This application sits outside of the Housing Development Boundary but does propose an affordable housing delivery under Local Plan policy HG8.

This application provides for 35% affordable Housing, helping to address Councils strategic housing needs. Strategic Housing Services support this application and request that;

1. The relevant requirements are inserted in a robustly worded legal document (Section 106).
2. Any further affordable housing information is sufficiently detailed with the affordable housing mix identified on plan & supported by clear referencing demonstrating how the design requirements of the B&NES SPD have been fully addressed.

Environmental Monitoring: This development didn't require an air quality assessment, however due to its location close to residential properties I would recommend a condition be attached to the development with regard to construction dust management.

Economic Development: The applicants have addressed the sustainable development aspect of their proposal by the inclusion of 288sqm of B1 office space within the scheme.

The approach used by the applicants is supported in principle however the basis for the calculation is not accepted. Applying their ratio to the proposed development suggest that

the 89 dwellings will give rise to approximately 100 economically active residents. Working on the basis that, to maintain local self-containment, 44% of these residents should be employed within the Somer Valley, then the development should be creating or contributing to the provision of 44 new local jobs.

As the proposed development would only accommodate up to 29 jobs, the following options would provide an acceptable economic development provision :

o Retain the 288sqm of office space currently included within the application and provide a contribution towards the cost of delivering a further 120sqm of office space off-site - estimated at £120,000.
o Increase the amount of office floorspace provided on-site to 400sqm which, using the latest HCA employment density figures, could deliver the required level of local employment.

It is recommended that the on-site office space is located as close to the village centre as possible, potentially adjoining the southern boundary of the site adjacent to the existing local convenience retail store.

Both options should be provided as part of a S106 Agreement and there should be a requirement that the on-site office floorspace is completed and has been marketed for minimum of six months prior to the occupation of 50% of the houses. The applicants should be required to submit their marketing proposals prior to commencement of marketing activity.

Finally to address the high levels of youth unemployment in Peasedown St John the applicants are also requested to enter into a Section 106 Agreement to secure their engagement in construction phase employability & skills initiatives .

Parks and Open Spaces: Further to your consultation in respect of Parks and Open Space contributions relating to the above proposals please find below details of the financial contributions required in the event that planning permission is granted.

Formal green space provision: Maintenance: £181,847.00

Allotment provision: Maintenance: £8,093.78

Total contribution value: £189,940.78

The Council's data shows that there is currently a deficit within Peasedown St John in respect of formal green space and allotment provision of 2.39ha and 1.2ha respectively. It is therefore necessary for the proposed development to provide either on-site or off-site formal open space and allotment provision to meet the demand generated by the development. There is no requirement to provide natural open space by reason of the site's location within Peasedown St John and the resultant easy access to this type of provision.

The submitted indicative masterplan shows on-site provision in respect of both formal green space and allotments.

In accordance with the Council's adopted Planning Obligations SPD the developer is expected to maintain the formal open space and allotment provision to the satisfaction of the Council for a period of no less than 12 months. Thereafter the developer is required to demonstrate to the Council's satisfaction that the provision will be permanently maintained and managed by a management company, or dedicate the provision to the Parish Council and make a capital contribution to cover maintenance for a 10 year period.

In respect of the users of the allotment provision; it is likely that demand would come from all parts of Peasdown St John and not just from the development proposed. There may be merit in first offering the plots to the residents of the development, in particular the residents of the affordable housing, and then to the wider area if spare capacity remains. If considered to be appropriate this could be controlled through the Section 106 agreement.

It is noted that the application has been submitted in outline form, with access to be determined and all other matters reserved. Therefore, the required contributions and comments detailed above are indicative at this stage and may be subject to change once the detailed design has been considered.

The above calculation has been prepared in accordance with the Community Infrastructure Levy (Amendments) Regulations 2012 and the Council's adopted SPD 'Planning Obligations' adopted July 2009.

Education Services:

Early Years:
The proposed development has sufficient provision in the area for Early Years provision so the contribution request is: £0

Primary School:
Primary age pupil places - 22.83 primary age pupils are calculated to be generated by this development. Divided by 7 year groups, this results in 3.26 pupils per year group.

The latest pupil projections for the school indicate that by the start of the 2016 academic year there will be 5.6 spare places in year group 3 and 2.6 spare places in year group 5. All other year groups are projected to be full.

Therefore 3.26 and 2.6 = 5.86 pupils can be accommodated at Peasedown St John and 16.97 cannot and a contribution would be required in order to accommodate these 16.97 pupils.

An initial assessment of the existing accommodation and site at Peasedown St John Primary school identified that to expand the school sufficiently in order to accommodate these pupils it would require another hall space and also four additional classrooms plus ancillary accommodation e.g. toilets to enable it to organise as a three form entry school.

A new build hall and infrastructure is extremely costly as evidenced by the recent Primary Capital Programme schemes that all provided new halls. There is also insufficient space on the school site to build a new hall without reducing required playground. An early discussion with the Youth Service has identified that there is potentially scope to share the

use of the hall adjacent to the school site which is currently used by the Youth Service and other community groups. The school would require use of the hall every day during school hours during term time. Outside of these hours the hall could be used by the Youth Service and other groups.

All of the existing hard and soft informal and social areas of playing field land and team games playing field land at the school will need to be retained in order to provide sufficient outside space for the existing children as well as the additional children generated by the development. The current school accommodation fills the frontage of the site with no possibility of siting any further accommodation other than at the rear in an area currently occupied by a double temporary classroom block containing two classrooms. This building is too old to be moved to a different location without damage to the structural integrity and as stated previously, there is no available space on the school site to relocate it to.

These two existing temporary classrooms would therefore require removal which, together with the newer double temporary building nearby being moved across slightly (subject to it being suitable to be moved), would free up sufficient site space for provision of a six classroom new build block - four new and two to replace the two temporary classrooms. The new build block could possibly be two storeys to make better use of a smaller building footprint.

The Council does not wish to create split site schools as this can lead to organisational difficulties for schools and therefore an annexe to Peasedown St John Primary school located on the development site is not being proposed as a solution.

Discussions with the school have indicated that subject to sufficient provision of suitable additional school accommodation, expansion of the school would represent an acceptable solution however this is subject to final agreement with the Headteacher and Governing Body. A feasibility study was carried out to establish the cost of the building work that would be required.

National planning guidance states that sufficient community facilities should be provided to meet local needs. Also that development should enhance sustainability, facilitate the use of sustainable modes of transport and limit greenhouse gas emissions and congestion. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education and should give great weight to the need to create, expand or alter schools.

The primary age pupil contribution based on the feasibility study would be £1,725,000.00 to £1,843,000.00.

If Peasedown St John Primary school is not expanded, the next nearest school from the proposed development site via walking route is Shoscombe C of E Primary school then Camerton Church school. There are projected to be sufficient places available in Shoscombe primary in year groups R, 4 and 5 to accommodate the pupils who cannot be accommodated in Peasedown St. John Primary but only partial available capacity in year groups 1, 2 and 6. There are projected to be sufficient places available in Camerton primary to accommodate the remaining pupils in year groups 1, 2 and 6.

However as these schools are both accessed from Peasedown St John via routes that are deemed to be hazardous, if the Council was required to allocate any children living in Peasedown St John a place at one of these schools because their nearest school (Peasedown St John Primary) was full, based on current school census and pupil projection data, the Council would incur an on-going revenue cost to provide home to school transport to both of these schools.
The estimated cost of providing home to school transport for pupils from the development site in Peasedown St John to both Shoscombe C of E Primary school and Camerton Church School would be £30,400.00 per year every year. This is based on the cost of providing two 12 seater mini buses, one to each school. If there were still children who could not be accommodated in these two schools and a third transport was required to run to a third school the costs would be higher.

The primary age pupil contribution based on the cost per place multiplier would be £220,481.36.

Secondary age:

12.215 places at a cost of £0 (sufficient provision in the area projected)

Post 16:

3.267 places at a cost of £0 (sufficient provision in the area projected).

Youth Services:
Youth Services provision places - 10.80 places at a cost of: £14,407.20

Total Contributions for Education Services:

As this information has been provided for an outline application, the figures quoted may need to be reviewed when the Reserved Matters application is submitted should the application go ahead, as the position regarding the availability of existing provision in the area of the development may have changed over the intervening period.

Peasedown St John Parish Council: In summary the Parish Council is not opposed to development in principle. However, it would like to wait to consider any potential development, in the light of a correctly established core strategy, which it is believed will be available later this year.

Transport and Highway Safety
Increased development in this area will result in increased traffic at an already congested junction with Bath Road. This area is a major school route and can be especially hazardous at certain times of the day. It has been brought to the Council's attention that the visibility splay for the northern access point on the proposed development does not meet the regulations required for this type of street; with the proposals stating it would be 2.4m x 25.4m when it should be 2.4m x 43m. Furthermore, once the development at 15 Greenlands Road is in place (Ref. 12/02476/REN for which planning permission was granted in December 2012) it would result in two access points being located side by side on this road. It is not felt this is an acceptable situation for highway safety. This, coupled

with expected removal of road markings and the displacement of cars that usually park on the road in this area needing to locate elsewhere, will only add to congestion and hazards.

It is believed the proposed development will increase congestion in the lanes leading to Carlingcott with vehicles using the route as a 'rat-run' in an attempt to avoid queues on the main roads.
In addition, the transport analysis of the application is based on a report undertaken in 2009, which is now over three years out of date. More up to date figures need to be obtained, gathered from various representative periods during the day/week.

Emergency vehicle access is another large safety issue e.g. a double incident requiring, say, a fire engine and ambulance would suffer access problems now, so adding a further substantial number of dwellings to this area would only make the situation worse.

Adverse Landscaping Impact & Design
The Council acknowledges that in the absence of a Core Strategy, the National Planning Policy Framework applies; however, there is no disputing this development is outside the previously agreed building development area, which was originally established to protect the landscape. A previous application to develop this site (Appeal Ref: APP/F/0114/A/06/12025510, Planning application Ref: 05/03966/OUT) was rejected by the Planning Inspectorate in 2007 stating: "Like many former mining areas, Peasedown St John has a complex pattern of settlement where older housing may have originally been associated with collieries or other employment centres. Such a dispersed urban form may offer opportunities for 'rounding off' settlement boundaries but it can also result in intervening green wedges and corridors having a special significance both in defining urban character and in preventing the coalescence of separate and distinct neighbourhoods." It cannot be ignored that these comments still apply today and that the adverse impact of this scheme demonstrably outweighs the benefits of having it.

The Council believes that under the National Planning Policy Framework phase development will be refused if it does not conserve or enhance the character of the local landscape. The open greenfield land on the north side of Peasedown provides a distinctly rural character to this area. The green wedges of open space coupled with the row of miners' cottage at Hillside View provide a very rich heritage for the area and the Council feel the proposal fails to harmonise with the local distinctiveness of the north side of Peasedown and will not conserve or enhance the natural character of the locality.

The site is steeply sloping and so the topography needs to be investigated more thoroughly to ensure that it is easily accessible for residents and visitors who are old or infirm or those with pushchairs/buggies.

Sustainability and Suitability
At present, local facilities such as the school, doctors and dentist are at capacity. The additional residents this development will generate will need to be served by these facilities, alongside the current residents. Consequently, before any substantial development is agreed, these issues need to be sufficiently addressed otherwise there is a danger that facilities and services will suffer. For example, further expansion of the school may necessitate using the space currently occupied by the youth/children's centre.

A full and up-to-date evaluation of the ecology on the site needs to be undertaken, as the one provided is almost three years out of date. Also, if any protected species are identified, a full analysis of how they will continue to be protected needs to be submitted.

Drainage
There is lack of adequate information regarding the surface water drainage arrangement for the proposed development. There is a history of surface water flooding in this locality and so sufficient evidence of provision to deal with this needs to be provided. The Parish Council reinforce the comments and objections on this matter raised by both the Bath & North East Somerset Council Engineering/Drainage Department and those of the Environment Agency.

Further comments dated 9 May 2013: It was unanimously agreed not to support the application as the revised proposals did not change the Parish Council's view and so their previous objections still apply.

Camerton Parish Council: In summary the development would cause significant harm to the village of Peasedown, affecting local facilities, and the following concerns are raised:

1. The village already has inadequate local transport.
2. There has been no planned provision for expansion of the local infrastructure and the school, doctors and dentists are already full, without including the prospective new residents of the Wellow Lane development.
3. The steep agricultural greenfield site is the wrong place for a housing development.
4. It would decrease biodiversity.

Camerton would also be adversely affected as a neighbouring parish through a further influx of traffic to the area, and danger to our adjoining country lanes which have no pavements.

A recent Banes traffic count showed there were 5000 traffic movements a day through Camerton and we only have an electorate of 530. We have concerns that extra vehicles from this proposed new development would have a burdening effect on Camerton's highways. That even more car users will be driving through the centre of Camerton village, commuting to work from Peasedown. Also, that some will choose the scenic route through narrow steep lanes via Carlingcott, to Camerton and on towards Timsbury/Bristol.

To conclude, we object in principle to this proposal. We feel the proposed development is not sustainable, and have concerns that a precedent could be set if it were approved.

Further comments dated 29 May 2013: Camerton Parish Council sees nothing in the amended plans that will mitigate against the adverse significant and demonstrable impacts of this development on Peasedown St John itself and the surrounding villages.

Dunkerton Parish Council: Raise concerns about the impact on areas of Dunkerton Parish in terms of issues relating to drainage and highways. In summary there are concerns that:

The Cam Brook within the centre of Dunkerton village is subject to flooding. Heavy flooding was experienced in the winter months of 2012 causing the banks of the river to be damaged and the collapse of part of the highway.

The location of this proposed development will lead to a substantial increase in the surface water drainage into the Cam Brook thus increasing the risk of flooding in the centre of Dunkerton village.

Dunkerton Parish Council request that a condition be attached to any possible permission granted for this development which would make the developer responsible for improved flood prevention in the centre of Dunkerton village. The NPPF clearly states that planning should take into account flood risk with new development avoiding the risk of increased vulnerability to flooding. Also developments shouldn't increase the flood risk elsewhere. If this development is approved then it will clearly increase the risk of flooding in Dunkerton village.

Similarly this proposed development will significantly increase rat running through Dunkerton Parish with a particularly high risk of increased traffic through the hamlet of Withyditch. While the NPPF states that planning should widen the choice of high quality homes this development would have adverse impacts that significantly outweigh the benefits and does not secure a good standard of amenity for the residents of Dunkerton parish in particular those living in Withyditch.

Further comments: Dunkerton Parish Council has reviewed the revised proposals for this outline application. The council can see very little in this revision that addresses the concerns raised in the council's initial response of 16th January 2013. The primary concern of Dunkerton Parish Council is that of the flood risk in the centre of Dunkerton Village.

The Parish Council is also concerned that an increase in the foul water drainage will result in an additional burden on the Cam Valley Sewerage Treatment Works potentially resulting in the expansion of the site and an increase in lorry movements which would result in an unacceptable impact on the lives of the local residents of Withyditch and Dunkerton.

There would also be an inevitable increase in the amount of traffic using the country lanes through the parish and the road safety aspect and nuisance impact to these local residents is of significant concern.

Other representations:

The application has attracted a large number of objections from local residents, visitors to the area and other interested parties. A petition with signed by approx. 950 residents and a total of 210 representations have been received. Of these 201 objected, 2 were in support and 6 gave general comments. The concerns raised included:

1. The site is outside the Housing Development Boundary and is a greenfield site
2. Impact on Hillside View, an example of Peasedown St John's coal mining heritage
3. Loss of open and green space
4. Inappropriate scale

5. Impact on the rural character and local distinctiveness of the landscape
6. Steeply sloping site making development difficult and raises concerns about land stability
7. Highway safety, loss of parking, increased congestion, danger to pedestrians on Greenlands Road and surrounding lanes/roads, rat running through neighbouring villages.
8. Development will exacerbate existing flooding problems and the proposed surface water drainage system is inadequate
9. Impact on already overstretched services i.e. local school, Dr's, Dentist etc
10. Impact on biodiversity and ecology on the development site
11. Detrimental impact on residential amenity through overshadowing of existing houses, particularly those on Hillside View
12. Existing problems of out-commuting will be made worse
13. Lack of bus services
14. Impact on existing sewage capacity
15. Allotments are in an inappropriate and impractical location
16. Poor consultation process
17. The development will cause light pollution

POLICIES/LEGISLATION
POLICY CONTEXT:

The Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007 was adopted October 2007. Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

IMP.1 Planning obligations
SC.1 Settlement classification
CF.3 Community contributions
SR3 Recreational facilities
D2 General Design and public realm considerations
D4 Townscape considerations
ES.2 Energy conservation
ES3 Gas and Electric Services
ES.4 Water supply
ES.5 Foul and surface water drainage
ES.9 Pollution and nuisance
ES12 Noise and vibration
ES10 Air Quality
ES.15 Contaminated Land
ET.1 Employment Land
ET.2 Office floorspace
ET.3 Non-office floorspace
ET.4, Business floorspace within rural settlements
NE.1 Landscape Character
NE12 Natural Features
BH.12 Archaeology
HG.1 Meeting the District Housing requirement
HG.4 Residential development in the urban areas and R.1 and R.2 settlements
HG7 Minimum residential density
HG8 Affordable housing on allocated and large windfall sites

HG10 New dwellings outside settlements.
T1 Over-arching access policy
T3 Promotion of walking and use of public transport
T5 Cycling Strategy: improved facilities
T6 Cycling Strategy
T7 Cycling strategy strategic.
T8 Bus strategy
T24 General development control and access policy
T25 Transport assessment and travel plans
T26 On-site parking and servicing provision

Joint Replacement Structure Plan - adopted September 2002
Policy 1
Policy 2
Policy 17
Policy 18
Policy 33
Policy 35
Policy 59

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. As it is not yet part of the statutory Development Plan the Council attaches limited weight to those policies to which there remains unresolved objections. More significant weight is attached to those which the Inspector did not highlight possible unsoundness in ID.28 and ID.30 in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following Policies are relevant:

SV1 Somer Valley Spatial Strategy
CP2: Sustainable construction
CP5 Flood Risk Management
CP6 Environmental Quality
CP7 Green Infrastructure
CP9 Affordable Housing
CP10 Housing Mix
DW1 District-wide spatial Strategy

National Planning Policy Framework (March 2012) can be awarded significant weight in this case.

Adopted Supplementary Planning Document Planning Obligations 2007

OFFICER ASSESSMENT
PRINCIPLE OF THE PROPOSED DEVELOPMENT:

The proposed development, for the erection of housing, is to be located beyond the adopted housing development boundary for Peasedown St John which is contrary to Policy HG4 of the Local Plan as part of the statutory Development Plan. The location of

the site outside the Housing Development Boundary has resulted in a significant level of objection from third parties with regard to the principle of development on this site.

However, due to the publication of the NPPF the Local Plan policies can only be given weight according to their conflict with the policies within the NPPF. In this case the Policy HG.4 is in conflict with the NPPF and therefore can be given little weight.

The National Planning Policy Framework (NPPF), paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development" and that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year land supply of deliverable housing".

Para 14 of the NPPF states that "where the development plan is absent, silent or the relevant policies are out of date" the local authority should grant permission unless there are any adverse impacts in doing so that would "significantly and demonstrably outweigh the benefits of the scheme".

In terms of the policy position, the key messages from this are that the Authority does not have an up-to-date Local Plan, or an Adopted Core Strategy, and the Council is not in a position to demonstrate a 5-year housing land supply. The outcome of this analysis is that the application should be principally assessed against the policies in the NPPF, with the amended core Strategy to be given limited weight as a material consideration in any decision.

In terms of the policy context, policy SV1 of the Core Strategy sets out the proposed strategy for the Somer Valley. The key objective of the strategy in terms of the Somer Valley is to address the imbalance between housing and employment provision which has resulted in high levels of out-commuting from the town. The site is located outside the adopted development boundary and therefore ordinarily the proposals would be recommended for refusal on these grounds.

However, as has been widely publicised, the Core Strategy Inspector required significant changes to the Core Strategy, and concluded that the methodology used for calculating the overall housing number was not NPPF compliant. The council was, in this regard, unable to demonstrate a 5 year supply of housing.

In response to the criticisms made of the Core Strategy and approach to housing, the Council has recently published recommended changes to the Core Strategy. Whilst the Core Strategy can only be given limited weight until it has undergone a further examination in public, the housing figures have been revised upwards from the level originally set out, leading to a requirement for an additional 1870 houses to be provided across the district.

The pre-amble to Policy SV1 has been amended to state:

'There is already a significant number of housing commitments in the Somer Valley and a limited capacity to generate new jobs. New housing in the Somer Valley will therefore be restrained in the interest of sustainability but some additional housing will be needed to meet the District housing land requirement. The Core Strategy plans for 300 homes to

come forward in the Plan period in addition to existing commitments estimated capacity on large brownfield sites and windfall sites. The Housing Development Boundary will be reviewed in the Placemaking Plan to facilitate this.'

This has result in Policy SV1 (4a) also being amended to read as follows:

"Review the HDBs to enable around 2,400 new homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John. This will include affordable housing, providing more choices of housing to meet the needs of
the local communities. (Policies RA1 and RA2 are applicable to the other settlements in Somer Valley.) "

Outline permission for 164 dwellings at Fosseway South, Westfield (12/05546/OUT), and outside the Housing Development Boundary, was approved at the Development Control Committee on 6th May which can be counted within the additional 300 dwellings for this area. It should be noted however that only very limited weight at this point can be applied to this cap of 300 homes because there remain objections from third parties to this figure being an appropriate level of housing.

By way of background information the Local Plan Inspector, when considering a proposal for the site to be allocated for development at the Bath & North East Somerset Local Plan, was of the view that:

'In considering this site under Policy HG.5 in relation to the HDB, I find the site to be visually contained but that it is a substantial area of undeveloped land which brings rural character to the centre of Peasedown, and provides a gap between the older terraced housing at Hillside View and the modern development to the south. As a result I recommend no change to the HDB.
In Section 5 of my report I have identified sufficient sequentially preferable options for the Council to investigate to meet the strategic housing land requirement without the need for the allocation of a greenfield site in such a location.

Recommendation - No change'

It is therefore clear that at the time of the B&NES Local Plan the site was not considered appropriate for housing primarily due to there being sequentially preferable options for housing elsewhere and the fact that adequate housing land had been found to meet the housing need over the plan period.

Therefore, given the policy position as set out in the NPPF, a presumption applies in favour of the development, unless the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits of the scheme.

