

Democratic Services

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Date: 20 August 2012

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To: All Members of the Development Control Committee

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

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

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Control Committee: Wednesday, 29th August, 2012

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 29th August, 2012 at 2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 28th August 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, 29th August, 2012
at 2.00pm in the Brunswick Room - Guildhall, Bath**

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. ELECTION OF VICE CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting, declarations of interest are received from Members on 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: 1ST AUGUST 2012 (Pages 9 - 48)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 1st August 2012

9. MAJOR DEVELOPMENTS

The Senior Professional – Major Developments to provide an oral update

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 49 - 114)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 115 - 120)

To note the report

12. MONTHLY UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY, BATH

Members requested at their previous meeting that a monthly update report be submitted to Committee. The appropriate Officer(s) will make an oral 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-building-control/view-and-comment-planning-applications/delegated-report>

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

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

1. Declarations of Interest (Disclosable Pecuniary Interest or an Other Interest)

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

2. Local Planning Code of Conduct

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

3. Site Visits

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

4. Voting & Chair's Casting Vote

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

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

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

5. Officer Advice

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

6. Decisions Contrary to Policy and Officer Advice

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

7. Officer Contact/Advice

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

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

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

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

Site Visit Procedure

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

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DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 1st August, 2012

Present:- Councillor Gerry Curran in the Chair

Councillors Nicholas Coombes, Sally Davis (In place of David Veale), Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, David Martin, Douglas Nicol, Bryan Organ, Vic Pritchard (In place of Martin Veal), Jeremy Sparks (In place of Neil Butters) and Brian Webber

Also in attendance: Councillors John Bull, Dave Laming, Dine Romero and Caroline Roberts

25 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

26 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

27 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Neil Butters, Martin Veal and David Veale and their respective substitutes were Councillors Jeremy Sparks, Vic Pritchard and Sally Davis

28 DECLARATIONS OF INTEREST

Councillor Nicholas Coombes declared a non-pecuniary interest in the planning application at Paulton Engine, Hanham Lane, Paulton (Report 10) by virtue of previously having worked with the applicants. Having considered the matter, he would remain and vote on the Item. Councillor Les Kew declared an interest in the application at Clutton Industrial Estate, King Lane, Clutton (Item 5, Report 11) as he was related to one of the Directors of the applicant Company – he would therefore leave the meeting for its consideration.

29 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

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

The Senior Democratic Services Officer informed the meeting that there were members of the public wishing to make statements on the Tree Preservation Order at 29 Flatwoods Road, Claverton Down, Bath (Report 12) and on the former Fullers

Earthworks, Combe Hay, Bath (Report 14) and they would be able to do so when reaching those Reports on the Agenda. There were also various people wishing to make statements on planning applications in Reports 10 and 11 and they would be able to do so when reaching those items on the Agenda.

31 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items

32 MINUTES: WEDNESDAY 4TH JULY 2012

The Minutes of the meeting held on Wednesday 4th July 2012 were approved as a correct record and signed by the Chair

33 MAJOR DEVELOPMENTS

The Committee noted the update report of the Senior Professional – Major Development on the progress of the archaeological survey in preparation for development at the former Cadbury site, Somerdale, Keynsham

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

The Committee considered

- A report by the Development Manager on an application for planning permission at Paulton Engine, Hanham Lane, Paulton
- Oral statements by members of the public etc, the Speakers List being attached as *Appendix 1* to these Minutes

RESOLVED that, in accordance with their delegated powers, the application be determined as set out in the Decision List attached as *Appendix 2* to these Minutes.

Paulton Engine, Hanham Lane, Paulton – Extension and alteration of existing 3 bed house to provide 2 further bedrooms and dining room and demolition of 1960s single storey bathroom extension; reconstruction of roofless outbuilding to provide garage, workshop and studio over; erection of a pair of semi-detached 2 bed holiday cottages; repair of derelict pigsties to provide potting sheds with bat loft; rebuilding of derelict stable; roofing and repair of 2 walls as open woodshed; lean-to greenhouse to replace kennels; rubbish clearance within site and landscape improvements – The Case Officer reported on this application and his recommendation to refuse permission. He referred to late representations received from residents of Hanham Lane. There was also further information submitted by the applicant relating to the bats on the site as a result of which Officers were now satisfied that Natural England were likely to grant a bat licence. Accordingly, the recommended Refusal Reason 6 could be deleted. An archaeological report had also been submitted which included works of mitigation and therefore Refusal Reason 5 could be deleted. The applicants had also submitted further financial details in support of their claim that the holiday cottages were required in order to make the restoration of the historic site viable. However, the Case Officer advised Members that no detailed breakdown of costs had been

provided and there was no reliable evidence to suggest a financial need for the holiday cottages.

The public speakers made their statements against and in favour of the proposals. The Ward Councillor John Bull then made a statement supporting the scheme in principle but with reservations.

The matter was opened up for debate. Councillor Liz Hardman supported the proposals in principle as they would restore a derelict site, preserve industrial heritage and enhance the area. However, she could not see the justification for the holiday cottages which were outside of the development boundary.

Councillor Nicholas Coombes referred to his interest in the application declared earlier in the meeting. He stated that, due to his previous work with the applicants, he was not open-minded because he considered that the applicants had good credentials for undertaking this type of scheme and would do it very well. At this point, the Chair expressed some concern that Councillor Coombes might have given the impression that he had pre-determined the application and asked the Senior legal Adviser to advise. The Senior Legal Adviser advised that, in view of his statement that he did not have an open mind, it was advisable for Councillor Coombes to leave the meeting for the consideration of this Item because there was a risk of a perception of pre-determination. After some discussion, Councillor Coombes left the meeting for the consideration of this application.

Councillor Bryan Organ supported the scheme which would preserve these buildings and therefore moved that the recommendation be overturned and that authority be delegated to Officers to grant permission subject to appropriate conditions, including the use of the holiday cottages to make the scheme viable. The motion was seconded by Councillor David Martin.

Members debated the motion. Most Members considered that the scheme was of a good design meeting environmental standards and restored our industrial heritage. It was located a relatively short distance from a bus route and with the holiday cottages and restored buildings, it could provide a form of tourist attraction in the area. Some Members however expressed concern regarding possible commercial use and the car park providing spaces for numerous cars. One Member felt the development would spoil the tranquil nature of this rural location in the Conservation Area.

The Senior Professional – Major Development informed the Committee of some procedural requirements of the motion. Reasons had to be provided for overturning the Recommendation and granting permission, the holiday cottages should be tied to the development so that they could not be sold off separately and there was an issue as to whether this should be done by an operational statement, condition or a S106 Agreement. He advised that conditions might include operational statements in respect of the holiday cottages and the studio. In addition, as the proposal was contrary to the Local Plan, if permitted, it would need to be advertised as a Departure for any further representations to be submitted. Councillor Bryan Organ stated that, in terms of reasons, the development would improve and enhance the appearance of the site and this part of the Conservation Area, it was legitimate for the applicants to rely on income generated by the holiday cottages to fund the scheme, and the site was not remote because it was within walking distance of Paulton village. He queried whether a S106 Agreement was necessary to tie in the holiday cottages and felt that

a Condition was all that was required. Following advice from the Senior Professional, it was agreed that a S106 Agreement was probably the best way of securing the future use of the holiday cottages; however, ultimately, it was a decision for Officers. Authority was also delegated to Officers to impose appropriate conditions.

The Chair summed up the discussion and put the amended motion to the vote. Voting: 9 in favour and 3 against. Motion carried.

(Notes: (1) Councillor Nicholas Coombes was not present to vote; and (2) after the vote, there followed a short natural break)

35 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 etc
- Oral statements by members of the public etc on Item Nos. 4 and 6-9, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos. 1,4, 5 and 7, which is 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 Nos. 14 – 16 Monmouth Place, Upper Bristol Road, Bath – (1) Erection of 7 three storey plus basement 3 bed houses following demolition of existing vacant shop units (Ref 12/01730/FUL); (2) demolition of existing vacant shop units (Ref 12/01731/CA); and (3) erection of 7 three storey plus basement 3 bed houses following demolition of existing vacant shop units (Ref 12/01741/LBA) – The Case Officers reported on these applications for planning permission, conservation area consent and listed building consent and their recommendations (1) to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to cover (i) £6,000 for the improvement of local public transport infrastructure; (ii) £28,430.13 for education provision in accordance with the advice of the Education Officer; (iii) works to upgrade the paving in front of the site to match the adjoining pavements to a specification agreed in writing with the local planning authority in consultation with the Highway Authority; and (iv) a contribution £17,360.50 toward off-site open space provision/improvement; and (B) subject to the prior completion of the above Agreement, authorise the Divisional Director of Planning and Transport Development to Permit subject to conditions; (2) grant conservation area consent subject to conditions; and (3) grant listed building consent subject to conditions.

Councillor Les Kew considered that that this was a good proposal which gave consideration to light issues for the existing buildings situated at the rear of the site. He therefore moved the Officer's' recommendation for the planning application which was seconded by Councillor Doug Nicol.

Councillor Nicholas Coombes declared a non-pecuniary interest as he had worked with the applicants. He would remain and vote on the application.

Members debated the motion. The proposals were supported as they improved the street scene and provided much needed housing. It was noted that there would be loss of views for some flats at the rear of the site and some loss of light due to the height of the proposed development.

The Chair summed up the debate and put the matter to the vote. Voting: unanimously in favour.

Councillor Les Kew moved the applications for conservation area consent and listed building consent as per the Officers' recommendations. These were seconded by Councillor Doug Nicol. The motions were voted on separately and approved unanimously.

Item 4 Land rear of 79 London Road West, Bailbrook Lane, Bath – Erection of 4 detached dwellings – The Team Leader – Development Management reported on this application and the recommendation to (A) authorise the Planning and Environmental Law Manager to prepare an Agreement under S106 of the Town and Country Planning Act 1990 to secure a contribution of £10,849.72 for Highways and £34,268.87 towards education provision; and (B) upon completion of the Agreement, authorise the Development Manager to Permit subject to satisfactory comments being received from the Council's Ecologist and Urban Designer and to conditions.

The public speakers made their statements against and in favour of the proposals. The Officer commented on late objections received. The Update Report referred to representations from the Ecological Officer and Urban Designer and covered the issue of Ecology which culminated in the recommendation of a further Condition. He also commented that the proposed development was on a sloping site with no significant impact on the Conservation Area. The Senior Professional – Major Development acknowledged that there were no comments from the Conservation Officer; however, Officers were satisfied that there was already sufficient information in the Report concerning the impact on the Conservation Area. The Ward Councillor Dave Laming made a statement expressing concerns about the development.

Members discussed the proposals. One Member felt that the site was being overdeveloped and that the design did not match existing houses in the area whereas another Member considered that it was underdeveloped as the report stated that it could accommodate around 15 houses. Councillor Brian Webber did not support the proposals and therefore moved that the recommendation be overturned and that permission be refused on the basis that it was creeping suburbanisation that did not preserve or enhance the Conservation Area, and that the increased use of Bailbrook Lane - which is narrow and used as a rat-run - by further vehicular movements would create a hazard to pedestrians, cyclists and other car users. The motion was seconded by Councillor Vic Pritchard.

Members debated the motion. Various issues were discussed including density, the size of the site being 0.49 ha putting it just outside the scope for the Council to request that some affordable housing be included, design, topography of the site and water drainage. The Senior Professional – Major Development gave advice to the Committee regarding the proposals for the site and recommended that Members

have a site visit (if they were minded to refuse the application) to familiarise themselves with the site and its location in case there was an appeal against a refusal. The Officer commented that the application had been considered in the light of the recent National Planning Policy Framework but that this did not raise any issues of concern.

The motion to Refuse was then put to the vote and was carried, 8 voting in favour and 5 against.

(Notes: (1) After the vote at 4.25pm, there was a 10 minute adjournment for a natural break; and (2) Councillor Les Kew left the meeting in view of his declared interest on the following application)

Item 5 Clutton Hill Industrial Estate, King Lane, Clutton – Approval of Reserved Matters with regard to Outline application 08/01709/ OUT (infill development of part of existing site with 6 small industrial buildings and revised access) – The Case Officer reported on this application for approval of Reserved Matters and his recommendation to Approve subject to conditions. He referred to late objections received and to the Update Report which gave Reasons for Approval.

Councillor Eleanor Jackson supported the application and moved the recommendation to Approve which was seconded by Councillor Liz Hardman.

Members debated the motion. Councillor Jeremy Sparks raised various concerns about alleged unauthorised uses of the site and stated that he would abstain from voting on the application. He felt that hours of operation should be considered as delivery times tended to disturb local residents. The Senior Professional – Major Development stated that this would have needed to have been considered when the outline application had been submitted.

The motion was put to the vote. Voting: 10 in favour and 1 against with 1 abstention. Motion carried.

(Note: Councillor Les Kew was not present for this application)

Item 6 Fairash Poultry Farm, Compton Martin Road, West Harptree – Erection of 3 dwellings following demolition of existing poultry farm (Revised submission) – The Case Officer reported on this application and her recommendation to refuse permission. She reported the receipt of a late letter of support.

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

Councillor Nicholas Coombes reported the views of the Ward Councillor Tim Warren who was unable to attend the meeting. Councillor Vic Pritchard considered that the reasons for refusing the previous application to develop the site still applied to this proposal. It was in an isolated position and at a dangerous cross roads and he therefore moved the Officer recommendation to refuse permission. This was seconded by Councillor Les Kew.

After a brief discussion, the motion was put to the vote and was carried unanimously.

Item 7 Former Little Chef, Bristol Road, Farrington Gurney, Bristol – Change of use from restaurant (A3) to restaurant and takeaway (A3 and A5) – The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to agree with the applicant the submission of a Unilateral Undertaking to secure a financial contribution to the Council of £10,000 towards the cost of off-site transportation measures; and (B) on completion of the Unilateral Undertaking, authorise the Development Manager to Permit subject to conditions. He reported that late objections had been received relating to health issues and the nearby school. The recommendation included a contribution from the applicant of £10,000 towards the cost of transportation measures such as speed restrictions. The Update Report referred to the objections received from local residents and consideration of the National Planning Policy Framework as regards this application. The public speakers made their statements against the proposal.

Councillor Les Kew opened the debate. He raised various concerns about the proposal including noise, litter, impact on local residents, wrong location in a village, and a lot of objections with no one supporting. He therefore moved that permission be refused on the grounds of 1) sustainability, the proposed development being located outside of the town centre and the requirement for access would require excessive motor vehicle movements; 2) noise and disturbance to neighbouring properties; 3) objections by the Parish Council and over 200 residents of Farrington Gurney; 4) highway safety as the site is located on a busy A road often congested with a lack of pedestrian access from the village and no controlled crossing on the A37 together with poor visibility from the north; and 5) the inability to control the environmental impact of litter and noise through the inability to police these matters away from the premises eg local playing fields and parks. The motion was seconded by Councillor Vic Pritchard.

Members debated the motion. Members discussed various issues and concerns including access, the hours of operation and whether these could be amended, the exclusion zone around schools for takeaways, whether a refusal of permission on these grounds could be defended on appeal. The Senior Professional – Major Development responded to some of these issues by stating that hours of operation could be negotiated with the applicants - other matters could be dealt with by conditions or an operational statement. In his view, it would probably be difficult to defend on appeal.

Members continued to discuss their concerns regarding the application. There was a lot of objection by local residents being a fair percentage of the village. It was considered by Members that some of the issues could not be resolved by way of conditions or an operational statement. The Senior Professional considered that some of the reasons for refusal suggested by objectors in reason for refusal 3) were not valid reasons and could not be defended at an appeal. The Senior Legal Adviser emphasised the need for Members to be clear on the reasons for refusal. With the agreement of the seconder, Councillor Les Kew therefore deleted reason 3). The revised motion was put to the vote. Voting: 10 in favour and 3 against.

Councillor Brian Webber left the meeting. There followed a short adjournment after which the Chair informed the meeting that the reasons for refusal needed to be revisited in that, by deleting reason 3), the healthy eating issues had also been deleted which was not the mover's intention. This aspect was therefore reinstated

and the vote retaken. Voting: 8 in favour and 3 against with 1 abstention. Motion carried.

Item 8 Land south of 73 Englishcombe Lane, Bath – Erection of a new dwelling
– The Case Officer reported on this application and her recommendation to Permit with conditions. She reported on a further condition to be added to the recommendation as regards the inclusion of an obscure glazed screen for the balcony.

The public speakers made their statements against and in favour of the proposal. Councillor Dine Romero made a statement expressing concerns about various issues and considered that a site visit would be advantageous.

Councillor Nicholas Coombes supported the proposal and considered that the building had a pleasing appearance. Some of the concerns raised were covered by condition and others would come under Building Regulation control. He therefore moved the Officer recommendation which was seconded by Councillor Vic Pritchard. The Team Leader - Highway Development Control gave advice regarding access and turning circle requirements. The motion was then put to the vote. Voting: 10 in favour and 0 against with 2 abstentions. Motion carried.

Item 9 No 27 West Lea Road, Lower Weston, Bath – Provision of loft conversion and side and rear dormers (Resubmission) – The Case Officer reported on this application and her recommendation to refuse permission. The Ward Councillor Caroline Roberts informed the Committee that the owners' Architect had not informed them of the facility of speaking at the meeting and therefore enquired whether one of the owners could do so as he was present. The Committee decided to allow the owner to speak on this occasion.

The owner then made his statement in support of the proposal which was followed by a statement by the Ward Councillor Caroline Roberts who also supported the application.

