

Democratic Services

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Date: 3 December 2013

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To: All Members of the Development Control Committee

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

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

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Control Committee: Wednesday, 11th December, 2013

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 11th December, 2013** at **2.00 pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday, 10th December 2013 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, 11th December, 2013

at 2.00 pm in the Brunswick Room - Guildhall, Bath

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

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

2. ELECTION OF VICE CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

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 an **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: 20TH NOVEMBER 2013 (PAGES 9 - 54)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 20th November 2013

9. MORTGAGEE IN POSSESSION CLAUSES FOR AFFORDABLE HOUSING DELIVERY (PAGES 55 - 60)

The Development Control Committee is asked to agree that all the Council's S106 Deeds with affordable housing requirements shall include, as standard practice, an appropriate MIP clause.

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 61 - 98)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 99 - 104)

To note the report

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-buildingcontrol/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 the Constitution or the Code of Conduct for Members and Co-Opted Members adopted by the Council on 19th July 2012 to which full reference should be made as appropriate).

3. Declarations of Interest (Disclosable Pecuniary or Other Interest)

These are to take place when the agenda item relating to declarations of interest is reached. It is best for Officers' 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 a plan or from written or oral submissions or the proposal is particularly contentious. The 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. **Protocol for Decision-Making**

When making decisions, the Committee must ensure that it has regard only to relevant considerations and disregards those that are not material. The Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure that they are satisfied that the information presented to them is consistent with and takes due regard of them.

6. **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.

7. **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.

8. **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, Senior Democratic Services Officer Tel No. 01225 39 4414

**Planning and Environmental Law Manager, Development Manager,
Democratic Services Manager, Monitoring Officer to the Council
August 2013**

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.

BATH AND NORTH EAST SOMERSET

DRAFT MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 20th November, 2013

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

Also in attendance: Councillors Neil Butters, Sally Davis, Loraine Morgan-Brinkhurst MBE and Tim Warren

86 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure

87 ELECTION OF VICE CHAIR (IF DESIRED)

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

88 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Malcolm Lees, for whom Cllr Dave Laming substituted.

89 DECLARATIONS OF INTEREST

Councillor Kew declared a non-pecuniary interest in Items 1-3 of Agenda Item 10 (Horseworld) because his wife has an interest in a parcel of land adjacent to land owned by Horseworld. He therefore left the room during the consideration of these items.

Councillor Webber declared a non-pecuniary interest in Item 12 of Agenda Item 10 (Little Willows) because he had had dealings with the owners and staff of the establishment and lived close to the site. He left the room during the consideration of this item, and did not return for the rest of the meeting. Because Item 14 was taken immediately after Item 8, he was present during the consideration of Item 14, but not during the consideration of Items 12 and 13.

90 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

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

The Democratic Services Officer informed the meeting that there were various people wishing to make statements on planning applications in Reports 9, 10 and 11

and that they would be able to do so when reaching their respective items in those Reports.

92 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

Councillor Jackson raised a concern about the wall on the terrace between 118 and 120 Frome Road, Radstock. She said that the wall was unstable following severe weather and there was a danger that it would collapse and harm children living at one of the properties. She hoped that action to deal with it could be expedited. The Development Manager thanked Councillor Jackson for her concern, and informed Members that this was still an open case; she would seek information about it from the appropriate officers.

93 MINUTES: 23RD OCTOBER 2013

The Minutes of the previous meeting held on Wednesday 23rd October 2013 were approved as a correct record and signed by the Chair.

94 SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

Agricultural Haulage Building and Yard, Pinkers Farm, Middle Street, East Harptree – Erection of 8 houses and 4 workshops and provision of a new access road – The Case Officer reported that the application had been withdrawn by the applicant.

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

The Committee considered

- A report by the Development Manager on various applications for planning permission
- Oral statements by members of the public etc on Item Nos 1-14, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos 4 and 12, the Speakers List being attached as *Appendix 3* to these Minutes

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

Items 1-3 Horseworld, Staunton Lane, Whitchurch – (1) Hybrid planning application for residential development of up to 125 dwellings and associated demolition, highways infrastructure and landscaping works. The outline component comprises up to 118 dwellings including associated demolition, highways infrastructure and landscaping works; and the detailed component comprises the redevelopment of 6 curtilage listed dwellings including associated demolition, highways infrastructure and landscaping works adjacent to the Grade II listed Staunton Manor; (2) erection of new visitor centre for the Horseworld charity including associated highways

infrastructure, parking provision and landscaping; and (3) conversion of curtilage listed buildings to residential including selective demolition, extensions, internal and external works –

Cllr Kew withdrew from the room in accordance with his declaration of interest.

The Case Officer reported on these applications and his recommendations to grant permission with conditions.

The public speakers made their statements against and in favour of the proposals.

Members sought clarification on various aspects of the applications. Members discussed the applications. Councillor Organ said that these were among the most difficult applications he had had to consider during his years on the Committee. At present he was unable to support them. He was concerned about the proposal to build 125 homes in the Green Belt and by the fact that only 10% of affordable homes were proposed, rather than the Council target of 35%. There were varying estimates of visitor figures, but in his view the only way of making the centre viable was to attract more visitors and keep them there longer, so that they spent more money.

The Development Manager was asked to comment on the Green Belt issues. She said that the Committee had to look at these applications on their merits and proposals to take land out of the Green Belt in the Draft Core Strategy could only be given limited weight. The Committee should, in relation to the first two applications, focus on the harm that would result from inappropriate development, together with any harm to openness of the Green Belt and other harm. The Committee then needed to decide whether there were very special circumstances that clearly outweighed this harm. In relation to the third application, the Committee should consider the impact of the proposal on the listed building.

Councillor Gilchrist said that while he noted the potential for highways problems in the future, he would move to permit the applications. This was seconded by Councillor Webber. He thought Horseworld was a highly-regarded charity, which made a valuable contribution to tourism and leisure in the Authority's area. It provided useful employment in the area. He did not think that there would be any adverse impact on the listed building or its setting. He thought these factors together formed very special circumstances, which outweighed any harm to the Green Belt. He thought the site was suitable for housing development and noted that the Council had proposed that it be deleted from the Green Belt.

Councillor Nicol said that 10% affordable housing was not good enough and he could not support building in the Green Belt.

Councillor Hardman said that the information given about visitor figures was not clear and that she was not convinced that the proposal would solve Horseworld's problems.

Councillor Roberts said that 10% of affordable housing was not enough; it should be 35%. He was not convinced there were very special circumstances outweighing the need to protect the Green Belt, and was concerned about setting a precedent for further developments in the Green Belt.

Councillor Laming thought information about transport issues was incomplete. Officers advised that they had received sufficient information on this matter.

Councillor Rigby was concerned about the impact on the listed building. She was also worried about transport issues and the sustainability of Whitchurch as a village.

Councillor Veal congratulated Officers for a well-presented case. However, he could not support their recommendations. He did not think a case had been made for very special circumstances. He was concerned about access and egress to the site and the financial viability of the centre. Horseworld, with 100,000 visitors a year, should already be successful.

Councillor Jackson was also not convinced about the commercial viability of Horseworld. Granting these permissions would be a high cost to pay if Horseworld failed. She was also concerned about the impact of a new housing development on the local primary school, which was already overcrowded.

The motions to approve the Officer's recommendations in respect for Items 1-3 were put to the vote in turn and in each case were defeated by 2 votes in favour and 10 against.

It was then moved by Councillor Organ and seconded by Councillor Jackson to refuse the applications. Members gave their reasons for refusal which related to the Green Belt harm, harm to openness under provision of affordable housing, harm resulting from traffic congestion and harm to the listed building which they felt was not outweighed by the very special circumstances put forward by the applicant. The motions were put to the vote in turn and were in each case carried by 10 votes in favour and 2 against.

Item 4 Car Park, Newbridge Park and Ride Car Park, Newbridge, Bath – Extension of existing Newbridge Park and Ride facility to provide 248 spaces, construction of central amenity building, along with associated landscape and engineering works – The Case Officer reported on these applications and his recommendation to grant permission with conditions. He proposed amendments to Conditions 2, 3, 5, 6, 11 and 12.

The public speakers made their statements against and in favour of the proposal.

Cllr Lorraine Morgan-Brinkhurst, the ward councillor, made a statement against the proposal.

The Case Officer referred Members to the update report and also some corrections to the published conditions and the constraints listed at the beginning of the report. Members asked the Case Officer for further information about the potential for flooding and whether the Committee was able to take into account the availability of an alternative site, as mentioned by one of the public speakers. The Case Officer replied that the Environment Agency was happy with the anti-flood measures contained in the proposal and that in general it is not a material consideration that an alternative site might be available, although in this case his report had made reference to the site to the south of the River Avon, which has been previously considered and discounted by the Local Plan Inspector.

Following discussion, it was proposed by Councillor Kew and seconded by Councillor Hardman to permit the proposal with conditions amended as proposed by the Case Officer. The motion was put and carried by 9 votes in favour, 1 against, with 2 abstentions.

Items 5&6 Parcel 2866 Woolley Lane, Charlcombe – (1) Alterations and extension to existing agricultural building, formation of farm track, construction of stock pond and ancillary works (Retrospective)(Resubmission of 12/05660/FUL); and (2) Certificate of Lawfulness for the existing alterations to access and formation of hard standing and track around existing building – The Case Officer reported on these applications and his recommendations to grant permission and a Certificate of Lawfulness.

The public speakers made their statements against and in favour of the proposal.

Councillor Veal congratulated the applicant for working with Officers and for complying with recent directions. However, he felt that these applications were inappropriate. He considered that the stock barn was in fact a self-contained industrial unit, as a speaker had described, and was not fit for the purpose of sheltering livestock, and should be returned to its proper use. The stock pond was built in fuller's earth and was unstable. He believed that enforcement action should be renewed. Permission for development should not be granted. He fully agreed with the well-argued and balanced statement from Charlcombe Parish Council.

Councillor Kew asked for an explanation of a Section 102 Order, referred to by a speaker. The Principal Solicitor explained that section 102 of the Town and Country Planning Act 1990 conferred a discretionary power on a local planning authority to discontinue a use or require any buildings to be altered or demolished if it appeared expedient to do so. The exercise of this power had to be confirmed by the Secretary of State. A proposal to exercise this power would have to be the subject of a separate report to the Committee.

In response to a question from Councillor Gilchrist, the Chair explained that the Article 4 direction applied to a wider area than just this site, and that it had originally been imposed by Wansdyke District Council. In response to questions from members, officers clarified the nature and effect of the Article 4 direction.

Councillor Jackson said that the situation at the site was a historic mess. However, she observed that even though this was an Area of Outstanding Natural Beauty, it was still a working environment. She therefore moved to accept the Officer's recommendations. Councillor Hardman seconded the motion.

The Chair said that he would support the motion. He had visited the site some years ago, and thought that the track had greened over and was now less obtrusive than it had been. He did not think that the stock pond was visually obtrusive. He recalled that when there was poultry on the farm, the stock barn had been modified to allow egg sorting. It still seemed capable of supporting agriculture.

Councillor Laming wondered how the barn would be monitored to prevent residential use. The Chair suggested that the situation was no different from that of any other agricultural building. The Development Manager advised that any allegation relating to a breach of planning control would be investigated in the normal way .

The two motions were put to the vote in turn, and both were carried by 8 votes in favour, 5 against with 2 abstentions.

Item 7 Forge Stud, Hunstrete – Change of use of existing land and stables to a Farrier business and conversion of existing stone barn to provide rural worker’s dwelling – The Case Officer reported on this application and her recommendation to refuse it.

The public speakers made their statements in favour of the proposal.

Councillor Sally Davis, the Ward Councillor, made a statement in favour of the application.

Councillor Kew said that he had struggled with this application, but had finally concluded that it was consistent with government planning advice. He felt that it was critical for this type of business to have people living on the site, because horses were valuable and could not be left by themselves over night. He moved not to follow the Officer’s recommendation, but to permit the application. This was seconded by Councillor Veal.

Councillor Roberts felt that the proposal was not merely to convert the barn, and said that he was unable to support the motion.

Councillor Jackson supported the motion. She suggested that there should be a site visit, if Members had doubts about the proposal. She believed that the proposed house was of an attractive design and would improve the area. There was no ecological reason to preserve the barn. There should be businesses in rural areas, and in his statement Councillor Warren had spoken of the need for a farriers’. She suggested that there should be a condition tying the house to an agricultural or equine business.

Councillor Hardman said that rural businesses should be encouraged and that a case could be made that there were special circumstances to permit this proposal in the Green Belt.

Councillor Webber said that there was no authorised business at the site at the moment and that rules about the Green Belt should be upheld. He would therefore oppose the motion. The business could be established elsewhere.

The Chair asked the Case Officer whether there was an established business at the site. The Case Officer replied that only private use was authorised at the site as recently as 2010. The Development Manager advised that in the view of Officers there was no established business at the site, though the Committee might conclude that there were very special circumstances for allowing the development in the Green Belt. She suggested that if Members thought there should be an agricultural/equine tie, they should delegate the decision to permit to Officers, so that a legal agreement could be drawn up.

Councillor Jackson suggested that as many traffic movements would be generated if the farrier had to travel round to do his business as would be generated by customers coming to him.

Councillor Kew agreed to amend his motion from permit to delegate to permit subject to conditions and a legal agreement as described.

Councillor Curran reminded the applicant that the application was to convert, not to demolish, the barn and asked that care be taken that it did not collapse during building work.

The motion to delegate to permit was put to the vote, and was carried by 11 votes in favour, 1 against, with 1 abstention.

Item 8 Parcel 0056 Kilkenny Lane, Englishcombe, Bath – Change of use of land to mixed use of agriculture and equestrian and erection of timber stables – The Case Officer reported on this application and her recommendation to refuse it.

The public speakers made their statements against and in favour of the proposal.

Councillor Jackson said that she considered that the applicant's agent had made a good case for the application, and moved to delegate to permit it. She suggested that a condition should be included prohibiting any commercial use. Councillor Gilchrist seconded the motion.

Councillor Webber asked why consent was needed for a change of use. The Development Manager explained that the National Planning Policy Framework (NPPF) had not carried forward provisions in PPG2 relating to change of use in the Green Belt, so that by default a change of use was inappropriate, and would have to be justified by very special circumstances. The Committee could put weight on paragraph 81 of the NPPF, though it would have to be certain that it did apply in this case.

Councillor Kew thought it was a matter of how paragraph 89 was interpreted. He did not see how it was possible to build a stable without changing the use of the land. He thought the drafting of paragraph 89 could be improved and he intended to raise the issue with ministers. He could see no objection to the building of a timber structure in the Green Belt for personal use.

The motion to delegate to permit was put to the vote and carried unanimously. The application will also be advertised as a departure from the development plan.

Item 9 No 2 Rush Hill, Southdown, Bath – Change of use from Labour Club (Sui generis) to Office (B1) – The Case Officer reported on this application and his recommendation to refuse it.

The public speaker made his statement in favour of the proposal.

Councillor Roberts said that the alternatives here were to have two dwellings on the site or create jobs in new offices. In NPPF terms it was normal not to have offices out of town, but here they would generate jobs. People would be able to walk to the offices from Oldfield Park. He moved to delegate to permit the proposal. This was

seconded by Councillor Laming, who thought jobs should be a higher priority than homes at present.

Councillor Jackson said that it was right to emphasise jobs in this location. There were already other offices in the vicinity.

The Chair said that he was a local resident and used the junction near the site several times a day, which only became congested at peak times.