Nevertheless, although only limited weight can be given to Policy SV1 of the Core Strategy, Officers consider that in principle the development is in accordance with this emerging strategy, and the development would assist in providing a proportion of the overall requirement for 2400 dwellings in this area.

It should be stressed that this additional housing requirement is identified for the Somer Valley as a whole. The location and distribution of this housing would ordinarily be

determined through the Placemaking Plan which has yet to take place. However prematurity is not a ground for refusal of this application having regard to Para 14 of the NPPF.

In terms of the Strategic Housing Land Availability Assessment (SHLAA) the site was originally assessed and was found to be unsuitable at that time because it was outside the Housing Development Boundary.

During the Examination in public, the Council defended the approach of the SHLAA to the Somer Valley but the Inspector considered and rejected this evidence, raising significant specific concerns about the approach adopted in the SHLAA to the Somer Valley. The Inspector concluded:

3.58 Overall, the SHLAA does not provide a reliable or consistent assessment of the housing potential of the Somer Valley towns to inform the strategy.

3.59 Given the limitations of the supporting evidence it is difficult to draw any firm conclusions as to the soundness of the proposed 2,700 dwellings (in the Somer Valley). It would be unsound to preclude the prospect of additional housing above existing commitments, particularly given the economic restructuring which is occurring in the area and the Council's plans for town-centre redevelopment.

The Council has in recent weeks updated the SHLAA and it now includes this site within the available and suitable sites to potentially fulfil the 300 dwelling shortfall.

The analysis in the inspector's assessment of the submitted Core Strategy and in the revisions to the Strategy (and policy SV1) to address his concerns are material considerations that would be given weight in any appeal, and consequently, as the proposed development accords with the emerging Core Strategy a refusal of this application cannot be justifiably made on this basis.

Turning to the issue of the imbalance between employment and housing, the proposed development does include the provision of 288sqm of Use Class B1 (Offices/Light Industry) that will be offered on a peppercorn rent to a community trust to operate as a local employment hub. This in itself is considered to be in accordance with Policy ET.2 and ET.4 of the B&NES Local Plan.

The Core Strategy Inspector recognised the issues surrounding the imbalance between employment and housing and stated in his preliminary conclusions (ID28), 'it would be unsound to preclude the prospect of additional housing above existing commitments, particularly given the economic restructuring which is occurring in the area and the Council's plans for town centre redevelopment. Conversely, if the number of new homes were to be greatly increased above expected job growth there would be a much greater increase in out-commuting which is a disadvantage in the planning balance.'

Nevertheless the Core Strategy Inspector went on to state that the Somer Valley has ample employment land which could potentially go some way to address out-commuting. This, among other reasons, has resulted in the removal of any policy requirement to provide employment benefit as part of a housing development within the updated wording of Policy SV1 of the Core Strategy. Therefore, whilst the commentary to Policy SV1 still

states that it seeks to ensure that an economic benefit from new development, even if significant weight could be given to Policy SV1, there is no policy requirement to ensure this is provided as a direct result of individual residential developments.

Notwithstanding this, the provision of business floor space within the proposed development will assist in addressing any imbalance between housing and employment provision that already exists or would arise as a result of this development. However under Policy SV1 there is no policy support for requiring the above economic development measures and there is no evidence to demonstrate that they would be necessary to make the application acceptable in planning terms.

Despite this, the Economic Development Officer has raised concerns that the Somer Valley has undergone a period of both job and employment space losses and therefore in order to address the Core Strategy objectives the development should provide a higher level of business floor space than currently proposed or pay an additional contribution of £120,000 to be secured under a S106 Agreement.

However, as stated above, in light of the amendments to Policy SV1, even if significant weight could be given to this policy, there is no requirement for increasing the floorspace, requiring an additional contribution or securing the proposed floor space as part of a S106 agreement.

Finally, it has been stated that the business floor space will be offered on a peppercorn rent to a community trust to operate as a local employment hub. This is not something that can reasonably be controlled in planning terms because the existing policies do not require it. Therefore the terms on which the business floor space is ultimately offered, and/or managed remains entirely within the Applicant's control.

Therefore whilst the concerns about out-commuting have been considered in full it remains clear that even if significant weight could be given to Policy SV1 the proposed development would not be contrary and therefore could not justifiably be refused on this issue.

In conclusion, and in light of the absence of a 5 year housing land supply and the limited weight that can be given to the amended Core Strategy, Officers conclude that the proposed development should be judged against policies in the NPPF and therefore a presumption applies in favour of sustainable development.

SUSTAINABILITY OF THE SITE AND HIGHWAY SAFETY:

This section incorporates the detailed comments prepared by the Highways Officer after careful consideration by the Case Officer.

The proposed development has been the subject of a significant number of objections by local residents, Peasedown St John Parish Council as well as Dunkerton and Camerton Parish Councils. The main concerns are that the proposed development would increase pressure on already congested roads within Peasedown St John itself, particularly Bath Road and Hillside View, but also on the surrounding roads. A specific concern is also the lack of visibility at the junction of Greenlands Road and Bath Road as well as the potential

increase of 'rat running' along rural lanes within the vicinity of the site. These concerns have been taken into account as part of the overall consideration of the development.

The application has been accompanied by a comprehensive Transport Assessment which has been carefully considered as part of the application.

The site lies outside the housing development boundary of Peasedown St John but is located in a position almost surrounded by the existing village and just off the main thoroughfare of Bath Road where the majority of the village's facilities are located.

Peasedown St John has wide variety of local facilities including shops, Post Office, Doctors etc. along with a frequent bus service which runs along Bath Road 3 times per hour. The site also immediately abuts a public footpath (BA19/4) on its Eastern boundary to which connections are proposed and would provide a direct and convenient route to the centre of the village. The site would also have direct access to the village centre from the Western side involving a short walk along Greenlands Road.

As the proposed development would result in increased use of public footpath (BA19/4) it is considered appropriate that some improvement works to the surface should be included within a S106 agreement. The public footpath has recently been partially resurfaced and it is proposed that the remainder be upgraded with a bound material at not less than 1.0 metre in width. Further improvements regarding the maintenance of the site boundary hedge, where it abuts the public footpath, and improved drainage are also to be included in a S106 agreement in order to prevent the hedge overgrowing the right of way, and to enable it to be used by residents of the proposed development in all weather conditions.

With upgrading of the public footpath, referred to above, the development site has good connections to the village centre and facilities and is considered sustainable in highway terms, despite it being located outside the Housing Development Boundary.

With specific regard to vehicular access to the site the Highways Development Officer is of the view that they are acceptable subject to the provision of junction visibility splays. However, the two accesses, along with the visibility splays, would result in the loss of a number of existing on-street parking which will inevitably displace parking to elsewhere in the vicinity. A Traffic Regulation Order (TRO) will therefore potentially be required to restrict parking through the use of yellow lines.

Although the proposal is in outline form the Highways Development Officer had expressed concern that the number of parking spaces had been included in the application description. His concerns was that this was too prescriptive at this stage as, whilst the proposed level of residential parking could potentially be adequate, this depends very much upon the final mix and layout to be considered at reserved matters stage. In order to overcome this concern, and to ensure that it does not hinder the layout of the eventual development, the reference to parking spaces has been removed from the description.

The Highways Development Officer has stated that the development should make a contribution towards the strategic highway and transport works, in line with the Supplementary Planning Document on Planning Obligations (SPD). The contribution in this respect has been calculated as £200,719.82. However as these funds would be used

for the Bath Package it is considered that the contribution is not directly related to the development and is therefore not justified.

Emergency vehicle access has also been raised as a concern but this existing situation is unlikely to be materially affected or made significantly worse as a direct result of this development.

In conclusion, it is acknowledged by Officers that the development will introduce additional vehicles and vehicle movements into Peasedown St John Village, some of which may also use existing rural lanes for access. However despite these concerns, and others identified within this report and raised by objectors, the Highways Development Officer has raised no objection to the development subject to the prior completion of a legal agreement.

DESIGN AND LAYOUT:

The detailed design and layout of the proposed development are reserved matters and not under consideration at this time. The indicative information provided is quite detailed but, despite concerns by the Urban Design Officer and Landscape Officer, it is considered that there are no over-riding concerns to be raised with the design approach at this stage. The illustrative masterplan states that the site will accommodate 89 dwellings, at an average density of approx. 35 dwellings per hectare which provides for an acceptable density in the context of the area. The site would also include 288 sqm of business space along with areas of open space and allotments.

It is considered that the proposed level of development could be achieved on site although the full detailed design would be subject to further approval through reserved matters.

IMPACT ON THE CHARACTER OF THE AREA:

The proposed development will not directly affect any designated heritage assets, however the site is located adjacent to Hillside View, a collection of terraced houses constructed as miners workers dwellings in the early 20th Century.

The dwellings are distinctive in their layout, appearance and historic character and are identified, by the Conservation Officer, as a local heritage asset for historic and architectural reasons. It is therefore considered appropriate that the historic significance of the terrace, as well as the physical and visual impact the development would have, should be taken into account as part of this planning application.

In this regard the Conservation Officer is of the view that, by developing immediately adjacent to Hillside View, the local character and the setting of the terraces would be changed from a stand-alone built group in the countryside to them being linked with the rest of the settlement which would be harmful. He is further of the view that the significance of the miner's terraced housing derives not only from its physical presence but also its setting, and this would be harmed by directly linking it with the new development proposed on the adjoining site.

Whilst Officer's would not disagree with this view, the separation of Hillside View from the rest of Peasedown St John has already been eroded through the erection of the housing to the West of Greenlands Road, albeit to a smaller degree than the proposed

development. Furthermore, whilst it is agreed that there would be some harm to the setting to Hillside View it is not considered, on balance, to be so significant as to justify a recommendation for refusal on this point.

ARCHAEOLOGY:

The application has been accompanied by desk based archaeological assessment that has indicated that the site area has low archaeological potential. The Archaeologist, whilst he agrees with this statement, is concerned that, without further field evaluation, the potential for archaeological deposits could actually range widely from low, medium to high. Nevertheless he is of the view that there are no objections to the scheme subject to conditions.

RESIDENTIAL AMENITY:

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

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

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

LANDSCAPE AND TREES:

The site is, in parts, very steeply sloping with fields containing a number of trees and mature hedgerows. The main hedgerow dividing the site is considered to be visually important and also includes an important large tree in the centre.

The site currently makes a significant contribution to the distinct gap between the houses in Hillside View to the North and the built up development along Greenlands Road and Bath Road to the South. The proposal would close this gap and join Hillside View with the main built up area of Peasedown St John.

The development would also obviously result in the loss of agricultural land with a corresponding loss of 'openness' but this would only have a limited effect on short/medium range views of the site. Nevertheless it is inevitable that the resulting change from open agricultural land to residential dwellings would change the rural character and appearance of the area.

Furthermore, as has been stated above, the Local Plan Inspector, when considering the site at the Bath & North East Somerset Local Plan, was of the view that:

'In considering this site under Policy HG.5 in relation to the HDB, I find the site to be visually contained but that it is a substantial area of undeveloped land which brings rural character to the centre of Peasedown, and provides a gap between the older terraced

housing at Hillside View and the modern development to the south. As a result I recommend no change to the HDB. '

With respect to the impact of the development on public views from the West, due to the sloping nature of the site, it is not generally visible in short to medium range views except from the houses, roads and public footpath directly adjoining it. As the site slopes down and away from Greenlands Road most views from this point pass over it towards the fields and landscape in distance. Fleeting views of the southernmost parts of the site are afforded from Hillside View to the South along the 'alleys' to the front and rear of the terraces along with restricted views in / out of the lower parts of the site.

Nevertheless it is clear from the topography of the site that any development close to the Western-most boundary would have a significant impact on public views from Greenlands Road and the North more generally. From the indicative layout, the Landscape Officer is concerned that the response to topography and landscape constraints is poor with particular respect to the impact on public views from this point. The submitted information clearly identifies that there are long range and open views from this part of the site but have not been seen as a primary part of the landscape strategy.

The Landscape Officer has also identified that the development would have a direct impact on the views from dwellings at Nos 42 to 60 Greenlands Road whilst other properties generally look more directly to the west for their longer distance views. However the loss of a view from a private dwelling is not a material planning consideration.

Furthermore, due to the steeply sloping character of the site, it is clear that any development would involve engineering works, in some areas significant, in order to create level plots and acceptable road gradients. From the indicative layout the amount of engineering works necessary has been kept to a minimum by working with the contours of the land but nevertheless it is inevitable that such works would have a visual impact on the landscape.

In long distance views from the surrounding hills, particularly Tunley, 2k away to the NW the site is clearly visible although the proposed development would be seen against the context of the existing built up area of Peasedown St John. The Landscape Officer is of the view that there will not be a significantly adverse visual impact from these longer distance viewpoints and the development would generally sit below the horizon line with the lower level houses not generally being visible.

Despite the overall views of the Landscape Officer that the visual impact of the development would be limited, concerns remain that there would be some harm to the landscape along with a harmful visual impact within some short range views of the site. Whilst the layout is indicative the Landscape Officer has nevertheless identified specific concerns about any development along the Western-most boundary, where it abuts Greenlands Road, which could have a significant visual impact by blocking long range views. Due to the relatively tight constraints of the site it appears that there is very little opportunity for these concerns to be addressed at reserved matters if the site is to accommodate the number of dwellings and business floor space proposed.

In light of the above it is considered that, whilst the proposed development would have a significant visual impact from public viewpoints along Greenlands Road, the overall harm resulting from the scheme as a whole is considered to be limited and there is not sufficient justification for refusing the development on this point.

With respect to the impact of the development on any trees on the site, as the proposal is only in outline, the Arboricultural Officer has raised no objections at this stage as no trees are affected.

ECOLOGY:

Despite initial concerns about the accuracy and level of information submitted with respect to the ecology of the existing site, additional information has now been provided to indicate that minimum areas of habitats can be accommodated within the site. In light of this the Ecologist is now of the view that there are no objections to the development on ecological grounds subject to conditions and there is no reason for Officers to disagree with this.

In taking this view both Officers and the Ecologist have been aware of the concerns of residents in respect of the habitat that the site currently supports as well as the species, protected or otherwise that is present. Nevertheless the information provided has been found to be sufficient and there is no justification to refuse the application on these grounds.

RECREATION AND OPEN SPACE:

The submitted documents and application description state that the development will provide 0.43ha of public open space and 0.80 ha of allotments. This is considered to be appropriate and in accordance with the planning obligations SPD.

Nevertheless as the application is made in Outline with all matters reserved aside from access it is considered that whilst provisions and contributions can be included in a S106 agreement at this stage, the detailed final contributions will be further addressed at Reserved Matters stage.

FLOOD RISK AND DRAINAGE:

A significant level of concern has been expressed about flooding that is already experienced both on the site and within the locality and the impact that the development will have on an existing poor situation. Concerns have also been raised that the existing sewage works within Dunkerton Village do not have capacity to cope or will require upgrading as a result of the additional housing on this site.

The application has been submitted accompanied by a flood risk assessment and Drainage Strategy which identifies a number of measures to deal with flood risk and drainage. This approach includes the provision of underground attenuation tanks draining into the existing culvert with foul waste connecting to the existing sewer running down the Eastern boundary of the site. There is an existing sewer crossing the site which is proposed to be diverted.

Wessex Water have confirmed that, whist there is adequate capacity within the Dunkerton sewage works to accommodate the additional flows, the sewage system leading to it does have limited capacity. Therefore upgrading works and improvements are required to the downstream system for which the developer will be expected to contribute to the costs along with the necessary network modelling. This will be an agreement between Wessex Water and the developer.

With regard to surface water drainage, following the submission of additional information, the Environment Agency, Highways Drainage Team and Wessex Water are of the view that the provision is acceptable. This is subject to the future responsibility and maintenance of the surface water drainage system being included within a S106 legal agreement and appropriate conditions.

However an objection letter has been received from a local objector giving technical reasons why the submitted surface water drainage system was inadequate and that the applicant's calculations and approach was flawed. This issue was subsequently addressed by the submission of further information which was then referred to both the Highways Drainage Team and the Environment Agency.

In their final comments the Highways Drainage Team has remained of the view that the approach was acceptable subject to drainage improvement works to the receiving watercourse. Furthermore the Environment Agency, whilst appreciating the concerns by Objectors regarding the attenuation volume and proposed drainage ditch, also remain of the view that the design approach of a 1:1 year runoff rate of 16.1 l/s for the 3.1 Ha sloping site is realistic and that the storage volume calculated is acceptable for this Outline stage. Runoff will also be restricted to the 1:1 year event for all return periods.

They are clear that further site investigation is required to inform the design of the proposed drainage ditch to ensure land instability issues do not arise but are satisfied that these aspects can be dealt with by the suggested surface water drainage condition.

Overall the Environment Agency is of the view that the surface water drainage works will improve the existing situation and represents betterment on the existing Greenfield situation. It is therefore extremely unlikely that flooding within this site, and resulting from run off from this site onto surrounding roads, would be worsened and would, in all likelihood, result in an improved situation.

Overall it is considered that the scheme now provides an acceptable approach to both the existing issues of flooding and also to deal with flooding and drainage pressures that will result from the development.

AFFORDABLE HOUSING:

The applicant has confirmed that the site would provide 35% affordable housing which is in line with the Councils adopted Policy. The applicant has provided some information on mix, tenure and location. Overall the Housing Officer has found the details to be acceptable and is satisfied that an acceptable level of provision of affordable housing is being proposed and can be achieved through a suitably worded S106 agreement.

EDUCATION:

Peasedown St John village is served by Peasedown St John Primary School which is already nearing capacity and therefore would not have space for all the children generated by the proposed development.

Specifically whilst it has been projected that, by the start of the 2016 academic year, there will be 5.6 spare places in year group 3 and 2.6 spare places in year group 5, all other year groups are projected to be full. Therefore 5.86 pupils can be accommodated at Peasedown St John and 16.97 cannot.

At first Education Services were of the view that the ideal and most appropriate way forward in this situation would be to extend the existing school buildings to accommodate the additional pupils. Therefore a feasibility study was carried out to consider the cost of extending the existing school sufficiently in order to provide the necessary additional hall space, four additional classrooms plus ancillary accommodation e.g. toilets to enable it to organise as a three form entry school. Education Services are of the view that the creation of split site schools is inappropriate as this can lead to organisational difficulties for schools.

In terms of additional hall space it has been found that there is potentially scope to share the use of the Youth Service hall adjacent to the school site with the Youth Service and other community groups.

With regard to additional classrooms and ancillary accommodation, the site at Peasedown St John Primary school is limited and all existing outdoor space needs to be retained in order to provide sufficient outside space for the existing children as well as the additional children generated by the development.

Therefore it was found that the most appropriate location for an extension would be on an area currently occupied by a double temporary classroom block containing two classrooms. This would give sufficient space to erect a six classroom two storey new build block (four new classrooms and two classrooms to replace the two temporary classrooms).

The results of the Feasibility Study then concluded that the provision of a six classroom block would be in the order of £1,7m to £1,8m.

As this proposal would in effect provide a number of school places over and above that resulting from the proposed development, and also included the replacement of existing facilities within the school, in the absence of any Council top up or match funding, it was considered that the obligation of £1.7m to 1.8m was not fairly and reasonably related in scale and kind to the development. Therefore it was not reasonable to require the Applicant to enter into a S106 agreement for this sum.

Once this was established it was then calculated that the primary age pupil contribution based on the cost per place multiplier would be £220,481.36 which has been agreed with the Applicant.

It is envisaged that this sum would be used in two ways. The first, and most preferred, option, would be to provide additional and upgraded accommodation on the existing school site in order to accommodate the additional pupils, which, with potentially some reorganisation of class sizes etc, Education Services are confident can be achieved.

However, if for whatever reason this is not possible, children without a place at Peasedown St John School would have to go to the nearest surrounding schools such as Shoscombe C of E Primary School and Camerton Church School. Although these schools are projected to have sufficient places between them they are both accessed from Peasedown St John via routes that are deemed to be hazardous. Therefore the Council would be obliged to, at its cost, provide home to school transport to these Schools.

The estimated cost of providing home to school transport for pupils from the development site in Peasedown St John to both Shoscombe C of E Primary school and Camerton Church School would be £30,400.00 per year every year. This is based on the cost of providing two 12 seater mini buses, one to each school. If there were still children who could not be accommodated in these two schools and a third transport was required to run to a third school the costs would be higher. The contribution of £220,481.36 could fund this service for approx. 7 years which is essentially the period within which a child is in primary education. After this time the Council would become responsible for any future costs.

Therefore, as the application is made in Outline with all matters reserved aside from access, it is considered that provisions for appropriate contributions should be included in a S106 agreement at this stage, with the detailed final contributions will be further addressed at Reserved Matters stage.

LOCAL SERVICES:

The proposed development has resulted in a significant number of objections and concerns in relation to the additional pressure that would be imposed on already overstretched local services, specifically in relation to the existing Doctors Surgery (Hillcrest Surgery) within Peasedown St John.

Representations have been received from local residents, and from Hillcrest Surgery itself, highlighting specific problems currently experienced with accessing healthcare facilities including a GP and raising concerns that the situation will be worsened as a result of the development. This has culminated in a request for financial provision to enable Hillcrest Surgery to be expanded.

Whilst the requirement for a financial contribution towards local healthcare facilities is possible under Policy CF.3 of the Local Plan, Officers have not received any evidence on what contribution is sought from this development, what exactly it would pay for or why it is needed. Therefore at present it is not possible to demonstrate that a contribution is necessary or reasonably related in scale to the development proposed, or that the development would be unacceptable without such a contribution. Therefore, at present no contribution can be justified against the legal tests for planning obligations.

CONCLUSION:

As discussed, due to the existing policy position, the application falls to be considered against the NPPF. This advises that where the development plan is absent, silent or the relevant policies are out of date the local authority should grant permission unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme". This is the key test that the application should be considered against, given the Council does not have an up to date Core Strategy.

The proposed development, despite the provision of 288sqm of business floor space, would not, in the view of the Economic Development Officer, provide adequate economic development measures. However, although limited weight can be given to Policy SV1 of the Core Strategy, original wording, which placed significant restraint on additional housing in the town, was rejected by the Core Strategy Inspector, who found that insufficient housing land had been supplied and that some housing growth was still needed over and above existing commitments. The Core Strategy is proposed to be amended to address this criticism, allowing scope for an additional 300 dwellings in the Somer Valley.

As a result, even if significant weight could be given to Policy SV1 of the Core Strategy, it is considered that the principle of the proposed development is in line with the amended wording of policy SV1 and a refusal on the grounds of under provision of economic development measures would be very unlikely to succeed, as it would run directly counter to the outcomes of the Core Strategy examination process.