Councillor Malcolm Lees supported the application and considered that the recommendation should be overturned. He therefore moved that the application be granted permission which was seconded by Councillor Liz Hardman.

Members debated the motion. Some Members felt that the Officer's assessment was correct as the dormer would be detrimental to the host building by virtue of its scale and design. Other Members considered that these issues were not significant enough to warrant refusing permission in this location a good distance away from the heritage part of the City. Also, dormers could be considered to be an economic use of space within a building.

Councillor Lees gave his reasons for overturning the recommendation, namely, the scale and design of the dormer would be subservient to the host building and would not be detrimental to the street scene. The motion to Permit was then put to the vote. Voting: 6 in favour and 5 against with 1 abstention. Motion carried.

(Note: At this point in the proceedings (6.40pm), the Committee adjourned for 20 minutes for Tea)

36 TREE PRESERVATION ORDER - 29 FLATWOODS ROAD, CLAVERTON DOWN, BATH

Referring to the Minutes of the meeting held on 18th January 2012, the Senior Arboricultural Officer submitted a report on a new Tree Preservation Order at 29 Flatwoods Road which (1) informed of an objection to the inclusion of one tree within this group of beech; and (2) recommended that the Order be confirmed without modification.

The Senior Arboricultural Officer reported on the matter by means of a power point presentation. The owners of the property nearest the tree made their statements against the inclusion of the tree in the Order. The Officer responded to Members' queries.

Members debated the matter. Councillor Eleanor Jackson considered this to be a beautiful row of trees and felt that, as long the tree was not hollow or diseased, it should be fairly healthy. She therefore moved the Officer recommendation which was seconded by Councillor David Martin.

Members debated the motion. Various issues were discussed. There were some concerns regarding the roots affecting drains and foundations. However, some Members considered that the tree added to the appearance of the row of trees and also the owners could seek consent for any work to the tree that may be required in the future. The Chair summed up the debate and put the motion to the vote.

RESOLVED to confirm without modification the Tree Preservation Order entitled "Bath and North East Somerset Council (29 Flatwoods Road, Claverton Down, Bath No 267A) Tree Preservation Order 2012"
(Voting: 7 in favour and 5 against)

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

To note the report

38 UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY, BATH

Referring to the Minutes of the meeting held on 9th May 2012, the Committee considered the joint report of the Divisional Director of Planning and Transport Development and the Planning and Environmental Law Manager which (i) informed Members of appeals lodged against the Enforcement Notices that had been served on 30th May and which Notices were therefore now held in abeyance; (ii) attached a Timetable provided by the owner's Agents for progression of an application for a Residual Waste Facility (RWF) on the site through to its implementation; (iii) stated that the owners had asked whether the Council would make a joint application to the Planning Inspectorate for the appeals to be held in abeyance pending the Council's consideration of the application for a RWF in accordance with the Timetable; (iv) set out the Officers' comments on the request; and (v) recommended that, in the circumstances, the Committee agree to making such a joint application to the Planning Inspectorate with the Council reserving the right to reinstate the appeals if there was any failure on the owner's part to comply with the Timetable for implementation of a RWF or the outline planning application was refused.

The Planning and Environmental Law Manager reported on the issues in the Report stating that, if the Timetable set out in Annex A of the Report was adhered to, the unauthorised development on the site would be resolved sooner than if the appeals were to go ahead. The Council would have a RWF on the land fulfilling the Council's allocation in the Joint Waste Core Strategy (JWCS). She referred to representations received from the owner's Agents, a local resident and from Harrison Grant, Solicitors acting on behalf of Protect Bath. The public speakers made their statements on the matter.

Councillor Bryan Organ considered that there should be no further delays in taking action and therefore moved that the request for the appeals to be held in abeyance be refused. There followed some questions and discussion by Members after which Councillor Nicholas Coombes seconded the motion.

Members debated the motion. There were differing views as to whether to agree to the request to hold the enforcement appeals in abeyance. Reference was made to the site being allocated for a RWF in accordance with the JWCS and concerns were expressed that there was no guarantee that permission would be granted. It was queried why the appeals and the application for a RWF could not be progressed at the same time ie in tandem. However, this was not on offer. The Divisional Director emphasised that the enforcement action was not being revisited and that the appeals would only be held in abeyance pending the Council's determination of the planning application. The recommended action was an opportunity to deliver a RWF on the site, which is the Council's policy, and to achieve compliance with planning issues earlier than originally anticipated.

Some Members felt that the enforcement appeals should not be held in abeyance and that there should be no further delays. Councillor Coombes said that he felt the appeals would result in a certain outcome as opposed to an uncertain outcome if the appeals were held in abeyance. Other Members felt that agreeing to the suggested Timetable was a measured way forward and would save time and money for both parties and result in a RWF being provided in accordance with the JWCS which would resolve the situation at an earlier date. Councillor Les Kew considered that it would be useful to have regular reports to the Committee on progress.

The Divisional Director and the Planning and Environmental Law Manager reported on the issues and responded to Members' queries. The Chair summed up the discussion.

The motion to refuse the request to hold the appeals in abeyance was put to the vote. Voting: 4 in favour and 7 against. Motion lost.

Councillor Les Kew moved the Officer recommendation but with the additional requirement that a monthly report go to the Committee on progress. This was seconded by Councillor Doug Nicol and put to the vote.

RESOLVED that (1) the Council make a joint application to the Planning Inspectorate that the appeals be held in abeyance pending the Council's consideration of the planning application in accordance within the Timetable, with the Council reserving the right to reinstate the appeals if (i) there is any failure on the owner's part to comply with the Timetable for implementation of the Residual Waste

Facility as set out in the Annex to the report; or (ii) the Outline planning application is refused; and (2) monthly progress reports be submitted to the Committee.
(Voting: 7 in favour and 4 against)

The meeting ended at 8.25 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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**SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL
MEMBERS OF THE PUBLIC WHO MADE A STATEMENT AT THE
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON
WEDNESDAY 1ST AUGUST 2012**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISIT/REPORT 10		
Paulton Engine, Hanham Lane, Paulton (Pages 31-46)	Dorothy Church <u>AND</u> Andy Parker	Against – To share 3 minutes
	Jonathan Hetreed <u>AND</u> Sheila Hetreed (Applicants)	For – To share 3 minutes
MAIN PLANS LIST REPORT 11		
Land rear of 79 London Road West, Bath (Item 4, Pages 77-92)	Charlotte Watkins, LP Planning (Objectors' Agents)	Against
	Chris Dance, LPC Planning Ltd (Applicants' Agents)	For
Fairash Poultry Farm, Compton Martin Road, West Harptree (Item 6, Pages 100-107)	Cherry Daly	Against
	John Casselden, Arcon Architects (Applicants' Agents)	For
Little Chef, Bristol Road, Farrington Gurney (Item 7, Pages 107-115)	Mike Hedges, Chairman, Farrington Gurney Parish Council	Against
	Gary Lewis	Against
Land south of 73 Englishcombe Lane, Bath (Item 8, Pages 116-125)	Robert Hales <u>AND</u> Chris Blagdon	Against – To share 3 minutes
	Melanie Gwilliam (Applicant)	For
27 West Lea Road, Lower Weston, Bath (Item 9, Pages 126-130)	John Baker (Applicant)	For
TREE PRESERVATION ORDER/REPORT 12		
29 Flatwoods Road, Claverton Down, Bath	Siobhain Archer <u>AND</u> Garry Pratt	Statements
FORMER FULLERS EARTHWORKS REPORT 14	Peter Duppa Miller, Clerk to Combe Hay Parish Council	Statements
	Caroline Kay, Bath Preservation Trust	
	Trevor Osborne	

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

1st August 2012

DECISIONS

Item No:	01	
Application No:	12/00879/FUL	
Site Location:	Paulton Engine, Hanham Lane, Paulton, Bristol	
Ward: Paulton	Parish: Paulton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Extension and alteration of existing 3 bed house to provide 2 further bedrooms and dining room and demolition of 1960s single storey bathroom extension; reconstruction of roofless outbuilding to provide garage, workshop & studio over; erection of pair of semi-detached 2-bed holiday cottages; repair of derelict pigsties to provide potting sheds with bat loft; rebuilding of derelict stable; roofing & repair of 2 walls as open woodshed; lean-to greenhouse to replace kennels; rubbish clearance within site and landscape improvements.	
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Public Right of Way, Sites of Nature Conservation Imp (SN),	
Applicant:	Jonathan & Shelagh Hetreed	
Expiry Date:	22nd June 2012	
Case Officer:	Andrew Strange	

DECISION Delegate to permit subject to S106 agreement and conditions and no new planning issues being raised as a result of advertising this application as a Departure

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

1 st August 2012

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

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	12/01730/FUL	14-16 Monmouth Place City Centre Bath

Comments have been received from English Heritage. They make observations as follows. There is no objection to the development in principle. Authenticity and attention to detailing will be important. The roof profile is a departure from what might be expected and the authority should verify that such treatment is verified.

Officers response.

It has been demonstrated following former approvals that a traditional double pitch roof would not provide adequate amenity to adjoining occupants. Therefore the design approach has to be considered the balance to be made is whether the development overall taking account of the streetscape benefits are acceptable. The Historic Buildings Officer has raised no objection and the proposed development in this case is considered acceptable in design terms the overall benefits of infilling this gap being over riding.

Recommendation

As per the main agenda

Item No.	Application No.	Address
05	12/00637/FUL	Charlcombe Homes Ltd Land rear of 79 London Road West Bailbrook Lane Lower Swainswick Bath

REPRESENTATIONS

ECOLOGICAL OFFICER: The additional information addresses all of my concerns.

- Reptile surveys have been completed
- additional consideration has been given to lighting, and impacts of the proposal on bats of the SAC and I am satisfied that there is no risk from the proposal of a likely significant effect on bats of the SAC.
- Planting and habitat creation proposals have been strengthened

I have no objection to the scheme subject to a condition securing the implementation of all the recommended measures set out in the ecological reports, including those now shown in Figure 1: Habitat Management and proposed Darkened Areas for Bats (dated May 2012). The range of measures shown in Figure 1 will need to be incorporated into plans for landscape proposals.

URBAN DESIGNER: The site itself is described accurately in the submitted Design and Access Statement. The principle of some development of this site is acceptable. Even with some visual impact on longer views the hillside is characterised by houses in the landscape. Development here could continue this.

The repetition of the same L shaped house form sets up a suburban character contrary to the local variety and hillside layers of development found in local housing. This will be visible from above at the point of access and over the Bailbrook Lane boundary wall.

The scale of the proposed houses is overall acceptable. Whilst the DAS doesn't carry out a local character analysis, up to three storey frontages are achieved on hillside frontages.

The units are sub-divided into distinct elements breaking the mass down. Traditional pitched roofs are acceptable. However the L shaped massing does not draw upon the local context of building along contours and creates a potentially uncomfortable bulky mass from Bailbrook Lane. The widened access will harm the character of Bailbrook Lane.

There is variety of form and architecture in this part of Bath, reflecting the organic semi-rural setting. This creates the opportunity for different styles within a pallet of local materials.

Whilst the architecture style and materials may be the basis of a successful scheme, the current proposal is considered harmful because of the repetition of a single building form contrary to local character.

ECOLOGY:

Bats are protected by European law which means that the Council, in its function as the local planning authority, must have regard to the requirements of the Habitats Directive when considering whether to grant planning permission. If the development would involve the deterioration or destruction of a breeding site or resting place for bats, or would cause deliberate disturbance to bats, then Article 12 of the Directive will be engaged and permission must not be granted unless the Committee is satisfied that the derogation tests under Article 16 are met. No roosts exist on the site therefore the destruction or disturbance of Bats within the site is unlikely and the three tests do not apply. However the ecological assessments submitted note the proximity of the site to the SAC (Special Area of Conservation), and location of the site within the feeding zone for bats of the SAC. Impacts on feeding grounds for bats of the SAC must therefore be considered under the Habitats Directive and must consider whether the proposed development will have a 'likely significant affect' on the SAC.

Use of boundary vegetation as bat flight-lines is addressed in the supporting information and recommendations are made for native planting that will retain and create linear vegetation features, which can be used as flight-lines for bats and these have been incorporated into the scheme and additional information has been received in relation to lighting and retaining dark corridors along boundary vegetation to enable continued use as bat flight lines and the impact on bats of the SAC regarding potential loss of feeding habitat. Measures are proposed to ensure that no disturbance is caused and a condition will be attached to secure these. Subject to this condition, it is considered that the information provided is considered to demonstrate that there will not be a significant effect on bats of the SAC.

Condition 19: The development shall not be occupied until all of the recommended measures set out in the Extended Phase I Habitat Survey date stamped 10th February 2012, Additional Ecology Information date stamped 17th May 2012, the Habitat Management Plan date stamped 18th May 2012 and the Reptile Survey date stamped 7th June 2012 (including those now shown in Figure 1: Habitat Management and proposed Darkened Areas for Bats) or otherwise agreed in writing have been implemented on the land to the written satisfaction of the local planning authority.

Reason: to ensure that the conservation status of the SAC is preserved and/or enhanced in accordance with national and European legislation and current policy.

Item No.	Application No.	Address
05	11/05081/RES	Clutton Hill Industrial Estate, King Lane, Clutton

The Committee report omits a summary of the Reasons for Approval as required by Article 31(1) of the Town and Country Planning (Development Management Procedure) Order 2010

Reasons for Approval

The decision to recommend approval has taken account of relevant policies set out in the Development Plan and National Planning Policy Framework. The decision has also been taken into account other material considerations including emerging policy set out in the Draft Core Strategy and the responses from statutory consultees and other interested parties.

The proposed development is in accordance with policies GB.1, GB.3, D.2, D.4, NE.10, NE.11 and T.24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

It is considered that by virtue of the scale, layout and design of the proposed buildings within a designated Major Existing Developed Site the proposed development is acceptable and in accordance with policies GB1 and GB3 of the adopted Local Plan and will not have a significantly greater impact on the purposes of including land in the Green Belt from that approved in outline (ref. 08/01079/OUT granted 20 May 2009).

The site access conforms with the layout approved under the outline planning permission (ref. 08/01079/OUT granted 20 May 2009) and is in accordance with Policy T.24 of the adopted Local Plan. The design of the buildings and landscape strategy is considered to be acceptable and in accordance with policies D2 and D4 of the adopted Local Plan.

Subject to implementation of measures to safeguard protected species the development will be in accordance with policies NE10 and NE11 of the adopted Local Plan.

Item No.	Application No.	Address
07	12/01762/FUL	Little Chef Bristol Road Farrington Gurney

The objections to the scheme include the impact of the proposed development on the local primary school's Healthy School status and encouragement of unhealthy eating habits.

Although there are no specific development plan policies, the NPPF refers to the need for the planning system to perform a number of roles including a social role, that includes the creation of a high quality built environment, with accessible local services that reflect the community's needs and support its **health**, social and cultural well-being. The NPPF also sets out 12 core land use planning principles, including that planning should take account of and support local strategies to improve health. It also recognises that the planning system has an important role in creating healthy, inclusive communities.

The guidance in the NPPF and case law confirms that the impact of the proposed use on the school's social objective of promoting healthy eating is a material consideration.

However, this site is on a main road and is away from the existing primary school that is just over 400m away from the site. It is therefore unlikely to specifically attract children, other than when accompanied by parents/carers outside school hours.

There are no other hot food takeaways in the village and the proposal is not therefore likely to lead to a proliferation of such uses in the area that might undermine the school's Healthy Schools Plus award or Health Schools status.

Although objectors have made reference to a specific operator, none is named within the application and the proposals must be determined on the basis of land use planning considerations, rather than the nature of any specific operator.

In the above context, the proposals are unlikely to undermine the core land use planning principles in the NPPF or materially undermine the local school's healthy eating status and are therefore acceptable.

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

1st August 2012

DECISIONS

Item No	01	
Application No:	12/01730/FUL	
Site Location:	14 - 16 Monmouth Place, City Centre, Bath, Bath And North East Somerset	
Ward: Kingsmead	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 7no. three-storey plus basement, three bed houses following demolition of existing vacant shop units.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,	
Applicant:	Ashford Homes Ltd	
Expiry Date:	28th June 2012	
Case Officer:	Sarah James	

DECISION

A Authorise the Planning and Environmental Law Manager to enter a Section 106 Agreement to cover the following;-

- 1) £6,000 for the improvement of local public transport infrastructure.
- 2) £28,430.13 for education provision in accordance with the advice of the education officer
- 3) Works to upgrade the paving in front of the site to match the adjoining pavements to a specification agreed in writing with the local planning authority in consultation with the highway authority.
- 4) A contribution of £17,360.50.toward off site open space provision / improvement

B Subject to the prior completion of the above agreement, authorise the Divisional Director for Planning and Transport Development to PERMIT subject to the following conditions

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

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

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

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

3 No development shall commence until samples of the materials to be used in the construction of the external surfaces, including roofs, and boundary walls, 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: To safeguard the character and appearance of the Listed Building and the Conservation Area and World Heritage Site.

4 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.

Reason: To protect occupants from external noise.

5 Areas of the external walls shown on the submitted drawings to be rendered shall be rendered a colour and texture which has been submitted to and approved in writing by the Local Planning Authority before any work commences.

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

6 Prior to the commencement of development at the site details of a Construction Management Plan for all works of construction and demolition including management of construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully complied with during the construction of the development.

Reason: In the interests of the amenities of adjacent residential properties and highway safety.