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

Item 10 Costa Coffee, 50 High Street, Keynsham – Change of use of the highway to place 2 tables and 4 chairs to the south of the existing coffee shop entrance (Resubmission of 13/0412/FUL) – The Case Officer reported on this application and her recommendation to permit it.

The public speaker made his statement against the proposal.

Councillor Organ said that he was completely opposed to the proposal. The site was immediately opposite a zebra crossing, which must be the site of the maximum air pollution in the High Street. He could not see that two tables and four chairs could be accommodated in the space available. He could not see that the proposal was compatible with any of the Council's policies. He moved to refuse the application. This was seconded by Councillor Laming.

Councillor Rigby said that she would support the motion to refuse, because the tables and chairs would be an obstruction for disabled people using the zebra crossing.

Councillor Hardman said that though she had supported the previous application as giving a touch of the continent in England, she now considered that the tables and chairs were too close to the pavement.

Councillor Kew said he disagreed with the motion. He thought that the pavement was at its widest at this point. He thought the biggest obstruction in the High Street was the bicycle stand.

The Chair said that people like to sit outside with their refreshments and he saw no reason why they should not be able to do so in Keynsham as elsewhere.

The motion to refuse was put to the vote and carried by 8 votes in favour and 5 against.

Item 11 No 28 Park Road, Keynsham – Erection of single storey side extension including integral garage and revised access arrangements – The Case Officer reported on this application and her recommendation to permit it.

The public speaker made his statement in favour of the proposal.

Councillor Roberts moved to permit the application. This was seconded by Councillor Webber.

The motion was put to the vote and carried unanimously.

Item 12 Little Willows Day Nursery, Powlett Road, Bathwick, Bath – Installation of modular building for temporary 2 year period –

Councillor Webber left the room and did not return for the rest of the meeting.

The Case Officer reported on this application and her recommendation to permit with conditions.

The public speakers made their statements against and in favour of the proposal.

Councillor Kew noted that there would be no increase in the number of children at the nursery and that the application was only for a two-year period, so that it could be reassessed in due course. He moved the recommendation. He pointed out that 2014 in condition 1 should be 2015. Councillor Organ seconded the motion.

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

Item 13 No 129 Ringswell Gardens, Lambridge, Bath – Change of use from C3 (Dwelling) to C4 (HMO) – The Case Officer reported on this application and her recommendation to permit it.

The public speaker made his statement against the proposal.

Councillor Jackson moved to permit the application. She said that she did not think the number of vehicles associated with the premises would differ whether it was in multiple occupation or occupied by a single family.

Councillor Hardman seconded the motion.

Councillor Laming said that he thought family homes were needed in the area, and that he would therefore oppose the motion.

Councillor Nicol said that there was an eight-year waiting list for single person's accommodation.

Councillor Rigby said that she agreed with Councillor Laming on the need to preserve family homes.

The Development Manager advised that the Council no longer had a policy to preserve family homes, but did have a policy for mixing household types.

Councillor Laming said that the number of occupants was not clear: was it 4, 5 or 6?

The Chair said that the application said 6 or fewer, but a condition was to stipulate 4.

The motion to permit was put to the vote and carried by 7 votes in favour, 4 against with one abstention.

Item 14 Bubblers Dyitch, High Street, Wellow – Erection of 2 detached two storey houses with attached garages following demolition of existing single storey house (Resubmission) –

[This item was taken after Item 8 and before Item 9.]

The Case Officer reported on this application and her recommendation to permit it.

Pat Caudle of Wellow Parish Council made a statement against the proposal.

Councillor Neil Butters, the Ward Councillor, made a statement against the proposal.

Councillor Roberts said that he thought the proposal represented overdevelopment and moved to refuse the application for the same reasons that the Committee had refused the previous application. Councillor Kew seconded the motion.

Councillor Jackson seconded the motion and agreed that it would be overdevelopment and would result in loss of amenity for the neighbours.

Replying to a question from Councillor Webber, the Case Officer confirmed that the principle of having two dwellings on the site had been established by virtue of permission being granted for another dwelling on the site (with the retention of the existing house).

The motion to refuse was put to the vote and carried by 11 votes in favour with 2 abstentions.

96 GAMMON PLANT HIRE, ROCK HALL LANE, COMBE DOWN, BATH

Oral statements by members of the public speaking against the application

The Case Officer reported on the application and her recommendation that a Deed of Variation be prepared to remove the financial contribution to Children's Services from the S106 Agreement.

Public speakers spoke in favour of the application.

Members debated the matter. The Chair said that there were exceptional circumstances in this case. Good quality homes were being provided as well as an educational facility, benefitting the community in Bath and visitors. He moved to grant the application. This was seconded by Councillor Nicol.

The motion was put to the vote and carried unanimously.

RESOLVED that a deed of Variation be prepared to remove the financial contribution to Children's Services from the S106 Agreement.

97 QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2013

Councillor Jackson asked why 140 enforcement cases were investigated, but only 10 enforcement notices were issued. The Development Manager replied that many of the cases had turned out not to be breaches of development control, some had been minor and others had been resolved by negotiation. The number of enforcement notices was therefore not the best measure of the effectiveness of enforcement.

Councillor Laming asked whether it would be possible to have a list showing the sites, the issues and progress. The Development Manager said that work was being done to facilitate this. Case details had to be entered into the database; a new member of staff would be appointed to take this work forward.

RESOLVED to note the report.

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

Councillor Kew referred to case 12/00707/FUL summarised on pages 235 and 236 of the agenda. He wondered how the viability of the enterprise would be monitored.

RESOLVED to note the report.

The meeting ended at 8.42 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

20th November 2013

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
04	13/03194/REG03	Car Park Newbridge Park & Ride Car Park Newbridge Bath

THIRD PARTY CONTRIBUTIONS

Additional points made by local resident:-

Has made an application to have a footpath designated as a Public Footpath on 3 September 2011. No progress has been made with the application because the footpath runs across the proposed Newbridge Park and Ride extension area. The Council has a legal duty to properly designate all Public Footpaths. The Council appears to have broken the law in order to favour its application and this should be raised as a point of order. The planning application should be adjourned until such as time as the prior application has been determined using due process. The application could have been taken to the Minister but this would have involved residents as ratepayers in extra expense and this should have been taken into account when the Council was assessing footpaths.

OFFICER RESPONSE (Senior Rights of Way Officer/Planning Officer)

In 2011 Bath and North East Somerset Council, in its capacity as the Surveying Authority, received an application to record a public footpath on the Definitive Map and Statement. The route runs from a junction with public footpath BC15/2 and continues in a generally southeasterly direction to the north of the existing Newbridge Park and Ride site to a junction with Newbridge Road ("the Application Route"); a section of the Application Route runs through the site which is proposed for the extension of the Park and Ride. The application has not yet been determined and consequently the Surveying Authority has not yet decided whether the Application Route is indeed a public footpath. The Application Route appears to be physically retrained within the new development and therefore, if the Application Route is subsequently found to be a public footpath, the public would be able to continue to exercise their rights. The access to the expanded Park and Ride, which would be across this public footpath, should it be included on the Definitive Map,

would not prevent public use of this right of way and not detract from their enjoyment of the same.

In light of the above, since the planning application for the extension to the Park and Ride is not regarded to have any material affect upon the claimed public right of way it would not be appropriate to adjourn the application.

RECOMMENDATION

As per officer report.

Item No.	Application No.	Address
12	13/02651/FUL	Little Willows Day Nursery Powlett Road Bathwick Bath BA2 6QH

This update report includes additional representations and information received following the publication of the Committee report.

Additional objections from neighbour at no.18A Powlett Road (summarised):

- The proposal conflicts with Local Plan policies T.24 and T.26
- Safety of children, pedestrians and cyclists is compromised by the vehicles using the access to the site and parking in the area
- Information requested by the highways officer has not been provided in support of the application
- It is not considered that the 'Parking Availability Survey' satisfies a high standard of highway safety
- Evidence is provided to contradict the information submitted by the applicant in the 'Parking Availability Survey'

The highways officer has raised no further comment in respect of the additional objections received.

Conclusion:

Further to the additional representations and consultation with the Highways officer it is recommended that the officer assessment remains as the committee report.

Members are advised that the initial comments provided by the Highways officer raised a number of requests for further details to be submitted as it was understood an increase in the number of children at the nursery was proposed. This is not the case and is not proposed within this application. Relevant conditions are attached to ensure that no further increase in the number of children at the nursery is undertaken which is considered to be acceptable in highway terms.

Agenda Item No. 11

Application to vary S106 agreement relating to planning ref 12/03764/VAR

'Primary School Places Financial Contribution'; means the sum of thirty one thousand four hundred and five pounds and twenty eight pence (£31,495.28) to be paid by the Owner and the Developer to the Council for or towards the provision of primary school places with the Vicinity.

'Youth Services Provision Financial Contribution' means the sum of one thousand six hundred pounds (£1600.00) to be paid by the Owner or Developer to the Council for or towards the provision of youth services within the Vicinity

Consultation Response

Schools Capital & Organisation Team

Their comments can be summarised as follows:

It appears that one of the reasons the allocation for primary school places is being targeted is because this is for 'educational purposes' and the interpretation centre is deemed to have an educational function. This link is tenuous and ignores the purpose of the deed, which is 'for or towards the provision of primary school places within the vicinity'. The interpretation centre/visitor centre/community space does not meet this need.

Has an evaluation been done of the scope for savings on the construction costs? This would be standard practice on school construction projects where there was a budget problem. The fitting out of the interpretation centre includes items like website design and educational materials which it could be argued are not capital costs.

The scope for fund raising could be explored by the Trust.

There is reference to a covenant requiring a payment. Is there any flexibility in its use? Could it be reduced to fund the shortfall?

Schedule 4 (1.1) of the deed states that *'where any contribution referred to in this Deed is stated to be payable for a particular purpose for it will not be used otherwise than towards that purpose'*. This indicates that education contribution can only be used for pupil places and is not available for another purpose regardless of the current difficulty.

The S106 are relatively small but they are also relatively small in the context of the costs of the overall development and there is a matter of principle here. Primary school places in Bath are under pressure with most schools full or projected to fill. The Department for Education provide partial funding for growth in pupil numbers due to population growth but expect places arising from developments to be funded from S.106. In addition the Council is potentially facing a major shortfall in funding of primary school places from some of the major development sites such as the MOD

sites where new schools are required but may not be fully funded through S.106/CIL.
The primary school places contribution if lost, will add to that shortfall.

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

20th November 2013

SITE VISIT DECISION

Item No:	001	
Application No:	13/03415/OUT	
Site Location:	Agricultural Haulage Building And Yard, Pinkers Farm, Middle Street, East Harptree	
Ward: Mendip	Parish: East Harptree	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Erection of 8no. houses and 4no. workshops and provision of a new access road (resubmission).	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,	
Applicant:	Mr Malcolm Pearce	
Expiry Date:	2nd October 2013	
Case Officer:	Daniel Stone	

DECISION Application Withdrawn

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

20th November 2013

DECISIONS

Item No:	01	
Application No:	13/02164/OUT	
Site Location:	Horseworld, Staunton Lane, Whitchurch, Bristol	
Ward: Publow And Whitchurch	Parish: Whitchurch	LB Grade: II
Application Type:	Outline Application	
Proposal:	Hybrid planning application for enabling residential development of up to 125 dwellings and associated demolition, highways infrastructure and landscaping works:	
	The outline component comprises up to 118 dwellings including associated demolition, highways infrastructure and landscaping works; and the detailed component comprises the redevelopment of 6 curtilage listed dwellings including associated demolition, highways infrastructure and landscaping works adjacent to the Grade II Listed Staunton Manor Farmhouse	
Constraints:	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Cycle Route, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, Public Right of Way,	
Applicant:	HorseWorld Trust	
Expiry Date:	16th September 2013	
Case Officer:	Daniel Stone	

DECISION REFUSE

REASONS:

Green Belt harm, harm to openness, under provision of affordable housing, harm resulting from traffic congestion and harm to the listed building.

Item No:	02
Application No:	13/02180/FUL
Site Location:	Horseworld, Staunton Lane, Whitchurch, Bristol
Ward: Publow And Whitchurch	Parish: Whitchurch LB Grade: II
Application Type:	Full Application
Proposal:	Erection of new visitor centre for the Horseworld charity including associated highways infrastructure, parking provision and landscaping
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, Public Right of Way,
Applicant:	HorseWorld Trust
Expiry Date:	16th September 2013
Case Officer:	Daniel Stone

DECISION REFUSE

REASONS:

Green Belt harm, harm to openness, under provision of affordable housing, harm resulting from traffic congestion and harm to the listed building.

Item No:	03
Application No:	13/02121/LBA
Site Location:	Horseworld, Staunton Lane, Whitchurch, Bristol
Ward: Publow And Whitchurch	Parish: Whitchurch LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Conversion of curtilage listed buildings to residential including selective demolition, extensions, internal and external works
Constraints:	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Cycle Route, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, Public Right of Way,
Applicant:	HorseWorld Trust
Expiry Date:	12th August 2013
Case Officer:	Daniel Stone

DECISION REFUSE

Item No:	04
Application No:	13/03194/REG03
Site Location:	Car Park, Newbridge Park & Ride Car Park, Newbridge, Bath
Ward: Newbridge	Parish: N/A LB Grade: N/A
Application Type:	Regulation 3 Application
Proposal:	Extension of existing Newbridge Park and Ride facility to provide 248 spaces, construction of a central amenity building, along with associated landscape and engineering works.
Constraints:	Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, British Waterways Major and EIA, British Waterways Minor and Householders, Coal - Standing Advice Area, Flood Zone 2, Forest of Avon, Greenbelt, Hotspring Protection, World Heritage Site,
Applicant:	Bath & North East Somerset Council
Expiry Date:	13th November 2013
Case Officer:	Mike Muston

DECISION PERMIT

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

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

2 The development hereby permitted shall only be carried out in accordance with the recommendations of the submitted Preliminary Ecological Appraisal dated July 2013 and Bat Survey Report dated July 2013 (insofar as these relate to the application site), and the submitted Landscape and Ecological Management Plan dated July 2013 and the addendum dated October 2013 (or any amendment to the Plan as approved in writing by the Local Planning Authority).

REASON: To secure adequate ecological protection during the course of development.

3 With the exception of works comprising site preparation, surveys, welfare and accommodation set up; vegetation clearance; tree protection; general demolition including retaining walls; topsoil strip; reduce level dig; retaining wall construction; foundations to facilities building; construction of acoustic bund and fence; utilities duct runs and chambers, no development shall be undertaken until a detailed surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with the principles set out in section 5 of the approved flood risk assessment (prepared by Mott MacDonald and dated July 2013) and shall include pollution prevention measures. The development shall subsequently be implemented in accordance with the details of the approved scheme within a timetable to be agreed by the Local Planning Authority.

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

4 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to an unacceptable risk of water pollution and to ensure that the site is appropriately remediated.

5 Unless with the prior written approval of the Local Planning Authority, the lighting approved for the park and ride facility as part of this application shall only be used/operated between 06.00 - 22.30 Monday to Saturday and 09:00 - 19:00 on Sundays and Bank Holidays.

REASON: To prevent unnecessary light pollution, and in the interests of the ecology of the area.

6 All hard and/or soft landscape works shall be carried out in accordance with the approved details (subject to the precise location of the four pine trees shown on drawing BTP/N/764/P1 being agreed in writing with the Local Planning Authority). 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 No site works or clearance shall be commenced until protective fences which conform to British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions indicated on the approved plans. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

8 Prior to the commencement of any form of site works or clearance the Local Planning Authority shall be given not less than two weeks notice in writing of these works to ensure that appropriate measures of landscape protection required under condition 7 have been implemented in accordance with the approved plans or conditions.