The proposed development has been subject to a number of objections in relation to the additional pressure that would be imposed on already overstretched local services, in particular Peasedown St John Primary School and the GP Surgery at Hillcrest Surgery. With respect to the School the preferred option of expanding the existing school to accommodate the additional pupils resulting from the development has been found to be unfeasible due to its high cost and lack of Council 'top up' funding. As a result it has been agreed that a sum of £220,481.36 will be required as part of a S106 agreement to fund improvements to the existing school and/or fund home to school to school transport to neighbouring schools in the event that pupils cannot be accommodated at the local School.

With respect to the Hillcrest Surgery, at present it is not possible to demonstrate that a contribution is necessary or reasonably related in scale to the development proposed, or that the development would be unacceptable without such a contribution. Therefore, at present no contribution can be justified against the legal tests for planning obligations.

The development has raised no objections from the Highways Development Officer who is of the view that the proposal is acceptable and is within a sustainable location. In conjunction with works to provide satisfactory highway access to the site the development also incorporates a number of improvements to the adjoining public footpath. On this basis it is the view that the development is, overall, acceptable and would not have a detrimental impact on highway safety.

Significant concerns have been raised by local residents in relation to existing flooding on the site and within the surrounding area and further concerns that this will be exacerbated

as a result of the development. In order to overcome these existing issues and plan for the future pressure of the development on drainage and flooding the application has proposed mitigation measures and will also be required to fund improvement works by the relevant statutory authorities. Overall the scheme has been found to be acceptable to the Highway Drainage Team, the Environment Agency and Wessex Water. Officers are therefore satisfied that the concerns in relation to sewage, drainage and flooding can be overcome to a satisfactory degree.

The development would provide housing which would help to meet the identified shortfall within the district, including the provision of affordable housing at a rate of 35%. Given the policy context and the guidance in the NPPF these benefits are considerations that must be given significant weight in favour of the development.

In terms of the impact of the development on the character and appearance of the landscape it is considered that the harm to the landscape is finely balanced. Whilst the overall harm, both in terms of landscape character and visual impact, is considered to be limited, there are areas where the impact would be more significant, particularly in views from Greenlands Road.

The site also currently makes a significant contribution to the distinct gap between the houses in Hillside View to the North and the built up development along Greenlands Road and Bath Road to the South. The proposal would close this gap and join Hillside View with the main built up area of Peasedown St John. This is of concern with regard to impact on the landscape but the Conservation Officer is also of the view that, by developing immediately adjacent to Hillside View, the local character and the setting of the terraces, a local heritage asset, would be harmed. Overall it is therefore considered, on balance that the proposed development would not have such a harmful impact as to be contrary to Policy NE.1 of the Local Plan or jusify refusal on this point.

With regard to trees and ecology, from the indicative layout, the development would retain many of the trees and hedgerows and in this respect the Arboricultural Officer has raised no objections. Furthermore the Ecologist has no objections subject to conditions.

In conclusion, officers do remain concerned about some aspects of the proposed development, particularly in terms of the impact on the historic character of setting of Hillside View as well as landscape and visual impact. However the proposed development will result in benefits such as the delivery of housing, including affordable housing, along with business floor space which must be given significant weight as a material consideration in favour of the development.

Therefore, in this case, it is considered that the adverse impacts of granting consent would not significantly and demonstrably outweigh the benefits of the scheme and therefore it would be unreasonable to refuse planning permission for these reasons.

RECOMMENDATION

Authorise the Development Manager of Planning and Transport Development to PERMIT subject to condition(s)

CONDITIONS

Authorise the Development Manager, in consultation with the Planning and Environmental Law Manager, to enter into a section 106 agreement to provide the following:

Affordable Housing

1. To secure an acceptable level of affordable housing provision to ensure that it is delivered - 35% of the overall residential provision to be secured as affordable and grant free housing with a max 75 /25 percent split between Social Rent and Intermediate Market housing.

Highways

2. To secure the highway works and contributions comprising:

Upgrading of the remaining length of public footpath (BA19/4) with a bound surface to a width of 1m and provision of positive drainage along the entire length.

the formation of new vehicular accesses from Greenlands Road into the development

the formation of new pedestrian access from the site onto Public Right of Way BA19/4

improvements and alterations to road markings (including Traffic Regulation Orders) on Greenlands Road

Landscape and Open Space

3. Contributions to fund the provision of formal open space, natural open space and allotments off-site to serve the population, and fund the maintenance of any formal open space, natural open space and allotments provided within the development, the amount of the contribution to be calculated prior to reserved matters consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the first occupation of the development.

4. A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. This shall set out on going management objectives for any green community space and areas of retained and new planting provided, including the hedgerow adjoining Public Right of Way BA19/4, within the development and not to be adopted by the Local Authority, shall indicate the areas to be managed and set out the scope, timing and frequency of specific maintenance operations to achieve these objectives.

Education

5. Contributions to fund the need for primary school places arising from the development, and/or the provision of home to school transport if this is found to be required as a result of this development. Contributions are also required for secondary age places. The amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be provided prior to the commencement of development.

Surface Water Drainage

6. A scheme for the future responsibility and maintenance of the surface water drainage system shall be submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed. This to ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

And permit subject to the following conditions:

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

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

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

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

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

The scheme shall include details of how the scheme shall be maintained and managed after completion.

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

CONDITION ADVICE NOTE: The following details are expected when discharging the above condition:

o A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes.
o A manhole schedule.
o Model runs to demonstrate that the critical storm duration is being used.
o Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.

Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with Table 5 of the Technical Guidance to the National Planning Policy Framework.
Where infiltration forms part of the proposed storm water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

4 Prior to construction commencing on site a condition survey and remediation strategy and program for the proposed outfall culvert from the site should be submitted to and approved in writing by the Local Planning Authority. Any defects to the outfall culvert should then be rectified in line with the agreed remediation strategy and program as approved.
Reason: In the interests of flood risk management and highway safety.

5 Prior to construction on site, a detailed assessment of how existing watercourses and land drainage features within the proposed development will be managed during construction and retained post development shall be submitted to and approved in writing by the Local Planning Authority. The development will then be constructed as agreed.
Reason: In the interests of flood risk management and highway safety.

6 The development shall not be commenced until a foul drainage strategy is submitted to and approved in writing by the local Planning Authority in consultation with Wessex Water. The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the Local Planning Authority.
Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

7 No development shall commence until details of the finished ground floor levels and finished ridge heights of the proposed buildings in relation to Ordnance Datum have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed thereafter in accordance with the approved details.
Reason: In the interests of residential amenity and the character and apperance of the surrounding area.

8 No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.
Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

9 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning

Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.
Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains.

10 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.
Reason: The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

11 The development hereby permitted shall not be occupied until the visibility splays at the junction of the proposed estate streets with the public highway Greenlands Road having co-ordinates of 2.4 metres 'X' distance and 43.0 metres 'Y' distance, or any alternative dimensions that may be approved in writing, have been provided clear of obstruction to visibility at or above a height of 0.6 metres above carriageway level of Greenlands. The visibility splays shall thereafter be maintained free of obstruction at all times.
Reason: In the interests of highway safety.

12 The development hereby permitted shall not be occupied until a highway footway, of 2.0 metres minimum width, has been provided for the length of the application site frontage to the public highway, Greenlands Road, in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and public amenity.

13 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.
Reason: To ensure that the development is served by an adequate means of access.

14 The development hereby permitted shall not be occupied until the existing public footpath, BA19/4, adjacent to the eastern boundary of the site, has been resurfaced with bound material, and connections have been made to it from this development, in accordance with details submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety, sustainability, and public amenity.

15 No part of the development hereby permitted shall be occupied until parking has been provided to serve that part of the development, in accordance with details submitted to and approved in writing by, and to the satisfaction of the Local Planning Authority.
Reason: In the interests of highway safety and public amenity.

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

17 Prior to the occupation of the development a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with that Travel Plan.
Reason: In the interests of sustainable development.

18 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details, although not exclusively, of deliveries (including storage arrangements and timings), contractor parking, traffic management and hours of construction work.
Reason: To ensure the safe operation of the highway.

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:
o human health,
o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
o adjoining land,
o groundwaters and surface waters,
o ecological systems,
o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES.15 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

20 Submission of Remediation Scheme - A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES.15 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

21 Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES.15 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

22 Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 21.

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

policy ES.15 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

23 Long Term Monitoring and Maintenance - A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation to be agreed with the Local Planning Authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES.15 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

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

(i) Details of all habitat to be retained and protected with details of all necessary measures to avoid harm to retained habitats in particular hedgerows and trees
(ii) Details of all new habitat provision wildlife friendly planting and wildlife enhancements
(iii) Details of proposed management methods and schedules
(iv) Details of proposed wildlife friendly lighting proposals including provision of lux level contour plans demonstrating provision of dark corridors along key linear habitat features to encourage maximum wildlife benefit including use by bats
(v) Details of any other necessary ecological mitigation measures as applicable

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.
Reason: To avoid harm to wildlife and protected species and their habitats

25 No development shall commence until full details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage faciltiies shall thereafter be provided in accordance with a timescale which has first been submitted to and agreed in writing by the Local Planning Authority.
Reason: In the interests of sustainable development.

26 No occupation of the approved development shall commence until an allotment management plan for any on-site allotments has been submitted to and approved in writing to the Local Planning Authority. This shall set out the overall management of the allotments including allocation, with residents within the Parish boundary being given priority.
Reasons: In the interests of public amenity.

27 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.

28 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.

29 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 nos PL03, PL004, 1805/WHP1 and June 2013 Briefing Note: Proposed Ecological Mitigation/Compensation/Enhancement Measures

2 Advice Note:

Environment Agency Informative:

We note and support the intention to lower runoff rates from the site to the 1:1 year rate of 16.22l/s for all events. We also note the proposed use of attenuation tanks in the north corner of the site with a flow control before the discharge to the existing ditch. We are satisfied in principal with the proposals to construct a drainage ditch around the northern edge of the site to deal with any potential overland flows. We advise that the B&NES drainage engineer should be consulted on these proposals to ensure that they would be minded to grant Land Drainage Consent.

Therefore, any work or structures affecting ordinary watercourses, such as the ditch that the surface water drainage scheme discharges into from the site, may require Land Drainage Consent from the Lead Local Flood Authority (Bath and North East Somerset Council). Please contact Jim Collings or Tom Redfern at B&NES for further guidance on how to apply - tel. 01225 394366.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

Environmental Health Informative

No materials arising from the demolition of any existing structure(s), the construction of the new dwelling or any material from incidental works shall be burnt on the site.

The requirements of the Council's Code of Practice to Control noise from construction sites and shall be fully complied with during demolition and construction of the new building. (copy available here http://wwwi/environmentandplanning/Pollution/Pages/PollutionConstruction.aspx

In all cases the best practicable means of minimising noise on the site must be adopted. (In this respect guidance is given in British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites.)

Environmental Health General Advice

The Council recognises that construction operations by their nature are noisy. However the impact on those living and working in the vicinity must be minimised. The maintenance of good community relations is vital. Contractors are advised to consult local residents/communities regarding works and to give them details of a responsible appointed person on site who will be able to deal with queries. The removal of uncertainty and rumour can help to reduce peoples reaction to noise. Particular regard should be given to the noise impact on hospitals, schools and churches.

The development should be carried out in accordance with a Construction Dust Management Plan that complies with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities.

The Coal Authority - Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

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

3 Decision taking statement:

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

Item No: 03

Application No: 13/02028/FUL

Site Location: Trident Works Marsh Lane Clutton Bristol BS39 5AZ

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

Ward Members: Councillor Jeremy Sparks

Application Type: Full Application

Proposal: Erection of two storey extension to provide new rest room and office including new roof over existing rear stores.

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Hazards & Pipelines,

Applicant: MC Roberts And Sons

Expiry Date: 8th July 2013

Case Officer: Tessa Hampden

REPORT
Site description and proposal

The application site is located to the south east of Clutton Village close to the fringes of Hallatrow. The application relates to Trident Works which is adjacent to the former Trident Factory. The site is currently used as a metal recycling centre. This was granted planning permission in 2008 with a number of conditions attached to the permission.

The application seeks planning permission for the erection of a two storey extension to provide a new rest room and office including a new roof over the existing rear stores.

Relevant planning history

DC - 08/03492/FUL - PERMIT - 18 December 2008 - Change of use from old canteen to metal recycling depot

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Highway Development - It is not considered that the development would result in the increase in the operations of the site or vehicular movements from the site and as such no objections are raised.

Environmental Health - no objection subject to condition

Cllr Kew - Requested that this application was heard at Planning Committee. The reasons can be summarised as follows:

The reasons for this request is the cumulative effect that this application is having on a very small industrial site.
The site is too small for its current uses and the road is currently used as a car park throughout the day and sometimes evenings.
The original permission prevented any recycling or other works to be carried out outside the building, this has not been adhered to and an enforcement enquiry is now being undertaken.
The works requested within this app. has already commenced and should be stopped immediately.
Any further uses or extensions would be totally inappropriate for this site.

Clutton Parish Council - Although it has no objection in principle to the proposed development, due to unlawful development relating to the field across the road from the application site, which is states is agricultural land, being used for industrial uses, they oppose the current application until such time as the applicant has EITHER returned the field to the condition in which it found itself prior to the application of hard core and tarmac to the surface of the field OR applied and received consent for a change of use to industrial use.

High Littleton Parish Council -object in principle to the application. The comments can be summarised as follows:
Contentious application due to issues with regards to highway safety -increase in use of poor road network

Development will result in increase in use of the site and parking provision has not been clarified
Development out of keeping with the character and appearance of the area
Inaccurate description of the development

POLICIES/LEGISLATION
Bath and North East Somerset Local Plan (including minerals and waste policies) 2007
D2 - Design, public realm and residential amenity.
D4 - Townscape
ET4 - Core Employment Sites
ES15 - Contaminated Land
T24 - General development control and access policy

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework

The National Planning Policy Framework was published in March 2012 and will be given full consideration.

OFFICER ASSESSMENT
Principle of development

There is no objection to this extension in principle which is to a building that lies within a designated Core Employment Area. The proposed office and restroom would increase the existing facilities on site, but would be ancillary to the use of the current business. The additional storage area is considered to be modest in scale, and again ancillary to the main use of the site.

Character and appearance

The proposed extension will appear subservient to the existing building and will be appropriate in this commercial/industrial context. The main extension will be set back from the main road and will have limited impact upon the wider area. Whilst the design does not continue the existing form of the building, given the design and setting of the existing building, the proposed extension is considered to be acceptable.

The extension of the roof to provide additional internal storage will also appear subservient to the main unit, and respects the commercial nature of the building. This will provide a covered storage over an area that is currently used for external storage.

Overall, the development is not considered to harm the character and appearance of the building, the site, or the visual amenities of the wider area.

Highway safety

The applicant has advised that the existing office and restroom facilities will marginally increase the area for storage within the building, and will be used to accommodate

storage containers, which are taken outside daily to enable staff to move freely within the building. The means of access and internal parking/turning areas would still be available, as existing, and the proposal would not result in an increase in the operations on the site or vehicular movements to and from the application site.

Whilst the comments of third parties are noted with regards to highway safety, given the fact that the development is not considered to result in any significant use of the site, and the existing access and internal parking/turning areas would not be altered. the development is not considered to result in any detrimental harm to highway safety.

Residential amenity

It is not considered that the development will result in any material change of use of the site or a significant increase in the operations on this site. The extension is of an appropriate scale and set a sufficient distance away from neighbouring occupiers as to ensure that there will be no harm in terms of noise and disturbance, overbearing impact, loss of light, or any other form of disturbance. The development is therefore not considered to result in any significant adverse harm to the residential amenity of the surrounding neighbouring occupiers.

Other issues

It is noted that the applicant is not complying with certain conditions attached to the previous planning permission granting planning permission for the use of the site for recycling. This includes a condition which states that there should be no storage outside of the building. This is currently been investigated by the Planning Enforcement Team. This planning conditions attached to the original planning approval for the use of this site will remain in place if planning permission is granted for this proposal. It is not considered that by the granting of this planning permission, the application would not be able to comply with these conditions, and as such the ongoing enforcement issues are not considered to directly impact upon this planning proposal.

No other issues have arisen as a result of this planning application and for the reasons as stated above, this application is recommended for approval.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 The development hereby approved shall not be used other than for purposes ancillary to Trident Works.

Reason: To ensure that there is no significant increase in vehicular movements

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

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

PLANS LIST: Plans: 001, 002 and site location plan date stamped 10th May 2013

REASONS FOR GRANTING APPROVAL:

1. The proposed development by reason of its design, siting, scale and use of materials does not harm the character of this building, the site, or the visual amenities of the wider area. Due to limited additional accommodation which is ancillary to the main building, there are not considered to be any significant issues with regards to highway safety or residential amenity.

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.

Bath and North East Somerset Local Plan (including minerals and waste policies) 2007
D2 - Design, public realm and residential amenity.
D4 - Townscape
ET4 - Core Employment Sites
ES15 - Contaminated Land
T24 - General development control and access policy

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework

The National Planning Policy Framework was published in March 2012 and will be given full consideration.

2
DECISION TAKING STATEMENT

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

3 No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings. (Copy attached).

Item No: 04

Application No: 13/02218/FUL

Site Location: Cutting Edge 7 North Parade Passage City Centre Bath Bath And North East Somerset

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

Ward Members: Councillor B J Webber Councillor Manda Rigby

Application Type: Full Application

Proposal: Change of use of No. 7 North Parade Passage at ground floor level only from Hairdressers (Use Class A1) to Tea Shop (Use Class A3)

Constraints: Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, Prime Shop Front, World Heritage Site,

Applicant: Bath Bun Tea Shoppe

Expiry Date:	30th July 2013
Case Officer:	Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

At the request of Cllr Webber, and with the agreement of the Chairman as the Ward Member supports the proposed contrary to the officers recommendation.

DESCRIPTION OF SITE AND APPLICATION:

The application site is a grade II* listed property which forms part of an important precinct group within the local area which falls within the Conservation Area and World Heritage Site. In the 1970s the building was significantly altered by the Bath Preservation Trust following a proposal to demolish the building and to replace it with an office development.

The narrow streets in this built environment result in all the buildings in the area having a close and intimate relationship with one another. The building which forms 3 retail units at ground floor and cafe/residential above was originally known as 2 Abbey Green and was partially demolished in the 1970s. The structure was previously 3-4 storeys but was structurally unsafe, and the demolition resulted in a loss of part of the character of the local area. The open character in this alleyway setting has become an established and positive attribute in this locality.

No. 7 North Parade Passage is recognisable by the bow fronted window that forms the shop front and adds to the historical vibrancy of North Parade Passage that acts as a corridor between two distinctly different but iconic green spaces in the City Centre (Parade Gardens and Abbey Green).

The application seeks a change of use to no. 7 North Parade Passage which runs perpendicular to no. 2A Abbey Green (Bath Bun Tea Shop) and is currently occupied and has been for a number of years as a hairdressers (A1 use class). It is proposed to change the use of this unit to a cafe (Use Class A3) to be used in association with the Bath Bun Tea Shop at no. 2A Abbey Green.

At present the Bath Bun Tea Shop operates over 2 floors, the ground floor is the A1 unit whereby only an over the counter service can be provided as a sandwich shop, the first floor contains the tea shop with a number of tables and chairs available for serving customers under an A3 use. There have been 2 previous applications submitted in the past 12 months for change of use of no.7 for A3 use, these were submitted together with a change of use of the ground floor of no. 2A Abbey Green and internal works to the listed building to open a link between the 2 units. Both of these were refused for the principle policy objection to the loss of a ground floor A1use class in both units, which are protected under the prime shop front policy. The applicant considers that some confusion has been caused over the description of the previous applications as the change of use only relates to No. 7 North Parade, however the previous proposals included the removel of the counter unit at no. 2A Abbey Green and replaced these with tables and chairs which is considered a material change of use.

It is proposed to create a larger kitchen unit to the rear of no. 7 North Parade Passage which is stepped up from the ground floor level of the entrance to no.7. the remainder of

the floor space will be occupied by tables and chairs. The kitchen will form the main service area for the Bath Bun Tea Shop.

There are currently 3 live appeals 2x planning and 1x listed building for applications which include as part of the applications the change of use of the application site No. 7 North Parade Passage. The final comments stage has now closed on 2 appeals (12/01800/FUL and 12/01801/LBA) and the local planning authority is awaiting a date for the Inspectors site visit.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
COUNILLOR WEBBER - Cllr Webber - The hairdresser's salon is part of the protected retail frontage but the applicants contend that it cannot support the retail vibrancy of the main central area as well as an enlarged café would do. An appeal decision in 2009 in a similar case at 3 North Parade Passage (Tilly's Bistro) adds weight to their case. As issue is whether policy S5 is absolute or whether it needs to be read in conjunction with policy S6 as well as with the particular facts and circumstances of the premises.

ENVIRONMENTAL PROTECTION - no observations or comments as no new plant or machinery associated with the operation of the extended building is envisaged as part of the application.

ENGLISH HERITAGE - No comment. The application should be determined in accordance with national and local policy guidance and on the basis of Conservation Advice.

OTHER REPRESENTATIONS / THIRD PARTIES:
3x objections from third parties
- The justification for the works proposed in this application is effectively to improve the viability of the current business. We do not consider this sufficient or acceptable justification.
- Operating times are declared as 09:30 - 22:30 Monday to Saturday. These seem extraordinary hours for a Tea Shoppe and are out of kilter with similar enterprises in the area.
- The application shows no air extraction or refrigeration plant but judging by the needs of every other local catering business, such equipment is essential.
- Change of use will have a fragmenting effect that is detrimental to the streetscape and trading pattern. Loss of A1 space is contrary to Policy S5 of the local plan, the appeal at Tilley's is not a precedent.

11x support from third parties
- Bath has too many vacant shops at present, and concentration of facilities for tourist and resident alike in that beautiful area is something that should be welcomed
- Feel that encouragement should be given to existing business' to grow
- Compliment North Parade Passage in its olde worlde tradition
- Current occupier operates 5 days per week when the remaining shops in the area operate on 7 therefore not fully contributing to the area
- The history of the Bath Bun is important and draws many visitors, especially tourists to to Abbey Green

POLICIES/LEGISLATION

RELEVANT PLANNING HISTORY:

08/00868/LBA - CON - 16 May 2008 - External alterations to remedial repair works

08/01714/LBA - CONSSE - 7 August 2008 - Refurbishment of existing residential and retail spaces including change of use and structural stasis work and one storey of new build residential including new shared entrance to relieve stress on existing features

08/01718/FUL - RF - 1 June 2009 - Refurbishment and extensions of building including formation of 2 additional residential units and shared access.