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

The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

A survey of the extent, scale and nature of contamination;

An assessment of the potential risks to:

human health,

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

Adjoining land,

Groundwater's and surface waters,

Ecological systems,

Archaeological sites and ancient monuments;

An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological

systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 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.

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

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

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 8 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 no.9

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.

11 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.'

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological

systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

12 No removal of buildings or structures shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no building or structure shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme.

Reason : In the interests of protecting wildlife

13 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.

14 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.

15 No dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected in accordance with the approved plans and thereafter retained. the boundary treatments as approved shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of privacy and/or visual amenity.

16 The proposed windows in the rear elevation of the building identified to be obscure glazed on drawing 3526/010 shall be non-opening and glazed with obscure glass and permanently retained as such.

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

17 No works or deliveries required to implement this development shall take place outside the hours of 8.00 am - 6.00 pm Monday to Friday 8.00am to 1.00 pm Saturdays and at no time on Sundays or bank Holidays.

Reason: In the interest of the amenity of adjoining residents

18 Prior to the commencement of the works subject of this consent details of the following matters (in respect of which approval is expressly reserved) shall be submitted and approved in writing by the Local Planning Authority:

1) Sample of roofing materials to include ridge tile.

- 2) Sample panel of external walling to note natural limestone ashlar, coursing and jointing. Lime putty mix to be used.
- 3) Sample panel of render to include type and colour finish.
- 4) Details of door furniture for front, north elevation.
- 5) Colour scheme for external doors and windows, to include shopfront.
- 6) Location of gas/electricity meter inspection boxes.
- 7) Large scale details of natural stone cornice for parapets, plant bands and joinery detail.
- 8) Details of bonding/size of ashlar blocks to be noted on large scale elevation drawings of the development.
- 9) Height and bonding/size of ashlar blocks for chimney stacks.
- 10) Large scale window details at 1:20

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

19 Prior to first occupation of the dwellings hereby approved provision shall be made within the site for the suitable storage of bicycles and bins in accordance with details that have been submitted and approved in writing by the local planning authority.

Reason : In the interest of residential amenity and to promote sustainable travel.

PLANS LIST:

PLANS LIST:

Site location Plan 3526/001 B , 3526/002 A, 3526/003 A, 3526/004 A, 3526/010 B, 3526/006

Reasons for granting approval - The proposed development would enhance the Conservation area and World Heritage Site by sensitive infilling within the street scene. The development by virtue of its design would not be harmful to the listed building. It would create no unacceptable highway impact as the site is in a sustainable City location. It has no impact on ecology including any European Sites as no ecology of significance is present. It would provide needed new residential housing. The development has been tested to ensure that adjoining residents have adequate levels of light and it is an appropriate use so as to not be harmful to the amenities of existing residential occupiers. The development would be constructed of high quality materials and in this central location would provide a good standard of accommodation for new occupiers.

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during the construction and site clearance.

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.

Item No:	02
Application No:	12/01731/CA
Site Location:	14 - 16 Monmouth Place, City Centre, Bath, Bath And North East Somerset
Ward: Kingsmead	Parish: N/A LB Grade: N/A
Application Type:	Conservation Area Consent
Proposal:	Demolition of existing vacant shop units.
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
Applicant:	Ashford Homes Ltd
Expiry Date:	28th June 2012
Case Officer:	Varian Tye

DECISION CONSENT

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

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

2 No demolition shall take place until (a) a contract for the carrying out of redevelopment of the site has been made; and (b) planning permission has been granted for the redevelopment for which that contract provides.

Reason. To safeguard the character and appearance of the Conservation Area , World Heritage site and setting of listed buildings.

3 No demolition/removal of buildings or structures shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no building or structure shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme

Reason: To protect nesting birds.

4 Any works necessary to stabilise or make good the two adjacent listed buildings, numbers 14 and 16 A Monmouth Place, and their basements and cellars, shall be undertaken in natural materials to match existing and traditional lime mortar pointing, within two calendar months of adjacent demolition taking place unless otherwise agreed in writing with the local planning authority.

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

PLANS LIST:

Plans numbered 3526/001 REVB, 002REVA, 003 REVA, 004REVA, 005 , 006, 010 REVB, 020, 021, 022,030, 031, noise assessment, sustainable check list, Design and Access Statement incorporating a Statement of Historic Significance date stamped the 17th April,, 3rd May and 25th June

FOOTNOTE:

For the avoidance of doubt this consent refers only to the demolition of the existing vacant units on the site as noted in the description of works attached to this application.

REASONS FOR GRANTING CONSENT

The decision to grant consent subject to conditions has been made in accordance with relevant legislation, National Planning Policy Framework, the Historic Environment Planning Practice Guide by English Heritage, and appropriate policies from the Local Plan. The modern single storey buildings proposed to be demolished on the application site are of no merit and detract from the character of the Conservation Area, World Heritage Site and the setting of listed buildings. The proposals will therefore preserve or enhance the character and appearance of the Conservation Area, World Heritage Site, and the setting of listed buildings

Item No:	03
Application No:	12/01741/LBA
Site Location:	14 - 16 Monmouth Place, City Centre, Bath, Bath And North East Somerset
Ward: Kingsmead	Parish: N/A LB Grade: N/A
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Erection of 7no. three-storey plus basement, three bed houses following demolition of existing vacant shop units.
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
Applicant:	Ashford Homes Ltd
Expiry Date:	28th June 2012
Case Officer:	Varian Tye

DECISION CONSENT

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

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

2 Prior to the commencement of the works subject of this application a sample of the natural slate and ridge tiles to be used shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved sample panel.

Reason. To safeguard the character and appearance of the listed buildings and their setting, and the character of the Conservation Area and the World Heritage Site.

3 Prior to the erection of the external walls a sample panel of the natural ashlar stonework and the stone rubble wall to be erected at the rear of the site shall be erected on site and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved sample panel.

Reason: To safeguard the character and appearance of the listed buildings and their setting and the character of the Conservation Area and the World Heritage Site.

4 Existing openings to be blocked up in 14 and 16 A Monmouth Place shall have a traditional lime plastered internal finish.

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

5 Any works necessary to stabilise or make good the two listed buildings, numbers 14 and 16 A Monmouth Place, and their basements and cellars, shall be undertaken in natural materials to match existing and traditional lime mortar pointing, within two calendar months of adjacent demolition taking place unless otherwise agreed in writing with the local planning authority.

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

PLANS LIST:

Drawing(s) documents, 3526/001 REVB, 002REVA, 003 REVA, 004REVA, 005 , 006, 010 REVB, 020, 021, 022, 030, 031, noise assessment , sustainable check list, Design and Access statement incorporating a Statement of Historic Significance date stamped the 18th April,, 3rd May and 26th June 2012.

FOOTNOTE.

You are advised that this consent does not override any interests that third parties may have regarding civil matters such as ownership , covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land.

REASONS FOR GRANTING CONSENT

The decision to grant consent subject to conditions has been made in accordance with relevant legislation, National Planning Policy Framework and the Historic Environment Planning Practice Guide by English Heritage. The works by virtue of their location, design, detailing and use of materials, will preserve the building, its setting and its features of special architectural or historic interest and will preserve or enhance the character and appearance of the Conservation Area and World Heritage Site.

Item No:	04	
Application No:	12/00637/FUL	
Site Location:	Land At Rear Of 79 London Road West, Bailbrook Lane, Lower Swainswick, Bath	
Ward: Lambridge	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of four detached dwellings.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Hotspring Protection, Tree Preservation Order, World Heritage Site,	
Applicant:	Charlcombe Homes Ltd	
Expiry Date:	9th April 2012	
Case Officer:	Rebecca Roberts	

DECISION: REFUSE

1. The proposed development, by reason of the loss of an open green space would represent inappropriate development which would be detrimental to the character and appearance of this part of the Conservation Area. The proposal is therefore contrary to policy D.4 and BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste polices) 2007.
2. By reason of its restricted width and sub-standard junction with the proposed development, Bailbrook Lane is considered unsuitable to serve as a means of access to the proposed development and together with conflicting traffic movements on Bailbrook Lane, generated by the proposed development, the development would be prejudicial to road safety, contrary to policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste polices) 2007.

PLANS LIST:

This decision relates to drawing no's 2, 4, 6,8, 9, Design and Access Statement, Planning Statement, Landscape and Visual Impact appraisal, Extended Phase I Habitat Survey and Transport Statement date stamped 10th February 2012, the Arboricultural Implications Assessment date stamped 18th April 2012 and drawing no's 5A, 7A, the Site Location Plan and Additional Ecology Information date stamped 17th May 2012, the Habitat Management Plan date stamped 18th May 2012, the Reptile Survey date stamped 7th June 2012 and the Nicholas Pearson Associates letter date stamped 2nd July 2012.

Item No:	05
Application No:	11/05081/RES
Site Location:	Clutton Hill Industrial Estate, King Lane, Clutton, Bristol
Ward: Clutton	Parish: Clutton LB Grade: N/A
Application Type:	PI Permission (Approval Reserved Matters)
Proposal:	Approval of reserved matters with regard to outline application 08/01079/OUT (Infill development of part of existing site with 6no. small industrial buildings and revised access)
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
Applicant:	Clutton Hill Agricultural Services Limited
Expiry Date:	8th March 2012
Case Officer:	Gwilym Jones

DECISION Approve

1 Prior to first occupation of the development the measures set out in the Operational Statement (received 22 February 2012) shall be implemented in full and permanently maintained thereafter.

Reason - In the interests of highway safety.

2 The development shall be undertaken in accordance with the recommendations of the Protected Species Surveys (June 2012).

Reason: To avoid risk of harm or disturbance to protected species.

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 drawings and documents: Location Plan (received 22 February 2012); Block Plan Revision B (received 22 February 2012); 51415/01/001 Rev.C; CHAS.LS.01.B; Hard Landscaping Plan (received 28 November 2011); Protected Species Surveys (June 2012).

The applicant's attention is drawn to the need to comply with all relevant conditions imposed on the grant of outline planning permission (08/01079/OUT) prior to commencement/first occupation the approved development as specified.

Reasons for Approval

The decision to recommend approval has taken account of relevant policies set out in the Development Plan and National Planning Policy Framework. The decision has also been

taken into account other material considerations including emerging policy set out in the Draft Core Strategy and the responses from statutory consultees and other interested parties.

The proposed development is in accordance with policies GB.1 (Control of development in the Green Belt), GB.3 (Major Existing Developed Sites), D.2 (General design and public realm considerations), D.4 (Townscape considerations), NE.10 (Nationally important species and habitats), NE.11(Locally important species and habitats), T.24 (General development control and access policy) of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

It is considered that by virtue of the scale, layout and design of the proposed buildings within a designated Major Existing Developed Site the proposed development is acceptable and in accordance with policies GB1 and GB3 of the adopted Local Plan and will not have a significantly greater impact on the purposes of including land in the Green Belt from that approved in outline (ref. 08/01079/OUT granted 20 May 2009).

The site access conforms with the layout approved under the outline planning permission (ref. 08/01079/OUT granted 20 May 2009) and is accordance with Policy T.24 of the adopted Local Plan. The design of the buildings and landscape strategy is considered to be acceptable and in accordance with policies D2 and D4 of the adopted Local Plan.

Subject to implementation of measures to safeguard protected species the development will be in accordance with policies NE10 and NE11 of the adopted Local Plan.

Item No:	06
Application No:	12/02165/OUT
Site Location:	Fairash Poultry Farm, Compton Martin Road, West Harptree, Bristol
Ward: Mendip	Parish: West Harptree LB Grade: N/A
Application Type:	Outline Application
Proposal:	Erection of 3no. dwellings following demolition of existing poultry farm (revised resubmission).
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,
Applicant:	Mr Peter Wood
Expiry Date:	18th July 2012
Case Officer:	Alice Barnes

DECISION REFUSE

1 The proposed development has been located outside of the housing development boundary, remote from existing settlements and poorly served by public transport. The housing will not be used for either forestry or agriculture. The proposed development is therefore contrary to policy HG.10 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

2 The proposal is located remote from services, employment opportunities and is not well served by public transport. The proposal is therefore contrary to policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

3 The provision of housing within the open countryside will harm the natural beauty of the surrounding Mendip Area of Outstanding Natural Beauty. The proposed is therefore contrary to policies Ne.1 and Ne.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

PLANS LIST: Site location plan, Existing site layout 10, Proposed site layout 11, Site section 12

Item No:	07
Application No:	12/01762/FUL
Site Location:	Former Little Chef, Bristol Road, Farrington Gurney, Bristol
Ward: High Littleton	Parish: Farrington Gurney LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use from restaurant (A3) to restaurant and takeaway (A3 and A5).
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
Applicant:	Ms Nicola Davies
Expiry Date:	3rd July 2012
Case Officer:	Andrew Strange

DECISION Refuse

(Full wording of reasons awaited)

Item No:	08
Application No:	12/01610/FUL
Site Location:	Land At South Of No 73, Englishcombe Lane, Southdown, Bath
Ward: Oldfield	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a new dwelling.
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Mrs Melanie Gwilliam
Expiry Date:	11th June 2012
Case Officer:	Alice Barnes

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

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

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

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

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

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

5 No site works or clearance shall begin until a scheme for protection of trees and other existing or proposed landscape areas to British Standard 5837:2005 has been submitted to and approved in writing by the Local Planning Authority. The approved protection scheme shall be implemented before the development is begun and shall not be removed until the development has been completed. Protected areas shall be kept clear of any buildings, plant, material, debris and trenching. Existing ground levels maintained within protected areas. There shall be no entry to protected areas except for approved arboricultural or landscape works.

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

6 No development shall take place within the application site until a programme of archaeological work has been undertaken in accordance with a detailed written scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority, and the completion of the approved programme of work has been confirmed in writing by the Local Planning Authority.

Reason: To ensure that archaeological deposits and structures are investigated and recorded to an appropriate professional standard.

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

- (i) measures to avoid harm to protected species including details of a watching brief by a suitably experienced ecologist and proposals for a destructive search for reptiles
- (ii) measures to avoid harm to nesting birds
- (iii) details of replacement and new habitat features such as bird and bat boxes and native planting

as in the recommendations of section 7 of the submitted Extended Phase 1 Habitat Survey Report Aether Ecology 13 June 2011 and section 6 of the submitted Reptile Survey & Translocation Report Aether Ecology 17th October 2011. All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

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

8 Notwithstanding the submitted plans the hedgerows on the east and west boundaries shall be retained. Should the existing hedgerows, 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.

Reason: In the interests of ecological protection.

9 Prior to the commencement of development at the site details of a Construction Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall comply with the guidance contained in the Councils Code of Construction Site Noise practice note and the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

10 The proposed windows on the east side elevation at first floor level shall be glazed with obscure glass and permanently retained as such.

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

11 Notwithstanding the information shown on the submitted plans, application form and design and access statement, obscure screening to a height of 2m from floor level, should be constructed on the east elevation of the proposed first floor balcony and permanently retained as such in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority before works commences on site.

Reason: In the interests of residential amenity.

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

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

PLANS LIST: As existing site location plan S-01;As existing site plan S-02; As existing section AA; Proposed site plan P-01 rev A; Proposed ground floor plan P-02 rev A; Proposed first floor plan P-03 rev A; Proposed roof plan P-04 rev A; Proposed section AA P-05 rev; Proposed north elevation P-06 rev A; Proposed east elevation P-07 rev A; Proposed south elevation P-08 rev A; Proposed west elevation P-09; Proposed footprint comparison P-20 rev A; Proposed outline comparison P-21 rev B, Proposed landscape and boundary treatment P-22 rev A

REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the street scene or the amenity of the surrounding residential occupiers. The proposed development has provided adequate of street parking and on site turning facilities. Therefore there will be no harm to highway safety. The proposed development uses an appropriate design and materials and therefore will preserve the character of this part of the Conservation Area and World Heritage Site.

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

A.

D2, D4, Bh.1, Bh.6, HG.4 and T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Informative

The applicant is advised to contact Building Control on 01225 477517 to discuss the impact of the permitted development on the stability of the land.

Item No:	09		
Application No:	12/02482/FUL		
Site Location:	27 West Lea Road, Lower Weston, Bath, Bath And North East Somerset		
Ward:	Newbridge	Parish:	N/A
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Provision of loft conversion and side and rear dormers (Resubmission).		
Constraints:	Agric Land Class 1,2,3a, Forest of Avon, Hotspring Protection, World Heritage Site,		
Applicant:	Mr And Mrs J Baker		
Expiry Date:	13th August 2012		
Case Officer:	Alice Barnes		

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/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 plans 01; Proposed plans 02; Side elevation, all date stamped 1st June 2012

REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the streetscene or the amenity of the surrounding residential occupiers. Due to the use of matching materials and a subservient design the proposed development will not cause undue harm the character and appearance of the surrounding World Heritage Site. The proposed development will respect and complement the host dwelling.

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

A.