Reason: To ensure that adequate protection is given to the areas to be landscaped and the existing trees and planting to be retained within the site.

9 The development hereby permitted shall not be brought into operation until the approved acoustic barriers shown on drawings BTP/N/765 and 260275/NEW/03/001/P1 have been installed. These acoustic barriers shall be retained at all times thereafter that the Park _ Ride extension is used.

REASON: To protect the living conditions of nearby residents.

10 No site works including clearance or demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with British Standard 5837:2005 has been submitted to and approved in writing by the Local Planning Authority where any development which cannot be avoided is carried out within the Root Protection Area of retained trees. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To ensure that the existing retained trees and their root systems are not damaged during any construction works, including site clearance, demolition of existing structure's installation of services or reinstatement.

11 The programme of archaeological work set out within the written scheme of investigation prepared by Wessex Archaeology (June 2012) and previously approved under application 11/05449/COND shall be completed in accordance with that approved scheme (or such alternative programme that shall first have been agreed in writing by the Local Planning Authority).

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

12 Prior to the construction of an above ground element of the facilities building, a schedule of materials and finishes, and samples of the materials to be used in the construction of that element of the external surfaces, including roofs, of the facilities building, shall be 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, including the Cotswolds Area of Outstanding Natural Beauty.

13 Unless agreed in writing with the Local Planning Authority, all construction works in connection with the expansion of the park and ride must comply with the submitted Draft Code of Construction Practice, dated September 2013.

REASON: In the interests of the living conditions of nearby residents, and highway safety.

14 Unless agreed in writing with the Local Planning Authority, lighting on the site during the construction of the expansion of the park and ride must comply with the submitted Code of Construction Practice, which has stated that the workings hours will be confined to Monday - Friday between 0700 and 1900 and Saturday 0700 and 1300.

REASON: To prevent unnecessary light pollution, and in the interests of the ecology of the area.

PLANS LIST:

Drawings BTP/N/202, 400, 501, 502, 601, 603, 755, 756, 757, 758, 759, 760, 762, 764, 765, 260275/NEW/00/01, 01/001A, 01/002, 01/009 (Rev P2), 03/001, 014/001 (Rev P2), 014/002, 05/500 (Rev P2), 260276/NEW/01/007 (Rev P2), 40/001 (all Rev P1 unless stated to be Rev P2), 583-sk-11, 12, 13, 14, all as submitted 29 July 2013.

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 the Committee report, a positive view of the proposals was taken and permission was granted.

Item No:	05
Application No:	13/03358/FUL
Site Location:	Parcel 2866, Woolley Lane, Charlcombe, Bath
Ward: Bathavon North	Parish: Charlcombe LB Grade: N/A
Application Type:	Full Application
Proposal:	Alterations and extension to existing agricultural building, formation of farm track, construction of stock pond and ancillary works (Retrospective) (Resubmission of 12/05660/FUL)
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Article 4, Greenbelt, Sites of Nature Conservation Imp (SN), Tree Preservation Order,
Applicant:	Golden Valley Paddocks Ltd
Expiry Date:	4th November 2013
Case Officer:	Gwilym Jones

DECISION PERMIT

1 Prior to any excavations or engineering operations being undertaken on the land the applicant shall submit for approval in writing by the Local Planning Authority a method statement for works to the site of the stock pond. The method statement, prepared in consultation with the Environment Agency and Natural England, shall cover the following matters:

- The plant and machinery to be used in the re-grading operations
- The method for creating and maintaining a final slope on its upper (west) side of less than 1:1
- The disposal and re-grading of any material removed from the stock pond and specification of the type and timing of any re-seeding of excavated soils
- The measures used to control sediment run off from the works
- A programme for the implementation of the works

Reason: To ensure the re-grading works are properly controlled and do not have an unacceptable impact on the environment.

2 Prior to any excavations or engineering operations being undertaken on the land the applicant shall submit for approval in writing by the Local Planning Authority a Wildlife Management and Enhancement Scheme for the land adjoining the stock pond. The Scheme, prepared in consultation with Natural England, shall cover the following matters:

- Works to the land adjoining the pond to create an area of new marshy grassland habitat designed to replicate the waterlogged conditions and botanical composition of the marshy grassland habitat elsewhere within the field
- Details of how the pond and marshy grassland habitat will be maintained and enhanced together with measures to restore and maximise the ecological and botanical value of the grassland within the remainder of the field through appropriate native plant seeding and wildlife friendly stock management and grazing regimes

- Measures of how the recommendations of the submitted ecological report, including temporary stock fencing of the pond and marshy grassland area, shall be implemented
- A programme for carrying out the above works

Upon receiving written approval from the Local Planning Authority all works detailed in the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain and enhance the ecological interest of the Site of Nature Conservation Importance.

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:

This permission relates to the development shown on the following drawings: 2028/002B (Plans and Elevations of Proposed Agricultural Storage Building dated November 2012); 2028/31 (Block Plan dated November 2009); 2028/200/A/B (Location Plan dated February 2009); 2028/500/A (Site Plan dated October 2010).

The applicant is advised that the approved plans do not include external lighting to the building.

Informative

The applicant is reminded that the site is the subject of an Article 4 Direction - The Swainswick Valley Article 4 Direction (No.1) 1992 - and that alterations to buildings and excavation or engineering operations require planning permission. This includes works of alteration or extension to the existing building, farm track or stock pond.

Item No:	06
Application No:	13/03374/CLEU
Site Location:	Parcel 2866, Woolley Lane, Charlcombe, Bath
Ward: Bathavon North	Parish: Charlcombe LB Grade: N/A
Application Type:	Cert of Lawfulness (Existing) 191
Proposal:	Certificate of lawfulness for the existing alterations to access and formation of hardstanding and track around existing building.
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Greenbelt, Sites of Nature Conservation Imp (SN), Tree Preservation Order,
Applicant:	Golden Valley Paddocks Ltd
Expiry Date:	30th September 2013
Case Officer:	Gwilym Jones

DECISION LAWFUL

1 This decision relates only to the site access (concrete apron and wooden panel gates) and hardstanding (hardcore track plus concrete yard adjacent to the existing building and bounded by wooden fence to the north) within the area of land outlined in red on the attached drawing.

PLANS LIST:

Informative

The applicant is reminded that the site is the subject of an Article 4 Direction - The Swainswick Valley Article 4 Direction (No.1) 1992 - and that excavation or engineering operations require planning permission. This includes works of alteration or extension to the site access and hardstanding/track around the existing building covered by this Certificate.

Item No:	07
Application No:	13/03589/FUL
Site Location:	Forge Stud, Hunstrete, Marksbury, Bristol
Ward: Farmborough	Parish: Marksbury LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use of existing land and stables to a Farrier business and conversion of existing stone barn to provide rural workers dwelling (Resubmission)
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Public Right of Way, Tree Preservation Order,
Applicant:	Mr Jonathan Hodge
Expiry Date:	2nd December 2013
Case Officer:	Alice Barnes

DECISION Authorise Development Manager to Permit subject to S106 Agreement

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

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

2 The development hereby permitted shall be carried out only in accordance with the recommendations contained within the approved Bat and Barn Owl Survey Ecology Report dated 22 May 2013 updated 17 September 2013 or any amendment to the recommendations of the Report as approved in writing by the Local Planning Authority. These include implementation of:

(i) Paragraph 4.8 specifying provision of two wall mounted and two tree mounted bat boxes

(ii) Wildlife friendly planting as recommended in paragraph 4.7

(iii) Bat-friendly lighting as recommended in paragraph 4.6

Prior to occupation of the development written and photographic information demonstrating that the above measures have been applied shall be submitted to and approved in writing by the Local Planning Authority

Reason: To avoid harm to bats and other wildlife and provide ecological enhancements in line with NPPF

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

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

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 garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

5 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 any part of any roof of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

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

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

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

PLANS LIST:

Existing floor plan, elevations and site plan 001B
Proposed plans and elevations 101D

Item No:	08
Application No:	13/02087/FUL
Site Location:	Parcel 0056, Kilkenny Lane, Englishcombe, Bath
Ward: Bathavon West	Parish: Englishcombe LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use of land to mixed use of agriculture and equestrian and erection of timber stables
Constraints:	Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Hazards & Pipelines,
Applicant:	Mrs A Allen
Expiry Date:	23rd October 2013
Case Officer:	Alice Barnes

DECISION Authorise Development Manager to Permit subject to application being advertised as a Departure from the Development Plan.

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 stables hereby permitted shall only be used for the private stabling of horses and shall not be used for, or in connection with, any commercial use.

Reason: To prevent the introduction of a commercial use on the site.

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.

Item No:	09
Application No:	13/03555/FUL
Site Location:	2 Rush Hill, Southdown, Bath, Bath And North East Somerset
Ward: Odd Down	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use from Labour Club (Sui Generis) to Office (B1)
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Western Building Consultants
Expiry Date:	11th October 2013
Case Officer:	Chris Griggs-Trevarthen

DECISION PERMIT

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

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

2 The area allocated for parking and turning on the submitted plan shall be provided before the building is occupied and shall be kept clear of obstruction and 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.

3 The area allocated for cycle parking on the submitted plan shall be provided before the building 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 sustainable development.

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

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

PLANS LIST:

Site Location Plan

- 1
- 2
- 3
- 4

100 Rev A
101 Rev A
102

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. The Local Planning Authority encourages the use of pre-application advice which was not sought in this case. The Local Planning Authority has engaged positively with the applicant and their agent in seeking to resolve the issues with the application including the parking arrangement and the provision of cycle storage. However, for the reasons given in the report above the principle of development is unacceptable.

Item No:	10
Application No:	13/04016/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:	Planning application for the change of use of the highway to place 2 tables and 4 chairs to the south of the existing coffee shop entrance. (Resubmission of 13/01412/FUL)
Constraints:	Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Housing Development Boundary,
Applicant:	South West Coffee Ltd
Expiry Date:	13th November 2013
Case Officer:	Sasha Coombs

DECISION REFUSE

1 The proposed change of use of the public highway for the siting of tables and chairs, by reason of the proximity of the site to the adjacent zebra crossing where pedestrians gather before and after crossing, would fail to maintain an acceptable width on the pavement for safe pedestrian movement contrary to policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

2 The proposed change of use of the public highway for the siting of tables and chairs, by reason of the proximity of the site to the adjacent zebra crossing where vehicles wait for pedestrians to cross and the location of the site within the Keynsham Air Quality Management Area, would expose future users of the development to unacceptable levels of air pollution contrary to policy ES.10 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

PLANS LIST:

This decision relates to the following plans and documents:

OS Extract 18 Sep 2013 SITE LOCATION PLAN
 Drawing 18 Sep 2013 PROPOSED PLAN No 0709-KEYNSHAM/02A
 BackGround Papers 18 Sep 2013 COVER LETTER, DESIGN & ACCESS STATEMENT, and FURNITURE SPECIFICATIONS.

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 applicant and council have worked together to overcome the reasons for refusal. 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:	11
Application No:	13/03472/FUL
Site Location:	28 Park Road, Keynsham, Bristol, Bath And North East Somerset
Ward: Keynsham South	Parish: Keynsham Town Council LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a single storey side extension including integral garage and revised access arrangements.
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary,
Applicant:	Mr Pingstone
Expiry Date:	14th October 2013
Case Officer:	Sasha Coombs

DECISION PERMIT

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

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

2 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

4 The accesses hereby permitted shall not be used until the footway/verge crossings have been widened and constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

5 The accesses and area of hardstanding hereby approved shall be properly bound and compacted (not loose stone or gravel).

Reason: In the interests of highway safety.

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

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

PLANS LIST:

This decision relates to the following plans and documents:

Drawing	13 Aug 2013	310713 02	EXISTING GROUND FLOOR PLAN
Drawing	13 Aug 2013	310713 03	EXISTING FIRST FLOOR PLAN
Drawing	13 Aug 2013	310713 04	EXISTING ELEVATIONS
Drawing	13 Aug 2013	310713 06	PROPOSED FIRST FLOOR PLAN
Drawing	13 Aug 2013	310713 07	PROPOSED ELEVATIONS
OS Extract	13 Aug 2013	310713 01	LOCATION AND BLOCK PLAN
Revised Drawing	23 Oct 2013	310713/05	PROPOSED GROUND FLOOR

Note to applicant:

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

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 consent was granted.

Item No:	12
Application No:	13/02651/FUL
Site Location:	Little Willows Day Nursery, Powlett Road, Bathwick, Bath
Ward: Walcot	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Installation of modular building for temporary two year period
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Little Willows Day Nursery
Expiry Date:	30th August 2013
Case Officer:	Victoria Griffin

DECISION PERMIT

1 This permission shall expire on 27th November 2015 and the development hereby permitted shall be removed and the land restored to a grassed surface.

Reason: At the request of the applicant and to allow the impact of the development to be monitored.

2 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement dated June 2013 and tree works schedule unless agreed in writing by the Local Planning Authority. A signed certificate of compliance shall be provided by the appointed arboricultural consultant to the local planning authority on completion. Reason: To ensure that the approved method statement is complied with for the duration of the development.

3 The development hereby approved shall retain the existing number of children in attendance at the nursery (66 no.) as documented in the supporting correspondence dated 14th August 2013. Reason: In the interests of highway safety and neighbouring amenity.

4 Prior to the installation of the proposed modular building details of the construction management to include how the building will be delivered, how it will be assembled on-site and how it will be maintained shall be submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.

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:

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

PBSE3578 rev B, PBSE3578 rev A, PBSE3578 rev C, PBSE3578 rev B date received 05/07/13

This permission does not convey or imply any civil or legal consents required to undertake the works.

Item No:	13		
Application No:	13/03332/FUL		
Site Location:	129 Ringswell Gardens, Lambridge, Bath, Bath And North East Somerset		
Ward: Walcot	Parish: N/A	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Change of use from C3 (Dwelling) to C4 (HMO)		
Constraints:	Agric Land Class 3b,4,5, Article 4, Article 4, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,		
Applicant:	Mr M Tansley		
Expiry Date:	15th October 2013		
Case Officer:	Heather Faulkner		

DECISION PERMIT

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

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

2 The development hereby approved shall not be occupied by more than 4 unrelated occupants.

Reason: An increase in the number of occupants would need further consideration by the Local Planning Authority.

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:

This decision relates to the following plans/documents:

Received 2nd August
Site Plan
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 Policy Framework. For the

reasons given, a positive view of the revised proposals was taken and permission was granted.

ADVICE NOTE

Please note that you will also require an HMO Licence for your property to operate as an HMO. Planning and HMO licensing are two separate requirements and it is essential that an HMO licence is obtained after receiving planning permission. Although Planning Permission may be granted without an HMO licence, you may legally not be able to use the property as an HMO. If you have any queries, please contact Housing Services by email at hmo_licensing@bathnes.gov.uk or telephone 01225 396269.