09/03862/FUL - PERMIT - 17 December 2009 - Change of use of 1st floor from retail (Use Class A1) to cafe (Use Class A3).

09/04443/LBA - CON - 18 January 2010 - External works to right hand corner of building to allow remedial underpining works due to settlement

12/01800/FUL - RF - 22 October 2012 - Remodelling of the existing Bath Bun Tea shoppe comprising an extension linking the tea shop to no.7 North Parade Passage at ground floor level via a new staircase, a further new staircase at first floor will allow customers to use the external terrace over no.7

12/01801/LBA - RF - 28 August 2012 - Internal and external alterations for the remodelling of the existing Bath Bun Tea shoppe comprising an extension linking the tea shop to no.7 North Parade Passage at ground floor level via a new staircase, a further new staircase at first floor will allow customers to use the external terrace over no.7

13/00731/FUL - RF - 15 April 2013 - Remodelling of existing Bath Bun Tea Shoppe comprising a proposed extension linking the tea shop to no.7 North Parade Passage at ground floor via a new staircase (revised resubmission).

13/00732/LBA - CON - 21 May 2013 - Internal and external alterations for the remodelling of existing Bath Bun Tea Shoppe comprising a proposed extension linking the tea shop to no.7 North Parade Passage at ground floor via a new staircase (revised resubmission).

POLICY CONTEXT:

NATIONAL PLANNING POLICY FRAMEWORK:

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

BATH LOCAL PLAN (adopted 2007)

D2 - General design and public realm considerations
D4 - Townscape considerations
S5 - Primary Shopping frontages for Bath, Keynsham and Midsomer Norton
S6 - A3, A4 and A5 uses in Bath City Centre
BH1 - Impact of development on World Heritage Site of Bath or its setting
BH2 - Listed buildings and their settings
BH6 - Development within or affecting Conservation Areas

CORE STRATEGY:
At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. It is not yet part of the statutory Development Plan and with regard to applications for residential development the Council attaches limited weight to the amended Core Strategy in accordance with the considerations outlined in paragraphs 49 and 216 of the National Planning Policy Framework. The following policies should be considered:
B4 - The World Heritage Site and its setting (will replace BH.1)
D.2, D.4, S.5, S.6, BH.2 and BH.6 of the local plan are proposed as saved policies within the submission core strategy.

OFFICER ASSESSMENT
PRINCIPLE OF PROPOSED USE:The application proposes significant changes to create a large independent cafe within an area dominated by cafes/pubs and restaurants. The application is designated as a prime shop front and is therefore any change of use must be applied against policy S.5.

Primary shopping frontages are defined to ensure that the shopping functions of existing retail centres are maintained by avoiding the fragmentation of the core/primary shopping areas through the introduction of non-shop uses. Policy S.5 for primary shopping frontages states that proposals for development within this area which results in the loss of a shop use (A1) from a ground floor premises will not be permitted. The proposed would see the loss of an A1 unit and the intensification of A3 use which would result in an over intensification of A3 floorspace within this corner of the City and would be incompatible with the specialist retail uses commonly associated with these smaller units for independent traders, within this locality and could result in the fragmentation of the primary shopping area contrary to policy S.5. The area is already congested by A3 and A4 uses and the intensification of this A3 use would not result in good competition for some of the smaller A3 units in this locality.

The application has not altered the proposed A3 extension considered under 2 previous applications (12/01800/FUL and 13/00731/FUL) and there has been no change in policy to alter the assessment of the proposed change of use. The agent has referred to the appeal decision at Sally Lunns in which a change of use was allowed at the adjoining unit, and suggests this sets a precedent. However each case must be based on its own merits and in this case the appeal decision at Sally Lunn's is considered to be significantly different in terms of accessibilty, siting and scale.

The inspector stated in reference to Sally Lunns that there was no doorway separate from the adjacent restaurant and no individual shopfront. That the unit was a small scale and subordinate element in the frontage and did not have a sense of individual identity. In view of this and the very small area of retail floorspace that would be lost, the inspector concluded that the proposed change of use would have no significant fragmenting effect.

The current proposal, at no. 7 North Parade Passage, relates to a unit which is larger than the Sally Lunns unit in terms of floor space, has a distinct and individual shopfront and benefits from its own entrance on to North Parade Passage. The unit is considered to have the potential be used by an A1 retailer. It is located on a corridor which acts as an entry point into the core shopping area and located within close proximity to some

indepdent retailers (The Bath sweet shop and Pink Lemons on the corner of North Parade Passage). It is recognised that a change of use was allowed nearby at Sally Lunns and the inspectors comments have been taken into consideration, however in this instance the proposal is considered to be distinctly different and has a greater potential for harm contrary to local policy S.5 and S.6.

In the preamble to Policy S.6 A3 uses in the City Centre and the viability and vitality of the shopping area are considered and it states that a mix of uses can enhance the area but it also states that the over-intensification of one use can have a negative effect resulting in the fragmentation of the shopping area. This preamble is reflected in Policy S6 but the policy also clearly states that Policy S6 is sublject to policy S5 which states; 'Proposals for development in the primary shopping frontages for Bath, Keynsham, Midsomer Norton and Radstock defined on the proposals map which result in the loss of a shop use (use class A1) from a ground floor premises will not be permitted'. It should be noted that the agent states in the Design and Access statement that the hairdressers is unviable at present and that the unit would be unviable for use as retail, however the agent has not supported this statement with any information or evidence in the form of marketing information to demonstrate that there has been no interest in the unit for retail (A1 use class).

It is proposed to operate the premises between the hours of 9:30am to 8pm 5 days a week and 11am to 8pm on Sundays, these evening opening times are considered excessive and out of character with an A3 cafe use which traditionally operates within a hour before and after a traditonal working day of 9-5. Only the restaurant and pub (A4 use classes) in this locality operate in the evenings hours.

RESIDENTIAL AMENITY:
The change of use will result in the intensification of a single use class and the opening hours proposed have the potential to result in the potential for noise nuisance, however the proposed cafe use is not proposing the use of any ventilation extraction equipment that might result in a noise disturbance. Therefore in this City Centre location the proposed is not considered to cause harm to the amenity of neighbouring occupiers.

CONCLUSION:
The proposed change of use of No. 7 North Parade Passage would result in the loss of an A1 Use Class ground floor unit within the Primary Shopping Frontage and would result in the intensification of A3 uses within this locality which is considered contray to policy S.5 and S.6.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development for change of use from A1 to A3 would lead to the loss of an A1 use from a ground floor unit within the city centre which is protected within the Primary Shopping Frontage designation and would result in the over intensification of an A3 use which would have an unacceptable impact on the vitality and viability of the shopping area in this locality. This would be contrary to policy S.5 and S.6 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

PLANS LIST: This decision relates to drawing no's G08, G09, G10 date stamped 22nd May 2013 and G12 date stamped 4th June 2013.

DECISION TAKING STATEMENT
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the agent was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to this the Local Planning Authority moved forward and issued its decision.

Item No: 05

Application No: 13/02112/FUL

Site Location: 4 Lime Grove Bathwick Bath Bath And North East Somerset BA2 4HF

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

Ward Members: Councillor Nicholas Coombes Councillor David Martin

Application Type: Full Application

Proposal: Conversion of student lets into 2no maisonettes and 1no self contained apartment with first floor extension at the rear (Resubmission of 12/01925/FUL).

Constraints: Agric Land Class 3b,4,5, Article 4, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,

Applicant: Mr Lionel Tonizzo

Expiry Date: 15th July 2013

Case Officer:	Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

At the request of Cllr Martin, and with the agreement of the Chairman, as the Ward Member objects to the proposed contrary to the officers recommendation.

DESCRIPTION OF SITE AND APPLICATION:

The application site is located to the east of the city centre within a residential suburb of the city between the A36 and the Kennet and Avon Canal. 4 Lime Grove is an end of terrace of four period properties in an area that has a mix of housing styles and types set into the rising topography. The properties are constructed from Bath Stone with stepped access off the footway which is enclosed by a low Bath Stone wall with pierced tracery stones forming the top course and gate pillars which provide an entry point. The site is within the designated Bath Conservation Area and the World Heritage Site.

Due to the sloping topography the dwellings are set into the slope with small courtyards to the rear and terraced gardens accessed by steps from ground floor level. A number of properties have small roof top terraces above.

The application proposes the conversion of the existing residential property which is used as student lets to form 2 maisonettes (1no. 5 bed and 1no. 4 bed) across the basement/ground floor and the second/third floor with a 2no. bed self-contained apartment splitting the two at first floor level. The application also proposes a two storey flat roof extension to the rear, this will replace an existing single story extension and will provide additional space at first floor level to accommodate a bedroom. The application has been revised in light of neighbours comments and removed the hipped roof to form a flat roof to further reduce the overall height of the extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS - No objection. The proposed use is unlikely to generate more parking demand than its current use, however given the site's good location close to local facilities and alternative transport, and the fact that off-street parking for two cars already exists, it has been recommended by our Parking Services team that residents should not be allocated parking permits.

The area indicated for cycle parking is not clear, but would nevertheless appear to be unavailable should two cars be parked on the frontage. A more appropriate and secure area should be identified for cycle parking along the side or at the rear of the property.

ENVIRONMENTAL HEALTH - No comments or observations

COUNCILLOR MARTIN - This is a re-submission of a previous application which was refused at appeal by the Planning Inspector. This is so that consideration can be given to the potential loss of amenity and privacy to the adjoining property at 3 Lime Grove, due to the increased sense of enclosure, loss of light and overshadowing from the proposed first floor extension. The new application does not appear to deal adequately with the Inspector's findings of harm to the living conditions at 3 Lime Grove from the previous design of this extension.

OTHER REPRESENTATIONS / THIRD PARTIES: 8 x objections recieved and summarised as;
- Overdevelopment
- Ruin the unique look and symmetry of the Victorian terrace of houses
- Increase the existing problem with lack of parking along the permit bays
- Fails to address previous objections or reasons for dismissal made by the Planning Inspectorate
- The plans appear to misrepresent the situation in a number of ways
- Would cause significant harm to the living conditions at the adjoining property
- There has been a continuing nuisance problem in terms of noise / litter due to the large numbers of occupants in the house
- Out of character with the area
- The developer's economic interests to increase profit are not my concern
- The extension will shade and reduce the view from our balcony
- The flats provide substantial increased accommodation that could be used for students, exacerbating an already difficult situation in our mainly quiet neighbourhood

POLICIES/LEGISLATION
RELEVANT PLANNING HISTORY:

02/01496/FUL - RF - 7 August 2002 - Construction of a hardstanding, retaining walls and steps after part demolition of existing garden wall

03/00358/FUL - PERMIT - 29 May 2003 - Formation of vehicular access to front (Resubmission)

12/01925/FUL - NONDET - 2 October 2012 - Conversion of student lets into 2no maisonettes and 1no self contained apartment with first floor extension at the rear. Application Appealed for non-determination after officers reccommendation to refused. Dismissed at appeal.

POLICY CONTEXT:

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

BATH LOCAL PLAN (adopted 2007)
D.2 - General Design and public realm considerations
D.4 - Townscape considerations
HG.12 - Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings
BH.1 - Impact of development on World Heritage Site of Bath or its setting
BH.6 - Development within or affecting Conservation Areas
T.24 - General development control and access policy
T.26 - On site parking and servicing provision

CORE STRATEGY:
At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies should be considered:
B4 - The World heritage Site and its setting (will replace BH.1)
D.2, D.4, HG.12, BH.6, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

OFFICER ASSESSMENT
PRINCIPLE OF PROPOSED USE: The property is currently used as student lets but has not been physically subdivided, multiple kitchens and bathrooms exist in the existing layout and it is proposed to keep these. The site is in a sustainable location and therefore there is no in principle objection to the conversion of the property in to multiple residences. The building can be easily converted without compromising the inherent character of the building and its relationship within the local streetscene and will not result in loss of residential space and will improve the mix of the residential in this locality.

CHARACTER, APPEARANCE AND SITE LAYOUT:
No. 4 acts as a book end to the terrace and this is reflected in the neighbouring terrace to the south. The middle properties within the terrace display a mix of three storey projections that are full or three quarter width structures, some of which have been extended further by small single storey extensions and a number of these have been utilised as raised terraces or have small staircase providing access to the garden.

The subdivision of the property will not materially alter the character and appearance of the property and the extension proposed is of scale which appears as a subservient addition and will incorporate details such as the band coursing which respects the proportions and design of the host building. The requirements relating to design are that development should respond to its local context and in the case of extensions, respect and compliment their host dwelling. It is proposed that the extension will be constructed of materials to match the existing dwelling, and will replicate the domestic architectural style of the host building and the wider area, thereby responding to the local context. The proposed development is considered to preserve the character and appearance of the streetscene and this part of the Conservation Area.

RESIDENTIAL AMENITY:
The adjoining property No.3 Lime Grove does not fully extend the full width of the plot which creates a small courtyard between the rear elevation of the main building and the side of the 3 storey projection, there are a number of windows on these elevations that provide light into a kitchen/dinner, bathroom and reception room. The bookend design of No.4 Lime Grove results in the rear elevation being full width and in line with the neighbouring projections and therefore results in some overshadowing due to the orientation of the site.

The previous application which was dismissed at appeal extended off the boundary wall with no. 3 and was two and half storey's high with railings above enclosing a balcony/raised terrace. Furthermore it extended significantly into the garden and this

impact was further exacerbated by a large staircase. The Inspector did not state that an extension would be unacceptable but that the harm caused by the bulk and location on the boundary would result in harm to the amenity of no.3.

The extension has been significantly reduced in response to the inspector's comments and has set the extension off the boundary at first floor level by approximately 2.1 metres so as to reduce the potential for overbearing impact and increased sense of enclosure. The agent in response to third party comments has removed the hipped roof which reduces the overall height by approximately 1.5 metres to try and minimise any overshadowing of the neighbouring property, however due to the topography, orientation of the properties and the already enclosed environment some overshadowing during the morning part of the day will be caused. However the increase in over shadowing is not considered significant enough to warrant a reason for refusal.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: The proposed development will utilise the existing parking area and on street parking currently available to No. 4 Lime Grove. The parking services team have advised that no further permits will be issued to the property. However the application site is within a sustainable location with easy access to local facilities and services within the City Centre and the local shopping area of Widcombe, the restriction on permits for new developments is a common approach by the parking team and an informative is proposed to bring this to the applicants attention.

CONCLUSION: On balance, the re-submitted scheme is considered acceptable and is of a design that respects the context of the property and the local streetscape which is considered to preserve the character and appearance of this part of the Conservation Area and the setting of the World Heritage Site; some harm will be caused to the amenity of neighbouring occupiers however it is not considered significant enough to warrant a reason for refusal.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

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

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

3 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.

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

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

5 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 LG.1.A and LG.3.B date stamped 20th May 2013 and LG.6 date stamped 12th July 2014.

ADVICE NOTE:

The applicant should be advised that residents of the development will not be considered eligible to apply for residents parking permits.

REASONS FOR GRANTING APPROVAL

1. The proposed extension and subdivision of the property is considered acceptable in terms of design, size, scale, sitting and use of materials and will preserve the character and appearance of this property and its setting within the local streetscene. The development will preserve the character and appearance of this part of the Conservation Area and the setting of the World Heritage Site. The proposed development is not considered to cause a significant harm to the amenity of neighbouring residential occupiers.

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

A.
D.2 - General Design and public realm considerations
D.4 - Townscape considerations
HG.12 - Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings
BH.1 - Impact of development on World Heritage Site of Bath or its setting
BH.6 - Development within or affecting Conservation Areas
T.24 - General development control and access policy
T.26 - On site parking and servicing provision

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

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies should be considered:
B4 - The World heritage Site and its setting (will replace BH.1)
D.2, D.4, HG.12, BH.6, 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) can be awarded significant weight however this proposes little change to the aspects of local policy that are relevant to this decision.

DECISION TAKING STATEMENT

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

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Bath & North East Somerset Council		
MEETING:	Development Control Committee	
MEETING DATE:	31st July 2013	AGENDA ITEM NUMBER
TITLE:	Planning performance and the 'Planning Guarantee'	
WARD:	District Wide	
AN OPEN PUBLIC ITEM		

1 THE ISSUE

1.1 At the request of Cllr Tim Ball this report has been drafted to outline procedural changes announced by the Government to the way in which major planning applications may be handled. In November 2012 the Government published a consultation on 'planning performance and the planning guarantee'. The consultation was in support of clause 1 in the Growth and Infrastructure Bill that was before Parliament at the time, and which would allow planning applications to be submitted directly to the Secretary of State if a local planning authority was designated on the basis of poor performance. The Bill received Royal Assent in April this year, with the relevant provisions contained in section 1 and schedule 1 to the Growth and Infrastructure Act 2013.

1.2 Where an Authority is designated this reform will give applicants the choice of an alternative application route, where a local planning authority has a record of failing to decide applications for major development on time (meaning within 13 weeks unless they are subject to environmental impact assessment, in which case a 16 week limit applies), or where a significant proportion of the authority's decisions have been challenged successfully at appeal. The measures are intended to allow decisions to be made more quickly, in order to support growth and provide greater certainty for local communities. The measures will only relate to proposals for major applications, i.e. housing schemes of more than 10 houses (or application sites for housing exceeding 0.5 hectares in size; development involving 1,000 sq.m or more of new floor-space or a development comprising a site area of 1 hectare or more.

1.3 In determining whether to designate authorities for poor performance the Government proposes to monitor and assess performance based upon speed of decision making and quality of decisions. The Government has laid before the House of Parliament measures which it proposes to use to designate authorities. The Government intends that initial designations will be made in October 2013.

1.4 **Councils that have determined less than 30% of all major application from June 2011-June 2013 within the statutory period** can be designated. The second reason for which designation may take place is where a Council's has had **more than 20% of major decisions overturned at appeal.** The 20% threshold assessment figure is to be calculated by working out the percentage of major applications which are refused and

allowed at appeal as a percentage of the overall number of major application decisions (both permissions and refusals) issued by the Authority during the assessment period. For example if 100 major applications were received over the two year assessment period and 10 were refused planning permission with 5 of these being overturned at appeal then the overall figure for the purposes of the assessment would be 5%.

1.5 Designations are proposed to be made once a year and will be in place for at least a year. Annually there would be the possibility of de-designation if satisfactory improvements are made. Where an authority is designated it will be expected to produce an action plan addressing areas of weakness which it identifies as having contributed to its under-performance.

1.6 Where a planning authority is designated, the Growth and Infrastructure Act 2013 would give applicants the option of applying for planning permission for major development directly to the Secretary of State. Applicants could if they wish alternatively continue to apply to the designated authority in the usual way. It is proposed that the Planning Inspectorate determine applications on behalf of the Secretary of State. Pre application advice could be provided by the local authority or the Planning inspectorate, or both. It is proposed that the Planning Inspectorate should choose the most appropriate decision making procedure to employ on a case by case basis, which could be an abbreviated form of hearing or inquiry or in most cases, written representations.

1.7 The authority would remain responsible for some administrative tasks related to the application including putting up site notices and notifying neighbours of the application. **The authority would be consulted on such applications but would not receive any of the planning application fee** which would go to the Planning Inspectorate.

1.8 The Government is also proposing to introduce the 'Planning Guarantee'. The Planning Guarantee, was announced in the Government's Plan for Growth (March 2011). The intention is that cases should spend no more than 26 weeks with either the local planning authority or, in the case of appeals, the Planning Inspectorate. While the risk of designation through poor performance should help to deliver the Guarantee, the Government now proposes also to also require, as an additional measure, a refund of the planning application fee where a planning application remains undecided after 26 weeks.

1.9 Further legislation is expected to be introduced prior to October 2013 where required to instigate these new measures.

1.10 THE IMPLICATIONS FOR BATH AND NORTH EAST SOMERSET COUNCIL

1.11 During the assessment period June 2011- June 2013 the Council determined 51% of major applications within target time and the Council would not be at risk of designation on this basis. Performance on major applications however remains an important issue and ensuring that decisions are made in a timely fashion is a priority for the service particularly because performance will continue to be monitored by the Government pending further rounds of designations.

1.12 The second measure relates to performance on planning appeals over the same period. The Council has received 8 major planning appeals during this time two of which have been withdrawn. Five of the appeals which have been determined have been allowed with one appeal dismissed. This figure of allowed appeals needs then to be worked out as a percentage of overall major planning decisions taken which was 138 over the two year period. The Council has therefore lost 3.6% of major decisions which is significantly below the 20% threshold figure above which designation would be possible.

1.13 Nevertheless it is important that performance on major appeals is improved to avoid any future risk of designation. Of the five appeals which have been lost, four have been Development Control Committee overturns of Officer recommendations to permit major proposals. All committee refusals of major applications have been lost at appeal during the two year period. Of the overall 5 appeals which have been lost, in 3 cases costs have been awarded against the Council totalling over £153,000 during the two year period. This does not take into account the Council's own costs incurred in defending major appeals which can be significant. For example the Council's own costs in defending the recently allowed Maynard Terrace appeal at Clutton were circa £50,000.

1.14 If performance on major planning appeals remains poor and there is a continued upturn in such appeals, as is currently being experienced, the risk of designation is likely to heighten which could ultimately take decision making powers away from the local level in respect of major planning proposals with applicants applying directly to the Planning Inspectorate.

2 RECOMMENDATION

2.1 The Development Control Committee is asked to note the attached report and its contents.

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Bath & North East Somerset Council		
MEETING:	Development Control Committee	
MEETING DATE:	31 July 2013	AGENDA ITEM NUMBER
TITLE:	Sustainable Construction & Retrofitting SPD appendix: Energy Efficiency & Renewable Energy Guidance For Listed Buildings and Undesignated Historic Buildings	
WARD:	District Wide	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Energy Efficiency & Renewable Energy Guidance For Listed Buildings and Undesignated Historic Buildings: Adoption Draft September 2013		

1 THE ISSUE

1.1 The Sustainable Construction and Retrofitting SPD has been produced to accord with and respond to the issues of climate change and the emerging energy deficit and the desire to improve the energy efficiency of new buildings and the existing building stock and to comply with the National Planning Policy Framework (Section 10) which recommends that Local Planning Authorities adopt proactive policies and strategies to mitigate and adapt to climate change.