D2, D4 and Bh.1 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	29th August 2012
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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

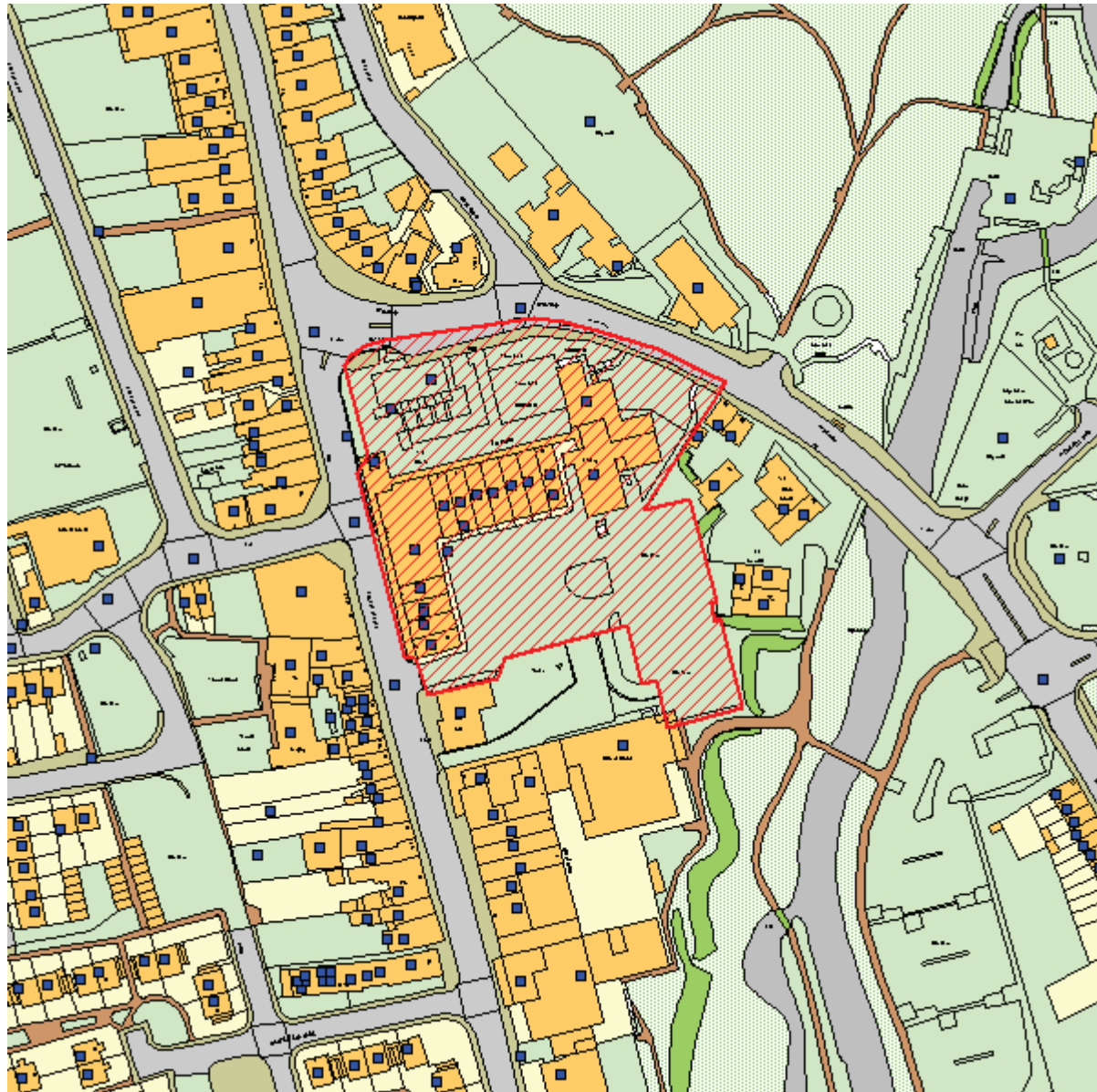
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	12/00972/REG04 7 June 2012	Bath & North East Somerset Council Town Hall, The Centre, Keynsham, Bristol, Bath And North East Somerset Erection of new buildings to provide offices, library, one stop shop, retail with associated highway works; new public realm works and landscaping following the demolition of all the buildings currently on site (excluding the multi storey car park, which will be extended)	Keynsham South	Mike Muston	PERMIT
02	12/02241/FUL 14 August 2012	Mrs Lisa Motton 28 Uplands Road, Saltford, Bristol, Bath And North East Somerset, BS31 3JJ Erection of a replacement dwelling.	Saltford	Andrew Strange	PERMIT
03	12/02210/FUL 13 July 2012	Mr Collins 11 Fairfield View, Ragland Lane, Fairfield Park, Bath, Bath And North East Somerset Provision of a loft conversion to include the installation of 1no. rear flat dormer and front rooflights.	Lambridge	Alice Barnes	REFUSE
04	12/02734/FUL 6 September 2012	Mr Michael Hayward Hampton Cottage, Tow Path Kennett And Avon Canal, Bathampton, Bath, Bath And North East Somerset Use of 1no. room of dwelling as a physiotherapy treatment room (retrospective) (resubmission).	Bathavon North	Jonathan Fletcher	REFUSE
05	12/02496/FUL 2 August 2012	Mr Darren Collis 7 Bay Tree Road, Fairfield Park, Bath, Bath And North East Somerset, BA1 6NB Provision of loft conversion to include side and rear dormers and front rooflights (revised resubmission).	Walcot	Chris Griggs- Trevarthen	REFUSE

06	12/02729/FUL 10 September 2012	Mr & Mrs Christopher Mackenzie Sun House, Brassknocker Hill, Claverton Down, Bath, Bath And North East Somerset Erection of a bedroom extension to the west elevation and a conservatory to the east end of the house (amendments to application 99/01228/FUL).	Combe Down	Jonathan Fletcher	PERMIT
07	12/01857/FUL 24 July 2012	Hesketh Ventures Ltd Bubblers Dytych, High Street, Wellow, Bath, Bath And North East Somerset Erection of 2no detached two storey houses with attached garages following demolition of existing single storey house.	Bathavon South	Tessa Hampden	Delegate to PERMIT

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

Item No: 01
Application No: 12/00972/REG04
Site Location: Town Hall, The Centre, Keynsham, Bristol



Ward: Keynsham South **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Alan Hale Councillor Kate Simmons
Application Type: Regulation 4 Application
Proposal: Erection of new buildings to provide offices, library, one stop shop, retail with associated highway works; new public realm works and landscaping following the demolition of all the buildings currently on site (excluding the multi storey car park, which will be extended)

Constraints:	Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Housing Development Boundary,
Applicant:	Bath & North East Somerset Council
Expiry Date:	7th June 2012
Case Officer:	Mike Muston

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE

The application has significant implication for the regeneration of Keynsham and as such there is considerable public interest

DESCRIPTION OF SITE AND APPLICATION

The application site lies at the southern end of Keynsham's High Street and is bounded by Bath Hill to the north and Temple Street to the west. To the south is the fire station site and beyond that the Council's Riverside offices. To the east the land falls away to the River Chew and the surrounding park.

The site is within the defined town centre and the Keynsham (High Street) Conservation Area.

The Proposal

The application proposes the complete redevelopment of the site. All the existing buildings on site would be demolished, with the exception of the multi-storey car park, which would be extended. The proposal would provide the following new floorspace on the site:-

Offices (Use Class B1)	6,300 sq m
Library/One Stop Shop (Use Class D1)	1,180 sq m
Town centre uses (Use Classes A1, A2, A3, A4, A5)	1,940 sq m

The proposal would provide new Council offices, a free-standing library/one stop shop and units available for appropriate town centre uses. These would include a food store that would act as an anchor store at this end of Keynsham town centre. New areas of public realm would be created, including a central market square, a new street between the office and retail buildings and the library/one stop shop (leading towards the fire station and Riverside sites) and a new street leading through the development and down the hill to Bath Hill. The existing multi-storey car park on site would be retained and extended to provide car-parking to serve the scheme.

The main office/retail buildings are proposed to be three blocks of four storey buildings (3 floors of offices over a ground floor of town centre uses), with mono-pitched roofs facing south (accommodating arrays of photo-voltaic panels), linked by lighter weight narrower sections with flat roofs. The free-standing library/one stop shop would be a two storey flat-roofed building. The main materials proposed would be a combination of blue lias stone, brass cladding and copper aluminium cladding. Two additional floors would be added to

the top of the existing multi-storey car-park. The car park itself would be refurbished and provided with new timber infill cladding between floors.

RELEVANT HISTORY

None relevant to the current proposal, other than to note that the site was completely redeveloped with the existing buildings on site in the 1960s.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council - in response to the latest revised plans, commented as follows:-

The Planning and Development Committee support the amended plans (revision of the building line resulting in a wider footpath going up Bath Hill) pursuant to the current application.

Previously made the following comments:-

Are very much in support of the redevelopment of this site but do have some concerns. These are primarily as follows:

Design - feel that the proposed building does not reflect the character of the old market town. It is too boxy and square.

Deliveries - consider that delivery drivers may damage the proposed trees whilst making deliveries and would like to see restrictions on the timing of deliveries (Note - a condition is proposed to agree a Delivery Management Plan, which would restrict the timings of deliveries).

Play area - the TC do not wish to see a play area and feel it could lead to problems (Note - the "play area" is now intended to be an informal landscaped area).

Parking - concerned that the post Tesco parking survey may not be comprehensive and would like to see later data on parking in Keynsham.

Highways - the TC would like to be involved in discussions regarding all highway issues.

Environment Agency - No objections and recommend conditions

Wessex Water - No objections and recommend a condition

English Heritage - Understands that the proposal is part of a wider site aimed at regenerating the town centre and accepts that given the development proposed on site, it is not surprising that the outcome is challenging. Accepts that much will depend on the scale of the public benefits that flow from the proposal. In relation to the scheme, comments as follows:

The applicant accepts that the scheme will cause harm to the conservation area but maintains that this is less-than-substantial rather than substantial. In replicating some of

the defining characteristics of the existing development on the site the impacts of the existing scheme will also be replicated. In that the original scheme involved a substantial change in historic character so will the proposed, and while substantial change does not automatically equate to substantial harm there is such harm in this case by the very nature of the proposals relative to the historic character and appearance of the conservation area. It is fair to observe that the site was included in the conservation area when it was designated in 1997 and that it forms part of the area's character. The absence of a character appraisal at that time makes it difficult to speculate about the reasoning behind its inclusion but there is agreement that its contribution is negative and again this must therefore be seen as substantially negative. Perpetuation of harm through physical change, even without causing greater harm, still falls short of enhancement and compliance with policy 137 of the NPPF.

Concludes by maintaining the view that the proposals will cause substantial harm to the character and appearance of the conservation area.

Police Crime Prevention Adviser - No objections

Environmental Protection - No objections and recommend a condition

Contaminated Land - No objections and recommend conditions

Environmental Services - Objected to the originally submitted Air Quality assessment as incomplete - no comments received at the time of drafting this report on the subsequently submitted complete version.

Highways - were initially concerned about some of the proposals for altering the highway network in Keynsham. In response to the revised proposals, which no longer include changes to the wider network, comment as follows:-

Traffic Impact - notes that discussions have been on-going with the applicants' agents to agree transport modelling. Points out that the modelling shows the likely impact of traffic generated on the local and wider network, and is a mechanism by which a professional judgement can be made of the effect of these increased movements. It is important to bear in mind that these assessments consider the future movement of all traffic around the highway network (with appropriate growth factors added) not just that resulting from development. Notes that the modelling gives the following results:-

2014, with Riverside remaining as offices – queues and delays will result during the morning peak hours on Bath Road, Ashton Way and High Street. During the afternoon peak delays also appear on Avon Mill Lane, Bristol Road and Station Road

2014, with Riverside developed as residential – in the morning nominal queues form on Bath Road and High Street, which dissipate fairly quickly, with a similar impact during the afternoon peak hour.

All assessments of the 2022 scenario showed the highway network being significantly adversely affected, although the residential option less so.

Concludes on traffic impact that in terms of the impact on the highway network there would be no objection to the proposals if the Riverside building residential development could be guaranteed, which it cannot be. There is greater risk of congestion and delay with this building remaining in its current use as offices. Depending on the future of the Riverside building, immediate mitigation for the development may not therefore be

considered necessary, but in any scenario it will be required in the medium/long term, especially when other significant development in the area is considered. The applicant has therefore committed a sum of up to £700,000 towards future town centre traffic management, public realm and sustainable transport infrastructure. Mitigation in the form of a contribution will allow a more holistic approach to improvements the town centre and beyond, as the on-going impact of the development is monitored possibly in the form of a wider master plan and in the context of other committed and future significant development in the town.

Travel Plan - The Travel Plan submitted has been worked-up in liaison with Transportation Planning colleagues and is considered by them to be acceptable and compliments the Bath and North East Somerset Council Corporate Travel Plan currently being developed. A condition is recommended to ensure the development operates in accordance with the approved Travel Plan.

Parking - Consideration of this issue is once again greatly influenced by the future use of the Riverside building. If it remains as offices, the T.A. shows that there is likely to be insufficient appropriate capacity i.e. while overall parking capacity in Keynsham is shown to be available, this does include short-stay parking which will not be suitable for people working in Keynsham. Should Riverside be developed as residential accommodation however, with integral parking, sufficient public parking is available.

The Local Plan recognises that the availability of off-street parking can encourage use of alternative transport, and together with an effective Travel Plan and improved travel infrastructure being considered both locally and regionally, it is possible to minimise the demand for parking, and the issue of capacity is addressed to some degree. There is also the intention to create additional parking at the existing Civic Centre car park as part of this application, by the introduction of a new deck which will increase its capacity to 189 spaces. This will obviously assist in addressing the increased demand.

Recommends that on-going monitoring and review is undertaken (surveys etc.) post development, to allow any subsequent amendments to on-street parking Traffic Regulation Orders to be considered, all to be funded by the applicant. Notes that the Local Plan states that developers will not be required to provide any more off-street parking than they themselves wish, unless there are implications for on-street parking. This review will ensure any resulting on-street parking implications are addressed.

Layout of car park - No objections.

Site layout - The internal layout of the public space has been designed to allow maximum permeability around and through the development to areas beyond. Ramping has been designed to be DDA compliant. It would appear there are elements of the existing 'public highway' which may become redundant as a result of the development, as well as areas which will require to be adopted as new highway. The exact extent and status of these areas have not yet been fully decided however this is an issue which can be discussed in detail following any consent granted, and appropriate provision made for stopping-up, adoption etc.. A condition has been recommended to ensure the appropriate design and approval processes are entered into, and the appropriate access rights and future maintenance provision ensured. There are no existing Public Rights of Way permanently affected by this development. Temporary provision may be required to a PROW to the south of the site during the construction period. Servicing and deliveries for the development as a whole will be taken from the car-park access, off Temple Street to the

south of the site. It has been demonstrated that vehicles can manoeuvre adequately and is therefore considered acceptable. Notwithstanding this recommends a Delivery Management Plan be conditioned with any consent granted to allow detailed consideration of the timing and control of deliveries.

Safety audit - A stage 1 Safety Audit has been undertaken to assess the implications of the marginal changes to the local road layout, and the access changes to the Civic Centre car park (which include all servicing traffic for the development). The designer's response to this is considered appropriate.

Highways Drainage - Raise no objections.

Conclusions - In conclusion, the two fundamental issues affecting a highways recommendation in this instance (highways impact and parking capacity) are dependent on the future of the Riverside building (i.e. offices or residential). Should a residential development take place, there is reasonable certainty that the impact will not be significant. There is less certainty of this should the use of this building remain as offices, however as detailed above, the mitigation presented by the applicant in this regard will have a positive impact. The guidance of the National Planning Policy Framework must be borne in mind in this regard where it states "development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe". Should the Development Control Committee be minded to grant consent, conditions are recommended, as well as the securing of the £700,000 contribution detailed above.

Highways Drainage - Raise no objections

Urban Design Officer - Principle issues have been resolved in relation to massing and broad use. Outstanding issues remain relating to connectivity to wider regeneration objectives, building design details and, public realm design.

Considers that the scheme enhances opportunities for regeneration of Riverside, but lacks clear commitments and connectivity to The High Street, that the building proposals enhance the character of the conservation area but are compromised by unfortunate detailing and that the public realm design is largely well structured but overly complex in specification and badly related to the conservation area. Conditions should be placed on the submission of all façade and paving materials.

Conservation Officer - In the words of the National Planning Policy Framework great weight needs to be given to the objective of conserving designated heritage assets. As the Conservation Area is a designated asset any harm to it would require clear and convincing justification. The NPPF also requires decision-makers to look for opportunities to enhance or better reveal the significance of assets. Conservation of assets is one of the core principles of the NPPF and only development that demonstrates that it achieves this objective can be said to comply with the presumption in favour of sustainable development.

Considers that the supporting papers included in the submission go a good way towards analysing the historic context of the site but that it is not entirely clear how the context has been carried forward into the development proposals. Feels something of a divergence seems to have developed in the place-making process between the historic context of the site and the proposed development. It is acknowledged that the height of the buildings

has reduced since masterplan stage and that a nod to the past has been given by splitting the three main office blocks into three component parts. However, fears there is a risk that the large scale blocks will fail to truly reflect the finer grain that characterises the essence of Keynsham as a market town. Unclear as to why tall buildings on high ground can be said to preserve or enhance the character of Keynsham as a market town. The proposed wide span, mono-pitched roofs in particular do not fit neatly with the established vernacular of the conservation area. The proposed library building also seems to represent something of a lost opportunity. It neither matches the finesse demonstrated by many of the existing buildings in the town centre, nor does it have the architectural presence of a traditional civic building which might control the proposed new market place. Thinks the proposals may represent a lost opportunity to stitch back the grain, rhythm, and historic streetscape of the town that was severely weakened by the last round of comprehensive redevelopment.

Ecological Officer - An ecological survey has been submitted. The main ecological interest is the presence of a Lesser Horseshoe Bat roost in the sub-floor void of the multi-storey car park. The ecological assessment is based on this area being retained and unaffected by the proposals. However it is not clear from the submitted plans that this will be the case. This must be clarified before any decision to permit. (Note: such clarification has now been received).