Item No:	14
Application No:	12/05281/FUL
Site Location:	Bubblers Dytch, High Street, Wellow, Bath
Ward: Bathavon South	Parish: Wellow LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 2no detached two storey houses with attached garages following demolition of existing single storey house (Resubmission).
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Housing Development Boundary,
Applicant:	Hesketh Ventures Ltd
Expiry Date:	28th February 2013
Case Officer:	Tessa Hampden

DECISION REFUSE

1 The proposed development is considered to be of an inappropriate design. The high wall is considered to be out of keeping with the character of the area. Further the glazing element to the south elevation is considered to form a large prominent incongruous element when seen across the valley. The development is therefore considered to be contrary to Policies D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007

2 The proposed development is considered to represent the overdevelopment of the site with the narrowness of the gap between the proposed buildings being considered to be inappropriate. The development is therefore considered to be contrary to Policies D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007

PLANS LIST:

Plans: OS extract, 189/P01 A, 189/P02 B, 189/P10 A, 189/P04 B, 189/P07 A, 189/P03 B, 189/P05 B, 189/P06 A, 189/P08 A, 189/P09 A, 189/P11 A, date stamped 29th November 2012 and MH 2010/1 date stamped 3rd January 2013

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. Whilst the Officer recommendation was to permit, the Development Control Committee did not consider that significant changes had been made since the previous refusal, and voted to refuse the application.

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

20th November 2013

Agenda No. 11

Item No:	Agenda No. 11
Application No:	12/03764/VAR
Site Location:	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath
Ward: Combe Down	Parish: N/A LB Grade: N/A
Application Type:	Application for Variation of Condition
Proposal:	Variation of condition 30 (plans list) of application 11/04166/FUL (Erection of 1no. Mining Interpretation Centre (rated BREEAM Excellent), 8no. Eco-Homes (rated Code 5 zero carbon), 1no. Apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties, with the exception of a portion of historic stone wall to Rock Hall Lane (resubmission).)
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Shops, Water Source Areas, World Heritage Site,
Applicant:	Ralph Allen Yard Ltd
Expiry Date:	20th November 2012
Case Officer:	Tessa Hampden

DECISION Variation to S106 Agreement agreed

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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Development Control Committee	
MEETING/ DECISION DATE:	11 December 2013	<small>EXECUTIVE FORWARD PLAN REFERENCE:</small>
TITLE:	Mortgagee In Possession Clauses for Affordable Housing Delivery	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1: Example Mortgagee in Possession Clauses		

1 THE ISSUE

- 1.1 Housing Associations need to go to the private finance market to borrow funds to deliver new affordable homes. In recent years lenders have become increasingly risk adverse and require comfort that they will be able to repossess homes built for affordable housing and sell these on, unfettered by restrictions on valuation / occupancy in order to recoup unpaid debt. Without an appropriately worded Mortgagee in Possession (MIP) clause in a Planning Deed entered into in pursuance of Section 106 of the Town and Country Planning Act 1990 (S106 Deed), borrowing for affordable housing is at best expensive or at worse not possible. This has become a standard issue for the housing sector and the Council's current case by case approach to agreeing and implementing an MIP clause is inefficient and time consuming. Members are now being asked to approve a new approach to MIP clauses.
- 1.2 A MIP clause will fulfil the current requirements of lenders of funding for affordable housing development, and will recognise the changes in the financial climate since the Development Control Committee's previous decision regarding MIP clauses in S106 Deeds taken on 21 January 2003.

2 RECOMMENDATION

- 2.1 The Development Control Committee is asked to agree that all the Council's S106 Deeds with affordable housing requirements shall include, as standard practice, an appropriate MIP clause. The MIP clause will fulfil the requirements of lenders of funding for affordable housing development and will be negotiated with the developer as part of wider S106 discussions.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Delegated authority from the Development Control Committee to officers has been in place since January 2003 so that officers may approve a request for a MIP clause to a specific housing association subject to the testing undertaken as follows. Current arrangements allow for the development of a MIP clause in a completed S106 Deed in favour of a specified housing association on a scheme by scheme basis. A process has evolved whereby, on a scheme by scheme basis, the housing association submits to the Council a financial justification and evidence from lenders that housing finance will not be forthcoming without an appropriately worded MIP clause. This justification is scrutinised and approved by Housing, Planning and Legal Services and is followed by the bespoke development of MIP clause wording to be inserted in the S106 Deed or such supplemental deed to it. The Council's direct legal costs for this work are largely paid for by the developer or the housing association, but the time consideration to bring forward an appropriate MIP clause can be significant.
- 3.2 As an example, the legal costs borne by one of the Council's housing association partners to agree the supplemental S106 Deed and its MIP clause for a recent development was £1,200. In addition to this quantifiable sum, many hours of housing association officer and Housing Services time were required to ensure that the S106 Deed was agreed and signed. The timescale involved in agreeing the S106 Deed (which can take many months) has in some instances caused delays in individual shared ownership affordable housing purchases, generating additional costs to the housing association.
- 3.3 The development of a standard affordable housing MIP clause for inclusion in the S106 Deed at the time of its initial negotiation will make significant time savings for Council officers as well as a financial saving for the Council's housing association partners.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Under the Town and Country Planning Act 1990 (as amended) any person interested in land in area of the Council may enter into a S106 Deed to provide a planning obligation. The planning obligation may in cases ensure the delivery of affordable housing in a development in conjunction with the grant of planning permission. The Council is free to enter into a S106 Deed by agreement as it thinks fit subject to the normal public law constraints of it acting reasonably and Regulation 122 of the Community Infrastructure Levy Regulations 2010. The planning obligation is enforceable by the Council against the person entering into the obligation and against any person deriving title from that person unless otherwise provided by the terms of the S106 Deed.

5 THE REPORT

- To obtain the funding for the development of new affordable homes, housing associations have to charge their housing stock as security to the lender. This is done in a very similar way to an individual taking out a mortgage to fund a property purchase, with the value of the property a key issue in the lending available and the cost of the borrowing. To ensure there is adequate security in place for the loan, housing associations are required to have security cover covenants that are based on the Existing Use Value – Social

Housing (EUV - SH) or the Market Value – Subject to Tenancy (MV-ST) of the properties being borrowed against where:

- Existing Use Value – Social Housing (EUV-SH). This is effectively the net present value of the net cash flows from a property assuming it stays as social housing in perpetuity.
- Market Value – Subject to Tenancy (MV-ST). This is effectively the net present value of the net cash flows from a property for the average expected life of the current tenancy, followed by an open market disposal or rent at the end of that tenancy

5.1 Lenders will currently allow a housing association to borrow more against the MV-ST value, but MV-ST values *cannot* be applied if the S106 Deed has restrictions on tenure which are not mitigated by a MIP clause, or if the MIP clause is too restrictive. The key point here is that if a housing association can only apply EUV-SH values, on the average housing association property investors will lend approximately £25,000 per property **less** than if the association could borrow against the MV-ST value. If MV-ST values cannot be applied due to the fact that the S106 Deed restrictions on tenure are not mitigated, or if the MIP clause is too restrictive, the housing association's ability to develop erodes as they need to borrow more, on average, than the EUV-SH valuation would allow against each new property in order to maintain and fund current levels of development activity.

5.2 If the MV-ST value can be applied, the housing association can borrow on average £25,000 per unit more than the restricted EUV-SH valuation against each new property developed and the ability to continue developing at current levels can be maintained. With falling public grant levels this ability to maximise borrowing is going to become more critical, and many housing association boards are considering whether they can justify development activity in areas that do not have a satisfactory, flexible MIP clause included in S106 Deeds.

5.3 In terms of developing a standard MIP clause, based on current funding criteria, the following guidelines should apply:

- A MIP and their successors in title must be able to dispose of a property free from the affordable housing provisions of the S106 Deed.
- It is acceptable that a MIP is first required to transfer the properties to a buyer who will take them still subject to the S106 Deed, or allow time for the LA to instigate such a transfer. However,
 - the MIP must not be required to make such a transfer for a consideration less than the amount required to redeem its lending against the properties and
 - there must be a time cap on the length of time a MIP is required to wait for such a transfer to be found and completed. Advice from the Council's housing association partners' solicitors suggests this needs to be a maximum of 3 months from when the lender notifies the Council that it is taking action under the charge to the point where it is able to sell free of restrictions, this is in order to satisfy lenders.

5.4 In order to present accurate and up to date information on the issue of MIP clauses, the views have been sought of all of the Council's current housing association partners and neighbouring Unitary Authorities. This report has been derived using information provided by Curo, Sovereign HA, Guinness Hermitage, Knightstone HA with additional input from their key developer and legal partners.

6 RATIONALE

6.1 In January 2003, Development Control Committee resolved to give delegated authority to the Head of Housing and Supported Living, in consultation with the Head of Planning Services and the Planning and Environmental Law Manager, to approve the use of MIP clauses in S106 Deeds in favour of Registered Social Landlord mortgagees, specifically where the Head of Housing and Supported Living is satisfied that the housing association will not be able to obtain acceptable funding for an affordable housing scheme without the release of occupancy restrictions. (Development Control Committee, Tuesday 21st January 2003 minute 42)

6.2 Evidence from the Council's housing association partners demonstrates that the inclusion of an appropriately worded MIP clause, suited to the current funding climate, will always be essential if they are to continue to develop affordable homes in the District.

6.3 The cost and time taken to fulfil the current arrangements is onerous to both the Council and its housing association partners.

6.4 Current changes within the Council's legal services, with the recent retirement of the Planning and Environmental Law Manager, have raised concerns with the ability of the Council to deal with requests for MIP clauses from the housing associations in a timely and efficient manner.

6.5 The inclusion of an appropriately worded MIP clause in all relevant s106 agreements, to help support and maximise housing association borrowing as well as support the mortgage-ability of low cost home ownership initiatives, will enable the Council to continue to support a healthy development programme of affordable homes in the District.

7 OTHER OPTIONS CONSIDERED

7.1 The Council could look at retaining the current approach that provided a developer has a housing association identified includes, after testing, a MIP clause in a S106 Deed or adds a MIP clause retrospectively to an approved S106 Deed. The process to bring this forward could be simplified and streamlined by seeking a delegated authority for the terms of the MIP clause to be approved by Housing Services without a requirement for scheme by scheme justification and without significant recourse to legal planning advice and internal approvals.

7.2 However, given that the MIP issues behind housing association borrowing requirements are now experienced across the whole sector, any process that

includes an element of additional or bespoke work seems an excessive approach to one which can be streamlined even further.

8 CONSULTATION

- 8.1 All housing association partners actively developing, or hoping to develop, new affordable homes in the District were asked to evidence the requirement for MIP clauses and express their thoughts on how current processes could be improved. Responses were received from Curo, Guinness Hermitage, Sovereign HA and Knightstone HA, as well as their developer partners.
- 8.2 Discussions have been held with our West of England Housing Enabling colleagues to learn from their experiences of allowing, as standard, the use of MIP clauses that support housing association borrowing, as well as with Planning & Housing Authorities further afield who are implementing such clauses for the first time.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.
- 9.2 Members should note that, in terms of the borrowing by a housing association, the MIP clause would only be invoked as a last resort when an organisation defaults on its loans and the lender seeks repossession. This has never happened to a housing association; therefore the possibility of affordable housing being taken out of the sector by a lender is remote.

Contact person	<i>Louise Davidson, Housing Enabling and Development Manager 01225 477658</i>
Background papers	<p><i>Consultation responses from Housing Association Partners</i></p> <p><i>Example mortgagee in possession clauses – South Gloucestershire Council, North Somerset Council, Exmoor National Park Authority CML</i></p> <p><i>CML briefing: Section 106 planning agreements and low cost home ownership lending</i> http://www.homesandcommunities.co.uk/sites/default/files/section106_briefing_note_cml.pdf</p>
Please contact the report author if you need to access this report in an alternative format	

Example Mortgagee in Possession Clauses

Simple MIP clause with no moratorium element:

- 1 Notwithstanding any other provision of this Agreement the covenants and obligations on the part of the Owner/Developer contained in this Agreement shall not be binding upon
 - 1.1 any mortgagee or chargee in possession of the Affordable Housing Land or any part thereof or any Affordable Dwelling or any receiver or manager (including administrative receiver) duly appointed by any such mortgagee or chargee to the intent that any such mortgagee or chargee or receiver may deal with or dispose of the Affordable Land or any part thereof and/or the Affordable Dwelling free from the covenants and obligations set out in this Agreement and that any successors in title shall not be bound by it and
 - 1.2 any Affordable Dwelling in respect of which a tenant exercises any statutory Right to Acquire or Right to Buy or any Shared Ownership Unit in respect of which the lessee shall have staircased to 100% equity share and (in either case) the tenant or lessee (as the case may be) acquires a freehold or long leasehold interest in the same so that such tenant or lessee shall be entitled to dispose of such Affordable Dwelling thereafter free from the covenants and obligations set out in this Agreement and that any person deriving title through or under such tenant or lessee or any other successor in title shall not be bound by it

MIP Clause with 3 month moratorium:

None of the provisions of this Agreement relating to any of the Affordable Housing Units shall be binding upon a mortgagee in possession of one or more of the Affordable Housing Units which said mortgagee in possession may sell and dispose of any Affordable Housing Unit free from the terms of this Agreement and upon such sale as aforesaid this Agreement shall become null and void in respect of that Affordable Housing Unit and nor shall the terms of this Agreement be binding upon any receiver appointed by such mortgagee in possession of any Affordable Housing Unit SUBJECT TO the said mortgagee in possession first using its reasonable endeavours for a period of 3 (three) months to sell and transfer the Affordable Housing Unit to an alternative Registered Provider first approved in writing by the Council's Strategic Director of Planning and Customer Services such approval not to be unreasonably withheld or delayed PROVIDED ALSO that the said mortgagee shall not be obliged to sell or convey to an alternative Registered Provider under this clause for a consideration less than that which the mortgagee requires to either

- (i) redeem its borrowing upon the Affordable Housing Unit plus provide for its reasonable costs

or

- (ii) that which the mortgagee could obtain on the open market whichever is the greater

The Owners shall notify the Council's Strategic Director of [Planning and Customer Services] in writing within seven days of receipt of actual notice of any breach or alleged breach of any term contained in any mortgage or legal charge of all or any of the Affordable Housing Units affecting the Land

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	11th December 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	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