1.2 The SPD was adopted on 13 February 2013 however the accompanying appendix that relates to the retrofitting of listed buildings and undesignated historic buildings was omitted pending further discussions. Since that time Officers have met with English Heritage who have indicated their support for the current document and have advised that they will confirm this is in writing. This will be reported to Members at the meeting

2 RECOMMENDATION

2.1 The Development Control Committee is asked to note the attached guidance and its contents prior to its consideration for adoption by Cabinet.

3 THE REPORT

BACKGROUND

3.1 This retrofitting guidance sets out the Council's approach to the retrofitting of listed buildings and undesignated historic buildings. It attempts to strike a balance between the need to respond to the issues of climate change and energy efficiency whilst responding also to the requirements of the primary legislation, Planning (Listed Buildings &

Conservation Areas) Act 1990, and national planning policy, National Planning Policy Framework: Section 12 'Conserving and enhancing the historic environment' and the Historic Environment Planning Practice Guide, where there is a presumption in favour of the preservation and enhancement of heritage assets and their setting.

3.2 The guidance will provide owners of heritage assets and architectural professionals with the information they need to make informed decisions regarding how best to alter historic buildings to improve energy efficiency consistent with architectural conservation best practice whilst at the same time not harming or compromising their architectural and historic interest.

3.3 It is recognised that the retrofitting of listed buildings is a developing area and the appendix is considered to be an important first step in an on-going process. The planning department will continue to work with other Council departments and English Heritage to review and amend the guidance as necessary.

Contact person	Adrian Neilson, Conservation Officer 01225 477020 or adrian_neilson@bathnes.gov.uk
Background papers	Retrofitting SPD

Energy Efficiency & Renewable Energy Guidance

For Listed Buildings and Undesignated Historic Buildings

ADOPTION DRAFT
SEPTEMBER 2013

L D F
Bath and North East Somerset Local Development Framework

Bath & North East Somerset Council

This guidance is intended to provide general advice to owners of historic buildings, developers, architects, surveyors and anyone proposing measures to improve energy efficiency or domestic scale renewable energy of designated and undesignated heritage assets.

For more information please contact the Historic Environment team at:
historic_environment@bathnes.gov.uk
This document can also be viewed on our website:
www.bathnes.gov.uk/greenbuild

Energy Efficiency & Renewable Energy Guidance: for Listed Buildings and Undesignated Historic Buildings in Bath & North East Somerset can be made available in a range of languages, large print, Braille, on tape, electronic and accessible formats by contacting the Planning Department on:
Telephone: 01225 394041

Design by SteersMcGillanEves
www.steersmcgillaneves.co.uk

Listed Building Consent

Where this symbol appears, if your house is a listed building, you may require listed building consent for a retrofitting measure.

This document is an Annex to the **Sustainable Construction & Retrofitting Supplementary Planning Document**

Available online at www.bathnes.gov.uk/greenbuild

if you would like more information on other planning and building regulation consents for retrofitting please refer to this document.

Duchy of Cornwall (2012)
David McLaughlin (2012)
Donald Install Associated Ltd (2012)

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3 The Energy Hierarchy 16
4 What makes a good Listed Building Consent Application? Hints and Tips 18
5 Local Case Studies 26
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1 Introduction

Climate change and the emerging energy deficit have necessitated a response and a focus on energy efficiency that is inevitably leading to changes to the historic environment. It is widely recognised and accepted that the historic environment should play its part in meeting these current and future challenges.

However, it is vital that changes are consistent with the aims of heritage protection and the statutory duty of care placed on the Local Planning Authority (LPA) by primary legislation and Government policy.

In accepting that some change will be necessary it is critical that this is carefully managed so that the historic environment and the heritage assets that it is made up of is sustained as cultural heritage for present and future generations. This is consistent with the key concept of guardianship.

The balancing of the varying and competing priorities and interests is a complex process and can be difficult to reconcile, but change is broadly acknowledged in principle by the legislation protecting the historic environment. National policy guidance has an emphasis on careful, sensitive informed managed and change. The LPA, therefore, aims to provide expert and specialist advice to enable this process of change in a sensitive, sustainable and informed way in order to achieve successful outcomes for the historic environment, heritage assets and the community.

Historic buildings are a finite resource and are inherently sustainable having been, in most cases, well-constructed from high quality, locally sourced materials by local craftsman.

Their inherent embodied energy (the energy expended and encapsulated within the fabric of a building in its construction) means that their retention and care is both logical and consistent with modern concepts of sustainability and with the ambitions of reducing carbon emissions.

Historic buildings have served society and multiple generations often spanning many hundreds of years and with sensitive and careful management will continue to do so.

Legislative Framework: preservation, responsible retrofitting & detrimental impact

Designated heritage assets are protected by law under Planning (Listed Building & Conservation Areas) Act 1990 underpinned by Government policy: National Planning Policy Framework, Section 12: 'Conserving and enhancing the historic environment'. They are designated in recognition of their architectural or historic interest and the heritage and cultural significance and value that they possess.

The setting of heritage assets is an important material consideration when determining planning applications for development proposals which impact on their setting. Heritage assets are wide ranging and include designated and undesignated buildings, conservation areas, historic landscapes, parks and gardens and archaeological features and sites. Archaeological sites and features that have been designated as Scheduled Ancient Monuments are protected by law under the Ancient Monuments and Archaeological Areas Act 1979.

Central to primary legislation and Government policy is the emphasis on the presumption in favour of the preservation and enhancement of heritage assets and the avoidance of any detrimental and negative impact or harm that would be counter to these aims. Proposals that have a detrimental impact on the setting of heritage assets will not be viewed favourably by the LPA.

This guidance is informed and consistent with this and with conservation best practice and responsible retrofitting as advocated by English Heritage and the national amenity societies.

Consistent with Government policy relating to the historic environment this guidance recognises that because heritage assets can be both designated and undesignated an equally sensitive and thoughtful and sensitive approach to change should be employed to both. This is particularly the case in Bath & North East Somerset which has large numbers of designated and undesignated assets. Designated assets include the City of Bath World Heritage Site, as well as numerous Conservation Areas and Listed Buildings.

Architectural conservation rarely precludes change but rather should be seen as an essential mechanism for effective and appropriately managed change in a sensitive and informed way so as to avoid any detrimental impact or harm.

Bath & North East Somerset Council as Local Planning Authority and custodian plays a key role in this process. The issues of climate change and energy efficiency are likely to require varying levels of alteration and change to many heritage assets and the historic environment and the LPA provides support and specialist advice and promotes informed change and the responsible retrofitting of heritage assets.

Traditional buildings and their need to 'breathe'

It has been long recognised that traditionally constructed buildings utilising a solid wall construction (generally considered as buildings constructed before 1919) need to be able to 'breathe'.

The word 'breathe' in this sense means permeability and the ability of moisture to move freely, unhindered, throughout the width of the wall. This mechanism relies on moisture being able to evaporate into the external and internal atmospheres.

Internally moisture evaporates and enters the internal environment and relies on good ventilation to be evacuated into the external atmosphere. This process is critical for the health of the building and its occupants and relies on a number of factors in order to function properly including: permeable materials such as lime mortar, lime plaster, traditional permeable paint finishes and traditional, passive ventilation routes such as chimney flues and natural ventilation in doors and windows.

If non-permeable materials are used such as cementitious mortar, gypsum plaster, modern impermeable paint finishes and traditional ventilation routes are blocked this will result in high levels of moisture and condensation to the detriment of the health of the building and its occupants. High levels of moisture trapped in masonry walls will lead to increased heat loss, discomfort for the occupants and may harm interior fixtures, fittings, finishes and structural timbers.

Whilst it is recognised that excessive drafts can cause discomfort for the occupants of a building it also needs to be recognised and understood that hermetically sealing a traditional building, in the manner of modern building construction, could cause significant problems for occupants and buildings alike. In proposing thermal upgrading measures an understanding of the needs of a traditionally constructed building need to be understood. For instance, care must be taken when improving thermal efficiency through draft proofing not to create a barrier to a sufficient level of ventilation.

The LPA advocates that owners of traditionally constructed buildings undertake an assessment of the needs of the building based on a thorough understanding of how it is constructed and how it is ventilated.

Renewable energy

Renewable energy creation technology, also known as micro generation, is now readily available for the domestic market and includes solar and photovoltaic panels and slates, wind and hydro turbines, ground and air source heat pumps and geothermal energy.

These can have varying impacts on the historic environment and the setting of heritage assets and their siting and implementation requires careful consideration. For example in the case of ground source heat pumps this can have a detrimental impact on archaeology and early contact with the LPA's archaeologist is strongly advised when considering installation. Geothermal energy may be problematic within the limits of Bath and the hot springs that are protected by the County of Avon Act 1982. Hydro turbines may offer an excellent opportunity and an example of a successful listed building application for the installation of a hydro turbine within a historic mill is provided in **section 5** of this guidance. It should be noted that planning permission will often be required for the installation of renewable energy systems, see the **Sustainable Construction and Retrofitting Supplementary Planning Document** for more information.

Aims and limitations of the guidance

Whilst this guidance aims to provide advice and assistance regarding alterations to heritage assets it should not be regarded as providing a 'one-stop-shop' or 'one-size-fits-all' solution. Historic buildings are highly diverse in terms of type of construction, construction materials, plan form, degree of alteration over time and location and so what may be acceptable in one case may not be so in another.

It is recommended that specific and detailed guidance provided by English Heritage and other heritage organisations is also consulted (see section 6). The LPA can provide further assistance. The energy hierarchy and minimal intervention approach as advocated by English Heritage is advocated in this guidance. There will be an expectation that, in the first instance, low impact, low cost and simple thermal upgrading measures are considered before higher impact measures consistent with the energy hierarchy, which include occupant behaviour and sensible and responsible building maintenance.

2 Detailed Guidance on Retrofitting Measures

Listed Building Consent is required for alterations which affect the architectural or historic interest and character of a listed building. The following chapter sets out general guidelines.

Pre-application advice is advisable for most proposals prior to considering with any of the below alterations.

In the case where it is stated that a measure does **not** require Listed Building Consent or it is still likely to be of benefit to contact the LPA and seek advice.

Conservation best practice should always be followed when undertaking energy efficiency upgrading in listed buildings and it is essential that the relevant specialist guidance produced by English Heritage and other heritage organisations is consulted.

See **section 6** for more information.

Reinstate existing and missing shutters

L

Is listed building consent required?

- Listed Building Consent **is required** and replacements should be of the correct style, material and detailing to the originals
- Where shutters survive but have been painted, nailed or screwed shut, releasing them does **not require** Listed Building Consent

Guidance position
The LPA supports careful reinstatement of shutters where there is clear evidence of them having previously existed. Research shows that the use of shutters offers a significant improvement in thermal performance

Guidelines and factors that will be considered during the determination and assessment process

- Professional installation of replacement shutters is strongly advised
- Replacement shutters should be sympathetic to the design and materials of the window and replicate the original
- Releasing existing shutters may require the services of a suitably experienced and qualified professional depending on their condition and the ease of releasing them

Draught proofing windows and doors

Is listed building consent required?

- Listed Building Consent is **not normally required** for draught proofing windows or doors

Guidance position
The LPA supports careful draught proofing of windows and doors in listed buildings where there is not a detrimental impact

Guidelines and factors that will be considered during the determination and assessment process

- Unobtrusive products should always be used
- Loss of historic fabric should be avoided
- Professional installation will be needed for products such as rebated edge seals
- Care should be taken to ensure the strength of the frame is not compromised. This is particularly the case with slender late 18th century sash windows where the timber sections are often very narrow

Secondary glazing

Is listed building consent required?
Listed Building Consent **is normally required** for secondary glazing.

Guidance position
Where appropriate the Council supports, in principle, the use of sympathetic secondary glazing where it can be demonstrated that there is no detrimental impact on the special architectural or historic interest of the building.

Decisions will be made on a case-by-case basis. Where secondary glazing is regarded as acceptable it is likely that simple units that can be easily removed from a minimal sub frame during the warmer months will be most appropriate.

Guidelines and factors that will be considered during the determination and assessment process

- The design and detailing of windows can be a significant component of a building's architectural interest and character
- Ensure that the proposed secondary glazing will not compromise the use of existing shutters
- Ensure that the design is as discreet as possible and has minimum visual impact on the existing window, including careful alignment of any glazing bars and use of slim frames of appropriate colour
- Ensure that any distinctive architectural detailing is not obscured by the frame of the secondary glazing
- Minimise the impact of permanent fixings required to secure the new frame
- Consider fitting secondary glazing within a removable frame (many systems allow this)
- Where a property is part of or similar to surrounding properties (e.g. terraced houses), use of discreet, complementary systems is particularly important to minimise the visual impact and to retain the sense of unity that is likely to exist

Double glazing: replacement windows

Is listed building consent required?
Listed Building Consent **is required** for installation of new double-glazed windows.

Guidance position
The LPA supports careful replacement of windows with timber-framed slim-profile double-glazed units where there is no detrimental impact on the special architectural or historic interest of the building, and under the following conditions:

- the existing windows are agreed as being modern or of no historic significance or heritage value
- the existing windows are original or historic, but are beyond feasible repair
- replacement would enhance the special architectural or historic interest of the building - for example where existing windows are inappropriate modern replacements and new windows are correctly and authentically detailed and constructed resulting in a significant conservation gain

Guidelines and factors that will be considered during the determination and assessment process

- The design and detailing of windows is often a significant component of a building's overall appearance and character
- The section of the glazed units should be no greater than 12mm (two layers of glass + cavity)
- The thickness and profile of timber glazing bars should be exact replicas of the original glazing bars
- The colour of any spacer (the perimeter strip between the two panes of glass) should ideally be black
- At no time will applied (i.e. false) glazing bars or applied lead cames be considered appropriate
- PVCu is not regarded as an appropriate material
- Where a property is part of or similar to surrounding properties (e.g. terraced houses), use of discreet, complementary systems is particularly important to minimise the visual impact and to retain the sense of unity that is likely to exist particularly within a terrace
- If the windows can be repaired they should be retained however the installation of double glazing within an historic window is unlikely to be appropriate or feasible. If there is surviving historic glass of significance and this should also be retained and preserved

2 Detailed Guidance on Retrofitting Measures

Draught proofing floors, skirting boards, ceilings and flues

Is listed building consent required?
Listed Building Consent is **not normally required**, unless the appearance of the room would be significantly affected

Guidance position
The LPA supports careful draught proofing of floors, skirting boards and ceilings where there is no detrimental impact on the special architectural or historic interest of the building or historic fabric

Guidelines and factors that will be considered during the determination and assessment process

- Any mastic-type draught proofing should be as discreet as possible in colour (i.e. clear, or matching the surrounding colour as closely as possible)
- Care should be taken if temporary removal of skirting boards is required
- Sealing the gaps between floorboards, traditionally referred to as caulking, is the most likely of these measures to affect appearance, and can make them harder to lift in the future. If you are planning any associated works that may require lifting of floorboards these should be done before sealing these gaps. Proprietary flexible caulking strip is an inexpensive and simple measure for draught proofing the gaps between timber floor boards. It should be noted that comprehensive eradication of natural ventilation beneath timber floors can lead to damp and decay.
- Temporarily sealing of unused flues is also a simple process that does not require consent – chimney balloons are simple to fit and are removable. Typically they also permit some air flow through being ill-fitting, which is important for ventilation and helps prevent an adverse increase in moisture levels. The total and comprehensive sealing of flues is not recommended

Insulating below suspended timber floors

Is listed building consent required?
Listed Building Consent is **not normally required**, unless original building elements (e.g. floorboards, skirting boards, door architraves) would require temporary removal.

Guidance position
The LPA supports careful installation of quilt or rigid board insulation below suspended timber ground floors where there is no detrimental impact on the special architectural or historic interest of the building. (This is more likely where installation from above is required.)

Guidelines and factors that will be considered during the determination and assessment process

- Insulating suspended timber floors from below is always preferable – installation from above should only be considered where it is not possible to insulate from below (i.e. no access)
- If installation from above is required, great care should be taken to avoid damaging historic building elements (e.g. floorboards, skirting boards, door architraves) – this should usually be possible, and the work should be carried out by a suitably experienced professional
- Quilt or rigid board insulation is preferable – sprayed foams will not usually be acceptable as they are not easily reversible should future repairs be required
- Breathable materials should be used to maintain the passage of air and moisture
- If lifting floorboards reveals 'deafening' material this should be left in place, as it can be an efficient fire retardant. However, it may reduce the space available for insulation, requiring thinner insulation board

Insulating solid floors

L

Is listed building consent required?
Listed Building Consent **is required** for insulation of solid floors.

Guidance position
The LPA supports careful insulation of solid ground floors where there is no detrimental impact on the architectural or historic interest of the building, including any archaeological features.

Guidelines and factors that will be considered during the determination and assessment process

- Where there are significant, undisturbed, historic floor surfaces the character and interest could be harmed from being lifted and therefore installing insulation is unlikely to be acceptable. However where there this is not the case (such as where there is a poor quality modern, replacement surface material or there is convincing evidence that a historic floor has been previously lifted and re-laid) the installation of under floor heating may be possible. In which case limecrete should be used which can be used in conjunction with insulation and under floor heating systems whilst allowing the transfer of moisture
- Breathable materials should be used to maintain the passage of moisture and air
- Work should be undertaken by a suitably experienced and qualified professional

Loft & roof insulation

Is listed building consent required?

- Listed Building Consent is **not normally required** for insulation of pitched roof spaces at floor level, as long as the insulation is not adhesive, avoids disturbance to historic fabric, and is easily reversible.
- Listed Building Consent is **not normally required** for insulation of pitched roof spaces below the roof, as long as the insulation is not adhesive, avoids disturbance or harm to historic fabric and roof profiles, does not cover significant detailing and is easily reversible
- Listed Building Consent **not normally required** for installation of pitched roof ventilation and should be discreet

L

- Listed Building Consent **is required** for insulation of flat roofs

Guidance position

The LPA supports careful insulation of loft and roof spaces where there is no detrimental impact on the architecture or historic interest of the building and advocates the use of permeable and sustainable traditional materials

Guidelines and factors that will be considered during the determination and assessment process

- Insulation of pitched roof spaces at floor level is always preferable; other options should only be considered where this is not practical or possible (e.g. if the roof space is floored and forms part of the living space)
- Ventilation in the roof space must be maintained. This may require the addition of roof vents – in such cases discreet conservation-grade roof vents should be selected (i.e. eaves vents or tile vents)
- Quilt or rigid board insulation is preferable – sprayed foams will not usually be acceptable as they are not easily reversible should future repairs be required and are not permeable
- Below-roof insulation (pitched or flat roofs) can require temporary removal of surfaces – care should always be taken, and some insulation methods require less removal of fabric than others so research is required into the different options
- Roofs can be the least altered areas of historic buildings and care should be taken to maintain historic roof profiles, verge details, plaster surfaces and any other significant features or detailing
- Use of permeable materials, particularly sustainable natural materials such as sheep's wool and wood fibre insulation, is encouraged to minimise the risk of condensation. There are many suppliers in the UK – the Local Planning Authority can provide further advice regarding this
- Insulating flat roofs is complex and can require partial rebuilding of the roof – as such this should always be carried out by a suitably experienced and qualified professional
- Changes to rooflines should be avoided where possible

2 Detailed Guidance on Retrofitting Measures

Mechanical Ventilation

L

Is listed building consent required?
Listed Building Consent **is required** to install and for an extractor fan or heat-recovery ventilation system

Guidance position
The LPA supports the installation of discreet ventilation outlets where they are deemed necessary and there is no detrimental impact on the architectural or historic interest of the building. The principal elevation should be avoided and a discreet location should be considered. Decisions will be made on a case-by-case basis

Guidelines and factors that will be considered during the determination and assessment process
Excessive moisture levels can lead to condensation and mould and bacterial growth, which can be harmful to historic building fabric and human health. Whilst traditional ventilation sources such as chimney stacks remain the best solution for traditionally constructed historic buildings, in some cases mechanical ventilation may be required to augment this

- Principal elevations should be avoided. Where it can be successfully justified that there is no alternative, discreet outlet styles and colours will be of paramount importance, and decisions will be made on a case-by-case basis
- Specify an outlet of a discreet style and colour that matches the surrounding wall colour as closely as possible
- If possible, offer to remove redundant services from the wall where they are no longer required as a conservation gain
- Where practical, consider locating the exhaust through a vertical flue in a roof that cannot be seen
- Where a property is part of a unified terrace or similar to surrounding properties, use of discreet, complementary systems is particularly important to minimise the visual impact

Solid wall insulation: external

L

Is listed building consent required?
Listed Building Consent **is required** for external wall insulation.

Guidance position
The LPA supports external wall insulation, where appropriate and where it can be successfully demonstrated it would not cause physical or visual harm to the building.

In Bath the typical building construction is limestone ashlar to front, principal elevations and rubble limestone to side and rear elevations which would often have been finished in a lime wash or, more typically, a lime render. Therefore external wall insulation may be possible to side and rear elevations and finished with a lime render.

Local vernacular buildings are often entirely constructed from rubble stone and there may be opportunities for the use of external insulation on all elevations and finished with a lime render. A critical consideration is moisture permeability and the external wall insulation would need to be a permeable material and thus allowing the transfer of moisture throughout the wall.

It is common for metal fixings and timbers to be found within masonry walls and trapped moisture can lead to decay and structural failure.

Assessment of such measures will be on a case-by-case basis and it will need to be successfully demonstrated that there will be no detrimental impact on the architectural or historic interest of the building. Decisions will be made on a case-by-case basis

Guidelines and factors that will be considered during the determination and assessment process
External wall insulation is a more thorough method of insulating walls than internal wall insulation and carries fewer technical risks. For many rendered buildings it will be a better solution than internal wall insulation.

- Use a finish which is appropriate for traditional building construction and sympathetic to the architectural context
- Vapour permeable insulation materials should always be used to allow moisture transfer through the walls
- A lime-based insulating render is likely to be the most acceptable insulation type for traditional buildings
- Cement-based insulating products are not suitable for use on traditional buildings
- Where painting is proposed, permeable paints should be used (e.g. limewash or mineral paint) to retain the permeability of the insulating material and to achieve an appropriate finish and presentation of the building
- Great care is necessary to ensure that detailing at roof eaves, and window and door reveals does not adversely affect the building's appearance or ability to shed rainwater
- If there is any evidence of damp within the walls, this must be resolved before applying insulation. If this is not resolved moisture may become trapped within the walls and cause structural damage, and the thermal performance of the insulation could be compromised. Any existing cement mortar should be removed and replaced with a suitable lime mortar
- Work must be undertaken by a suitably experienced and qualified professional

Solid wall insulation: internal

L

Is listed building consent required?
Listed Building Consent **is required** for internal wall insulation.