Economic Development Officer - Supports the application for the following main reasons:

The redevelopment of the site should act as a catalyst for refurbishment on neighbouring sites such as the Riverside and the Fire Station as it is in line with the ambitions of the Core Strategy and the Keynsham ERDP. The proposal creates the opportunity for new retail units that are larger than that provided currently on the High Street. This will create an anchor for the Southern end of the High Street to counter balance the supermarket at Charlton Road. Activity will increase through Temple Street and promote footfall which is positive for businesses located in the area. The proposal will modernise the public services in Keynsham which include the Library and a new One Stop Shop.

The proposal will create modern, quality, efficient office space that starts to put Keynsham on the map as an employment destination. The proposed scheme will provide a gross increase of 6,500sq.m of offices, 1,940sq.m of retail and 1,200sq.m of civic centre uses. This aligns with the Core Strategy and will promote Keynsham as a commercial location. The displacement of council workers from Bath creates greater business for the High Street as there will be a larger influx of people in Keynsham on a day to day basis. As a result this will increase employment opportunities elsewhere in the town centre through greater demand for goods and services.

The retail aspect of the proposal as the various sized retail units will attract national and regional retailers as well as providing existing retailers an opportunity to expand. This will increase the popularity of Keynsham as a shopping destination, preventing leakage of expenditure to areas such as Longwell Green and Brislington. The proposal will support the wider retail on the High Street and provide better retail circuits and movement through the town centre.

The improvements to the public realm as Keynsham's public realm is poor. This proposal begins to address this by creating a market square that provides a flexible space and an

area for events. This would encourage more activity in the town centre potentially for start-ups and market stalls which will draw more people in to the town centre.

Landscape Officer - Raises no objections subject to conditions. However, is concerned that some of the details are over complicated and may not work in practice.

Arboricultural Officer - all existing trees will be removed to accommodate the proposal and this is made clear in the drawing showing trees lost and retained. Has no objection subject to meaningful replacement planting but does not believe that the landscape masterplan achieves this or provides any enhancement.

Planning Policy Officer - Broadly supports the scheme but raises a few concerns:- Still concerned about the stretch of Bath Hill running between the retail units and the junction at the top of Bath Hill with High Street/Temple Street. This stretch of frontage is still very much blank and questions why the proposed tree planting that was shown at pre-application stage has not made it into the final planning application (trees were originally proposed along the whole of Bath Hill) - Note - the trees could not be planted in this location because of the proximity of underground service runs.

Despite repeated requests for the applicant to supply a BREEAM pre-assessment alongside the planning application, supporting the Council's submitted Core Strategy, this has not been completed. Instead, great efforts have been made to produce a bespoke sustainable construction assessment, which the applicant is confident is equivalent to a BREEAM assessment in terms of process and targets. Acknowledges the case that has been made in terms of producing an equivalent assessment, but still believes that the focus for the development is rather narrow and focused on energy efficiency, and not on other sustainability principles as would be evidenced by BREEAM.

Pleased that previous comments have been taken on board and that the development has been redesigned to be connected to a district heating network in the future (which should be incorporated into the Riverside redevelopment as a priority).

Suggests the applicant considers the inclusion of a green (sedum) roof on the currently blank terrace.

Seek clarification that a clock is included in the development - Note - a clock is proposed, as requested by Planning Policy, but not a clock tower, as some representations would like to see.

Archaeological Officer - Notes that a desk-based archaeological assessment was submitted as part of the current application. It provided a good assessment of the below ground archaeological resource, indicating the substantial survival of intact medieval and post-medieval deposits and structures across the site, including standing walls in the basement of the town hall. On the basis of this assessment and in response to advice from the Council's Archaeological Officer the applicants commissioned an archaeological field evaluation of the site (Avon Archaeology, June 2012), which has now been submitted as part of the current application. Agrees with the overall conclusions of the archaeological evaluation. Whilst no deposits of national importance have been identified on the site, those that do survive are nevertheless of regional and local importance and as such should be preserved by record (archaeologically excavated and published) in advance of any development of the site. Whilst objecting to the proposed development's impact on the wider historic environment (conservation area and listed buildings), if permission were granted would recommend that archaeological conditions are attached.

On the wider impact, shares English Heritage's concerns. Considers it essential that a full understanding of the historic environment character and context informs the redevelopment of this important site at the heart of the historic market town. Feels that redevelopment of this area represents an opportunity to draw inspiration from the historic town plan, its medieval burgage plots and lanes, in regenerating this lost part of Keynsham. Also notes that the Design and Access Statement (DAS) submitted at pre-application stage contained a section on the historic environment, which provided a good baseline assessment of the built environment, conservation area and below ground archaeology. This included a useful analysis of the historic town plan, statements on the significance of the historic grain of town, local vernacular architecture, building materials, and the need to enhance the character of the conservation area. The submitted DAS omits much of this and instead appears to be driven by the client brief rather than drawing inspiration from the historic grain of the town, or from local vernacular styles to enhance of the character of the conservation area. (Note - the HHES was submitted to replace some of the analysis in the pre-app stage DAS on the historic environment, whilst the below ground archaeology is dealt with in the submitted desk-based archaeological statement. It is though true that some of the content of the pre-app stage DAS no longer features).

24 letters of objection and 15 of comment received raising the following main points:

The design of the proposed buildings is totally out of keeping with Keynsham as a historic market town.

The blocks are just as drab and soulless as the buildings they are meant to replace.

Keynsham deserves better than this - if Bath's shopping centre can be redeveloped sensitively why can't Keynsham's.

This scheme largely involves facilities which Keynsham will never use fully.

There is insufficient parking, too many retail outlets which are already covered elsewhere in the town and too little regard for the character of Keynsham.

The design of the proposed new buildings is horrible, a throwback to the 1970s.

The road infrastructure or parking facilities will not cope with the proposals put forward and will only create confusion to both pedestrian and motorist, especially at the Bath Hill/Temple Street junction.

Will cause increasingly poor air quality.

The proposal for parking facilities for the office workers, accessed from Temple Street, is complete madness as this would bring additional unnecessary traffic through the shopping area.

Lost opportunity in not providing a large hall suitable for local groups to use

Would like to see another free-standing town clock

Distressed by the apparently arbitrary design of the outdoor space, which seems counter intuitive and almost deliberately confusing.

The proposed buildings will not weather well and will look an eyesore in a few years' time.

The car park recladding would be in unsuitable materials.

The proposed landscaping is too formal.

Would like to see more trees and greenery included.

Would like to see trials before any changes to the highway network put in place.

In addition, a petition has been submitted by the Keynsham Civic Society, gathered at the Farmers' Market of 14 July 2012. 335 people have put their names to a statement "we the undersigned object to the design of the new Keynsham Town Centre buildings". 5 people

have put their names to a statement "we the undersigned support the design of the new Keynsham Town Centre buildings".

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
ET.2	Office development
CF.2	New community facilities
ES.1	Renewable energy
ES.2	Energy conservation
S.1	Shopping centres
S.2	Retail development in town centres
T.3	Promotion of walking and use of public transport
T.24	General development control and access policy
T.26	On-site parking and servicing provision
NE.5	Forest of Avon
NE.9	Adjoins Nature Conservation site
NE.12	Natural Features
BH.2	Listed buildings and their settings
BH.6	Development within or affecting Conservation Areas
BH.12	Archaeology

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, two area and site specific policies are particularly relevant to this application and neither is the subject of the above concern from PINS. They therefore attract some weight in the decision-making process. These policies are:-

KE1	Spatial Strategy for Keynsham
KE2	Town centre/Somerdale Strategic Policy

Policy KE1 includes the following relevant elements:-

Plan for about 1,500 net additional jobs between 2006 and 2026

Make provision for an increase in office floorspace: from about 20,000m² in 2006 to about 30,000m² in 2026

Enable development which supports the town to continue to function as an independent market town. The scale and mix of development will increase self-containment and help develop the town as a more significant business location

Provide larger retail units in the town centre to attract a more varied mix of retailers

Provide for improvements to public transport and enhance connectivity between walking, cycling and public transport routes
Implement a reviewed Parking Strategy
Enable renewable energy generation opportunities including a new district heating network within Keynsham, potentially anchored by the Centre/Town Hall redevelopment

Policy KE2 includes the following relevant elements:-

Key Opportunities include to establish an integrated and sustainable town centre. There are major development opportunities on the High Street and on the edge of the town centre which can attract new jobs, shops and more visitors. These include The Centre/Town Hall and Riverside.

Scope and Scale of Change includes to make provision for (amongst other things) new office development at the Centre/Town Hall site including a new library, retail units at street level, leisure facilities and residential dwellings, some larger retail units to provide space for high quality, national retailers which complement the existing successful independent retailers. diversification of the employment base in order to offer greater opportunities for the resident population, a District Heating Network, with potential identified at Somerdale and the town centre.

Placemaking Principles include to reinforce and enhance the historic character and qualities of the Conservation Area ensuring local character is strengthened by change. The linear pattern and fine grain of the High Street should be maintained and enhanced, improve the quality of the public realm including provision of a new civic space, enhance the town centre to make it a more vibrant and attractive area, enabling all members of the community to enjoy it over a longer period of the day, retain and enhance the leisure, open space, sport and recreation function of the town centre and Somerdale, enhance the rivers, park and green spaces and link them together to form an improved green infrastructure network (linking the town internally and to its environs), provide new employment opportunities that help establish Keynsham as a more significant business location, diversifying the economy, and providing jobs, especially in the Higher Value Added sectors, improve the management of traffic through the town centre and enhance public transport provision, create / enhance links from Keynsham to the surrounding national and regional cycle networks, improve air quality in the town centre as part of the Air Quality Management Area.

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

take account of the different roles and character of different areas, promoting the vitality of our main urban areas

support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)

encourage the effective use of land by reusing land that has been previously developed

promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas

conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations

actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

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.

Town Centres

The Framework also says that local planning authorities should, in relation to town centres:-

recognise town centres as the heart of their communities and pursue policies to support their viability and vitality allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity

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.

It also says that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

The Historic Environment

The Framework says that, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

It says that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, it says that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. It goes on to say that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Paragraph 137 of the Framework (referred to by English Heritage in their response) says that local planning authorities should look for opportunities for new development within

Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The Framework also points out that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm or less than substantial harm, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

OFFICER ASSESSMENT

MAIN ISSUES

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

- The principle of the development
- The regeneration of the town centre
- The impact on the historic environment
- Highway issues
- Design issues
- Energy efficiency and carbon footprint
- Other benefits of the proposal

PRINCIPLE OF DEVELOPMENT

As set out in the Policy section above, a development along the lines of the one envisaged here was specifically supported in the draft Core Strategy (policies KE1 and KE2). Policy KE2 is seeking new office development at the Centre/Town Hall site including a new library, retail units at street level, leisure facilities and residential dwellings, and some larger retail units. The new office development, library and retail units, including some larger retail units, would all be provided by the application scheme. Residential development is not proposed as part of this application, but could come forward as part of the wider regeneration proposals centred on this part of Keynsham, which would be possible as and when the Council's Riverside offices are vacated.

The proposal is in accordance with Policy ET.2 of the Local Plan, in that it proposes a net gain in office floorspace within the central area of Keynsham. It will be in accordance with Policy S.2, which supports retail development in Keynsham town centre, provided it is of a scale and type consistent with the existing retail function of the centre and will be well integrated into the existing pattern of the centre. It is considered that both of these criteria are met. The proposal complies with Policy CF.2, in that it will include the development of community facilities within a main settlement.

The proposal therefore has support in principle both from the development plan (in the form of relevant Local Plan policies) and from an emerging plan (the draft Core Strategy). The principle of the proposal also has support from paragraph 19 of the Framework, which urges that significant weight should be placed on the need to support economic growth through the planning system.

It is concluded that the principle of the proposed development is acceptable.

REGENERATION

The proposal contains a number of elements that should aid the regeneration of Keynsham. These are considered below.

It would enable a large number of Council staff to be retained in and to move to Keynsham. This increase in workers in the town should have a very positive effect on the day-time economy of the town, by providing a large number of potential additional customers for existing and new businesses.

As noted by the Economic Development Officer in his comments, the redevelopment of the site should act as a catalyst for refurbishment on neighbouring sites such as the Riverside and the Fire Station, as well as creating the opportunity for new retail units that are larger than that provided currently on the High Street. This will create an anchor for the southern end of the High Street to counter balance the supermarket at Charlton Road. Activity should therefore increase through Temple Street and promote footfall, which is positive for businesses located in the area.

The new retail and other town centre units should attract national and regional retailers, as well as providing opportunities for existing retailers in the town to expand. All of this should help to reduce leakage of trade into other nearby centres such as Longwell Green and Brislington.

The proposal will provide new modern civic facilities in the centre of Keynsham, supported by new civic and public spaces. As noted by the Economic Development Officer, this would encourage more activity in the town centre and provide opportunities for business start-ups and market stalls, which will hopefully draw more people into the town centre.

Taken together, it is considered that the proposal would have a very beneficial impact on the regeneration of both the town centre and Keynsham as a whole. As urged by the Framework, it is considered that substantial weight should be afforded to this significant effect of the scheme.

HISTORIC ENVIRONMENT

The site is located within the Keynsham (High Street) Conservation Area, which dates from 1997. Documents from that time show that the boundary of the Conservation Area originally excluded the site, along with the southern half of High Street. A report to the then Planning, Transportation and Environment Committee of 17 July 1997 provides some limited analysis of the character and appearance of the Conservation Area at that time and the rationale behind its designation. The positive elements listed in this analysis do not include any in the area around the application site. The report concludes that the Civic Centre is included (in the Conservation Area) as it "identifies the end of the High Street and is a prominent site". This strongly suggests that, at the time of its designation, the application site was not seen as, in the words of the Framework, making a positive contribution to the significance of the Conservation Area.

Regardless of the reasons for designating a site within a Conservation Area, the Council has a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, when considering applications

within it. The submitted Heritage and Historic Environment Statement (HHES) concludes that the existing development on the application site makes a negative contribution to the Conservation Area. English Heritage, in its consultation response, agrees and suggests that the contribution made by the existing buildings on site should be seen as substantially negative.

The submitted HHES concludes that, cumulatively, the impact of the application proposal on the High Street Conservation Area and its setting is assessed as being a slight negative effect on the historic environment, due to the new development's increased scale and massing and the harm it will cause to the historic street pattern, outweighing still important positive impacts.

English Heritage has reached a different conclusion, arguing that, although the original (existing) scheme involved a substantial change in historic character, so would the proposed, and while substantial change does not automatically equate to substantial harm there is such harm in this case by the very nature of the proposals relative to the historic character and appearance of the conservation area. It concludes by arguing that the proposals would cause substantial harm to the character and appearance of the conservation area.

It has of course to be accepted that the Conservation Area was declared with the existing buildings already on site. Any assessment of the impact of the current proposal must therefore compare the impact of what is now proposed with the impact of the existing development on site. English Heritage accepts that the existing development has a substantially negative impact on the Conservation Area. It is accepted that the proposed development cannot be seen to comprise, as stated in paragraph 137 of the Framework, development that preserves those elements of the setting that make a positive contribution to (which it is argued this site does not) or better reveals the significance of the asset (the Conservation Area, which it is accepted that this site does not). However, the lack of a positive contribution does not necessarily result in substantial harm to the Conservation Area, even if the proposal is one, such as this one, where substantial change is proposed.

It is necessary at this point to consider why the site is within the Conservation Area. As stated above, this appears to be because it identifies the end of the High Street and is a prominent site. The proposal would provide a more effective end to the High Street than the existing 1960s development and would be more prominent. On that basis, it would still fulfil the function identified when the Conservation Area was declared. The increased massing of the new buildings compared to those on site now would make the development more imposing within the Conservation Area than the existing buildings. However, on balance, it is considered that the application proposal would cause less than substantial harm to the Conservation Area, as concluded within the submitted HHES, rather than substantial harm, as concluded by English Heritage.

Having said this, it is important to be aware that both forms of harm are unacceptable, unless they are outweighed by public benefits. They both mean that the development neither preserves nor enhances the character and appearance of the Conservation Area. The main difference is that, if the harm is considered to be substantial, as argued by English Heritage, the public benefits require to outweigh this harm must themselves be

substantial. The matter of whether the public benefits outweigh any harm caused by the proposal is considered further later in this report.

The submitted HHES identifies four Grade II listed buildings, the settings of which will be affected by the proposal. These are the Temple County primary school to the north of the site, 64/66 High Street and 2 Temple Street, both to the north-west of the site, and the Trout Tavern, to the south-west of the site. The report concludes that the setting of 2 Temple Street would be enhanced, whilst the proposal would have a neutral impact on the setting of the Trout Tavern.

The report concludes that the proposal would have a negative impact on the settings of 64/66 High Street and the Temple County primary school. In the case of the Temple County this effect would be moderate, whilst the negative impact on the setting of 64/66 High Street would be slight.

The analysis in the HHES on the impact on the settings of the listed buildings appears robust and its conclusions are accepted. The result is that a negative impact on the setting of two Grade II listed buildings must be weighed in the balance, as well as the harm to the Conservation Area identified above.

HIGHWAYS

When the application was first submitted, it was accompanied by plans to change the way traffic moved through Keynsham town centre. Whilst not part of the application, the proposals were based on those changes going ahead. However, the Council's highways officers expressed reservations about many elements of those proposed highways changes. As a result, the proposals have been amended so as to no longer include changes to the wider highway network around Keynsham. The impacts on highways have now been calculated assuming no major changes in the highway network.