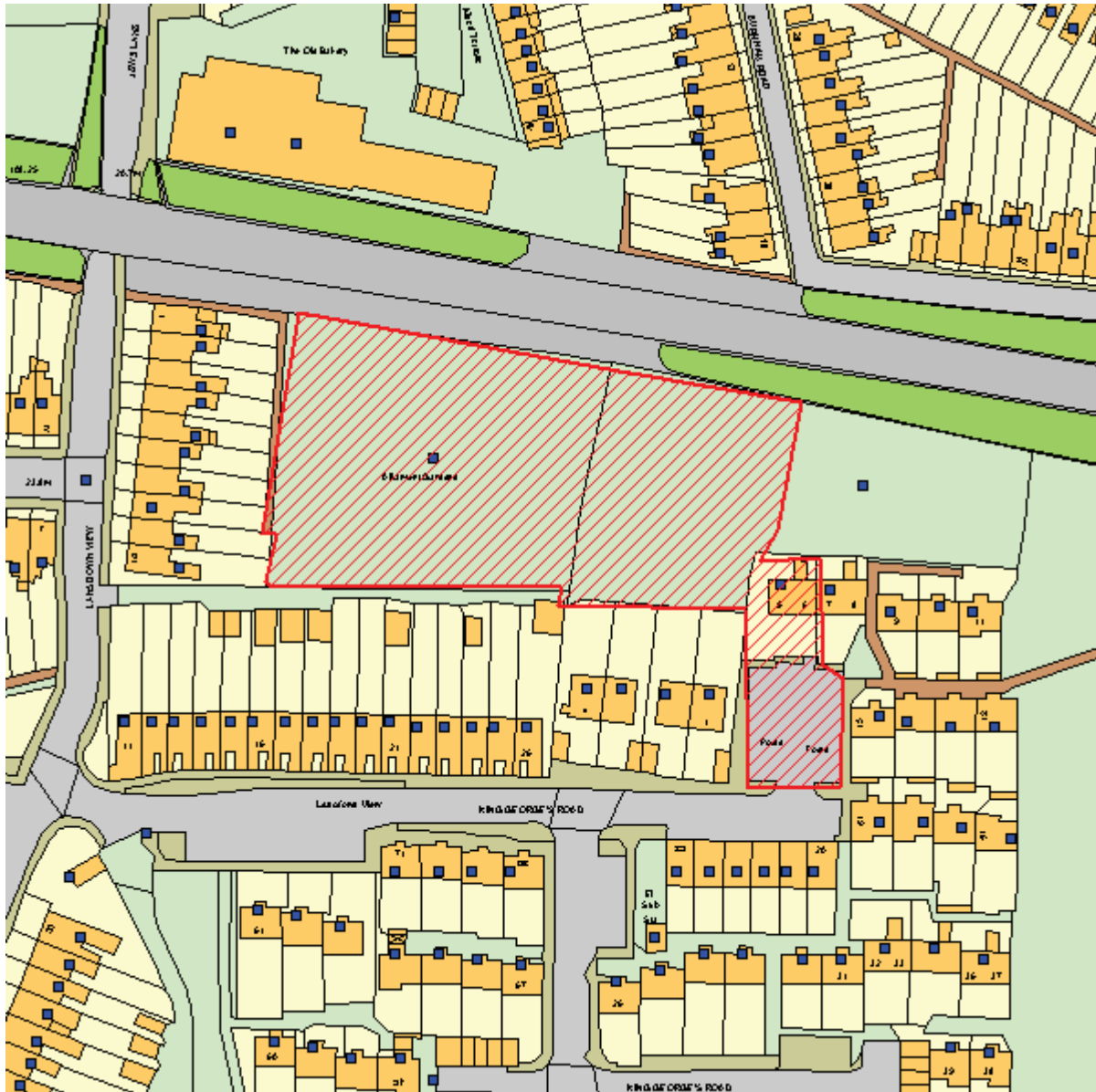
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	13/03835/FUL 19 December 2013	Curo Places Ltd. Proposed Development Site, King George's Road, Twerton, Bath, Erection of 11 houses and 10 flats following the demolition of half of an existing apartment building.	Westmoreland	Mike Muston	Delegate to PERMIT
02	13/03309/FUL 26 September 2013	Mr Mock 63 Warminster Road, Bathampton, Bath, Bath And North East Somerset, BA2 6RU Erection of replacement dwelling following demolition of existing dwelling (Revised proposal).	Bathavon North	Chris Griggs-Trevarthen	PERMIT
03	13/03985/OUT 11 November 2013	Mr Cox 1 Pitway Close, Farrington Gurney, Bristol, Bath And North East Somerset, BS39 6TE Erection of detached dormer style bungalow (resubmission)	High Littleton	Victoria Griffin	REFUSE
04	13/04685/FUL 25 December 2013	Mr David Monelle 3 Upper Furlong, Timsbury, Bath, Bath And North East Somerset, BA2 0NN Erection of two storey side extension	Timsbury	Rebecca Roberts	PERMIT

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

Item No: 01
Application No: 13/03835/FUL
Site Location: Proposed Development Site King George's Road Twerton Bath



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

Ward Members: Councillor S Ball Councillor June Player

Application Type: Full Application

Proposal: Erection of 11 houses and 10 flats following the demolition of half of an existing apartment building.

Constraints: Agric Land Class 3b,4,5, Allotments, Forest of Avon, Hotspring Protection, World Heritage Site,

Applicant: Curo Places Ltd.

Expiry Date:	19th December 2013
Case Officer:	Mike Muston

REPORT

Reason for Reporting to Committee

This application is being reported to Committee because of the level of public interest and a request from a Ward Councillor.

Site and Proposal

The site comprises approximately 0.41 hectare of open land within the urban area and the World Heritage Site, but outside the Conservation Area. It is located immediately to the south of the main line railway and currently has no vehicular access. The site also includes 5 and 6 King George's Road, which are proposed to be demolished in order to provide access to the site. To the west of the site are the terrace comprising 1-10 Lansdown View. To the south and south-west of the site is the terrace comprising 11-26 Lansdown View and the two pairs of semi-detached properties comprising 1-4 King George's Road. To the east of the site are actively used allotments and the other half of the semi-detached pair proposed to be demolished (7-8 King George's Road).

The eastern part of the site is owned by this Council and is currently laid to grass. It is not used cultivated as allotments but is apparently used by users of the allotments to allow their children to play. The western part of the site is privately owned and is covered by what appear to be self-seeded trees, shrubs and undergrowth.

The proposal is to provide 10 one bedroomed flats, 8 two bedroomed houses and 3 three bedroomed houses. These would be arranged in three terraces. One, containing the 10 flats and 4 two bedroomed houses, would be located across the site in an east-west direction, with their rear gardens backing onto the railway. The other two terraces, comprising 4 two bedroomed houses and the 3 three bedroomed houses, would be located at right angles, backing onto 1-10 Lansdown View. The two terraces would be separated by a small gap, and would read as a single terrace.

The new vehicular access would entail a ramp being constructed from turning head in King George's Road, through the site of the demolished 5 and 6 King George's Road, into the main part of the site. All the trees on the site would need to be felled, although the revised plans show the planting of a number of trees and shrubs on the site. The revised plans show that 31 parking spaces would be provided, of which 3 would be disabled spaces. The access road would be a shared space.

The houses would be two storeys high, of a modern design, but traditional proportions and would be constructed of reconstituted Bath stone, with grey tiles.

Relevant Planning History

Application 04/03382/OUT, for residential development and access (in outline, with only means of access determined at this stage) via a demolished 10 Lansdown View, was

refused in March 2005 for reasons of the principle of developing the area allocated as open space and allotments, and two reasons relating to the then proposed access.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Environment Agency - No objections subject to conditions

Archaeology - No objections subject to a condition

Highways

Confirm that the principle of a residential development on the site is acceptable, but seek clarification of certain matters relating to the allocation of parking spaces, the amount of road to be adopted, how services will be accommodated, more details about paving materials and retaining walls, how turning movements will be accommodated and how rear pedestrian accesses will be formed. Subject to this, requests contributions towards sustainable transport and parking restrictions to improve visibility at the junction with Lansdown View.

Any comments received in relation to the revised plans will be reported to Committee.

Urban Design

Would have preferred to see the whole of the apartment block at the entrance demolished rather than half of it; the resulting exposed flank wall was not intended to be a principal elevation and will detract from the scheme. The additional access to the allotments will be stepped and therefore not available for all users.

In principle, the two terrace layout is logical and responds to topography and existing site constraints. It does not impose on harm to existing residents and provides a direct relationship with the frontage space. However, consider that the units closest to the railway could be moved forward to provide additional rear gardens.

The cluster of housing is distinct and in an area of mixed residential character. The scale and design of the houses and flats is appropriate. It is positive to see a more contemporary approach.

The shared space approach is supported in principle. However, concern is expressed re the amount of parking proposed and the use of paving materials. Landscaping and boundary treatment also need to be of sufficient stature.

Parks/Open Space

The open space shown on site is not of sufficient size to perform as useable open space. Therefore require contributions:

Formal green space provision:

Land purchase: £3,044.25

Construction costs: £24,231.00

Annual maintenance: £26,008.35

Natural green space provision:
Land purchase: £3,044.25
Construction costs: £4,446.45
Annual maintenance: £7,349.25 (

Allotment provision:
Land purchase: £608.85
Construction costs: £1,062.72
Annual maintenance: £1,227.54

Highways Drainage - no objections subject to conditions

Ecology

Objects to the proposal as submitted. Before planning permission is granted, the following issues need to be resolved:-

Completion of bat surveys of the site, and all affected buildings & trees with bat roost potential, by a suitably experienced ecologist to current best practice guidance and standards

Further investigation of potential for badger activity at the site

Completion of reptile surveys to establish presence / absence of reptiles and provide population estimates; provision if applicable of proposals for mitigation to include proposals for habitat provision to enable on-site retention of any existing reptile population, or for translocation if applicable (including details of suitable receptor site)

Provision of details of measures to prevent harm to bat activity and other wildlife from lighting, and to demonstrate avoidance of light spill (arising from buildings and external lighting) onto all retained and adjacent habitat that has potential to form part of a bat flight corridor or foraging habitat

Provision of a significantly greater proportion of green space and planting to including significantly greater habitat provision for affected species, either on site or by provision of off-site ecological enhancements to equivalent value

Details of strategy and compensation measures, and provision of sufficient area, to demonstrate that the stated aspirations for ecological enhancement can be achieved. This needs to accept that to achieve enhancement it is first necessary to achieve no net loss which is not demonstrated at present

Due consideration to the Council's Green Infrastructure Strategy

Revision of the submitted ecological survey to address all points raised above

Landscape

if the site is allocated as allotment then it must remain so. If the site can be released, then would not object to the principle of development, but think there are currently too many houses shown for this particular site. I conclude that the scheme is therefore unacceptable in its current format.

Environmental Protection

Before any approval is issued, the applicant should be required to submit an assessment from a competent person to determine into which Noise Exposure Category in PPG24 the

development falls. Aware that PPG24 has been withdrawn however in the absence of alternative guidance, would request that the noise exposure categories within PPG24 be used to classify the development in relation to noise exposure. If the assessment shows that the site falls into NEC C or D then would be recommending refusal of the application on the grounds of excessive exposure to External Noise. If it is determined that for other planning reasons that this development should be granted planning permission and the assessment determines the site to be NEC C only, then would advise that then the following must be imposed as planning conditions to ensure a commensurate level of protection against noise.

Education - would seek contributions as follows:

Total for Early Years provision £28,109.40

Total for school places £11,901.05

Youth Services provision places - 1.65 places at a cost of £2,201.10

Total for Youth provision £2,201.10

Therefore a total contribution sought of £42,211.55

Contaminated land - would recommend conditions to deal with remediation of the contaminated site.

Arboriculture

Notes that the application includes an Arboricultural Impact Assessment and Tree Protection Plan. It is accepted that the majority of trees are unlikely to be good individuals worthy of a B or A category, however on mass they contribute towards the green infrastructure. The proposed development results in the loss of all on site trees. The tree protection plan only relates to offsite trees. Currently objects to the application.

Councillor June Player

OBJECTING to this proposal due to finding it contrary to Policies D.2 & D.4: T.24 & T.26 and CF.8 of the Bath & North East Somerset Local Plan including minerals and waste policies adopted October 2007. Considers it WILL cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of light, increased overlooking, noise, smell, traffic and other disturbances. It will also adversely impact on the character of the area.

The proposal will generate much extra traffic which will cause congestion and adversely impact on a large number of local residents. The area is already used as a rat run and when a situation is bad it does not take much to tip the situation over the edge. Since the opening of the Two Tunnels route the number of cyclists in the area has increased considerably. The additional traffic generated by this proposal will harm their safety. There is insufficient parking provided for the number and size of units proposed.

The Council agreed to safeguard this land for allotments in 2003. Not aware that the developers are proposing suitable alternative allotments elsewhere within 1000 metres as required.

Proposal will lead to new residents congregating in central area and generating noise. Also location of rubbish bins is unneighbourly. Both factors will impact adversely on existing residents.

To conclude, due to this proposal trying to shoe-horn in a development which size-wise is too dense for this landlocked site: cannot provide the suitable infra-structure to be able to safely serve it and the surrounding area as well as contravening the Council's own agreement to protect the private and statutory allotments: will not benefit the area but instead cause extra

traffic problems, extra pollution, extra noise, extra litter and spoil the lives of all those already living and passing through it, gives me no choice but to ask that you refuse this application.

Councillor Sharon Ball

Raises an objection to the grounds of over development of the site as believe that there are too many houses being crammed into a very small site. Been through the National Policy Framework quite closely and it is clear that development is normally permitted in these sort of schemes as most of our planning policies are set aside at the moment the guidelines of the NPPF apply as we do not have a current adopted local plan. Would still however ask you to take into account the small site that is close to a railway track that by the looks of the layout has at least 5 too many properties on the site making it overdeveloped.

The affects on the junction with Lansdown view would also have highway concerns and should not be permitted without works being carried to mitigate the extra traffic that is being created.

Letters of objection received from 60 households, raising the following main points:

Will cause traffic chaos

Too near the main line railway

Loss of allotment space

Building on green space

Unnecessary - no more new houses needed

Overdevelopment to put this many properties on this site

Impact on wildlife on and around the site

Heavy traffic will have to do a detour to reach the site because of the nearby low bridge

Unnecessary destruction of two flats

Position of refuse bins

There is a waiting list for allotments

Will add to existing pollution levels

Steps do not provide an acceptable access to the allotments

Proposal is badly designed

Insufficient car parking - where are all the cars going to park?

Danger to cyclists accessing the Two Tunnels route

Boundary treatment for the allotments is unacceptable

The green space provides an area for children to play whilst parents work the allotments

Other brownfield sites would be more suitable

The access to the site would be very narrow

Potential for subsidence of existing houses

Impact on neighbours near the access road from fumes and noise
 Impact of attempting to re mediate the contaminated land
 Permission was refused here previously and should be again
 Already impossible to get onto Lower Bristol Road during morning peak hours
 Too close to existing properties
 Belief that existing allotments will be lost
 At the Local Plan Inquiry, the Council agreed to safeguard the land as designated for allotments
 Water supply insufficient to cope with this extra development
 Access not good enough for emergency vehicles
 Noise during construction and once occupied
 Strain on local schools
 Incline on access road will be a problem in winter with ice and snow
 May be human remains on site from WW2 bombing
 Too modern a design for a traditional area with Bath stone properties around
 Construction will cause infestation of rodents
 Safety of school children who pass through area would be compromised
 Clash with movements to and from Lidl
 Cutting down all the trees on the site is ridiculous
 Will cause problems accessing the retained allotments
 The allotments on this site are not used because the landowner prevented them from being used
 Low ecological value of the site is because of the actions of the landowner
 How can you have a membrane two feet down and new trees_
 Possible impact on existing right of access
 No prior consultation with allotment holders
 Against Government policy to provide new allotments

POLICIES/LEGISLATION

LOCAL PLAN

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

D.2	General Design and public realm considerations
D.4	Townscape considerations
HG.1	Housing Requirements
HG.4	Residential Development in Urban Areas
HG.5	Affordable Housing
HG.7	Minimum Residential Density
T.24	General development control and access policy
T.26	On-site parking and servicing provision
NE.4	Trees and Woodlands
NE.12	Natural Features
BH.1	World Heritage Site
CF.8	Allotments

CORE STRATEGY

The Council has prepared a draft Core Strategy, which has been the subject of an Examination in Public. A letter has been received from the Planning Inspectorate (PINS), indicating that the Strategy cannot be found sound in its current form. This reduces the weight that can be attached to the Strategy. However, the following policies are relevant:-

DW1	District-wide Spatial Strategy
B1	Bath Spatial Strategy
B4	World Heritage Site
CP6	Environmental Quality
CP9	Affordable Housing
CP10	Housing Mix

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (the Framework) was published in March 2012 and superseded much previous Government guidance. It contains a number of paragraphs that are relevant to the application and these are summarised below:-

Presumption in favour of sustainable development

The Framework introduces a presumption in favour of sustainable development. This is defined as being made up from economic, social and environmental elements. It says that, when taking decisions on applications, this presumption means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, it means 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; or where specific policies in this Framework indicate development should be restricted.