Guidance position
The LPA supports, where appropriate, careful installation of internal wall insulation where there is no detrimental impact on the architectural or historic interest of the building, including harm to significant architectural features such as window and door reveals, skirting, architraves, dado rails, cornicing and built-in furniture or extensive loss of historic fabric such as removal of lath and plaster linings or panelling.

It is common for metal fixings and timbers to be found within masonry walls and trapped moisture can lead to decay and structural failure.

Furthermore it would have to be successfully demonstrated that the wall insulation would not increase the risk of interstitial condensation, and allows the transfer of moisture Decisions will be made on a case-by-case basis

Guidelines and factors that will be considered during the determination and assessment process
In many listed buildings and other historic buildings there is unlikely to be many opportunities for the installation of internal wall insulation and an alternative may be the use of an insulating lime plaster. However the following should be considered:

- Permeable insulation materials should always be used to allow moisture transfer through the walls. Features such as cornicing must be preserved – this may require the use of specialist insulation materials (e.g. slim-profile insulation, or blown beads behind lath and plaster) that avoid obscuring the cornicing. If the original wall lining is not present, the wall lining (e.g. plasterboard) may sometimes be removed and replaced with insulated plasterboard, natural wood fibre board or similar
- A low-impact approach and discreet materials should always be considered in relation to the way they are installed or the depth of the insulating material
- Installation should be thorough (i.e. not leave gaps) to avoid cold bridging as far as possible. Common areas where gaps are left include those behind kitchen or bathroom units
- Internal wall insulation is complex and requires careful design to be effective and to minimise technical risks. In most cases it will be necessary to obtain the advice of a suitably qualified architectural professional. If there is any evidence of damp within the walls, this must be resolved before applying insulation. If this is not resolved moisture may become trapped within the walls and cause physical harm and the thermal performance of the insulation could be compromised
- Permanent removal of historic architectural features such as skirting boards and architraves and other features is not regarded as acceptable however temporary removal may be required in some cases and care should be taken when removing and re-fitting them to avoid unacceptable harm. A suitably experienced and qualified professional should be used

Combination boilers and external wall mounted flues

L

Is listed building consent required?
Listed Building Consent **is required** for any boiler installation where an alternative location and an external flue is required or where alterations are required for associated plumbing

Guidance position
The LPA supports the installation of efficient combination boilers and the discreet location of new boiler flues where there is no detrimental impact on the architectural or historic interest of the building. Principal and visible elevations should be avoided and appropriately discreet locations should be identified and utilised. Decisions will be made on a case-by-case basis

Guidelines and factors that will be considered during the determination and assessment process

- Principal elevations should be avoided. Discreet and appropriate outlet styles, dimensions and colours will be of paramount importance. Specify an outlet of a discreet style, size and colour that match the surrounding wall as closely as possible to minimise its impact. Decisions will be made on a case-by-case basis
- Where practical, consider putting the exhaust through a vertical flue in a roof that cannot be seen
- Plumbing routes should avoid notching floor joists and should be installed parallel to them to avoid harm to historic fabric and possible structural problems
- If possible, remove redundant services from the wall where they are no longer required
- Care should be taken when planning new pipe runs to avoid damaging historic surfaces and decorations (e.g. when lifting and re-laying floorboards). The work should be undertaken by a suitably experienced and qualified professional
- Flues will need to be appropriately located to ensure compliance with the Building Regulations

2 Detailed Guidance on Retrofitting Measures

Wood burning stoves and boilers

Is listed building consent required?
Listed Building Consent is **not normally required** for a wood burning stove, unless:

- installation requires removal of significant historic chimney pieces, hob grates and other associated historic ironmongery, hearths or any other associated historic architectural feature
- a new flue would be visible externally.

Listed Building Consent is required for a wood boiler where a new outbuilding would be attached to the listed building. Depending on the size of the new building if it is not attached to the listed building it may require planning permission

Guidance position
The LPA supports the installation of wood burning stoves where there is no detrimental impact on the architectural or historic interest of the building and where existing flues can be reused and does not cause harm to significant historic architectural features

The LPA supports the installation of wood boilers where there is no detrimental impact on the architectural or historic interest of the building and any required new outbuildings and flues are well designed, sensitively located and preserve the setting of the protected building

Guidelines and factors that will be considered during the determination and assessment process

- Care must be taken to address any fire risk where wood burning stoves are introduced in combination with the installation of flue liners
- Existing fireplaces can be appropriate for the installation of wood burning stoves, however if the room is of high status and formal with associated architectural detailing such as an ornate chimney piece the installation of a wood burning stove may not be appropriate. This may be particularly relevant in the case of classical buildings
- Where a flue would be visible externally (for a stove or boiler) these should be discreetly located
- Where a new outbuilding is required care should be taken regarding location and design

Air source heat pump

Is listed building consent required?
Listed Building Consent **is required** for an air source heat pump

Guidance position
The LPA supports the installation of air source heat pumps where there is no detrimental impact on the architectural or historic interest of the building and they can be discreetly located

Guidelines and factors that will be considered during the determination and assessment process

- Air source heat pumps are most effective in modern buildings that have been constructed to achieve a high level of air tightness. Traditionally constructed buildings require some level of natural, passive ventilation and therefore the level of airtightness required for air source heat pumps to operate efficiently is unlikely to be achievable
- Heat pumps are generally not recommended to replace gas boilers, as running costs and CO_2 emissions are similar – they are therefore best used in off-gas areas
- Care should be taken to locate the external unit of an air source heat pump in a discreet location away from the principal elevation – this could include behind greenery or fencing, or even within a loft space if the model is deemed suitable
- Older properties often contain microbore pipework, which may need to be replaced as it is not usually compatible with a heat pump. Care should be taken when planning pipe runs to avoid damaging historic interiors
- When used for space heating, heat pumps work most efficiently with under-floor heating. This is unlikely to be appropriate where there are significant, undisturbed, historic floor surfaces which could be harmed from being lifted. However where there is not the case such as where there is a poor quality modern, replacement flooring material or there is convincing evidence that a historic floor has been previously lifted and re-laid the installation of under floor heating may be possible. In which case it is highly recommended that limecrete is used which can be used in conjunction with insulation and under floor heating systems whilst allowing the transfer of moisture
- If under-floor heating is not possible, radiators may be considered. In some cases historic radiators may survive and are likely to be considered as significant elements of the interior and therefore their retention is important. Where this is not the case new radiators should be of a discreet design sensitively located

Ground source heat pump

L

Is listed building consent required?
Listed Building Consent **is required** for a ground source heat pump, where it involves alterations to the listed building

Guidance position
The LPA supports the installation of ground source heat pumps where there is no detrimental impact on the architectural or historic interest of the building and any below ground archaeology

Guidelines and factors that will be considered during the determination and assessment process

- Heat pumps are generally not recommended to replace gas boilers, as running costs and CO_2 emissions are similar – they are therefore best used in off-gas areas
- In Bath there is a significant concentration of known and potential archaeology which would be adversely affected by the required ground works and disturbance – prior to works commencing an archaeological assessment should be undertaken by a suitably qualified and experienced professional
- Any proposed boreholes need to have regard to the **County of Avon Act (1982)** which protects the source of the Bath hot springs (please contact the Council for more detailed information and advice)
- Care should be taken when drilling boreholes adjacent to any particularly fragile structure, to avoid damage from vibrations
- Older properties often contain microbore pipework, which may need to be replaced as it is not usually compatible with a heat pump. Care should be taken when planning pipe runs to avoid damaging historic interiors
- When used for space heating, heat pumps work most efficiently with under-floor heating. This is unlikely to be appropriate where there are significant, undisturbed, historic floor surfaces which could be harmed from being lifted. However where there is not the case such as where there is a poor quality modern, replacement flooring material or there is convincing evidence that a historic floor has been previously lifted and re-laid the installation of under floor heating may be possible. In which case it is highly recommended that limecrete is used which can be used in conjunction with insulation and under floor heating systems whilst allowing the transfer of moisture

Solar panels including photovoltaic (PV) and solar water heating panels

L

Is listed building consent required?
Listed Building Consent **is required** for solar panels on listed buildings and any curtilage listed buildings. Planning permission is also required if located within the curtilage of the listed building

Guidance position
The LPA supports the installation of roof- and ground-mounted solar panels where there is no detrimental impact on the architectural or historic interest of the building and they are discreetly located

Guidelines and factors that will be considered during the determination and assessment process

- Panels should be located as discreetly as possible, avoiding principal roof elevations unless they are not visible. 'M' style roofs, common in Bath, offer a 'hidden' roof valley that can be exploited, as can other hidden roof areas including outbuildings. If the roofs are not suitable, ground-mounted or outbuilding mounted panels may be considered where they can be discreetly located without detriment to the setting of the listed building and other heritage assets.

  It is more desirable to locate panels off the building where space permits within the grounds of the building. This is more likely to be possible within rural areas.

  Consideration should also be given to the surrounding topography of a settlement or building which may afford a highly visible roofscape. This is particularly the case in Bath where the roofscape and views over the city are regarded as significant.

  A comprehensive assessment should be carried out to establish the impact on significant views and the impact on the setting of heritage assets
- Consideration should be given to the additional weight of solar panels and an assessment of the roof structure should be undertaken by a structural engineer to ensure that damage does not occur as a result of the installation of the panels
- When selecting panels, care should be taken to select discreet styles that will have a low impact

2 Detailed Guidance on Retrofitting Measures

- If considering recessed panels, consideration should be given to the loss of historic fabric where the roofing material is historic and significant. These may be stored and replaced when the panels have reached the end of their useful life
- Evacuated tube solar thermal systems are considerably more visible than flat-plate panels. However, they require less space which can be an advantage, and can be well suited to flat roofs as they can often be laid flat (and therefore be less visible) without compromising their performance
- Fixings should cause no damage to significant historic fabric and the installation should be reversible without significant impact on historic fabric
- Cabling, pipework, fuse boxes or other related equipment should be accommodated without loss of, or damage to, significant historic fabric – in the case of PV, the electrical equipment may be mounted on a single wooden board secured to the wall to minimise the number of fixings required
- Where a flat roof has a lead covering, a specialist lead contractor should be consulted to ensure that pipework or cabling installation does not damage the roof
- Thatched roofs are not suitable for solar panels
- Ensure there is a supply of replacement matching stone/ handmade tiles before the work proceeds, in case of damage during installation
- Many older buildings have high chimneys, which can cast shade on a high proportion of the roof area over the course of a day. Panels should be located appropriately to avoid compromising their performance

Solar PV roof slates

L

Is listed building consent required?
Listed Building Consent **is required** for PV roof slates on listed buildings and any buildings within their curtilage

Guidance position
The LPA supports the installation of solar PV slates where there is no detrimental impact to the architectural or historic interest of the building or the setting of heritage assets, they are discreetly located and where the installation does not involve the loss of significant historic fabric

Guidelines and factors that will be considered during the determination and assessment process
The same principles as above apply for PV tiles, however there are also some additional considerations, as follows:

- Solar tiles should be of a similar colour and appearance to the original tiles
- PV tiles have a different appearance to panels, and their visual impact can depend on how much of the roof is covered – 100% coverage is likely to have a detrimental impact and therefore unlikely to be acceptable in most cases
- The type of PV tile also affects its appearance. Some PV tiles mimic traditional roof slates and have been successfully used on listed buildings, although their performance should also be a consideration
- PV tiles are often more likely to be acceptable on more modern listed buildings and where the roof is not highly visible from any vantage point
- In most cases discreet location will be a determining factor for successful installation for instance behind parapets and within other hidden areas of a roof

Domestic-scale wind turbines

L

Is listed building consent required?
Listed Building Consent **is required** for building-mounted turbines

Listed Building Consent is **not required** for free-standing mast-mounted wind turbines (Planning Permission will however be required)

Guidance position
The LPA supports the installation of mast-mounted wind turbines within the curtilage of listed buildings where there is no significant impact on the architectural or special interest of the building, on any underground archaeology or on the setting of the building and any other heritage assets

Building-mounted wind turbines will not normally be acceptable on listed buildings

Guidelines and factors that will be considered during the determination and assessment process

- Building-mounted turbines are unlikely to be suitable on listed buildings
- Due to their significant visual impact, proposals for wind turbines in historic settings and landscapes will require significant justification, assessment on the impact of the setting of heritage assets and evidence of their likely effectiveness (e.g. turbine specifications, site assessment and wind speed monitoring) in order to demonstrate the benefit they would have
- It is recognised that appropriate location of wind turbines is critical to their performance. Within this requirement, turbines should be located as discreetly as possible to avoid harm to the setting of heritage assets
- The installation must be easily reversible, without significant long term impact
- Cabling, pipe-work, fuse boxes or other related equipment should be accommodated without loss of, or damage to, significant historic fabric
- In Bath there is a significant concentration of known and potential archaeology where ground disturbance could be harmful – turbine mast foundations should not disturb archaeological features, and applications should demonstrate that this has been considered and thoroughly assessed by a suitably experienced and qualified professional
- An appropriate condition will be imposed requiring removal of the equipment and installation, including cabling and any foundations once the turbine is no longer operational

Hydro turbines

L

Is listed building consent required?
Listed Building Consent **is required** for installation of hydro turbines where it involves alteration to the listed building. (Planning Permission and other consents are likely to be required for hydro turbines)

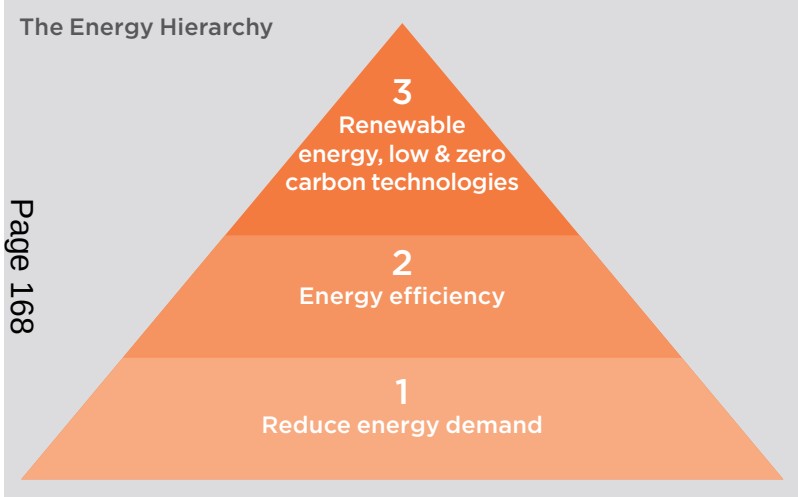
Guidance position
The LPA supports the installation of hydro turbines within listed buildings where there is no detrimental impact on the architectural or special interest of the building, on archaeological features or on the setting of the building and adjacent heritage assets

Guidelines and factors that will be considered during the determination and assessment process

- There may be cases where the reuse of a former water mill would result in an improvement and enhancement of the building or buildings. For instance where there is surviving but redundant mill machinery and associated buildings which required to be restored to facilitate the installation of a hydro turbine
- Turbines and any new outbuildings required should be appropriately located and should not have a detrimental impact on the building
- The visual style of the turbine should be appropriate for the historic and traditional context of the building
- Penstocks should be buried where possible to minimise visual impact
- In Bath there is a significant concentration of known and potential archaeology where ground disturbance could be harmful – any ground works should not disturb archaeological features, and applications should demonstrate that this has been considered and thoroughly assessed by a suitably experienced and qualified professional
- For proposals relating to historic water mills, opportunities should be taken to restore the building or buildings and reveal or reinstate features of significance in conjunction with installation of the hydro turbine

3 The Energy Hierarchy

When considering energy efficiency proposals it is good practice to follow the energy hierarchy and address the least intrusive, low-impact measures first (e.g. loft insulation, draught proofing, energy efficient lighting, occupant behaviours).



Ranking improvement measures

As stated, the LPA supports this approach to sustainable retrofit. However, the ranking of different improvement measures in any retrofit project is dependent on its focus, and may differ between projects. Main focuses may include CO_2 savings, fuel bill savings, comfort, affordability or appearance.

Some measures may be ranked highly in one area but considerably lower in others, as illustrated in the following examples:

1. A biomass boiler would rank highly in terms of CO_2 savings, but lower in terms of affordability or fuel bill savings

2. Lined curtains may rank highly in terms of appearance, but much lower in terms of fuel bill or CO_2 savings

3. Photovoltaic panels could rank highly in terms of CO_2 savings and affordability, but lower in terms of appearance or comfort (as this is not an insulation measure)

4. Double glazing would rank highly in terms of comfort, but may rank lower in terms of affordability and appearance

In reality, for most householders their priorities will be a combination of the above factors (and others, such as householder disruption, for example). As such, it is not possible to list an absolute ranking system for different measures. Instead, the table on p17 lists all the measures contained in this section of the guidance and provides an indication of the impact in each of these key areas. This should allow prospective applicants to determine what is best for their own situation. The following should be noted, however:

a) The suggested impacts are broad indications only, and include many assumptions; individual properties and improvement specifications will vary considerably in terms of impact in the different areas

b) 'High' impact does not automatically mean 'good' (and vice versa) – a 'High' impact is good with respect to CO_2 savings, fuel bill savings and comfort is good, but a 'Low' impact is better with respect to cost and appearance

c) When considering more major improvements it is good practice to have addressed the easier, lower-impact measures in the first instance

MEASURE	IMPACT				
	CO_2 savings	Fuel bill savings	Comfort	Cost	Appearance
Reinstate existing / missing shutters	●●	●●	●	●●	●
Draught proofing windows and doors	●	●	●	●●	●
Secondary glazing	●	●	●●	●●	●
Double glazing	●	●	●●	●●	●●
Draught proofing floors, skirting boards and ceilings	●	●	●●	●	●
Insulating timber floors	●	●	●●	●●	●
Insulating solid floors	●	●	●●	●●	●
Loft insulation	●●	●●	●	●●	●
Ventilation	●	●	●	●●	●●
External wall insulation	●	●	●	●	●
Internal wall insulation	●	●	●	●	●●
Boiler (and flue)	●●	●●	●●	●	●
Wood stove	●●	●	●	●●	●
Wood boiler	●	●	●●	●	●●
Air source heat pump	●●● 1	●●● 1	●●	●	●●
Ground source heat pump	●●● 1	●●● 1	●●	●	●
Photovoltaic panels	●	● 2	●	●●● 2	●●
Solar water heating panels	●	●●	●	●	●●● 3
Photovoltaic roof slates	●●	● 2	●	●●● 2	●
Domestic-scale wind turbines	●●● 4	●●● 4	●	●●	●
Hydro power	●	●	●	●	●●●

● Low

● Moderate

● High

1 Dependent on fuel source: savings from displacing gas would be minimal to zero; savings from displacing more CO_2 –intensive fuels (e.g. electricity, oil, LPG) would be considerably higher.

2 Actual fuel bill savings are likely to be Low-Moderate (depending on how PV is used), and capital costs are high, but income from the Feed-In Tariff means that the overall financial gains are High.

3 There are many different designs and styles, ranging from discreet recessed panels to more visible evacuate tube systems.

4 Domestic-scale wind turbines vary considerably in size and subsequent impact on CO_2 and fuel bills, from small building-mounted turbines (rarely recommended for significant impact) to relatively large (c.15m high) mast-mounted turbines. The larger the turbine the greater the impact (assuming appropriate siting).

4 What makes a good Listed Building Consent Application? Hints and Tips

General guidance on listed buildings and Consent applications is available on our website, as follows:

- Listed Building Consent - Application Form
- Listed Building Consent - Checklist
- Listed Building Consent - Guidance Note
- Listed Building Consent - FAQs

As well as reading this guidance it is important to engage with the Historic Environment Team at an early stage, to establish whether or not the LPA can support the proposals and if so the most appropriate approach to take.

This will usually require engagement with the formal pre-application process for which there is a charge, however its benefits cannot be overstated and can, if in principle support can be provided, lead to a successful scheme and outcome.

When applying for Listed Building Consent for energy efficiency or renewable energy measures, there are a number of particular considerations. These predominantly relate to the level of impact, if any, on the architectural and historic interest of the protected building.

Designation is a formal and legal acknowledgement of a building's architectural and historic interest and national significance and importance. However, some change is inevitable, and the LPA will work with listed building owners to manage this change and identify ways to meet the needs of occupants wherever possible although the level of change is likely to differ significantly from one building to another and each building will be assessed on a case-by-case basis and each building on its own merits.

Whilst anyone can apply for listed building consent in reality it requires specialist skills, knowledge and experience and therefore listed building owners are strongly advised to instruct a conservation specialist architectural professional to assist them (i.e. a surveyor, architect or architectural technician). The LPA has a limited list of conservation specialists and this can be provided if required (contact a member of the Historic Environment Team for more information).

The increasing focus on energy efficiency and renewable energy in recent years has led to a huge increase in the number of applications for improvement measures in listed buildings. This brings complexities as well as benefits, and it is important that applications are as clear as possible. When submitting your application, there are a number of things that need to be considered.

1. Research

For many energy efficient measures, there can be a bewildering array of choices available. Spend time early on researching all the options available to you, and make sure the application reflects this and shows exactly why you have selected the system in question.

You should make it as easy as possible for the LPA to assess your application. Doing your research also extends to choosing the right person or organisation to give you the professional support you will need, e.g. architects, surveyors or contractors – make sure you use someone who really understands both the energy and conservation aspects of your application but most importantly they understand and are experienced in architectural conservation. It is important to be aware and have knowledge of the relevant specialist guidance, much of which has been produced by English Heritage and is available on the internet (see section 6 of this document).

2. Detail
Provide as much detail as possible about the particular technology you want to install.

The type of draught proofing, double glazing or solar panel will determine its impact on the building – again, demonstrate that you have done your research and selected the system most sensitive and sympathetic for the building and, if relevant, for the setting of the conservation area and, in the case of Bath, the World Heritage Site.

Remember that for many improvement measures there are solutions available that are both effective and discreet, although some may require additional scoping works (e.g. a structural survey of a roof where solar panels are proposed to take account of the additional weight).

Specifications, drawings and photographs are all helpful to the LPA, and photo-montages showing the likely appearance post-installations are also useful. If in doubt, provide more rather than less detail in the application.

3. A practical approach
The communication of a practical, common-sense and sensitive approach will be expected. Showing that you have considered or adopted passive and low impact measures is important and consistent with the hierarchical approach. For example, proposing a heat pump, external and internal insulation in the first instance, having not considered and implemented simple draft exclusion or replacing a gas central heating boiler with an efficient modern combination boiler would not be in line with energy hierachy unless there were other factors in terns if impact on historic fabric you are considering.