The conclusion from the Council's highways officers is that the two fundamental issues affecting a highways recommendation in this instance (highways impact and parking capacity) are dependent on the future of the Riverside building (i.e. offices or residential). Should a residential development take place, there is reasonable certainty that the impact will not be significant. There is less certainty of this should the use of this building remain as offices.

The current lawful use of the Riverside offices is of course as offices. However, should the application proposals go ahead, the Council's staff that use Riverside would be relocated into the new Council offices included as part of this proposal. This would leave the Riverside offices empty. The applicants have submitted two independently commissioned reports that show that the demand for such office floorspace as Riverside provides in Keynsham is low and that the likelihood of anyone succeeding in letting Riverside as offices, even if they are refurbished, is very remote. In addition, in May 2012, Cabinet considered a report relating to the importance of the Riverside site to the regeneration of Keynsham and recommending that authority be given to use Compulsory Purchase powers, if necessary, to ensure the site came forward to be redeveloped and aid that regeneration. This recommendation was agreed.

It is not possible, as noted in the highways comments, to guarantee that Riverside will not be retained as offices, as that is its lawful use. Nor can a condition reasonably be

attached to secure this. However, on the basis of all of the facts set out in the paragraph above, it is considered that the likelihood of Riverside being reoccupied as offices once the Council has vacated the building is remote. In the circumstances, it is accordingly considered that little weight need be attached to the highway issues that might arise were the application scheme to be fully occupied and Riverside were to be used again as offices.

The Council's intention is of course not to leave the Riverside site vacant but to redevelop it as part of the wider regeneration proposals, with the predominant use being residential. This scenario has been considered in the submitted Transport Assessment and by highway officers in making their comments. Their conclusion is that on that basis, no harmful highway impacts would arise, subject to the contribution to off-site works of up to £700,000 and to suitable conditions. A letter has been received from the applicants' agent stating as follows:-

"I write to formally confirm that as part of the project budgets a figure of £700,000 has been put aside for off-site (outside red line) improvement works in terms of highway improvements, public access / public realm improvements in terms of a range of works covering: paving, crossovers, DDA ramps to Bath Hill East Car park, kerb readjustment, cycle links, signage etc. which is justified in planning terms to subsume the proposed development into the surrounding network to ensure continued highway safety for all users."

As this is a Council application, it is not possible to secure this by means of a Section 106 agreement (the Council cannot enter into a legal agreement with itself). However, it is considered that the contribution offered would meet the tests set out in relation to planning obligations and is both justified and necessary. Therefore, subject to this sum of money being made available as stated and to appropriate conditions, the proposal is acceptable in highways terms.

DESIGN ISSUES

By far the most frequently repeated criticism in letters of representation has been in relation to the proposed design of the new buildings. There is no doubt that they are proposed to be overtly modern and this has provoked considerable reaction, much of it negative. However, it must be borne in mind that the scheme is aiming to fit a large quantum of floorspace on this site, and to include uses including new Council offices, a library/one stop shop building and a number of retail and other town centre units. At the same time, the design has been heavily influenced by a desire to produce a building with as low a carbon footprint as possible. The result is that the proposal features buildings of some scale and some presence, with a design that is of now, rather than looking to the past for inspiration.

The design has been the subject of change since the proposals were first prepared, prior to the submission of the application, in response to comments from the Council's officers and members of the public. As a result, the Council's urban design officer has concluded that previous issues in relation to massing and broad uses have now been resolved. However, in response to comments made by the urban design officer and landscape officer, it is acknowledged that elements of the design, particularly the details of materials and hard landscaping, may still need some clarification and amendment. This can be controlled to some extent by way of conditions.

The new buildings will be very prominent additions to the townscape of Keynsham. Despite suggestions in the representations, it is not accepted that they are similar to the 1960s buildings they replace. The shape of the buildings, with corners often not at right angles, their mono-pitched roofs, and their use of materials all serve to differentiate them strongly from the buildings they would replace. These features do however also mark them out as being very much modern buildings. However, much of their impact on the character and appearance of the area derives from their scale, which itself derives from the quantity of development sought on the site to aid the regeneration of the town centre. It is not considered that the proposed design is in itself objectionable.

ENERGY EFFICIENCY AND CARBON FOOTPRINT

The applicant states in the submitted Design and Access Statement that it has high sustainability aspirations for the development, particularly with regard to energy use and regeneration and are very keen that these flagship buildings should use state of the art design and methods to deliver the lowest possible carbon footprint in use. They state that the focus of the sustainability performance of the development will be on achieving exemplar levels of low energy and carbon emissions at design stage and during actual operation. Rather than following a prescribed accreditation procedure such as the BREEAM scheme, the design team have set sustainability targets specific to the needs of the scheme. The most challenging target for the office development is an A rated Display Energy Certificate (DEC) which requires more focus on the running of the building than an A rated Energy Performance Certificate (EPC).

The Council has a corporate target to reduce its operational carbon emissions by 30% (from a 2007/08 base) by 2014. Emissions from energy use in Council buildings make up a substantial part of the Council's operational carbon footprint. As a result, the focus on delivering a low carbon new town hall and civic centre in Keynsham, with a DEC rating of A, would play a significant role in helping to deliver the Council's challenging target.

The Planning Policy Officer has, as stated in their response, constantly sought a BREEAM assessment, which is set out as preferred within the draft Core Strategy. However, it is considered that the assessment undertaken by the applicant team does adequately demonstrate the sustainability credentials of the proposal. Indeed, it is considered that the fact that the design of the buildings enables this level of energy efficiency and low carbon footprint is a significant benefit of the scheme, and would act as an example to other developers in the future.

OTHER BENEFITS

The applicant's agents have set out a list of benefits, which they believe the proposal would bring. These are set out below, along with comments as to how much weight could be attached in the balance that leads to a decision on the merits of the application.

1. Significant regeneration of the town centre and catalyst for wider regeneration as a whole. The regeneration of the town hall site will safeguard approximately 815 jobs, which is vitally important to support the projected housing growth of 1500 new homes and 1500 new jobs (700 homes is the target for Somerdale and the town centre) in Keynsham.

This is a significant benefit of the scheme, as highlighted in the comments made by the Economic Development Officer, and can be given considerable weight.

2. Delivery of the Core Strategy objectives to deliver Office floor space increases and large retail units (of 1,940 sq m) along with a scale and mix of development to increase self-containment of the town.

Compliance with the draft Core Strategy has been dealt with above and can be given weight.

3. The Retail Strategy 2008 sets out proposals to create 'conditions for success'. The development site does just that by providing a dumb-bell effect to the Tesco, which is essential for the footfall between the two anchor stores.

The provision of a counter-attraction at the southern end of High Street is seen as important in the development of retail floorspace in the town.

4. Deliver the Core Strategy objectives to develop major development opportunities in the town centre which can attract new jobs, shops and more visitors, specifically new office development at the Centre/Town Hall site including a new library, retail units, leisure and residential.

Compliance with the draft Core Strategy has been dealt with above and can be given weight.

5. The creation of improved opportunities to regenerate the adjoining Riverside and Fire Station Site, within the town centre in due course.

The part this site has to play in enabling the wider regeneration of this part of Keynsham, in particular the adjoining sites to the south, is an important factor. As well as being a benefit to which weight can be attached, it also provides a chance for development on the adjoining site to significantly enhance the character and appearance of the area as whole, which helps counter-balance any harm done at this stage to the Conservation Area.

6. Specifically improve the links between shopping, employment uses within the Town Centre and legibility for walking and parking.

A benefit of the scheme to which weight can be attached.

7. Reinforcement and enhancement of the character of the urban setting by reconstructing damaged parts of the town by using more sensitive materials (blue lias stone) and including improvements to the retained car park.

Taken into account in the conclusions reached above in relation to harm to the Conservation Area.

8. New public spaces that will be accessible to all, comfortable to use, sheltered from the main impact of traffic noise and provide a focus for civic and public realm.

A benefit of the scheme to which weight can be attached.

9. Additional usable external space (due to removal of existing surface car park)

A benefit of the scheme to which weight can be attached.

10. Increased tree planting;

Needs to be balanced against the loss of existing trees and greenery on site, such that it cannot be regarded as a benefit of the scheme.

11. Increased permeability with the new Market Street linking with High Street and the heart of the new development and leisure centre beyond.

A benefit of the scheme to which weight can be attached.

12. A new pedestrian route which will provide a shallower wheelchair and buggy accessible route linking Temple Street to the river valley and park entrance.

A benefit of the scheme to which weight can be attached.

13. The formation of a new town centre Market square which is bordered by the Library / One Stop Shop.

A benefit of the scheme to which weight can be attached.

14. Creation of a modern stand alone building a desire of the local community that will not only provide a Library / One Stop Shop, but will also deliver a flexible large multipurpose meeting / performance space for community use.

A significant benefit of the scheme considered above under regeneration.

15. Space within the development for serviced external market spaces and public realm improvements.

A benefit of the scheme considered above under regeneration.

16. Display cases within the Civic Centre for the exhibition of local historic artefacts.

A minor benefit to which some weight can be attached.

17. Display of significant Roman mosaic which is currently stored in the basement of the town hall.

A minor benefit to which some weight can be attached.

18. Significant improvements to highways strategy, including the reduction in traffic congestion and improving pedestrian links between the town and the park / conservation area.

The improvements to the highway strategy are no longer tied in with the application, so cannot be given weight. The improved pedestrian links remain and can be given weight.

19. Increased parking serving the Town Centre as a whole.

A benefit to which weight can be attached.

20. Delivering new energy efficient modern sustainable development (targeting DEC A) within Keynsham helping to reduce carbon emissions.

A significant benefit of the proposal, which has been a leading driver in determining the design of the building. Given the Government and the Council's commitment to this subject, considerable weight can be given to this benefit.

CONCLUSIONS

The main benefits of this proposal are related to the regeneration of Keynsham and its town centre and have been discussed above under Regeneration. In addition, the new buildings would be very energy efficient and would have a low carbon footprint. The section immediately above has set out other benefits that the scheme would bring and assessed what weight these could be given. Against this, the proposal would have a negative impact on the historic environment (although the scale of this is not agreed) and many representations express a dislike of the design proposed.

It is considered that the proposal does bring substantial public benefits, which have the potential to outweigh the harm caused to the character and appearance of the Conservation Area (even if that harm is considered to be substantial harm) and to the setting of Grade II listed buildings. However, it needs to be considered whether a different scheme, more respectful of the historic environment, and of a different design, could bring the same benefits.

The applicant's agents were asked to consider this point and replied that, in order to provide the equivalent building area which is required to meet the regeneration and employment requirements, the buildings would have to fill the site, which would then not deliver the following significant public benefits that has been achieved with the application proposal:

- a. Enhanced and expanded public realm which would not be provided if the historic street pattern were fully reinstated
- b. A stand alone civic building which is accessible to all and instils civic pride by providing a local resource and local history centre, including the display of significant historic artefacts could not be delivered. It should not be underestimated the importance of a separate public building to the Council offices. This is a symbolic move which reflects the council's commitment to the regeneration of Keynsham and was heavily supported at public consultation.
- c. Significant retail area improvements including increased frontage offered by creating additional pedestrian only streets.
- d. A range of retail floor plates which encourage smaller independent shops. If frontage was limited to just Temple Street and Bath Hill, and the Civic Centre takes up a significant amount, then in order to provide an equivalent area of retail it would be of a deeper floor plate only suitable to large stores.
- e. Wheelchair and buggy accessibility to all parts of the site

- f. New tree planting (it is not possible to plant the existing footpaths due to the location of services, whereas by creating public spaces within the development boundary we are able to provide trees and improve ecology)
- g. Increased parking on site which can only realistically be located where we have proposed (underground parking is prohibitively expensive) and this will have an impact on the conservation area regardless of the scheme proposed for the rest of the site
- h. The pedestrian connection through to the Riverside (known as Market Street) improves connection to the Leisure Centre and park, and encourages long term regeneration options for the Riverside complex which will benefit the vitality and retail environment of the southern part of the town

It is considered that these responses demonstrate that, were an alternative building form to be proposed, more sympathetic to the historic environment, some of the public benefits would not be achieved. It is therefore considered that the harm caused by the scheme to the historic environment, even if considered substantial, is outweighed by substantial public benefits, as required in the Framework.

Many of the public representations have expressed a dislike of the design and it is acknowledged that it is not as immediately seen as fitting into its environment as, for example, the Southgate development in Bath, which many representations cite as a preferable alternative. It is accepted that design, particularly modern design, is always perceived subjectively, with some people loving and some hating the same buildings. Whilst the design does not obviously echo its setting, it is understood that a different form of building would not deliver some of the public benefits. On balance, the design in itself (as opposed to the effect on the historic environment) is not seen to weigh significantly either in favour or against the development.

The proposal is otherwise in line with development plan policies and is strongly supported by policies in the draft Core Strategy, which is a material consideration that should be given weight. In addition, the Framework places considerable emphasis on economic growth, the vitality and viability of town centres, and creating a low carbon development. All of these lend significant support to the application proposal. The proposal would bring considerable economic and social benefits, whilst being negative overall when assessed against environmental factors (energy efficiency and carbon footprint being positive, effect on the historic environment being negative). Overall, it is considered that the proposal amounts to sustainable development, taking all three elements into consideration. Accordingly, in line with the recent expression of Government policy in the Framework, the application should be approved, subject to conditions.

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 surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the drainage shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

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

1) A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

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

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

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

The scheme shall be implemented as approved.

REASON: To prevent pollution of controlled waters.

4 The development shall not be commenced until

1) a scheme of works for the diversion of foul and surface water sewers is submitted and approved in writing by the local Planning Authority

2) a drainage scheme shall include appropriate arrangements for any temporary works needed to accommodate live flows and works to seal off any redundant connections

3) the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that the development does not increase the risk of sewer flooding to property and reduce the impact of maintenance access upon residents amenity.

5 Prior to the opening of the premises an operational statement prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority in relation to the kitchen extract system. This statement should make reference to Guidance

on the control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by DEFRA and in particular Annex B; Information required to support planning application for commercial kitchen. In this regard, the statement should include information on the following points:

1. Plans and drawings showing the dimensions/location of the ventilating system including the
2. location of all filters and fan(s).
3. Details of pre-filters to include manufacture's product data sheet.
4. Details of carbon filters or electrostatic precipitators as appropriate.
5. Details of cooker hood and system operation including air flow rates.
6. Details of flue design bearing in mind the discharge of air should be at a minimum of 1m above
7. the roof ridge.
8. Maintenance schedule to include details of washing/replacement of filters; frequency of inspection
9. servicing; provision of record keeping.

Reason: To protect residential amenity.

6 Groundgas monitoring shall be completed in accordance with CIRIA C665 and as outlined in the Hydrock Ground Investigation report to include a minimum of 6 gas monitoring visits over a minimum period of 2 months with at least two sets of readings at low or falling atmospheric pressure (known as worst case conditions). A gas risk assessment shall be completed to determine the gas characteristic situation and make recommendations where appropriate. The gas monitoring and risk assessment shall be subject to the approval in writing of the Local Planning Authority. Should remedial measures be required, details shall be provided to the Local Planning Authority for review and validation of any such remedial works shall be provided to the Local Planning Authority for their review and approval.

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 In the event that contamination is found at any time when carrying out the further investigation works to further assess geotechnical ground conditions on site or during the approved development, work must be ceased and it must be reported immediately to the Local Planning Authority. The Local Planning Authority shall be consulted to provide advice regarding any further works required. Contamination may be indicated by soils that have unusual characteristics such as: unusual colour, odour, texture or containing unexpected foreign material.

Reason; To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 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

walls, roofs, facades and paving materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

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

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

10 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.

11 No building shall be occupied or otherwise used for any purpose until the highways works on Bath Hill and Temple Street are complete to the satisfaction of the local planning authority, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety.

12 No building shall be occupied or otherwise used for any purpose until the extended Civic Centre car park extension is complete and fully open to the public, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of amenity and highway safety.

13 No building shall be occupied or otherwise used for any purpose until provision has been made within the site for the loading and unloading of goods vehicles in relation to that building, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety.

14 The development shall be operated in accordance with the submitted and approved Travel Plan.

Reason: In the interests of sustainable development.

15 Details of cycle parking area(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking area(s) shall be installed before the buildings to which they relate are first 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.

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

Reason: To ensure the safe operation of the highway.

17 Prior to the occupation of any part of the development, a Delivery Management Plan relating to that part shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries, restricted delivery periods, supervision and traffic management. Deliveries shall then only take place in accordance with the approved Delivery Management Plan.

Reason: To ensure the safe operation of the highway.

18 On occupation of the development, and in accordance with a programme to be agreed by the local planning authority, a programme of review of on and off-street parking shall be identified together with any measures considered appropriate to address issues arising, to be funded by the developer.

Reason: In the interests of highway safety and residential amenity.

19 No development shall take place within the site (including any site clearance or demolition works) until the applicant, or their agents or successors in title, has produced detailed drawings of all underground works, including foundations, drainage and those of statutory undertakers, which shall then have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with the details as approved.

Reason: The site is within an area of major archaeological interest and the Council will wish to protect the archaeological remains.

20 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 shall have been submitted to and approved in writing by the Local Planning Authority. The programme of

archaeological work should provide a controlled excavation of all significant deposits and features, which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest and the Council will wish record and protect the archaeological remains.

21 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

22 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.