Core Planning Principles

Amongst the core planning principles set out in the Framework are that planning should:- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Economic Growth

Paragraph 19 of the Framework helps explain the importance the Government places on securing economic growth. This states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Providing Housing

The Framework places particular emphasis on the provision of an adequate quantity of housing. It says that local planning authorities should aim to boost the supply of housing and housing land. It says that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council cannot currently demonstrate a five year supply of housing land. This means that limited weight can be attached to the urban area boundaries.

Good Design

The Framework continues the theme from previous Government guidance that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It says that planning decisions should aim to ensure that developments:-
will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks
respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation are visually attractive as a result of good architecture and appropriate landscaping

The Framework goes on to say that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

OFFICER ASSESSMENT

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

- The loss of the land designated for allotment use
- The effect on the character and appearance of the area
- The effect on the living conditions of nearby residential occupiers
- The effect on highway safety
- The effect of noise from the railway on future occupants of the proposal
- The effect on ecology
- The benefits of the scheme, including the provision of affordable housing and housing in general

Loss of allotments

The application site is allocated in the Local Plan as allotments and is covered by Policy CF.8 This states that development resulting in the loss of land used for allotments will not

be permitted unless the importance of the development outweighs the community value of the site as allotments and suitable, equivalent and accessible provision is made. It goes on to say that development resulting in the loss of vacant land last used for allotments will not be permitted unless the existing and foreseeable local demand for allotments can be met by existing suitable and accessible sites. The supporting text in paragraph B3.43 defines accessible locations as within 1000 metres of the majority of their potential users.

The land to the east of the site provides 8 allotments, all of which are in use. The application site consists of land owned by the Council (eastern part) and land in private ownership (western part). The private land has a history of allotment use up until 1999. The applicants have submitted evidence of diminishing demand over a period of approximately 30 years, which resulted in the eventual sale of the western part of the land to the present owners. There does not appear to be any evidence of the Council owned land having been cultivated as allotments for many decades. For the purposes of Policy CF.8, the site therefore should be treated as vacant land last used for allotments. The 2013 SHLAA suggests that the site could accommodate 17 allotments.

In this case, site investigations have been undertaken by the Council, notably soil testing, which indicated that the land was contaminated and not currently suitable for allotment use without remediation. More recent ground investigations undertaken by specialist consultants have also revealed significant evidence of contamination, notably high levels of arsenic. Unconfirmed reports and anecdotal evidence suggest this is as a result of bomb damage material disposed of during WW2.

The Council has recently concluded that the land was unsuitable for extra allotments. To become suitable, there would be the requirement to undertake remediation works. However, this would be a costly exercise, leading to the Council's conclusion that this would not be a viable option. Residential Development of the site provides an opportunity to undertake remediation, where the potential returns may cover the cost of the works.

There is a current waiting list for the existing 8-plot allotment site on King George's Road. However, the Council has noted that there are currently 20 vacant plots at the Monksdale Road allotment site, which are being offered to those expressing an interest in the King Georges Road site. The two sites are within 800 metres of one another, which is within the 1000 metres walking distance set out within the Local Plan.

It is also worth noting that under the Allotments Act 1925, the Council's disposal of the land is permitted on the grounds that the use of the land as allotments is "not reasonably practical". Under this Act, and the Small Holdings & Allotments Act 1908 s32, the disposal of the land by the local authority brings conditions on the proceeds of sale, stating that they must be spent on "acquiring, adapting, and improving other land for allotments". This Council has not, at this present time, any specific plans on what the potential funding will be spent on, but a number of initiatives which could benefit from the funding have been identified. The SHLAA (November 2013) did indicate the possibility that some of the funds from the sale of the allotment land could be used to provide new allotments on the recreation ground to the south of the site.

The reality of the situation is that the site is not going to be used again as allotments, primarily because of the localised contamination on part of the site, for which funding does not exist to remediate. There are more vacant plots available at an alternative site, which is within the 1000 metre walking distance, than the application site could accommodate.

As a result, it is considered that the local demand for the application site as allotments can be met by an existing suitable and accessible site. The proposal is therefore in accordance with Policy CF.8 and the loss of potential allotment land is therefore acceptable.

Character and Appearance

This part of Bath is characterised by two storey terraced development, of varying age, at a density of approximately 50 dwellings per hectare. The proposal is for a modern interpretation of similar development, providing further 2 storey terraces at a density of approximately 51 dwellings per hectare. The new development would be largely hidden from wider public views but from viewpoints where it could be seen, would appear as an acceptable addition to the existing urban fabric. The design and proposed materials are considered to be acceptable.

Unfortunately, developing this site in an efficient manner for relatively high density housing will necessitate the removal of all the existing trees on site. The applicants have submitted a revised landscaping scheme, showing an increase in tree and shrub planting. Whilst these will take a while to mature, this should ensure that, once they have, they will aid in softening the appearance of the scheme.

The proposed development will of course result in a very significant change in the appearance of the site, and it is entirely understandable that the many residents who live in close proximity to this site will oppose this change. However, the Council needs to find additional housing land and this cannot be achieved at the scale required without building on land that is currently open and/or undeveloped. It is considered that the proposal would not have an unacceptably adverse effect on the character and appearance of the area, and would comply with Policies D.2 and D.4 of the Local Plan in this respect.

Living conditions of neighbours

As set out above, local residents that surround the site will be very aware of a change in outlook to the rear of their properties. However, a loss of view in this way is not a reason to refuse the application. The residents that will be most affected are the occupiers of 1-10 Lansdown View, whose houses back on to the western part of the site. The two closely connected terraces whose rears would face towards these houses would be 20 - 22 metres from the rear elevations of the rear extensions to these houses. It is considered that these distances, which are similar to others that exist in the area, are sufficient to prevent unacceptable mutual overlooking and/or any overbearing impact.

The new access road to the site will necessitate the construction of a ramp down into the site, through the site of the demolished buildings. This will be adjacent to the front garden of the retained dwellings but is not considered to be unacceptable. In addition, the construction of these dwellings is bound to lead to a period of noise and disturbance in the area. However, if this was used as a reason for refusal, few buildings would ever be constructed in urban residential areas. It is not considered that any additional noise that might result from the occupation of the site once constructed would be unacceptable.

Some residents have objected on the basis of the location of the communal bin store. This has been positioned some 17 metres from the nearest properties (both existing and

new). It is considered that this location is acceptable. It is concluded that there would be no unacceptable adverse effect on the living conditions of nearby residents and that the proposal would comply with Policy D.2 in this respect.

Highway safety

A number of local residents have expressed concerns in respect to the existing roads' capacity. However, it is considered that the urban nature of the road infrastructure and the comparative size of the dwellings will not have a substantial impact on road traffic. The sustainable location of the site could mean that daily traffic movements can be discouraged through the accessibility of employment, services and facilities by foot, bicycle, public transport and rail. The NPPF states:

"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe". Whilst it is inevitable that the development will result in an increase in traffic movements in the vicinity, the urban infrastructure and the relatively sustainable location of the development should mean that this increase will not be unduly significant, and will fall short of the NPPF's test of severe.

In line with the NPPF, the applicants are proposing a series of highway improvements to the Lansdown View/King Georges Road junction. Details of these improvements will form part of a Section 106 Legal Agreement. Currently, the proposal is to introduce a new pedestrian crossing and to formalise parking restrictions in this location. These measures will improve the road infrastructure, whilst also improving the safety of the roads not only for future residents but also the existing pedestrians and motorists who currently make use of this route.

The proposed provision of parking is supported by Highways. 31 parking bays, including 3 disabled bays, are provided within the development site for use by the 10x1-bed flats and 11 houses (an increase of 1 space from the original submission). The location of these bays within the relatively enclosed site should ensure that there is no requirement for future residents to park within the existing residents' parking areas. The proposed parking provision balances need against the desire to promote sustainable modes of transport. The application site is in close proximity to local services and facilities accessible by foot or bicycle and to a number of key local bus routes and rail services, with Oldfield Park train station being within 500 metres.

There is no indication that the proposed development would result in an increase in on-street parking outside of the application site, and the intention is to ensure that those residing within the proposed dwellings park only within those spaces allocated to them.

There have been a number of comments expressed in relation to highway safety issues. These concerns do not relate to the site itself, but to the perceived risk associated with the increase in road traffic in the area. However, it is considered that the existing road capacity is capable of accommodating the proposed scale of development, and there will be improvements to road safety associated with the works to be secured via a S106 Agreement. It is considered that the proposal would not have an unacceptably adverse effect on highway safety, and would comply with Policies T.24 and T.26 of the Local Plan.

Noise

The Environmental Health officer noted concern in respect to the noise from the railway. However, the submitted Rail Noise Assessment indicates that the site falls into NEC C, and thus in line with the comments the Environmental Health Officer raised. It is recommended that a condition is attached to the permission that prior to occupation a further survey is undertaken to established the internal noise levels are appropriate for residential occupation.

Ecology

The applicant's two Ecological Appraisals have both indicated that the site has a "low ecological value". However, the Council's Ecologist has expressed concerns regarding ecology. Further additional ecological information has been submitted by the applicant's ecologist including bat surveys of the buildings to be demolished which highlights that no evidence of bats was found.

Whilst it is accepted that any green space will have an inherent ecological value, blanket protection from development does not conform with the NPPF, which states that "distinctions should be made between the hierarchy of designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and contribution that they make to wider ecological networks" (para 113).

The site is not designated. Whilst it retains an allotment land designation, this is not a designation which is afforded protection on ecological grounds. The site is therefore an undesignated site in ecological terms and its protection must be commensurate to this status. The ecological test set out in the NPPF for development in these circumstances is "if significant harm resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for then planning permission should be refused" (para 118). The development would not cause significant harm to the natural environment or protected species, and through the identified mitigation measures and an appropriate landscaping scheme, any harm will be adequately mitigated.

Local Plan Policy NE.12 allows for the loss of such sites where it is unavoidable "because the reasons for the development outweigh the need to retain the features". The benefits of the development will be considered below. It is concluded that the proposal would not have an unacceptable adverse effect on ecology and would comply with Local Plan Policies NE.4 and NE.12.

Benefits of the Scheme and Conclusions

The applicants are proposing to provide 100% affordable housing on this site. Meeting affordable housing need is a key objective of the emerging Core Strategy and NPPF, and is afforded significant weight in planning decisions both locally and nationally. Whilst the detailed examination of this Council's housing needs are on-going, it is evident that affordable housing need between the period of 2011-2031 is significant. There is a need to increase previous rates of delivery of affordable housing.

Delivery of affordable units within market schemes has been challenging in the recent economic downturn and the development of small-infill affordable housing schemes now provides a significant delivery mechanism under which to achieve the Council's affordable housing targets. The emerging Core Strategy notes providing sufficient affordable housing

can be achieved through "enabling housing associations to upgrade/intensify their stock, and allow small scale infilling within existing neighbourhoods".

As well as the need for affordable housing, members will be well aware of the shortfall of housing permissions in general that exists at present, and that the Council cannot currently demonstrate a 5 year supply of housing land. The NPPF states that, in these circumstances, the Council's policies on the location of housing should be considered as out of date (paragraph 49). In such circumstances, the NPPF in paragraph 14 states that "where the development plan is absent, silent or relevant policies are out of date", the decision maker should grant 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".

The application scheme is perceived locally as unacceptable and there will be some adverse impacts. However, these are not considered to be of sufficient significance to warrant a reason for refusal. Given that the scheme would provide 21 units of much need housing, and specifically affordable housing, it is not considered that the identified adverse impacts "would significantly and demonstrably outweigh the benefits", as set out within the NPPF. Permission should therefore be granted.

Recommendation

The applicants are proposing that these units are all for affordable housing and are proposing to fund highway improvements. Both of these will need to be the subject of a Section 106 agreement. In addition, the need for contributions towards education and open space are set out in the consultation section of this report. It is therefore recommended that authority be granted by Committee to the Development Manager to PERMIT this application, once a Section 106 agreement dealing with these matters has been signed, and subject to the conditions set out below.

RECOMMENDATION

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

CONDITIONS

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

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

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

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

3 No development shall 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.

4 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 interests of highway safety.

5 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dBLAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect residential amenity.

6 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.

7 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.

8 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, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, 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 7.

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.

9 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period 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.

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.

10 No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.

Reason: To prevent pollution of the water environment.

11 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.

12 No dwelling hereby permitted shall be occupied until the acoustic fence shown on Drawing LP(90)004 Rev A has been erected. The fence shown shall be maintained as such thereafter.

Reason: In the interests of the living conditions of occupiers of the dwellings hereby permitted.

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

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

PLANS LIST:

1 Drawings LP(90)002 Rev C, 0033 Rev A and 004 Rev A, received 22 November 2013

Drawings P(00)001, 003, 004 Rev B, and 006, LP(90)001, IMA-13-017/009 Rev C, 010 Rev A, received 6 September 2013.

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 the Committee report, a positive view of the proposals was taken and permission was granted.

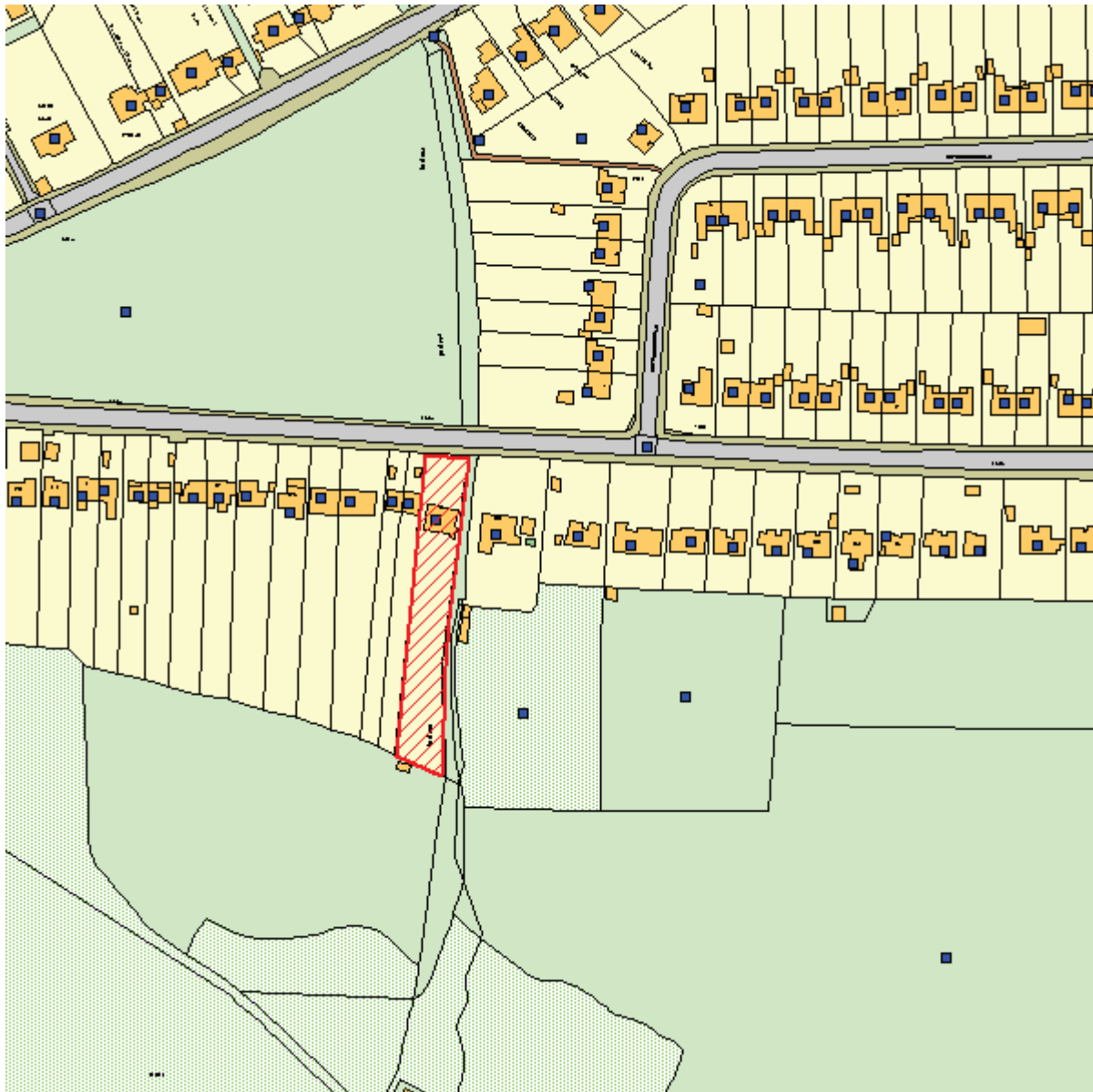
2 No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

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 (available at: http://www.bathnes.gov.uk/sites/default/files/siteimages/Environment/Pollution/construction_sites_-_code_of_practice.pdf.)