4. Location
For more visual measures (solar panels, air source heat pumps, boiler flues, external wall insulation etc, demonstrate that you have thought about their impact on the building's and, where relevant, the conservation area's appearance and setting and what considerations have been taken to minimise the impact. Be sure to locate them in a discreet position. The 'Guidance on measures for listed buildings' section of this document provides numerous examples of this.

5. Loss of historic fabric
Loss of significant historic building fabric is seldom regarded as acceptable and is inconsistent with the aims of heritage protection as enshrined in the primary legislation, national policy and guidance relating to the historic environment. However there may be some circumstances where the temporary removal of historic fabric may be regarded as justifiable. The Historic Environment Team should be consulted in order to provide advice and clarification.

6. Precedence
Precedence is not a determining factor in assessing changes to listed buildings – i.e. a measure approved on one building may not be deemed appropriate for another. Each application is assessed on its own merits, and this can mean that seemingly similar proposals for similar buildings do not always receive the same outcomes. However, it can be helpful to show the LPA some examples of what you are proposing to help illustrate your application where this has been successfully applied on other buildings.

7. Appropriateness
For higher-impact measures in particular it is important to explain and justify clearly why you feel they are needed for your property. Remember, while you may have a focus on saving energy, reducing your carbon footprint and CO_2 emissions or making your house warmer, the LPA will assess the application based on its physical and visual impact on the architectural and historic interest of the listed building and on the setting of the conservation area and other heritage assets where this is relevant.

Therefore it will be expected that stronger justification will be required in the case of higher-impact measures: the greater the impact, the greater the justification that will be required. It will also be expected that relevant guidance has been consulted and that the proposals are consistent with the approach advocated by the guidance and with conservation best practice.

Some example applications and cases are provided in **section 5**, *Case Studies*, of this document.

Furthermore there is public access to all of the applications received by the LPA and decisions can be scrutinised which may of some assistance when considering proposals.

5 Local Case Studies

The following case studies provide examples of detailed applications for Listed Building Consent, demonstrating good practice both in the level of detail provided and in the initial consideration of measures. You will see that not all of the proposed measures were well received; however these also provide useful case studies for potential applicants. Please note that all planning and listed building applications are available for public viewing **online**.

A) New slim-profile double-glazed windows in Grade I listed building
(St John's Hospital, Bath City Centre; view application)

Key elements of this application:

An appropriate intervention – The original windows were no longer in place, and the current windows did not match the originals – so this represented a good opportunity to bring back the original window designs while upgrading the thermal performance to modern standards which is particularly important given this building's function. Double glazing was demonstrated to be preferable to secondary glazing and blinds/ curtains in this instance, due to the importance of daytime thermal comfort and ease of use for occupants

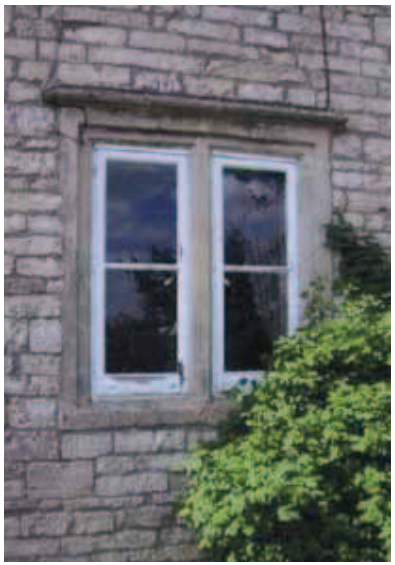
Drawings – Detailed, professional scale drawings showing current and proposed building details. These are available online

Supporting materials – Detailed, clearly laid out and explained, demonstrating a thorough knowledge and relevant research. The covering letter and Design Statement show an understanding of both key aspects of the application, a) built heritage (of the building and its setting) and b) energy conservation. Referencing to previous installations and research are clear and thorough. Additional detailed written response to English Heritage advice

LPA feedback – Noted that the building was very prominent both in style and location, and that there may be some visual impact from replacing single glazing with double glazing; but also that other energy efficiency measures had already been carried out; that the current windows were not original and that the new windows would help bring back original window designs

Other feedback – External feedback was mixed. Bath Preservation Trust noted that a whole-building approach was less intrusive than a partial approach, and that '*public benefits of mitigating climate change outweigh concerns about visual appearance of the glass'*. Bath Heritage Watchdog objected to the proposal, however, feeling that *'single glazing forms part of the interest of a listed building and should be retained to preserve the integrity of the building'*

Outcome – Approved



B) New slim-profile double-glazed units in Grade II listed building

(Tunley Farmhouse, Tunley Hill, Camerton; view application)

Key elements of this application:

An appropriate intervention – The existing windows were not original, were in a poor state of repair and needed replacing; the proposed new windows matched the design of the originals. The proposed works would also go some way to remedying a lack of planning enforcement on adjacent properties that had adversely affected the property in question. However, it should be noted that the original proposal for double glazing of standard (20mm) cavity width was re-negotiated to slim-profile double glazing, which lengthened the timescale for granting consent to seven months

Drawings – Detailed drawings showing current and proposed building details

Supporting materials – Clear, simple explanations of why the proposed works are needed

LPA feedback – The LPA felt that the original proposal for 20mm cavity double glazing would have been harmful to the property's character and appearance, and re-negotiated to slim-profile double glazing

Other feedback – The local parish council supported the application, highlighting the lack of planning enforcement in neighbouring properties

Outcome – Approved but with a change from standard-depth to slim-profile double glazing

5 Local Case Studies

Bath Homes fit for the future

Georgian / Regency Terrace, Bear Flat

Overview

Key Features

- Solar PV (on Grade II listed)
- Loft insulation
- Secondary Glazing
- Draught Proofing
- Zoned Heating Controls
- Radator Reflectors
- Low Energy Appliances

Introduction

Features

Secondary Glazing

Solar PV

View the **case study** online for more information

C) Photovoltaic panels on Grade II listed building

(19 Devonshire Buildings, Bear Flat; view application)

Key elements of this application:

An appropriate intervention – From a heritage perspective the siting is appropriate as it is discreet, with panels 'hidden' inside the double-pitched roof valley, external wiring run behind a downpipe to minimise visual impact, a board-mounted inverter to minimise fixings to original fabric, and a high position ensuring the roof is not overlooked. From an energy efficiency perspective, the siting is unfortunately less appropriate, as the requirement to hide the panels to minimise visual impact results in regular overshadowing by the roofline and chimney, causing sub-optimal performance – this is a good example of where heritage and energy conservation priorities can conflict. The installation was however combined with other energy-saving measures, demonstrating a holistic approach

Drawings – Detailed drawings, clearly showing the location of the installations and the fixing details

Supporting materials – Clear, detailed explanations in support of the proposed works, demonstrating a good understanding of both heritage and energy conservation principles, an awareness of relevant legislation and guidance, a thorough approach that has included both heritage and energy-saving improvements, and clear reasons for proposing PV over other renewable energy technologies. Also an illustration of conservation as 'management of change', detailing the changes that have taken place in the property over time

LPA feedback – Noted that there is *'no substantive reason for refusing consent in this particular case'*, but requires applicant to demonstrate that roof structure is sufficiently robust to carry weight of PV panels

Other feedback – One letter highlighted heritage issues and the need to assess roof structure

Outcome – Approved subject to demonstrating that the roof structure would support weight of PV panels

Duchy of Cornwall, 2012

Duchy of Cornwall, 2012

D) Photovoltaic panels on Grade II listed building (The Old Rectory, Newton St. Loe; view application)

Key elements of this application:

An appropriate intervention – As in case study C, the elevated position of the building and the panel location in a hidden roof valley ensures discretion. Furthermore, the applicant specified non-standard panel finishes to render them still more discreet

Drawings – Detailed drawings and photographs, clearly showing siting and installation method

Supporting materials – A short but clear Design and Access Statement to accompany the drawings and photographs, highlighting the discreet panel finishes specified (black frames and backing sheets) and the intention to conduct a structural survey to ensure the roof's structural integrity is maintained

LPA feedback – Noted that *'appropriate conditions exist in order to facilitate solar panels'*, namely the hidden, internal roof valley, the parapet, the elevated position of the building and surrounding topography, and the minimal fixings and wiring required. Also stated a requirement to conduct the aforementioned structural survey

Other feedback – The local parish council supported the application. Bath Preservation Trust also supported the application, noting that there would be no adverse visual impact, and recommending that consent should be subject to proving the integrity of the roof structure and that other energy conservation works should also be carried out

Outcome – Approved subject to satisfactory structural survey

5 Local Case Studies

E) Refurbishment and extension of a Grade II listed building incorporating energy conservation measures
(7 Charlotte Street; view application)

Key elements of this application:

An appropriate intervention
Energy efficiency measures were proposed as part of a wider refurbishment and extension; this is a good time to consider such measures as other building works are taking place in any case. Proposed measures included draught proofing, shutter repairs, internal wall insulation, secondary glazing, slim-profile double glazing, roof insulation, solid and suspended floor insulation, gas central heating and a solar thermal array (sited on the principal elevation, but not visible due to the building's elevation and parapet). Pre-Application Advice was sought from the LPA before submitting the formal application. It should be noted that the secondary glazing and internal wall insulation were withdrawn from the application (for later re-submission) at the LPA's request

Drawings – Numerous very detailed drawings and photographs showing proposed works

Supporting materials – A Design and Access Statement and Sustainable Construction Checklist were both submitted to provide details of all the proposed measures and reference local and national planning and climate change policy, together with other correspondence and reports throughout the assessment process. The formal reports also made use of modern energy analysis tools such as Energy Performance Certificate ratings, air pressure testing and thermal imaging to illustrate their proposals. Much of the mid-assessment dialogue related to certain improvements that were felt to be contentious, primarily the secondary glazing and internal wall insulation

LPA feedback – The LPA noted the need to upgrade the building to make it fit for habitation, and supported the replacement of a poor existing extension with an improved version and the window replacements which they felt would enhance the property. They also felt the solar thermal evacuated tubes were acceptable. However, the LPA requested that the internal wall insulation and secondary glazing should be withdrawn from the application as they felt these measures would have a *'detrimental impact'* on the building. (The applicant agreed in order to achieve a timely decision; these measures have since been re-submitted under a separate application.)

Other feedback – An archaeologist provided groundwork recommendations. Bath Preservation Trust supported the proposed works including internal wall insulation where there was not significant plasterwork, and supported monitoring this measure for research

Outcome – Approved following withdrawal of the internal wall insulation and secondary glazing measures from the application. A separate listed building application was submitted for these measures however was subsequently refused because they were deemed harmful and would not preserve the historic architectural interest and character of the protected building

F) Hydro turbine in a Grade II listed building (The Mill House, Midford; view application)

Key elements of this application:

An appropriate intervention
This building was constructed as a mill and had already been converted to generate electricity, however the current system was no longer functional; proposing a replacement hydro turbine is therefore entirely appropriate for this building and is in keeping with its original intended use.

The introduction of a new hydro-electric turbine was proposed as part of a larger refurbishment project that included demolishing a modern structure and improving the other existing structures, and the project was discussed with the LPA through the Pre-Application Advice function prior to submitting the full application

Drawings – Detailed drawings were provided including several detailing the proposed hydro turbine.

Supporting materials
Comprehensive documentation was provided alongside the main application form, including a Design and Access Statement, a Heritage Statement, a hydro feasibility study report and broader environmental reports often required for hydro schemes (e.g. assessing wildlife and flooding impacts). The Design and Access Statement and the Heritage Statement both demonstrate a thorough understanding of the building's heritage; indeed, the hydro turbine is not portrayed as the prominent feature of this application. However, the hydro feasibility study clearly demonstrates the energy, CO_2 and financial benefits of the turbine as well as the history of the earlier turbines

LPA feedback – The LPAwas very supportive of the applicant's desire to retain the historic integrity of this *'significant'* building, and noted that the building already includes *'many layers of change and intervention over 700 years'*, that the proposals would preserve and enhance the building's significance. They were also supportive of the fact part of the proposals would see a modern structure removed and more traditional features reinstated and of the installation of the hydro turbine

Other feedback – An Ecology Officer provided comments on any environmental/wildlife impact, not relating to the hydro turbine

Outcome – Approved

5 Local Case Studies

Learning from unsuccessful applications

Not all applications for Listed Building Consent are successful. There are many reasons for refusal of Consent, and it is useful to be aware of these when considering your own application. Some cases and reasons for refusal are given below including the key concerns of the LPA:

Proposal & Reasons for refusal	Example response
1. The visual impact of proposed 210 **photovoltaic panels** deemed harmful	• '...will have a detrimental impact on the setting of heritage assets including listed buildings, the Bath Conservation Area and the Bath World Heritage Site and also important and significant historic views of the city' • '...will cause visual harm to the protected building and the setting of adjacent heritage assets'
Not enough detail has been provided on the possible impact of the building	• '...lack of information relating to the structural analysis of the...building and the impact on the roof and the integrity of the structure resulting from the installation [of photovoltaic panels]' • '...lack of information relating to an analysis of the physical and structural impact on the roof structures...and therefore the proposals may lead to structural harm and damage to historic fabric'
Not enough detail has been provided on the history and listing of the building	• '...lack of information regarding...the heritage significance of the building and its context'
Lack of awareness of relevant planning policies	• '...the proposals are regarded as contrary to Planning (Listed Buildings & Conservation Areas) Act 1990, Planning Policy 5: Planning for the Historic Environment and local and national policy guidance'
2. The visual impact of **internal wall insulation** regarded as unacceptable	• '...the wall insulation will result in the loss from view of important historic fabric including original lime plaster wall finishes and internal joinery.' • '...the insulation will unacceptably alter the character of the interior of the building...'
Detrimental physical & technical impact of internal wall insulation	• '...Traditionally constructed historic buildings with a solid wall construction rely on the transference of moisture from within the wall so that it can be dissipated as vapour. Internally this process relies on adequate ventilation however it is clear that the aims of thermally upgrading the building are to minimise draughts and cold air entering the building.' • '...likely to cause harm to internal fabric resulting from the inevitable increase in levels of damp and condensation...' • '...likely that interstitial condensation between the existing internal wall surface and the internal surface of the wall insulation will occur.' • '...although the aims of improving the thermal performance of historic buildings is supported in principle, this cannot be at the expense of heritage value and historic architectural interest and preservation.' • '...there is a potential for physical harm to occur following the installation of the wall insulation...'

Proposal & Reasons for refusal	Example response
3. Installation of **replacement windows with double glazing** will cause visual harm to the terrace and Conservation Area	This proposal to replace the existing windows is welcomed as it provides the opportunity for improvement and to reverse the trend for inappropriate replacements. As proposed the window type and design is not an issue, but use of standard, sealed double glazed units does cause concern.' • 'As proposed the window type and design is not an issue, but use of standard, sealed double glazed units does cause concern.' • 'The two panes introduce a double imaging which is visually intrusive and inappropriate for use on listed buildings.' • 'The desire to improve thermal efficiency is fully appreciated, but historic building research and guidance confirms that correctly draught proofed traditional single glazing has a similar effect to secondary glazing.' • 'If double glazed units were to be allowed it would be difficult to resist their use on other properties in the listed terrace and the cumulative visual impact would further erode character to an unacceptable degree.'

Objections may also relate to the following, and may come from either the LPA or external commentators:

- Where the impact on a historic building or the setting of heritage assets has not been recognised or considered by the applicant or has been played down
- Where the application has not demonstrated an attempt to minimise the impact on a building's appearance (e.g. the use of discreet product design and styles)
- Where inadequate detail has been provided in general, e.g. lack of specification details, no heritage impact assessment/ statement
- Where plans and drawings are not of a professional standard, lack detail or are inaccurate
- Where a relatively high-impact measure (e.g. a solar panel) is proposed and other lower-impact measures have not also been considered or applied.

6 Useful Links

The following links will provide further information and more detailed assistance regarding retrofitting, renewable energy, climate change, energy efficiency and the historic environment.

There are also links to specialist registers and directories which include specialist products suppliers and services. This is not an exhaustive list but includes some of the most up to date and relevant information and guidance available:

National Heritage Organisations & Amenity Societies

www.spab.org.uk/

www.english-heritage.org.uk/

www.helm.org.uk
(follow link to *Climate Change*)

www.bath-preservation-trust.org.uk/

www.ihbc.org.uk/

www.historic-scotland.gov.uk/

www.ancientmonumentssociety.org.uk/

www.georgiangroup.org.uk/docs/home/index.php

www.victoriansociety.org.uk/

www.c20society.org.uk/

www.stbauk.org
(Sustainable Traditional Buildings Alliance)

Registers & Directories

www.buildingconservation.com
(see *Directory*)

www.conservationregister.com

www.rics.org
(follow the links to Services/Find a surveyor/Accreditation)

www.architecture.com/TheRIBA/TheRIBA.aspx
(follow link to *Find an architect, Conservation Register*)

www.ihbc.org.uk/hespr/

Guidance

www.helm.org.uk/
(see Guidance Library, which includes detailed guidance on building regulations, retrofitting measures and renewable energy)

www.climatechangeandyourhome.org.uk

www.ucl.ac.uk/sustainableheritage/climate_change.htm

www.cse.org.uk/downloads/file/warmer_bath_june2011.pdf

www.building.co.uk/Journals/2012/09/27/x/u/l/RESPONSIBLE-RETROFIt.pdf

www.english-heritage.org.uk/content/publications/publicationsNew/guidelines-standards/setting-heritage-assets/setting-heritage-assets.pdf

www.bathnes.gov.uk/services/planning-and-building-control/listed-buildings/climate-change-and-historic-environment

This document is an Annex to the **Sustainable Construction & Retrofitting Supplementary Planning Document**

Available online at **www.bathnes.gov.uk/greenbuild**

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Bath & North East Somerset Council		
MEETING:	Development Control Committee	
MEETING DATE:	31 July 2013	**AGENDA ITEM NUMBER**
TITLE:	Quarterly Performance Report April - June 2013	
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 April – 30 June 2013.

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' and 'Other' planning applications was below government target during April – June 2013. 'Minor' planning applications were above target during this 3 month period.

Performance on determining 'Major' applications within 13 weeks fell from 43% to 32% during Apr – Jun 2013. Performance has dropped following the departure of a senior officer in April meaning that their case load had to be re allocated. The new case officers needed some time to familiarise themselves with the complex caseload and this has resulted in some of the applications going over target. An overall rise in applications numbers during this period has compounded the situation. In addition a rise in planning appeal workload since October 2012, particularly public inquiries, has

had an impact on the resourcing for major application processing. The department is currently dealing with 8 Public Inquiries which generate a considerable amount of work. Further, the Planning Service is progressing with the Customer Services Transformation Implementation Plan where we are amending several of our processes with a view to improving efficiency and customer service particularly in light of the new Planning Guarantee which is the subject of a separate report on the agenda.

Percentage performance on determining 'Minor' applications within 8 weeks rose from 75% to 78%.

Performance on 'Other' applications within the same target time of 8 weeks fell slightly from 75% to 73%. Implementation of the new positive and proactive statement introduced late last year has required a further need to engage the applicant on schemes during decision making. The result is that in many cases, the applicant wishes to engage in further discussion and correspondence when they are informed that their application is recommended for refusal. Officers are required to demonstrate that they have followed the new requirement and this has meant that more applications go over target. Others are withdrawn before a refusal is issued, and after the officer has done a considerable amount of work on them, and these withdrawn cases cannot be counted against performance targets when formally they would have been decisions taken in time. The Transformation Implementation Plan is reviewing how cases are allocated and planning case officers are now dealing with both the planning and listed building applications where appropriate. This change is designed to create capacity in the listed building team in order to improve performance in the "other" category.

Table 1 - Comparison of applications determined within target times

Government target for National Indicator 157	B&NES Jul - Sep 2012	B&NES Oct – Dec 2012	B&NES Jan – Mar 2013	B&NES Apr - Jun 2013
'Major' applications 60%	9/14 (64%)	15/27 (56%)	9/21 (43%)	6/19 (32%)
'Minor' applications 65%	112/156 (72%)	99/139 (71%)	90/120 (75%)	121/156 (78%)
'Other' applications 80%	260/368 (71%)	293/399 (73%)	236/315 (75%)	286/390 (73%)
Number of on hand 'Major'	55	48	47	48

applications (as report was being prepared)				

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

'LARGE-SCALE MAJOR' DEVELOPMENTS – *Decisions to be made within 13 weeks*

- 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

'SMALL-SCALE MAJOR' DEVELOPMENTS – *Decisions to be made within 13 weeks*

- 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

'MINOR' DEVELOPMENTS – *Decisions to be made within 8 weeks*

- 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.	2012/13				2013/14			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
On hand at start	538	514	535	469	551			
Received	594	608	556	607	650			
Withdrawn	61	49	56	67	62			
Determined	555	538	565	456	565			
On hand at end	516	535	470	553	574			
Delegated	537	516	545	441	538			
% Delegated	96.7	95.9	96.4	96.7	95.2			
Refused	90	96	67	67	71			
% Refused	16.2	17.8	11.8	14.6	12.5			

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 rose 9% when compared with the corresponding quarter last year. This figure is also 8% up on the same period two years ago and 8% up on three years ago.

The current delegation rate is 95% of all decisions being made at officer level against cases referred for committee decision. The last published England average was 96% (Year ending March 2013).

Table 3 - Planning Appeals summary

	Jul – Sep 2012	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013
Appeals lodged	28	34	36	30
Appeals decided	21	30	34	25
Appeals allowed	3 (15%)	13 (46%)	7 (23%)	9 (47%)
Appeals dismissed	17 (85%)	15 (54%)	23 (77%)	10 (53%)

The figures set out in **Table 3** above indicate the number of appeals lodged for the Apr - Jun 2013 quarter has dropped 16% when compared with the previous quarter. Overall though, the total numbers received against the same four quarters a year ago has seen a rise in planning application appeals of 21%.

Members will be aware that the England average for appeals won by appellants (and therefore allowed) is approximately 35% (2012/13). 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 33% are allowed against refusals of planning applications, which demonstrates good performance by the authority.

Table 4 - Enforcement Investigations summary

	Jul – Sep 2012	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013
Investigations launched	244	140	153	140
Investigations on hand	222	230	216	203
Investigations closed	318	133	129	170
Enforcement Notices issued	5	3	3	4
Planning Contravention Notices served	2	3	1	1
Breach of Condition Notices served	0	0	0	0

The figures shown in **Table 4** indicate an 8% drop in the number of investigations received this quarter, when compared with the previous quarter. However, there was a 16% increase in

cases received overall in 2012/13. Resources continue to be focused on the enforcement of planning control with 5 legal notices having been served during this quarter.