23 Subject to £700,000 being put aside for off-site improvement works in terms of highway improvements, public access / public realm improvements, and the following conditions:

PLANS LIST:

Drawings received 27/06/12 - 100/P02, 101/P01, 102/P01, 105/P01, 107/P01, 200/P01, 300/P01, P-020/A, P-021/A, P-022/A, P-030/A, P-031/A, P-032/A, P-033/A, P-035/A, P-050/A, A(10)001/B, 11004-C001/E: Drawing received 22/06/12 - P-023/A; Drawing received 25/04/12 - EKV0015: Drawings received 28/02/12 - 106/P00, 201/P00, 210/P00, 301/P00, 302/P00, 303/P00, 304/P00, 307/P00, 308/P00, C1104-G003, P-001, P-002, P-010, P-011, P-012, P-015, P-016, P-017, P-023, P-034, P-051.

REASONS FOR GRANTING APPROVAL:

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

2. The proposed development is not fully in accordance with the Policies set out below at B, but the planning merits of the proposed development outweigh the conflict with these Policies.

3. It is considered that the proposal would result in substantial benefits, primarily in relation to the regeneration of Keynsham. The principle of the development is as set out in Policies KE1 and KE2 of the Council's draft Core Strategy. The proposal would not give

rise to any unacceptable highway impacts. On the other hand, it is considered that the proposal would have an adverse impact on the character and appearance of the Conservation Area and the setting of listed buildings. It is considered that the substantial benefits that would arise from the proposal outweigh the harm that has been identified.

A

Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted October 2007

D.2	General Design and public realm considerations
D.4	Townscape considerations
ET.2	Office development
CF.2	New community facilities
ES.1	Renewable energy
ES.2	Energy conservation
S.1	Shopping centres
S.2	Retail development in town centres
T.3	Promotion of walking and use of public transport
T.24	General development control and access policy
T.26	On-site parking and servicing provision
NE.5	Forest of Avon
NE.9	Adjoins Nature Conservation site
NE.12	Natural Features
BH.12	Archaeology

B

Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted October 2007

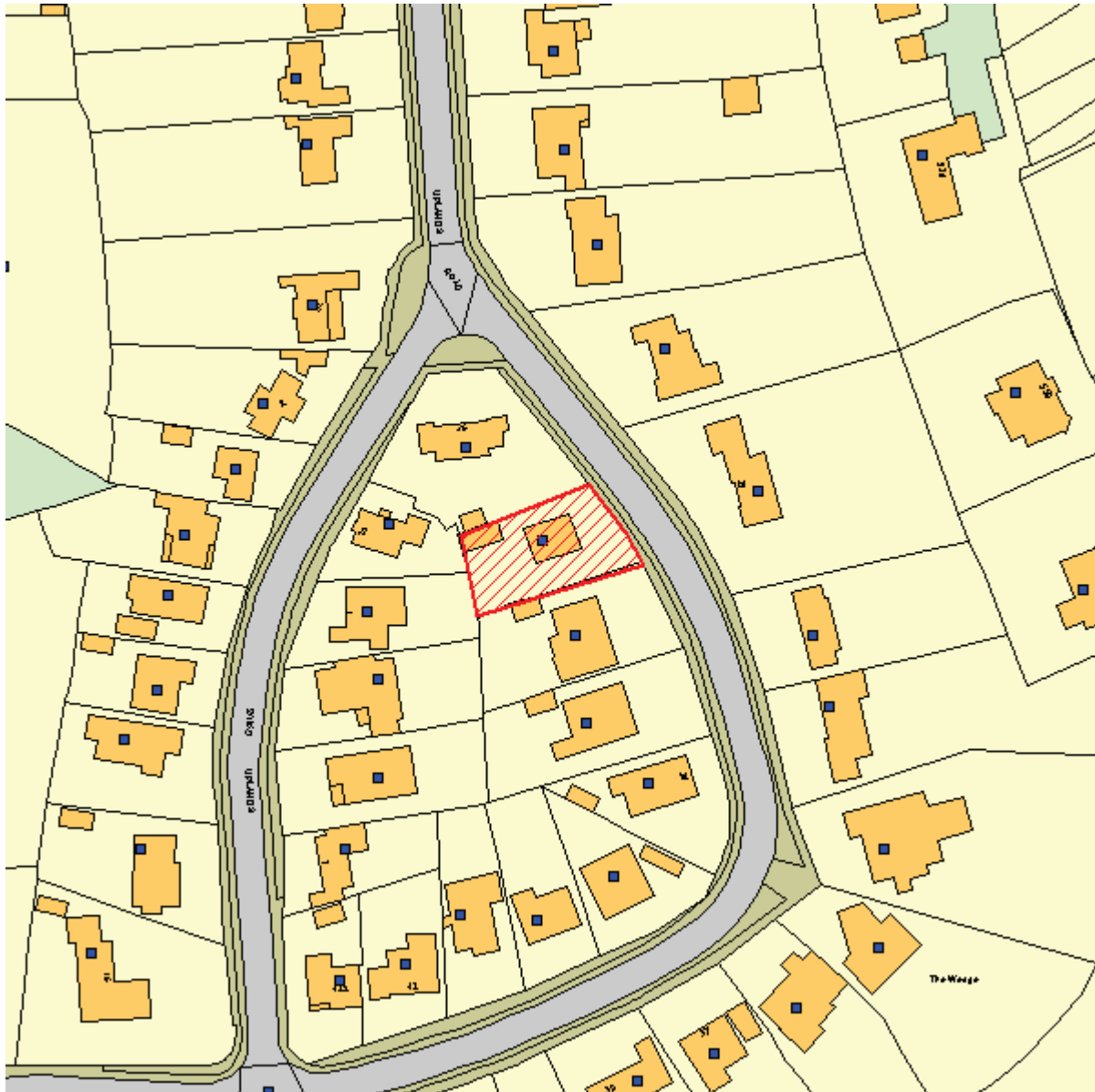
BH.2	Listed buildings and their settings
BH.6	Development within or affecting Conservation Areas

2 ADVICE NOTES:

1) There is a need for separate approvals and licences under the provisions of the Highways Act 1980 to undertake works within, or immediately adjacent to, the public highway.

2) Public Right of Way BA27/20 runs in close proximity to the proposals. All rights shall be safeguarded, in that their line and width must not be affected by the development or during its installation.

Item No: 02
Application No: 12/02241/FUL
Site Location: 28 Uplands Road, Saltford, Bristol, Bath And North East Somerset



Ward: Saltford **Parish:** Saltford **LB Grade:** N/A
Ward Members: Councillor F Haerberling Councillor Mathew Blankley
Application Type: Full Application
Proposal: Erection of a replacement dwelling.
Constraints: Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary,
Applicant: Mrs Lisa Motton
Expiry Date: 14th August 2012
Case Officer: Andrew Strange

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The ward councillor has requested that it be referred to the Committee as she believes that it is too large and together with the increased height will have a detrimental effect on neighbouring properties and the Parish Council were not supportive.

DESCRIPTION OF SITE AND APPLICATION:

The application site comprises a detached dwelling of an unusual design. The dwelling has gables facing the road and the rear garden and there is a parking space and detached garage to the south side of the property.

The area is characterised by detached dwellings of different scales and styles, including two and single storey properties.

The proposal is to demolish the majority of the existing house and to develop a new, predominantly two storey detached house. The proposed new house incorporates a single storey wing (incorporating a garage and study at ground floor level) with bedrooms incorporated in the roof space adjacent to the site's northern boundary. The upper floor of the house would incorporate 4 bedrooms with the 3 of the upper floor windows on the rear elevation being high level to serve bathrooms.

The existing dwelling has a ground floor footprint that is 7.1m wide and 8.8m deep. It is located centrally within the existing plot with a garden to the front, south and rear and a drive to the north. The dwelling is two storeys in height with a ridge height of 7.5m.

The proposed new dwelling would extend across the majority of the plot's frontage and would have a width of 14.6m and depth of 8.8m. The proposed dwelling would be two storeys with a maximum ridge height of 8.6m. It incorporates gables to the north and south and a projecting gable to the front (east) facing Uplands Road.

The existing dwelling to the north is set at a slightly lower level than this proposed dwelling and is two storeys in height with a southerly rear aspect towards this site. The dwelling to the south is at a slightly higher level than this site and is a bungalow with accommodation in the roof space.

There are two existing bungalows to the west. The nearest of these bungalows (no. 1A) is, at its closest point, about 17 metres from the existing dwelling. This bungalow was developed in 2002 under the permission granted under the reference 02/01031/FUL on land that previously formed part of the rear garden of no. 26.

An earlier application for the site's redevelopment was withdrawn following concerns expressed by the planning officer and objections from local residents about the scale of the proposals and their impact on the amenity of neighbouring occupiers.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PARISH COUNCIL comments on the application and states that it is contrary to Local Plan policy D.4 in that it does not respond to the local context in terms of its appearance.

HIGHWAYS OFFICER has no objection subject to conditions.

HIGHWAYS OFFICER (DRAINAGE) has no objection subject to conditions and tests to rule out the use of soakaways before considering the discharge of surface water to the sewer.

ENVIRONMENTAL HEALTH OFFICER wishes to draw the applicant's attention to the Council's code of practice for minimising noise during construction.

LOCAL RESIDENT: Objects on the grounds that there is some vagueness about the size of the proposed development, although it has been estimated that it will be 3 to 4 feet higher than the existing house. The width will increase to the full width of the garden and, although there are some trees to provide partial screening, there is no guarantee that these will be retained. Even with the trees, the development will overlook the neighbouring property. The new house will be about 40 feet away. Although there have been other re-builds in the area, they have been on larger plots that do not directly overlook adjoining properties. These proposals will have an overbearing impact on their amenity.

LOCAL RESIDENT: No objection.

PLANNING ISSUES:

The key planning issues are whether the proposed development:

- responds to its local context; and
- will cause significant harm to the amenity of existing occupiers in the area.

RELEVANT PLANNING HISTORY:

12/01519/FUL – Extension and refurbishment of existing house – application withdrawn.

POLICIES/LEGISLATION

The following saved policies in the Bath and North East Somerset Local Plan (including minerals and waste policies) are relevant to this proposal:

- HG.4 – Residential development in the settlements
- D.2 – General design and public realm considerations
- D.4 – Townscape considerations
- ES.5 – Foul and surface water drainage
- T.24 – General development control and access policy
- T.26 – On site parking and servicing provision

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT

The proposals comprise the replacement of the existing two storey house with a new house that incorporates some elements of the existing house. The site is within the

Housing Development Boundary of Saltford as defined on the Local Plan Proposals Map where residential development will be permitted under Local Plan policy HG.4.

RESPONSE TO CONTEXT

The character of the area is mixed with houses and bungalows of varied designs and appearances. The current proposal for a dwelling fronting the highway, gables to the side elevations and cream rendered walls under a grey concrete interlocking roof tile with gun metal grey windows would add to this variety whilst also drawing influence from other houses in the area.

The scale of the proposed new dwelling, although larger than the neighbouring properties, would be appropriate to its setting and would not appear out of context. The use of gable ends would contrast with the adjacent properties, but there are other properties with gable, rather than hipped roofs in the area and this aspect of the proposal's design is acceptable in this context.

The proposed new dwelling would be sited back from the road frontage in keeping with the prevailing character of the area and the siting of the existing dwelling. Although it would cover the majority of the width of the plot, other dwellings in the area cover a similar proportion of their plot width and the proposal would not therefore be out of context in this respect.

Overall, the proposals do respond to their local context and accord with Local Plan policy D.4.

IMPACT ON AMENITY OF EXISTING AND FUTURE OCCUPIERS

The proposed dwelling would be developed up to the boundary with the house to the north. The adjacent house to the north has its main rear aspect facing towards this plot. It has previously been extended under the reference 07/03159/FUL by the addition of single storey wing to the side and conservatory to the rear. There is an existing tree in the rear garden of that property and at its nearest point, the proposed new dwelling would be about 8m from the existing rear conservatory and 10m from the main two storey bulk of that house.

The proposed new dwelling has however been designed so that it steps down in height adjacent to the boundary of the neighbouring property to the north. It will inevitably have some impact on the amenity of that dwelling in terms of its outlook and overshadowing of their garden. However, given the relatively wide nature of the adjacent plot and the height and bulk of this dwelling in proximity to the boundary, that impact would not result in "significant" harm.

The existing dwelling to the south is set in from the boundary of this proposed new dwelling and this dwelling has been set 1m in from the boundary of that dwelling. Bearing in mind the siting of the proposed new dwelling to the north of the existing bungalow and its slightly lower finished floor level, the proposed new dwelling would not result in significant harm to the outlook from that dwelling or a significant degree of overshadowing of it.

Finally, the existing dwelling to the west has its main rear outlook towards the proposed rear elevation of this dwelling. At its closest point, the proposed new dwelling would be about 17m from this existing bungalow that was originally developed in the rear garden of 26 Uplands Road.

Although the proposed new dwelling would have first floor windows looking towards the bungalows to the west, the existing house has an upper floor bedroom window facing these properties. The relationship of the proposed new house to this existing bungalow where rear windows face towards each other is not uncommon and is, in this context, acceptable. Overall, the proposed new dwelling will not result in significant harm to the amenity of the adjacent occupier by reason of overlooking.

The proposed new dwelling will be more visible in the outlook from the existing bungalows to the rear and will be visible in glimpses from the street across the tops of these properties. However, bearing in mind the distance between the existing and proposed properties (that is about 17m at its closest point and increasing to the south), the proposed new dwelling will not have such an impact on the outlook of the existing bungalows to the west (particularly no. 1A) that it would result in significant harm to their amenity.

The proposals will therefore not result in significant harm to the amenity of existing or future occupiers in the area and the proposals would therefore accord with Local Plan policy D.2.

ACCESS AND PARKING

The proposal incorporates adequate parking in a driveway and garage to serve the proposed dwelling and would therefore accord with Local Plan policies T.24 and T.26.

SURFACE WATER DISPOSAL

A condition is recommended in respect of surface water drainage to ensure that the proposal provides appropriate drainage within the site and accords with Local Plan policy ES.5.

CONCLUSION:

The proposals respond to their local context and would not result in significant harm to the amenity of existing and future occupiers in the area. The proposals accord with development plan policies and are therefore acceptable.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 Prior to the commencement of the development hereby permitted, detailed proposals for the disposal of surface water shall be submitted to, and approved in writing by, the local planning authority. The development shall not be occupied until provision has been made for the disposal of surface water in accordance with the details so approved.

Reason: In the interests of ensuring a sustainable approach to surface water drainage and to ensure that the proposals for the disposal of surface water do not result in problems on or off site.

3 The area allocated for parking on the submitted plan shall properly bound and compacted (not loose stone or gravel) 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: To ensure that sufficient provision is made for off-street parking and in the interests of highways safety.

4 The development hereby permitted shall only be implemented in accordance with the plans in the Plans List below.

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

PLANS LIST:Location Plan; Plan and Elevations – Existing and Proposed – TM1142-02-C: Design and Access Statement

REASONS FOR GRANTING PERMISSION

1. The proposed development responds to its local context and will not cause significant harm to the amenity of existing or future occupiers in the area.

2. The proposed development is in accordance with the development plan, particularly the following saved policies of the Bath and North East Somerset Local Plan:

- HG.4 – Residential development in the settlements
- D.2 – General design and public realm considerations
- D.4 – Townscape considerations
- ES.5 – Foul and surface water drainage
- T.24 – General development control and access policy
- T.26 – On site parking and servicing provision

Item No: 03
Application No: 12/02210/FUL
Site Location: 11 Fairfield View, Ragland Lane, Fairfield Park, Bath



Ward: Lambridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor B Chalker Councillor Dave Laming
Application Type: Full Application
Proposal: Provision of a loft conversion to include the installation of 1no. rear flat dormer and front rooflights.
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: Mr Collins
Expiry Date: 13th July 2012
Case Officer: Alice Barnes

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been referred to the committee at the request of Councillor Dave Laming for the following reasons;

The dormer window is not considered to have a detrimental effect on the surrounding streetscene.

The application has been referred to the chairman of the development control committee who has agreed that the application should be considered by the development control committee as this is an on balance decision with no objections and support of the local member.

DESCRIPTION OF SITE AND APPLICATION

Fairfield View is located on the northern slopes of Bath. Number 11 is a mid-terrace property located outside the Conservation Area but within the World Heritage Site. The existing property is located within the terrace of Fairfield View. This is part of the larger Ragland Lane which is made up of a number of terraces characterised by two storey Bath stone dwellings. Some terraces include dormer windows but none have been permitted within Fairfield View itself. The rear elevation of Fairfield View is visible from nearby Marshfield Way and Kingsdown View. The existing properties are characterised by bath stone with clay tile roofs. The building has front bay windows and two storey rear projections.

The application relates to the provision of a dormer window on the rear of the existing property. The proposed dormer will measure 3.6m in width and 2m in height and will cover the majority of the rear width of the roof.

RELEVANT HISTORY

There is no relevant history relating to this application.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Dave Laming: The dormer window is not considered to have a detrimental effect on the surrounding streetscene.

Building Control: No comment

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

Overly large flat roof dormer windows are not in the interest of good design and fail to reinforce the local distinctiveness of the Bath World Heritage Site.

The strong horizontal emphasis the box form presents is a visually intrusive feature in the Bath townscape.

Velux windows to the front and rear could be a more sympathetic arrangement.