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches. The foul drainage should be kept separate from the clean surface and roof water, and connected to the public sewerage system as indicated within the planning application.

Item No: 02
Application No: 13/03309/FUL
Site Location: 63 Warminster Road Bathampton Bath Bath And North East Somerset BA2 6RU



Ward: Bathavon North **Parish:** Bathampton **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Gabriel Batt Councillor Geoff Ward

Application Type: Full Application

Proposal: Erection of replacement dwelling following demolition of existing dwelling (Revised proposal).

Constraints: Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary,

Applicant: Mr Mock

Expiry Date: 26th September 2013

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application was originally considered by the Development Control Committee on the 23rd October 2013. The application was deferred at that meeting to enable the Council and the applicant to engage in negotiations to improve the design of the proposed dwelling.

Negotiations have now taken place and revised drawings have been submitted. The main changes are outlined below:

- The velux windows/rooflights have been removed from the front elevation;
- The front bays have been amended to include flat roofs;
- Door and window on front elevation have been centralised;
- The rear dormers have been reduced in width and their roofs hipped; and,
- The number of velux windows/rooflights on the single storey rear projection have been reduced from 6 to 3.

Neighbours have been re-consulted on the revised drawings and any representations received will be reported to committee.

The application was originally referred to committee because Bathampton Parish Council objected to the application for the following reasons:

- The design is too big and out of keeping with surrounding dwellings, and very close to the boundaries.
- It is felt that the footprint should be smaller and the height reduced with fewer/smaller rooflights/dormers.

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee as it represents a new large dwelling on an existing site next to a bungalow.

DESCRIPTION OF SITE AND APPLICATION

The application site comprises an existing detached bungalow on a large sloping site on the south side of Warminster Road. The existing property is set back from the road and, due to the topography, is raised up above the level of the road. Immediately to the south of the site lies the designated Green Belt and the Cotswold Area of Outstanding Natural Beauty.

The site falls within the Bathampton Housing Development Boundary, but is outside of the Bath World Heritage Site. A public footpath runs alongside the eastern boundary of the site.

The proposal is to demolish the existing building and erect a replacement two storey detached dwelling. The application is a resubmission of a previously withdrawn application (13/01560/FUL).

RELEVANT HISTORY

13/01560/FUL - Erection of first floor extension with 2no. two storey front extensions, single storey rear extension and installation of 2no. rear dormers to facilitate a loft conversion and erection of detached double garage - WITHDRAWN

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ECOLOGIST

A bat survey dated 8th October was submitted; the survey was undertaken using appropriate methodology and within the survey season during suitable weather and temperature conditions. The survey does not identify any bat roosts in the building proposed for demolition, however bat activity at the site was recorded and this included passes by light sensitive species such as lesser horseshoe bat.

The report makes two key recommendations:

1. The proposals should avoid the use of external artificial lighting on the eastern side of the plot due to the potential to illuminate the footpath which runs along the eastern boundary of the site. The footpath was used by several bat species during the emergence survey, including lesser horseshoe, and should be maintained as a dark corridor to enable its continued use by bat species.
2. Two ridge roosting tiles should be incorporated into the roof of the proposed building. These tiles allow access to bats beneath the ridge tile itself but not into the roof void or living space in the house.

These recommendations will avoid harm to bat activity at the site and will provide replacement roost potential; they should be implemented and can be secured by condition.

BATHAMPTON PARISH COUNCIL

Bathampton Parish Council considers that the design is too big and out of keeping with surrounding dwellings, and very close to the boundaries. It is felt that the footprint should be smaller and the height reduced with fewer/smaller rooflights/dormers.

THIRD PARTIES/NEIGHBOURS

4 Letters of objection has been received from the two adjoining neighbour. The main points raised were:

- Increase in the number of windows on the side elevation and increased projection resulting in the loss of privacy to adjoining properties;
- The size of the property will result in a loss of light ;
- Concern about impact of demolition upon bats.

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

HG.4 - Residential development in the urban areas

HG.14 - Replacement dwellings

NE.10 - Nationally important species and habitats
T.24 - General access and development control policy
T.26 - On-site parking and servicing provision

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. Policies D.2, D.4, HG.15, 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

OFFICER ASSESSMENT

INTRODUCTION

The main issues to consider are 1) principle of development, 2) character and appearance, 3) residential amenity, 4) highways and parking, and 5) ecology.

1. PRINCIPLE OF DEVELOPMENT

The application site falls within the housing development boundary of Bathampton which is designated an R.1 settlement in the Local Plan where the principle of new residential development is acceptable. The principle of development is therefore considered acceptable.

2. CHARACTER AND APPEARANCE

This part of Warminster Road is characterised by a variety of two storey detached and semi-detached dwellings and a number of large detached bungalows. There is a fairly uniform building line with properties set back from, and above the level of, the road. To the east of the application site is a detached bungalow and to the west is a two storey semi-detached dwelling.

The existing bungalow is unassuming and does not contain any features of particular merit that are worthy of retention. The demolition of the existing building is therefore considered acceptable.

The proposed replacement dwelling is substantially larger than the existing building. Although a single detached dwelling, it has an appearance, in terms of scale and frontage, similar to some of the other semi-detached pairs along Warminster Road. It covers most of the width of the site, but retains adequate separation from the neighbouring properties maintaining the existing rhythm and pattern of development in the street scene.

The proposed design is balanced and well proportioned. It incorporates bay windows which reflect the existing character of this part Warminster Road. The scale of the building, although large, is not excessive for the site and the ridge height of the proposed

building sits comfortably between the two storey buildings to the west and the bungalow to the east.

There are a variety of materials used within the buildings along Warminster Road and the use of natural bath ashlar stone to the front elevation with k-rend to the side elevations is considered to be appropriate. Conditions requiring sample panels are considered appropriate to ensure the necessary quality of finish.

The amendments received after the application was deferred at the October committee have made a number of improvements to the design of the proposed building.

The removal of the velux windows/rooflights from the front elevation has resulted in the roof slope appearing less cluttered and giving the front elevation a cleaner and simpler appearance.

The removal of the roof forms above the proposed bays has, again, simplified the appearance of the front roof slope reducing its scale and bulk. This has resulted in the proportions of the proposed building being more visually appropriate when viewed from the street scene.

The centralisation of the front door and first floor window has helped to emphasise the symmetry of the proposed building.

The reduction in the size of the rear dormers and the number of rooflights on the single storey rear projection has reduced the amount of clutter on the rear elevation and the overall bulk of the roof form. Whilst the rear elevation still appears somewhat cluttered in terms of the fenestration, it is not visible from the street scene and the surrounding topography (the ground slopes steeply upwards from the rear garden) means that it will not be visible in the landscape from wider views.

In light of the above, it is considered that the proposed replacement dwelling does not harm the character or appearance of the surrounding area.

3. RESIDENTIAL AMENITY

The proposed replacement building projects 4m beyond the rear elevation of 64 Warminster Road. The majority of this projection (approximately 3m) is at single storey level with only a short two storey section of the building (approximately 1m) projecting beyond the rear elevation of 64 Warminster Road. The building is set back from the boundary with 64 Warminster Road by slightly over 1m. It is considered that this projection beyond the rear elevation of 64 Warminster Road is not excessive and is mitigated by the positioning of the replacement building slightly away from the boundary. It is therefore considered that the proposed replacement building will not appear overbearing or result in any significant loss of light or outlook from 64 Warminster Road.

There are two first floor windows on the west side elevation of the proposed building which face towards the rear garden of 64 Warminster Road. Both of these windows serve en-suite bathrooms. It is therefore considered appropriate, reasonable and necessary to require these windows to be obscurely glazed and fixed shut. Views from the ground floor windows on the east side elevation can be screened by the existing boundary fence.

The proposed building is situated a reasonable distance from its other neighbour, 62 Warminster Road, and is also separated by the public footpath which runs between the two properties. This distance is considered to prevent the proposed building from appearing overbearing or resulting in any loss of light or outlook. There are two first floor windows on the east side elevation of the proposed building which face towards the rear garden of 62 Warminster Road. Both of these windows serve en-suite bathrooms. It is therefore considered appropriate, reasonable and necessary to require these windows to be obscurely glazed and fixed shut.

4. HIGHWAYS AND PARKING

The proposal involves replacing the existing 2 bedroom bungalow with a 4 bedroom house. The means of the access is not affected by the proposals and there is adequate space for at least 3 off-street parking spaces and turning areas to enable cars to leave in a forward gear.

It is therefore considered that the proposed replacement dwelling will not cause any highways safety issues.

5. ECOLOGY

Concern has been raised by neighbours about the possibility of bats within the existing bungalow. The applicant submitted a bat survey which does not identify any bat roosts in the building proposed for demolition. However bat activity at the site was recorded and this included passes by light sensitive species such as lesser horseshoe bat. The Council's Ecologist has advised that the recommendations of the report will avoid any harm to bat species and has therefore recommended a condition be attached to any planning permission granted.

CONCLUSION

The replacement dwelling is significantly larger than the existing bungalow. However, as discussed above, its scale, form and presentation to the street scene are considered to be in keeping with the character of dwellings along Warminster Road. The large application site can comfortably accommodate the replacement dwelling and the amenities of neighbours can be protected through the use of conditions. The proposal therefore accords with policies D.2, D.4, HG.4, HG.14, NE.10, T.24 and T.26 of the Bath and North East Somerset Local Plan (2007) and guidance in the National Planning Policy Framework.

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 area.

3 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.

4 The proposed windows in the first floor East and West elevations shall be glazed with obscure glass and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. These windows shall be permanently retained as such.

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

5 The development hereby permitted shall be carried out only in accordance with the recommendations of the approved Bat Survey Report by Jim Mullholland dated 8th October 2013, to include no external artificial lighting on the eastern side of the development site, and incorporation of two ridge roosting tiles to the proposed new building. Any proposals not in accordance with the recommendations of the report or any amendment to the Bat Survey Report must first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protected species and ecology

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

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

PLANS LIST:

1 001
002
003
004
005 Rev C
006 Rev C
007 Rev C

008 Rev C
010 Rev C
011
012 Rev C

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.

Item No: 03
Application No: 13/03985/OUT
Site Location: 1 Pitway Close Farrington Gurney Bristol Bath And North East Somerset BS39 6TE



Ward: High Littleton **Parish:** Farrington Gurney **LB Grade:** N/A
Ward Members: Councillor L J Kew
Application Type: Outline Application
Proposal: Erection of detached dormer style bungalow (resubmission)
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
Applicant: Mr Cox
Expiry Date: 11th November 2013
Case Officer: Victoria Griffin

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: The application is being referred to Committee following a request from Councillor Kew.

PROPOSAL: Erection of detached dormer style bungalow (resubmission)

SITE LOCATION: 1 Pitway Close, Farrington Gurney, Bristol BS39 6TE

DESCRIPTION OF SITE AND APPLICATION:

The site is situated at the junction of Pitway Lane with the A37 route through Farrington Gurney on a piece of open garden situated to the side of no.1 Pitway Close. This application seeks outline permission for a single dwelling with access and provides an indicative street elevation. A driveway access into the site is proposed from Pitway Close with the proposed dwelling situated forward of the existing building line onto Pitway Lane.

Materials proposed include reconstructed stone for walls and double roman roof tiles to match no.1 Pitway Close. The site has a boundary with Pitway Lane to the north, Pitway Close to the west with a short boundary onto the A37 to the east and No.1 Pitway Close situated to the south.

The site falls within the Forest of Avon designation and the Housing Development Boundary. Opposite the application site to the east is The Parsonage, a Grade II* listed building.

PLANNING HISTORY:

DC - 13/02641/OUT - Refused - 19 August 2013 - Erection of detached dormer style bungalow

14963 - Chalet bungalow - Refused, Appeal dismissed 19/08/1991

WC 872/F - Erection of a house - Refused 07/83

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: The application has been submitted in outline, but detailed permission is sought for access and appearance. The land currently has its own means of access, via a field gate off Pitway Close, adjoining the access serving the dwelling at 1 Pitway Close.

Pitway Close is an adopted cul-de-sac, which takes its access from Pitway Lane, close to the junction with Rush Hill.

The site falls within the defined Housing Development Boundary, and therefore the principle of residential development is generally accepted. Whilst the standard of Pitway Close, and its junction onto Pitway Lane, is not ideal, I do not feel that an additional dwelling would present any highway issues.

I therefore recommend that no highway objection is raised subject to the following condition being attached to any permission granted:-

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.

The parking area shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.

Further comments dated 22/11/13: As the application is submitted in outline with detailed permission being sought for access and appearance only, it is my understanding the fencing has not been included for approval at this stage, and therefore I have not considered this. However, the location of any fencing would need to be carefully considered to ensure that it does not adversely affect the safe use of the junction, and the application does not provide sufficient detail to make this judgement, only to raise the potential for concerns, as set out by Mr Speirs.

The junction of Pitway Lane with the A37 will need to retain adequate visibility from a point 2.4m back from the junction and extending to the extremities of the site boundary, but this could potentially be achieved with the fencing as suggested, depending on its actual location within the existing wall. A detailed plan to show the fencing position in context with the highway will be required to establish what would be acceptable.

Arboricultural officer: The application indicates that the existing Cherry will be retained. I consider this impractical and unrealistic in view of the route of the proposed services, the extended drive and proximity of the new dwelling.

No objection is raised to the removal of the Cherry subject to replacement planting at the front of the property which can be conditioned. Positioning will need to take into account sight lines at the entrance to Pitway Close.

An application should demonstrate due consideration of the adopted Green Infrastructure Strategy and retained policy NE.4 Trees and Woodlands:

Development will only be permitted where:

- i. it does not have an adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; and
- ii. it includes the appropriate retention and new planting of trees and woodlands; and
- iii it does not have an adverse impact on a veteran tree;

In the case of an unavoidably adverse impact on trees and woodlands of wildlife, landscape, amenity, productive or cultural value, compensatory provision is made. The Green Infrastructure Strategy includes a number of principles which include:

'Green infrastructure should be central to the design of new developments. Proposals should respect and enhance green infrastructure within the site and demonstrate strong links to the wider network.'