Tables 5 - 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 - Number of monitored emails

	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013
Number of emails to 'Development Control'	1305	1189	1947
Number of emails to Team Administration within Development Management	4647	5221	4340

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 Apr – Jun 2013 quarter shows a high volume of electronic communications nearly matching the previous quarter. It is worth noting that comments received on applications within the statutory 21 day consultation period are subject to some 'redacting' being applied before making them accessible for public viewing through the Council's website as part of the application process. This task alone is high volume and currently labour intensive.

Table 6 – 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, procedures for discharging conditions on planning permissions and the newly introduced Householder Permitted Development prior notifications. **Table 6** below shows the numbers of these types of procedures that require resource to action and determine.

During the last quarter there has been a 15% rise in the overall volume of these procedures received in the service. Pre-application submissions increased by 11%.

Table 6	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013
Number of Household Development Planning Questionnaires	127	118	163
Number of pre-application proposals submitted	186	204	227
Number of 'Discharge of Condition' requests	135	120	103
Number of pre-application proposals submitted through the 'Development Team' process	6	3	7
Applications for Non-material amendments	25	17	24
Householder Permitted Development prior notifications	0	0	9

Table 7 – Works to Trees

Another function that the Planning Service undertakes involves dealing with applications and notifications for works relating to trees. **Table 7** below shows the number and percentage of these applications and notifications determined. During Apr – Jun 2013, 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 7	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	18	22	12
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	94%	95%	100%
Number of notifications for works to trees within a Conservation Area (CA)	191	134	143
Percentage of notifications	100%	99%	98%

for works to trees within a Conservation Area (CA) determined within 6 weeks			

Table 8 - 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 8 below shows a breakdown of volumes of customer phone calls to the Council Connect contact centre for the previous three quarters:

Table 8	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013
Planning	130	93	89
Planning Overflow	75	88	109
Planning Existing Application	860	552	622
Planning Existing Application Overflow	432	498	627
Planning New Issues	631	448	387
Planning New Issues Overflow	342	393	472
Total number of calls	2470	2072	2306

Table 8 shows that Council Connect had received approx. 2300 calls for last quarter. The various titles in the right hand column represent the name of the call questions the callers come through on, 'Overflow' being simply where all officers in the contact centre have been on the phone when that customer called, meaning they have been moved into a 'question' to represent this.

Table 9 - Electronic transactions

The Planning Services web pages continue to be amongst the most popular across the whole Council website, particularly 'View and Comment on Planning Applications' and 'Apply for Planning Permission'. The former is the most popular web page after the council's home page.

Around 70 - 75% of all applications are now submitted online through the Planning Portal link on the Council website, and **Table 9** below shows that the authority received **513**

(69%) Portal applications during the Apr - Jun 2013 quarter, compared with **70%** during the previous quarter. As a reminder, overall for 2012/13 the figure was approx. 75%. Our online submission percentage is above the national average, which currently stands at around 60%, and appears to be generally increasing. This provides good evidence of a growing online self-service by agents and the public. The benefits for them include an online help function, immediate delivery and acknowledgement, and savings on printing and postage costs. Secure fee payments can also be made online through the Planning Portal facility.

Table 9 - Percentage of planning applications submitted electronically (through the national Planning Portal)

	Government target	Jul – Sep 2012	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013
Percentage of applications submitted online	10%	82%	77%	70%	69%

Table 10 - 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 Apr - Jun 2013 quarter, the service scanned over 13,000 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. The trend for scanning actual planning applications is dropping in number as the public increases use of uploading and submitting their applications electronically through the Planning Portal (see Table 9 above). However, all documents submitted electronically still need to be manually inserted in the Document Management System by the Planning support staff. It is not possible at present to also detail the numbers of these 'insertions' in the table below.

Table 10

	Jul – Sep 2012	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013
Total number of images scanned	11,332	13,168	12,426	13,046
Total number of images indexed	4,525	4,450	4,670	5,484

Table 11 - Customer Complaints

During the quarter April – June 2013, 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 11

Customer Complaints	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013
Complaints brought forward	5	3	3
Complaints received	19	14	15
Complaint upheld	8	1	0
Complaint Not upheld	11	13	6
Complaint Partly upheld	0	1	5
Complaints carried forward	7	3	4

Table 12 - 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 12** below shows a breakdown of Ombudsman complaints lodged with the Local Government Ombudsman for the previous four quarters.

Table 12

Ombudsman Complaints	Jul – Sep 12	Oct – Dec 12	Jan – Mar 13	Apr – Jun 13
Complaints brought forward	3	0	1	1
Complaints received	2	1	2	0
Complaints upheld	0		0	
Local Settlement				
Maladministration				
Premature complaint				
Complaints Not upheld	5		2	
Local Settlement	*1*			

No Maladministration				
Ombudsman's Discretion	*2*		*2*	
Outside Jurisdiction	*1*			
Premature complaint	*1*			
Complaints carried forward	0	1	1	1

Table 13 – Section 106 Agreements

Members will be aware of the Planning Obligations SPD published July 2009. Planning Services have spent the last two years compiling a database of Section 106 Agreements. This is still a work in progress, but it has now enabled the newly appointed S106 Monitoring Officer to actively progress in monitoring delivery of agreed obligations. **Table 13** below shows a breakdown of S106 Agreement sums agreed and sums received between Apr - Jun 2013. Also detailed is the outstanding balance for agreements signed between July 2009 and June 2013. Members should be aware that the figures are approximates because of the further work still to be completed in the S106 monitoring operation.

Table 13

Section 106 Agreements	Jul – Sep 2012	Oct – Dec 2012	Jan – Mar 2013	Apr – Jun 2013
Funds agreed	£182,468.99	£828,093.41	£121,848.10	£159,693.14
Funds received (may include monies received for agreements made prior to Jul '09)	£578,578.68	£244,331.85	£389,984.81	£0
Outstanding funds balance (Jul '09 – Jun '13)	£13,259,687.19	£14,102,777.15	£14,112,447.17	£14,040,164.17

Table 14 – Costs Awarded monitoring

Detailed below is a list of recent costs against the council in relation to Planning Appeals and court cases.

Table 14

Ref no. and Site Address	Background	Cost Awarded	Reason Awarded
		-	

Contact person	John Theobald, Data Technician, Planning and Transport Development 01225 477519
Background papers	CLG General Development Control statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/planning-applications-statistics
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset Council

MEETING:	**Development Control Committee**	AGENDA ITEM NUMBER
MEETING DATE:	**31st July 2013**	
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281)	
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: 12/04345/FUL
Location: Parcel 2462 Chelwood Road Marksbury Bath
Proposal: Erection of Solar PV Farm and associated works to Parcel 2462 and Parcel 0153, Chelwood Road.
Decision: REFUSE
Decision Date: 14 February 2013
Decision Level: Delegated
Appeal Lodged: 21 June 2013

App. Ref: 12/05630/FUL
Location: 1 North Hill Cottages Tunley Road Tunley Bath
Proposal: Change of use of a double garage to a dwelling.
Decision: REFUSE
Decision Date: 12 April 2013
Decision Level: Delegated
Appeal Lodged: 24 June 2013

App. Ref: 13/01024/FUL
Location: 70 Frederick Avenue Peasedown St. John Bath BA2 8JA
Proposal: Erection of detached dwelling on land to the rear of the existing dwelling
Decision: REFUSE
Decision Date: 24 May 2013
Decision Level: Delegated
Appeal Lodged: 24 June 2013

App. Ref: 13/01397/FUL
Location: The Chalet 52 Charlton Road Midsomer Norton BA3 4AH
Proposal: Erection of 3no dwellings (2no two storey + 1no single storey), associated garaging, formation of new vehicular access, and erection of detached single storey garage (for The Chalet).
Decision: REFUSE
Decision Date: 30 May 2013
Decision Level: Delegated
Appeal Lodged: 26 June 2013

App. Ref: 13/00245/FUL
Location: 35 Maple Gardens Oldfield Park Bath BA2 3AG
Proposal: Provision of loft conversion with rear dormer
Decision: REFUSE
Decision Date: 26 March 2013
Decision Level: Delegated
Appeal Lodged: 27 June 2013

App. Ref: 13/00701/FUL
Location: Richer Sounds York Place 4A London Road Walcot Bath
Proposal: Erection of 3no new dwellings on land to the rear of York Place (resubmission).
Decision: REFUSE
Decision Date: 15 April 2013
Decision Level: Delegated
Appeal Lodged: 28 June 2013

App. Ref: 12/04590/OUT
Location: Parcel 0025 Monger Lane Welton Midsomer Norton
Proposal: Residential development comprising up to 135 dwellings, vehicular access from Monger Lane, public open space, and other associated infrastructure
Decision: REFUSE
Decision Date: 15 May 2013
Decision Level: Planning Committee
Appeal Lodged: 2 July 2013

App. Ref: 13/00731/FUL
Location: The Bath Bun 2 Abbey Green City Centre Bath BA1 1NW
Proposal: Remodelling of existing Bath Bun Tea Shoppe comprising a proposed extension linking the tea shop to no.7 North Parade Passage at ground floor via a new staircase (revised resubmission).
Decision: REFUSE
Decision Date: 15 April 2013
Decision Level: Delegated
Appeal Lodged: 2 July 2013

App. Ref: 12/04551/FUL
Location: 2 Hermitage Road Lansdown Bath BA1 5SN
Proposal: Erection of dwelling following demolition of existing bungalow
Decision: REFUSE
Decision Date: 12 December 2012
Decision Level: Delegated
Appeal Lodged: 3 July 2013

App. Ref: 13/01191/FUL
Location: Woodborough Peppershells Lane Compton Dando Bristol BS39 4LL
Proposal: Change of use of agricultural store to residential dwelling with associated works. (Resubmission)
Decision: REFUSE
Decision Date: 15 May 2013
Decision Level: Delegated
Appeal Lodged: 3 July 2013

App. Ref: 12/05431/FUL
Location: Parsons Farm Wick Lane Stanton Wick Bristol BS39 4BX
Proposal: Erection of extension, removal of lean-to store to barn, internal alterations and extension of accommodation into attached barn (Resubmission)
Decision: REFUSE
Decision Date: 25 June 2013
Decision Level: Delegated
Appeal Lodged: 9 July 2013

App. Ref: 13/01520/FUL
Location: Dairy Cottage Shockerwick Lane Bathford Bath
Proposal: Provision of loft conversion to include side pitched roof dormer and conservation rooflights
Decision: REFUSE
Decision Date: 6 June 2013
Decision Level: Chair Referral
Appeal Lodged: 11 July 2013

APPEAL DECISIONS

Application no: 12/02433/FUL
Address: 31 Richmond Place, Bath, BA15QA
Proposal: Rear 2nd floor bedroom extension plus rear ground floor kitchen extension and alterations including partial demolition of an existing twentieth century extension and installation of a conservation style roof-light at top of stairs
Date of Refusal: 17 August 2012
Decision Level: Delegated
Appeal Decision: ALLOWED

Summary

The application sought planning permission for a number of external alterations to the building, including the addition of a second floor to the existing rear extension and a rooflight, as well as widening of the single storey rear kitchen extension. The planning application was refused as having an adverse effect on the special historic and architectural features of this listed cottage, and that no compelling evidence was provided to justify this harm. The parallel listed building application 12/02434/LBA was also refused on the same grounds and subsequently allowed on appeal.

The Inspector found that the extension at second floor level would represent very modest changes to the form and appearance of the building and would not, more widely, harm the rhythm of the rear elevation of the terrace. He asserted that the proposals would conceal a small part of the rear stone wall and leave very considerable part visible and unaltered. Neither had he thought that the obscuring of the original window would be harmful.

On the whole the Inspector concluded that the proposal would enhance the conservation area and preserve the special interest of the listed building and would thus not harm its value as a designated heritage asset.

App. Ref: 13/05438/AR
Location: 86 Lower Bristol Road, Bath
Proposal: Non-illuminated display board on wall in front of shop to advertise offers using banners or sign board.
Decision: Refuse
Decision Date: 19 February 2013
Decision Level: Delegated
Appeal Decision: DISMISSED

Summary:

The Inspector considered that the sign was a large and dominant feature and that its presence was emphasised by its bold colours. As a result it was considered intrusive and would detract from this part of the Bath World Heritage Site. It was considered that the sign would also appear noticeable in contrast to the wall of the Grade II listed cemetery and would obscure views of the greenery behind. The display of banners in a PVC material was considered unacceptable for a long term basis and would detract from the setting of the listed cemetery. The appeal was DISMISSED.

App. Ref: 12/05022/FUL
Location: Home Cottage, 103 Park Road, Keynsham
Proposal: Proposed dormers to front and rear of property.
Decision: Refuse
Decision Date: 2 January 2013
Decision Level: Delegated
Appeal Decision: DISMISSED

Summary:

The Inspector found that the proposed dormers were disproportionate in size and also inappropriate in design in this context, and would thereby look unduly prominent and out of place, harming the character and appearance of the house and its surroundings. The proposal was therefore contrary to D.2 and D.4

The inspector also found that a dormer window of this size, even if obscure glazed, would increase the perception of overlooking which residents feel in their rear gardens. It was considered to detract from the privacy of the adjoining residents contrary to policy D.2.

App. Ref:	12/03103/REM
Location:	Vale View Cottage, Vale View Place, Bath
Proposal:	Removal of condition 12 of application 01/00050/FUL (Erection of a dwelling).
Decision:	Refuse
Decision Date:	20 September 2012
Decision Level:	Delegated
Appeal Decision:	DISMISSED
Costs Decision:	COSTS AWARDED against the appellant

Summary:

Condition 12 of the original permission restricted parking within an area of the site on the grounds that the area in question was in-sufficient in size to allow turning. Therefore vehicles leaving the site would not be able to do so in a forward gear. Given the sub-standard access to the site and the position of the access on a bend it was considered to prejudice highways safety.

An appeal against condition 12 was originally submitted in 2007 whereupon it was dismissed by an inspector. The Inspector for the current appeal saw no reason to disagree with the conclusions of the original inspector agreed that the condition was necessary to prevent a danger to highways safety. The appeal was therefore dismissed.

The Council applied for costs against the appellant. The Inspector stated that the appellant did not advance any arguments of substance to refute the original Inspector's decision. It was concluded that the lodging of an appeal was unreasonable and put the Council to unnecessary expense in processing and arguing against it. Cost were therefore awarded against the appellant.

App. Ref:	12/05430/FUL
Location:	1 Lincombe Road, RADSTOCK, BA3 3YJ
Proposal:	Erection of new second floor extension and loft conversion to include 2no dormers
Decision:	Refused
Decision Date:	18.02.2013
Decision Level:	delegated
Appeal Decision:	Appeal dismissed

Summary:

The application was refused due to the visual impact of the front and rear dormer windows proposed to the property. There was no objection to the two storey side extension.

The Inspector agreed that the proposed dormer windows would dominate the appearance of both roof slopes and would significantly increase the bulk of the building at roof level. The Inspector considered the dormers to appear seriously at odds with the surrounding properties. The fact that dormer windows existed on dormer bungalows in the area did not outweigh the harm caused.

The Inspector concluded that the proposed dormers would be harmful to the character and appearance of the host building and the area in conflict with saved policies D.2 and D.4 of the Bath and North East Somerset Local Plan1. They would also be in conflict with the National Planning Policy Framework's core principle of securing high quality design.

App. Ref: 12/01882/OUT
Location: Parcel 0006, Maynard Terrace, Clutton, Bristol
Proposal: Erection of 36no. dwellings and associated works (revised resubmission
Decision: Refuse
Decision Date: 17th December 2012
Decision Level: Committee, (Member Overturn)
Appeal Decision: Allowed
Costs Decision: Dismissed

Summary:

This outline planning application was refused by Development Control Committee in December 2012 with three reasons for refusal cited. During the course of the appeal, the Council advised that it would not pursue the second reason relating to ecological impacts or the third reason relating to highway safety. The appeal focused on the first reason for refusal, namely, the sustainability of the site.

The Inspector noted the Council cannot demonstrate a five-year supply of deliverable housing sites, and confirmed, in line with paragraph 49 of the NPPF that relevant policies for the supply of housing should not be considered up-to-date. The Inspector considered the main issue for the determination of the appeal to be whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits, in accordance with paragraph 14 of the NPPF.

Whilst the Core Strategy was only afforded limited weight, the Inspector made specific reference to the Core Strategy in respect of housing requirements in her decision. The Inspector stated "*it is material to note that the emerging Core Strategy recognises that a considerable proportion of its housing requirement will need to be met through provision of new dwellings in rural settlements*".

With regard to the issue of housing shortage, the Inspector noted that the Council accepts both a significant shortfall in supply and a persistent under-delivery of both market and affordable housing in the district. In respect of paragraph 47 the Inspector considered that the

acknowledged need for both "*open-market and affordable housing carries considerable weight in favour of the proposed development*".

In respect of comments made that 36 dwellings would make little overall difference in the context of the district the Inspector commented that "*in the context of a significant existing housing shortage, the provision of any new housing must, in principle, be beneficial in terms of redressing the shortfall*".

With regard to accessibility by sustainable modes of transport the securing of £150,000 through a Section 106 agreement towards the support and enhancement of bus services to Bath was accepted as being reasonable and proportionate however the Inspector did acknowledge that, given the distance to bus stops, services and amenities it would be likely that many of the future occupiers would be reliant on the use of private cars, contrary to T.1 of the Local Plan.

Turning to the issue of Highway Safety, although the Council did not pursue this reason for refusal at the appeal, the Parish Council (who had Rule 6 Status for the appeal) maintained the view that the development would harm highway safety. The Inspector noted that the change in priority of the junction of Maynard Terrace/Clutton Hill/Station Road would serve to reduce the speed of southbound traffic as it entered the village.

The Inspector considered the provision of new footways concluding that there is an existing risk of conflict and that the provision of footways would present only a partial solution. Nevertheless, the Inspector remarked that the footways would have the safety benefit of reducing the extent of the risk without compromising the ability of safe access to and from the properties on Maynard Terrace.

In summary, the Inspector found that the alterations proposed constitute an overall improvement to the existing situation and did not consider the increased pedestrian and traffic movements generated by the development to adversely impact on highway safety or the capacity of the network. The Inspector disregarded references made to an appeal decision made in 1988 on the basis that in that case, the Highway Authority were opposed to the development whereas in this case they consider the package of improvements to be acceptable.

The Inspector considered various other matters as part of her decision:

- With regard to concerns about drainage raised by the CPRC, the Inspector was satisfied that this issue can be adequately addressed by condition.
- With regard to visual impact, the Inspector accepted that views would be altered but did not conclude the development would necessarily lead to visual harm. The Inspector concluded that the new development would be viewed in the context of the existing dwellings on Maynard Terrace and not as an isolated new development in the countryside.
- The Inspector accepted that in principle, 36 dwellings could be accommodated on the site.
- The Inspector noted the increased pressure on the primary school but stated that there was no substantive evidence to indicate that capacity would be reached or exceeded by this development. The Inspector accepted the Section 106 agreement terms.
- The Inspector agreed with the terms of the S.106 in respect of financial contributions for youth service provision, improved transport links, allotments and open space as well as ecological mitigation.

- The Inspector disregarded the concerns that affordable housing would create social problems in light of the lack of any clear evidence to the contrary. The provision of 53% affordable housing secured with a local tie was agreed.

In concluding the appeal, the Inspector found that the need for both open-market and affordable housing carried considerable weight in favour of the development proposal. The Inspector stated that the only significant adverse impact arising from a development in this location would be the likelihood that occupiers would travel by private car, rather than more sustainable modes of transport however found that the associated level of harm would not come anywhere close to "significantly and demonstrably" outweighing the benefit obtained from the contribution the proposal would make toward addressing the current significant shortfall in housing.

Costs appeal

The appellant sought a full award of costs against the Council on the basis of paragraph B20 of Circular 03/2009 which explains that while planning authorities are not bound to accept the recommendations of their officers, they will need to show reasonable planning grounds for taking a contrary decision and "produce relevant evidence on appeal to support the decision in all respects".

It is noted in the decision letter that "Officers recommended the appeal scheme for approval" but that "the Committee rejected that recommendation". The appellant's case related to the fact that the Council could not demonstrate a 5 year housing land supply and therefore as its policies could not be considered up to date, permission should have been granted and the fact that the Council abandoned two of the reasons for refusal prior to the appeal because it could not sustain the reasons. Reference was made to the Council's lack of evidence to justify its position and that ultimately it had acted unreasonably in refusing permission. (Full details of the appellant's case are listed in the appeal documents and the Inspector's decision letter).

The Council's rebuttal referred to its position that whilst Clutton itself may be considered "sustainable" it did not necessarily mean this site was as noted by the fact the site is remote from services and public transport and therefore it was not unreasonable to have refused permission for a development in this particular location. (Full details of the Council's case are listed in the appeal documents and the Inspector's decision letter).

In considering the application for costs, the Inspector noted the appellant's assertion that the Council may have wrongly relied on out-of-date policies however also noted that the Council had proceeded its case on the basis that it understood the position in respect of its policies although it maintained its position that the location of the appeal site is unsustainable. The Inspector considered that the Council had made its position in respect of the weight that could be attached to the relevant policies clear.

Notwithstanding, the Inspector found the Council's position in respect of policy "*something of a struggle to understand*". The Inspector noted the location of the site in respect of the village however confirmed that the "*Council has not identified any such alternative sites…* but *instead placed considerable reliance on having granted permission for a number of dwellings on other, "better", sites in Clutton over the past two years.*"

Whilst the Inspector dismissed the costs appeal finding that the Council had not demonstrated unreasonable behaviour, it was made very clear that the Council had acted in a manner that "*comes very close to being unreasonable"* with the Inspector stating "*the Council's*

apportionment of weight in this case is surprising, difficult to justify". Ultimately, whilst the appeal was itself allowed, the Inspector accepted "*that the basis on which it was reached was not wholly without reason or evidential support*."

FORTHCOMING PUBLIC INQUIRIES

App. Ref:	12/05315/OUT
Location:	Parcel 8966 Manor Road Saltford
Proposal:	Erection of up to 99no. dwellings and associated parking on Parcel 8966 and Parcel 0064, 1 no vehicular access from Manor Road and separate pedestrian access to Manor Road, associated engineering works and the construction of 2no. car parking lay-bys on Manor Road.
Date of Inquiry:	13th August – 20th August 2013
Venue:	Fry Club, Keynsham

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