Environment Protection: There are also other domestic properties in close proximity to this site whose amenity could be affected during construction. Accordingly I would ask that the following be applied as an informative should consent be issued:

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 developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

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 (available at: <http://www.bathnes.gov.uk/>)

Farrington Gurney Parish Council: No comments received

Representations: Four letters of objections raising the following points (summarised):

- Concern over highway safety with the position of a proposed fence
- Obstruction to line of sight for vehicles turning into Pitway Lane
- Dangerous and busy junction
- Concern over disruption caused by construction traffic
- No regard to trees on site
- Overlooking to property opposite into side windows
- Will cause parking problems
- Access issues to the site

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:

D2 - General design and public realm considerations

D4 - Townscape considerations

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

T.24 - General Development control and access policy

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:

SV1 - Somer Valley Spatial Strategy (replaces HG.4)

D.2, D.4, HG.4 and T.24 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.

OFFICER ASSESSMENT

PLANNING ISSUES:

The key issue in the determination of the proposal is considered to relate to the impact on the open character of the site and this part of the village, residential amenity and highways safety.

The site is within the housing development boundary. Therefore, in policy terms, there is a favourable presumption towards housing development providing it complies with other policies including, the impact upon the character and appearance of an area and residential amenity.

This revised proposal is a resubmission of an application that was refused planning permission on 19 August 2013 with a minor amendment to the position of the house. The position of the proposed house has been resited approx. 4m forward of the existing dwelling which has in effect increased the front garden area. It now sits entirely forward of the row of dwellings on Pitway Close. The proposal however is essentially the same development and the issues raised in the officer report previously remain relevant in this assessment and are repeated here.

Whilst the Council's planning policy position may have been updated since a planning application for a dwelling on this site was refused planning permission in 1983 and later in 1991 when a chalet bungalow was refused on appeal, the site context and applicable policies relating to the character and appearance of the area are still relevant in this application. When the appeal was dismissed in 1991 the Inspector noted that the development of this site would lead to a considerable reduction in the open character of this part of the village.

The proposed dwelling was considered to be obtrusive to the street scene and materially harmful to the character and appearance of the area. The Inspector appreciated that despite the dense appearance of the terrace opposite the site benefited from an open character which was taken to be of value in this part of the village.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA:

This revised submission has repositioned the dwelling so as to reduce its impact on the corner closest to the highway and views of it from the A37. This has essentially brought the building forward of the existing building line by 8m which in many respects would make it more visually prominent within the site, when compared to the refused scheme.

In terms of this proposal the context of the site has not changed from the previous refusals the site remains the same and is constrained for development by its position and shape. The existing piece of land provides visual relief in this part of the village to what is a

predominantly built up area. The proposal would result in the loss of open space at this prominent position within this village location which continues to be a physical attribute of the area.

The proposal therefore continues to represent a form of development that would be harmful to the open character of the area contrary to current Local Plan policies D2 and D4.

HIGHWAY SAFETY:

The highways officer has stated that the access to the site from a junction is not ideal in highway terms however has not raised an objection on highway safety grounds provided that additional details are submitted for parking and access surface materials.

The highways officer has also commented on the proposed alignment of a fence (as indicated on the application form) on the roadside boundary as local residents considered it to be harmful to highway safety. As the application is submitted in outline with detailed permission being sought for access and appearance only, further details for fencing can be dealt with at the details stage. The highways officer has stated however that the location of any fencing would need to be carefully considered to ensure that it does not adversely affect the safe use of the junction, and the application does not provide sufficient detail to make this judgement, only to raise the potential for concerns, as set out by the objection comments.

The junction of Pitway Lane with the A37 will need to retain adequate visibility from a point 2.4m back from the junction and extending to the extremities of the site boundary, but this could potentially be achieved with the fencing as suggested, depending on its actual location within the existing wall. A detailed plan to show the fencing position in context with the highway will be required to establish what would be acceptable.

ARBORICULTURAL OFFICER:

The arboricultural officer has reviewed the proposal and noted that the application indicates that the existing Cherry on the site will be retained. This is considered to be impractical and unrealistic in view of the route of the proposed services, the extended drive and proximity of the new dwelling. Nevertheless no objection has been raised to the removal of the Cherry subject to replacement planting at the front of the property, with consideration to sight lines at the entrance of Pitway Close, which can be accordingly conditioned. No objection is raised to the proposal in its current form subject to a condition.

RESIDENTIAL AMENITY:

The neighbouring properties overlooking the site have raised concerns over the loss of amenity that would be caused by the proposed dwelling. Again, this proposal would generate a degree of mutual overlooking between the proposal and neighbouring windows and gardens. This to a degree already exists between the properties, this revised proposal is not considered to represent a significant increase in harm to residential amenity to warrant an additional reason for refusal.

CONCLUSION:

As outlined the proposal is considered to be unacceptable for the reasons set out above and is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development would be obtrusive to the street scene and materially harmful to the appearance of the local area which is a valuable feature. Furthermore it would diminish the existing relationship with the open space and the surrounding buildings and as a consequence is considered detrimental to the open character and appearance of this part of the village. The proposal is considered to be contrary to saved Local Plan policies D2 and D4 of the Bath & North East Somerset Local Plan (adopted October 2007).

PLANS LIST:

1 This decision relates to the following plans/documents:

2013/COX/02 and 2013/COX/01A date received 16/09/13

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 for applicant's the applicant did not seek to enter into correspondence with the Local Planning Authority prior to the submission of the application. The proposal was considered unacceptable for the reasons given and the agent was advised that the application was to be recommended for refusal.

Item No: 04
Application No: 13/04685/FUL
Site Location: 3 Upper Furlong Timsbury Bath Bath And North East Somerset BA2 0NN



Ward: Timsbury **Parish:** Timsbury **LB Grade:** N/A
Ward Members: Councillor D E Deacon
Application Type: Full Application
Proposal: Erection of two storey side extension
Constraints: Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary,
Applicant: Mr David Monelle
Expiry Date: 25th December 2013
Case Officer: Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The applicant is a Bath and North East Somerset Employee within the Planning and Transport Services Section

DESCRIPTION OF SITE AND APPLICATION:

The application site is located within the housing development boundary to the settlement and relates to a detached two storey dwelling which forms part of a modern housing estate. The estate displays a mix of dwelling types and styles which add to the grain of the local built environment. Dwellings are characteristically set back of the highway with front gardens divided between green space and hard standing. The front gardens form a natural green corridor through the site and its link with the public open space on the edge of the estate enhances the rural character of this edge of village location.

Due to the layout of the buildings within Upper Furlong, spaces between structures are constantly available which enhances the sense of spaciousness within this rural environment and is considered to be characteristic of this locality.

The proposed two storey extension will extend from the side elevation by approximately 2.6 metres in line with the rear wall of the garage, a single storey infill extension will merge the 2 storey extension with the garage. A small gap will be preserved along the boundary of approximately 0.8 - 1 metre which will provide access to the rear garden from the gate located on the north eastern boundary between the garage and no .4.

The extension will follow the existing building lines and pitched roof to increase the width of the property and will use materials to match the host building. The extension has been designed to create an open planned multi functional space for a 4 bed property at ground floor and enlarged space for the bedrooms above including an en-suite, a new double casement window will be inserted into the rear elevation to provide light and ventilation, an additional casement will be added to the existing front bedroom window, the side elevation will remain blank as per the existing to avoid overlooking issues.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No comments have been received to date however a written and verbal update will be provided to the Committee as the consultation period is still open for comments.

POLICIES/LEGISLATION

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.

LOCAL PLAN POLICY:

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

D2 - General Design and public realm considerations

D4 - Townscape considerations

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

SUBMISSION 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 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: D.2 and D.4 of the local plan are proposed as saved policies within the submission core strategy.

OFFICER ASSESSMENT

CHARACTER AND APPEARANCE:

Due to the layout of the buildings within this estate, spaces between structures are constantly available which enhances the sense of spaciousness within this urban environment and is considered to be characteristic of this locality. The proposed extension would encroach into this space which has the potential to conflict with the sense of spaciousness within this locality and the prevailing character of street. However, due to the set back nature of the extension off the boundary line and the change in height of the buildings the proposal is not considered to have a negative affect and will preserve an element of spaciousness which is considered to be acceptable.

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, and the wider area, thereby responding to the local context.

The overall harmony of the street scene will not be eroded by the development. While the extension would cause this house to be wider its sympathetic design and use of materials is not considered detrimental to the character of the local streetscene and would not cause the house to appear oversize within this locality.

AMENITY:

Part of the neighbouring site (no .4) and the rear conservatory are in shadows for part of the afternoon, the proposed development has the potential to increase the length of time of overshadowing of the neighbouring property during the early afternoon however due to the existing relationship between the buildings and orientation, the level of harm caused is not considered significant enough to warrant a reason for refusal. The proposed development will not result in issues of overlooking or cause an overbearing impact to the residential amenity of neighbouring occupiers.

CONCLUSION:

The proposed side extension is considered to be of an acceptable siting, scale, size and design and uses appropriate material which complements the design and proportions of the existing dwelling and would not be visually detrimental to the character and appearance of the host building or the local street scene.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the north east 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.

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

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

PLANS LIST:

1 This decision relates to drawing's titled Existing Elevations, Proposed Elevations, Existing Ground Floor Plan, Proposed Ground Floor Plan, Existing and Proposed First Floor Plan, Block Plan and the Site Location Plan date stamped 30th October 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. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	11th December 2013
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281)
	AGENDA ITEM NUMBER
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 13/00583/OUT
Location: Land North Of Fosseyway Gardens Fosseyway Gardens Westfield Radstock
Proposal: Erection of up to 92 dwellings with associated parking, provision of associated public open space, pedestrian routes, engineering works and landscaping on land adjoining Five Arches Greenway and alterations to existing vehicular access onto Radstock Road (A362).
Decision: REFUSE
Decision Date: 13 June 2013
Decision Level: Delegated
Appeal Lodged: 18 November 2013

App. Ref: 13/01589/LBA
Location: Chimichanga Bluecoat House Sawclose City Centre Bath
Proposal: Internal works to display 7 no. internally illuminated free standing signs behind glazed windows.
Decision: REFUSE
Decision Date: 31 May 2013
Decision Level: Delegated
Appeal Lodged: 20 November 2013

App. Ref: 13/01989/OUT
Location: Homelands Camerton Hill Camerton Bath Bath And North East Somerset
Proposal: Outline planning application for the erection of 1 no. dwelling
Decision: REFUSE
Decision Date: 4 July 2013
Decision Level: Delegated
Appeal Lodged: 30 October 2013

App. Ref: 13/01988/FUL
Location: Land To The Rear Of Paysons Croft Church Lane Bishop Sutton Bristol Bath And North East Somerset
Proposal: Erection of 3no. dwellings with associated works.
Decision: REFUSE
Decision Date: 5 July 2013
Decision Level: Delegated
Appeal Lodged: 7 November 2013

App. Ref: 13/03213/FUL
Location: 240 Englishcombe Lane Southdown Bath Bath And North East Somerset BA2 2ES
Proposal: Erection of a first floor rear extension (resubmission).
Decision: REFUSE
Decision Date: 8 October 2013
Decision Level: Delegated
Appeal Lodged: 18 November 2013

App. Ref: 13/03253/FUL
Location: Land To The Rear Of Paysons Croft Church Lane Bishop Sutton Bristol Bath And North East Somerset
Proposal: Erection of 2no. dwellings (Resubmission of application 13/01988/FUL)
Decision: REFUSE
Decision Date: 24 September 2013
Decision Level: Delegated
Appeal Lodged: 7 November 2013

App. Ref: 13/03419/FUL
Location: 1 Midford Road Odd Down Bath Bath And North East Somerset BA2 5RW
Proposal: Re-modelling of the front garden to create two new parking spaces (Resubmission of 13/01767/FUL)
Decision: REFUSE
Decision Date: 2 October 2013
Decision Level: Delegated
Appeal Lodged: 19 November 2013

APPEALS DECISIONS

App. Ref: 12/02488/CLEU
Location: West End, Breach Hill Lane, Chew Stoke, Bristol.
Proposal: Use of 2no. chalets as residential accommodation (Certificate of Lawfulness for an Existing Use).
Decision: REFUSE
Decision Date: 12 September 2012
Decision Level: Delegated
Appeal Lodged: 21 November 2012
Appeal Decision: Dismissed on 01 November 2013

Link To Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-754004.pdf?extension=.pdf&id=754004&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

App. Ref: 12/03936/FUL
Location: Former Besley Hill Estate Agents, Bristol Road, Farrington Gurney.
Proposal: Conversion of office (B1) to flat (C3).
Decision: REFUSE
Decision Date: 5 November 2012
Decision Level: Delegated
Appeal Lodged: 15 May 2013
Appeal Decision: Dismissed on 07 November 2013

Link To Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-755563.pdf?extension=.pdf&id=755563&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

App. Ref: 12/04456/FUL
Location: Lloyds TSB Bank Plc, 2 Silver Street, Midsomer Norton.
Proposal: Erection of 4no. terraced dwellings on land to the North East of No. 2 Silver Street.
Decision: REFUSE
Decision Date: 17 September 2012
Decision Level: Committee
Appeal Lodged: 13 May 2013
Appeal Decision: Allowed on 11 November 2013

Link To Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-756734.pdf?extension=.pdf&id=756734&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

App. Ref: 12/05171/OUT
Location: Bathway House, 144 London Road West, Lower Swainswick, Bath.
Proposal: Erection of 1no. dwelling.
Decision: REFUSE
Decision Date: 13 February 2013
Decision Level: Delegated
Appeal Lodged: 16 May 2013
Appeal Decision: Dismissed on 15 November 2013

Link To Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-758872.pdf?extension=.pdf&id=758872&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

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
Appeal Decision: Dismissed on 18 November 2013

Link To Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-759425.pdf?extension=.pdf&id=759425&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

App. Ref: 10/05199/EFUL
Location: Stowey Quarry, Stowey Road, Stowey, Bristol.
Proposal: Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) including asbestos and inert wastes and that the application is accompanied by an environmental statement.
Decision: REFUSE
Decision Date: 01 October 2012
Decision Level: Committee
Appeal Lodged: 25 April 2013
Appeal Decision: Dismissed on 25 November 2013

Link To Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-762172.pdf?extension=.pdf&id=762172&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

BANES Cost Decision: Full costs awarded to BANES.

Link To BANES Costs Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-762174.pdf?extension=.pdf&id=762174&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

Stowey Sutton Action Group Costs Decision: Partial costs awarded to S.S.A.G.

Link To Stowey Sutton Action Group Costs Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-762173.pdf?extension=.pdf&id=762173&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

App. Ref: 13/00186/AR
Location: 11 Fortescue Road, Radstock.
Proposal: Display of 6no. advertising boards in shop window (Regularisation).
Decision: REFUSE
Decision Date: 25 March 2013
Decision Level: Delegated
Appeal Lodged: 10 May 2013
Appeal Decision: Dismissed on 25 November 2013

Link To Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-762315.pdf?extension=.pdf&id=762315&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

App. Ref: 12/04943/FUL
Location: Chapel, Mill Lane, Woollard.
Proposal: Change of use from dilapidated building to detached annex to Whispers Cottage (Retrospective) (Resubmission).
Decision: REFUSE
Decision Date: 10 July 2013.
Decision Level: Delegated
Appeal Lodged: 06 March 2013
Appeal Decision: Dismissed on 25 November 2013

Link To Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-761831.pdf?extension=.pdf&id=761831&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

App. Ref: 12/05632/FUL
Location: 12 Dowding Road, Larkhall, Bath.
Proposal: Erection of bungalow (Resubmission).
Decision: REFUSE
Decision Date: 19 February
Decision Level: Delegated
Appeal Lodged: 19 August 2013
Appeal Decision: Dismissed on 25 November 2013

Link To Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-761818.pdf?extension=.pdf&id=761818&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>