POLICIES/LEGISLATION

D.2: General design and public realm considerations

D.4: Townscape considerations

Bh.1: Impact of development on World Heritage Site of Bath or its setting.
Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

SUBMISSION CORE STRATEGY, MAY 2011

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

B4 - The World Heritage Site and its Setting
CP6 - Environmental Quality

National policy

The National Planning Policy Framework, adopted March 2012

OFFICER ASSESSMENT

The application site is located within the World Heritage Site. In October 2008 World Heritage Sites were classed as Article 1(5) land. If a property is located within article 1(5) land then planning permission is required to construct a dormer window. Therefore since October 2008 planning permission has been required for any dormer window proposed to be constructed within the city of Bath.

DESIGN

The application relates to the provision of a rear dormer window. The existing property is located within the terrace of Fairfield View. This is part of the larger Ragland Lane which is made up of a number of terraces characterised by two storey Bath stone dwellings. Some terraces include dormer windows but none have been permitted within Fairfield View itself. The rear elevation of Fairfield View is visible from nearby Marshfield Way and Kingsdown View. Kingsdown View runs to the side of Fairfield View and slopes upwards giving a prominent view of the terrace. Marshfield Way runs roughly parallel to Ragland Lane but includes cul-de-sac which run perpendicular to the main road. It is from one of these cul-de-sac which runs towards Kingsdown View which gives a view of the rear of Fairfield View. This is set at a higher level to Fairfield View.

The proposed dormer window will be located on the rear elevation. Currently the rear elevations are characterised by rear pitched roofs with two storey rear projections. The rear elevations are more clearly visible than other rear elevations of Ragland Lane.

The proposed dormer will cover the majority of the rear width of the property. It has been located just below the existing ridge line and 0.5m up from the eaves line. It is located against the boundary of number 10 and 0.8m from the boundary of number 12. It therefore will dominate the appearance of the rear roof. The proposed dormer will result in a dominant and bulky extension on the rear roof which harms the appearance of the host building. Policy D.4 requires development to respect and complement the host dwelling and for the reasons outlined above the proposed development is not considered to do so.

As stated above the proposed dormer will be clearly visible from within the public realm from both Kingsdown View and Fairview View. No other dormer windows have been permitted within the Fairfield View and there are no dormer windows within this particular

section of the terrace, forming an unbroken roofline. Therefore the proposed dormer window will appear as an incongruous addition to the rear of the terrace.

Notwithstanding the above identified harm the development would not be so significant as to harm the qualities which justified the inscription of Bath as a World Heritage Site. Accordingly the development is not considered to conflict with Policy BH.1 of the Local Plan.

AMENITY

The proposed dormer window will primarily overlook the rear garden of number 11. Therefore it is not considered to harm the amenity of nearby residential occupiers from increased overlooking.

CONCLUSION

The proposed dormer window, due to its bulky appearance and siting will cause significant harm to the appearance of the existing dwelling and the surrounding area. The proposal is therefore considered to be in conflict with polices D.2 and D.4 of the Local Plan. Refusal is therefore recommended.

RECOMMENDATION

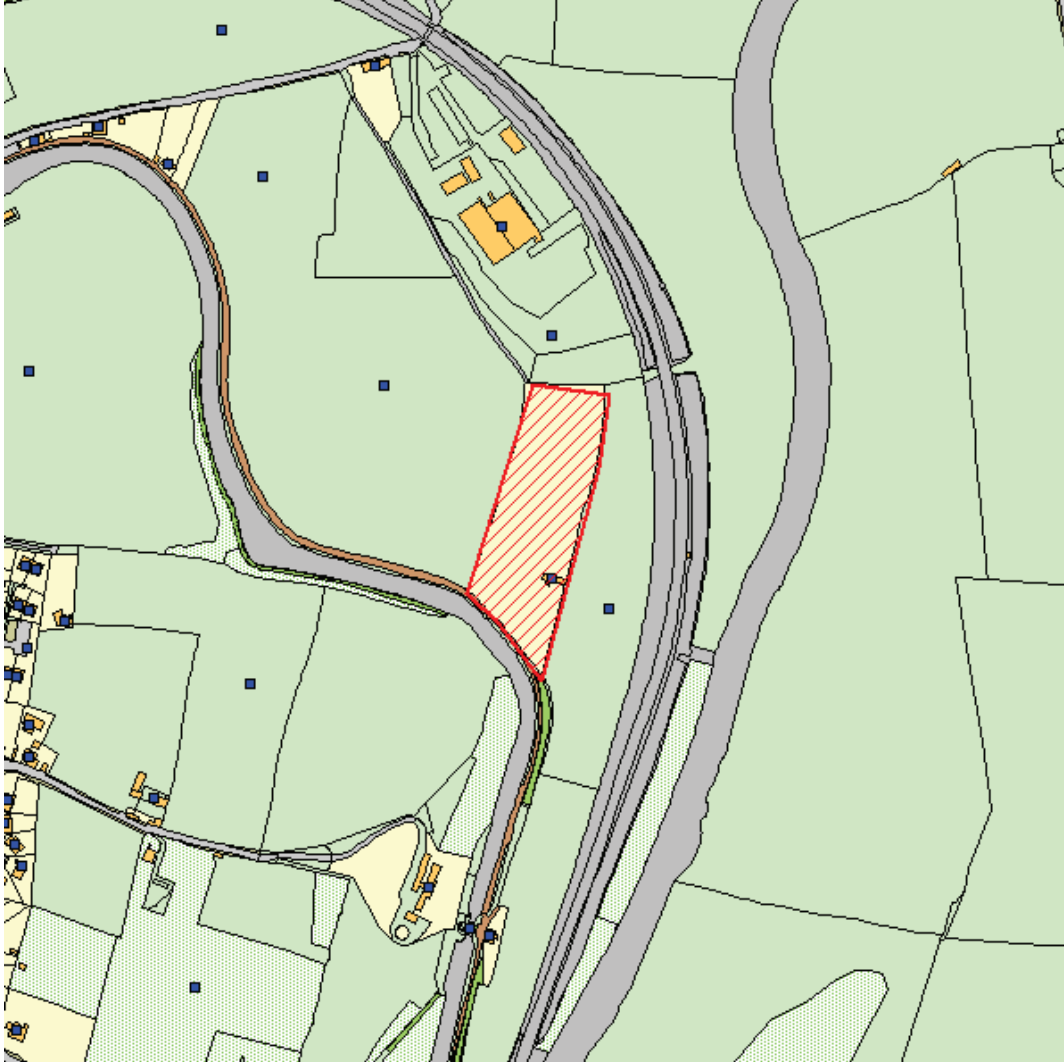
REASON(S) FOR REFUSAL

1 The proposed dormer window by reason of its siting, size, scale and design would result in an incongruous addition to the host building. It would fail to respect and complement the host dwelling and would be harmful to the the appearance of the roofscape of the wider terrace. The development is therefore contrary to policies D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

PLANS LIST:

1 Existing and proposed plans, sections, elevations, site and location plans 01

Item No: 04
Application No: 12/02734/FUL
Site Location: Hampton Cottage, Tow Path Kennett And Avon Canal, Bathampton, Bath



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: Use of 1no. room of dwelling as a physiotherapy treatment room (retrospective) (resubmission).

Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Water Source Areas,

Applicant: Mr Michael Hayward

Expiry Date: 6th September 2012

Case Officer: Jonathan Fletcher

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

A request has been received from Councillor Geoff Ward for the proposal to be referred to the Committee if officers are minded to refuse the application. A consultation response in support the application has been received from Bathampton Parish Council.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a detached dwelling located within the Bristol/Bath Green Belt and the Cotswolds AoNB. The site is located to the east of Bathampton outside of the settlement boundary and is accessed by a long driveway from Tynning Road. The application seeks planning permission for the use of one of the bedrooms within the dwelling as a physiotherapy treatment room.

RELEVANT PLANNING HISTORY

11/05065/FUL - 17 February 2012 - Use of 1no. room of dwelling as a physiotherapy treatment room (retrospective).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development Officer: An objection is raised to the application as the proposal is considered to be contrary to policy T.1 of the Local Plan and policy 1 of the JRSP.

Bathampton Parish Council: The application is supported as the parish council wish to support rural businesses. It is not considered to be necessary for the site to be accessible by public transport.

Representations: One letter has been received in objection to the proposal on the basis of the impact on residential amenity. Thirty-seven letters have been received in support of the proposal which is considered to provide a beneficial rural business in a sustainable manner.

NB: The consultation period for this application extends until 24.08.2012 and consequently any further responses will be reported to the Committee as an update.

POLICIES/LEGISLATION

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

The following policies are relevant in this case:

- D.2: General design and public realm considerations
- GB.1: Control of development within the Green Belt
- GB.2: Visual amenities of the Green Belt
- NE.2: Areas of Outstanding Natural Beauty
- T.1: Overarching access policy

Bath and North East Somerset, Bristol, North Somerset, South Gloucestershire Joint Replacement Structure Plan - adopted September 2002

The following policies are relevant in this case:

Policy 1

Bath & North East Somerset Draft Core Strategy - December 2010

Consideration has also been given to the Bath & North East Somerset Draft Core Strategy however only limited weight can be attached to this document until it is formally adopted.

National Planning Policy Framework - March 2012

The NPPF guidance in respect of the issues which this particular application raises is in accordance with the Local Plan policies set out above.

OFFICER ASSESSMENT

INTRODUCTION

The primary issues to consider when determining this application relate to the principle of the change of use, sustainable transport, rural economies and residential amenity.

CHANGE OF USE: The application seeks to change the use of one bedroom within an existing dwelling (Use Class C3) to a physiotherapy treatment room (Use Class D1). There are no policies within the Local Plan which specifically control D1 uses however the appropriateness of the development within the green belt must be considered. Policy GB.1 confirms that material changes of use which do not harm the openness of the green belt do not constitute an inappropriate form of development. In this case the change of use would not affect the external appearance of the building and therefore the openness of the green belt would be unaffected.

SUSTAINABLE TRANSPORT: The application has been submitted with supporting information to identify the number of clients visiting the site during two month periods in September/October 2011 and May/June 2012. This information identifies that up to 11 clients visit the site in a single day with an average of 7 per day in September/October 2011 and 6 per day in May/June 2012. The data is broken down into clients visiting the site by car or by other means of transport. 56% of clients travelled to the site by car in September/October 2011 and 55% in May/June 2012.

The Council's Highway Development Officer has raised an objection to the application on the basis that the proposal would be contrary to sustainable transport objectives. In particular, policy T.1 of the Local Plan and policy 1 of the Joint Replacement Structure Plan seek to reduce dependency on private car journeys by integrating development in sustainable locations. In this instance, the proposal relates to a site which is located outside of the Bathampton settlement boundary in an area which is remote from public transport facilities and other services. The proposed use has resulted in a substantial number of visits to the site each day, the majority of which are by private car. Although it is noted that sustainable transport options could be promoted to clients, it would not be possible to impose any restrictions using conditions which could limit the number of private car journeys. The proposal is therefore deemed to be contrary to the objectives of the above transport policies.

RURAL ECONOMY: The guidance set out in the NPPF confirms that plans should be supportive of the growth of sustainable rural business. Although an objection has been raised in relation to the unsustainable location of the site, consideration also needs to be given therefore to the economic impact of the development. The information submitted with the application confirms that the business is operated by the applicant's daughter with no additional employees. The economic benefits for the area and therefore very limited as no employment opportunities would arise as a result of this use. The possibility of clients using other local businesses and services is also not considered to be significant given the location of the property which is separate from the village centre.

RESIDENTIAL AMENITY: An objection has been received from an adjacent occupier which raises concern in relation to the impact on residential amenity. The vehicular access to the site from Tynning Road is located adjacent to a separate residential property. The number of vehicular movements which are generated by the proposal is not considered to warrant a further reason for refusal based on the level of disturbance to this property. The property is sufficiently removed from the access to prevent the use unduly impacting on the residential amenity of these occupiers.

CONCLUSION: The proposal is contrary to the sustainable transport objectives within the Development Plan. This would not be outweighed by any significant economic benefits to the rural economy. The continued use of part of the building for physiotherapy treatment in this location is deemed to be unacceptable and therefore the application is recommended for refusal.

RECOMMENDATION

REASON(S) FOR REFUSAL

1 The proposed change of use, by reason of the creation of a commercial use in a location which is remote from services and inadequately served by public transport, would result in an increased dependency on private car journeys. This is contrary to Policy T.1 of the Bath & North East Somerset Local Plan (including minerals and waste policies) - adopted October 2007 and Policy 1 of the Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan - adopted September 2002.

PLANS LIST: Site location plan, existing floor plan and proposed floor plan received 22 June 2012.

Item No: 05
Application No: 12/02496/FUL
Site Location: 7 Bay Tree Road, Fairfield Park, Bath, Bath And North East Somerset



Ward: Walcot **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Lisa Brett Councillor Paul Fox
Application Type: Full Application
Proposal: Provision of loft conversion to include side and rear dormers and front rooflights (revised resubmission).
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: Mr Darren Collis
Expiry Date: 2nd August 2012
Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application is being referred at the request of Councillor Paul Fox for the following reason;

The proposed dormers do not harm the character and appearance of the existing house or the surrounding area.

The application has been referred to the Chairman of the development control committee who has agreed that the application should be considered by the development control committee as it is supported by a local member and it is an on balance decision.

DESCRIPTION OF SITE AND APPLICATION

Bay Tree Road is located in the north-east of Bath, within the Fairfield Park area. Number 7 is a semi-detached property located just outside of the Conservation Area, but within the World Heritage Site. This part of Bay Tree Road is characterised by a single row of semi-detached properties with hipped roof forms. These properties are elevated above the road level and the land slopes away to the east allowing significant views over towards Solsbury Hill.

The application relates to the erection of side and rear dormer windows. The side dormer window includes a pitched roof with a hipped end. The proposed dormer will be constructed from tiles to match the existing property with white UPVC windows. The rear dormer window includes a pitched roof with a gable end. It will also be constructed from tiles to match the existing property with a white UPVC window.

RELEVANT HISTORY

12/01725/FUL – Provision of loft dormer to include side and rear dormers - WITHDRAWN

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Paul Fox: The proposed dormers do not harm the character and appearance of the existing house or the surrounding area

Building Control: No comment

Representations: One general comment has been received from 39 Croft Road. The main issue raised was:

- The dormers will look directly over my garden.

POLICIES/LEGISLATION

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

D.2 – General Design and public realm considerations

D.4 – Townscape considerations

BH.1 – World Heritage Site

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

SUBMISSION CORE STRATEGY, MAY 2011

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

B4 - The World Heritage Site and its Setting
CP6 - Environmental Quality

NATIONAL POLICY

National Planning Policy Framework (NPPF), April 2012

OFFICER ASSESSMENT

BACKGROUND AND SURROUNDING CONTEXT

The application site is located within the World Heritage Site where, since October 2008, planning permission is required to construct a dormer window on any part of a roof. Prior to October 2008, dormer windows on rear and side roof slopes did not require planning permission.

There are no dormer windows visible along this part Bay Tree Road and there are very few dormer windows that are visible from public viewpoints within the areas surrounding the site, including along Croft Road, Hawarden Terrace, Eastbourne Avenue and Hampton View. Despite this a number of dormer windows have been approved in the surrounding area in recent years.

12/02247/FUL	– 15 Eastbourne Avenue	– Rear dormer
12/00739/FUL	– 5 Hampton View	– Rear dormer
11/03970/FUL	– 6 Croft Road	– Rear dormer
10/03636/FUL	– 47 Eastbourne Avenue	– Rear dormer
09/03137/FUL	– 29 Eastbourne Avenue	– Rear dormer

It is noted that the above approvals relate to applications for single dormer windows located on rear roof slopes only. The associated officers' reports indicate that the majority of these dormers are either partially screened or not visible in the street scene.

CHARACTER AND APPEARANCE

The end of terrace properties and the semi-detached dwellings in this area generally possess hipped roof forms and this contributes towards a predominately consistent character and appearance of built development within the street scene.

Although the scale of both the side and rear dormers, when taken individually, is not excessive, the combined massing of the proposed dormers will significantly increase the bulk of the roof form and unbalance the appearance of the semi-detached pair.

The two proposed dormers would represent a significant deviation away from the existing hipped roof characteristic of the dwellings along Bay Tree Road resulting in a highly incongruous appearance in the street scene.

The position of the site on the corner of the junction with Croft Road and its elevation above the road level means that the property occupies a particularly prominent location in

the street scene. Both of the proposed dormers would be noticeable and prominent within the street scene, particularly when viewed from the south. They would detract from, rather than compliment, the property's positive contribution to the generally consistent character and appearance of properties and their roofs within the street scene.

Policies D.2 and D.4 of the Bath and North East Local Plan (2007) aim to promote high quality design and require new developments to maintain the character of the public realm and to respect and compliment their host buildings. The proposed dormers fail to achieve this.

The use of matching tiles to clad the dormers does not address the visual harm that has been identified above.

AMENITY

The proposed rear dormer faces towards the rear gardens of number 39 and 41 Croft Road. However, the wedge shaped garden of 7 Bay Tree Road slopes steeply up to the west so that the ground level is approximately at the same height as the first floor of the property. The topography of the site and the distance between the proposed rear dormer and the gardens of number 39 and 41 Croft Road means that there will not be any significant overlooking or loss of residential amenity.

CONCLUSION

The proposed dormer windows, due to the prominent location of the application site and the bulky appearance of their combined forms, will cause significant harm to the semi-detached pair and the street scene that is out of character with the surrounding area. Although not significant enough to harm the qualities which justify the inscription of Bath as a World Heritage Site, the proposed dormers conflict with policies D.2 and D.4 of the Bath and North East Somerset Local Plan (2007). The application is therefore recommended for refusal.

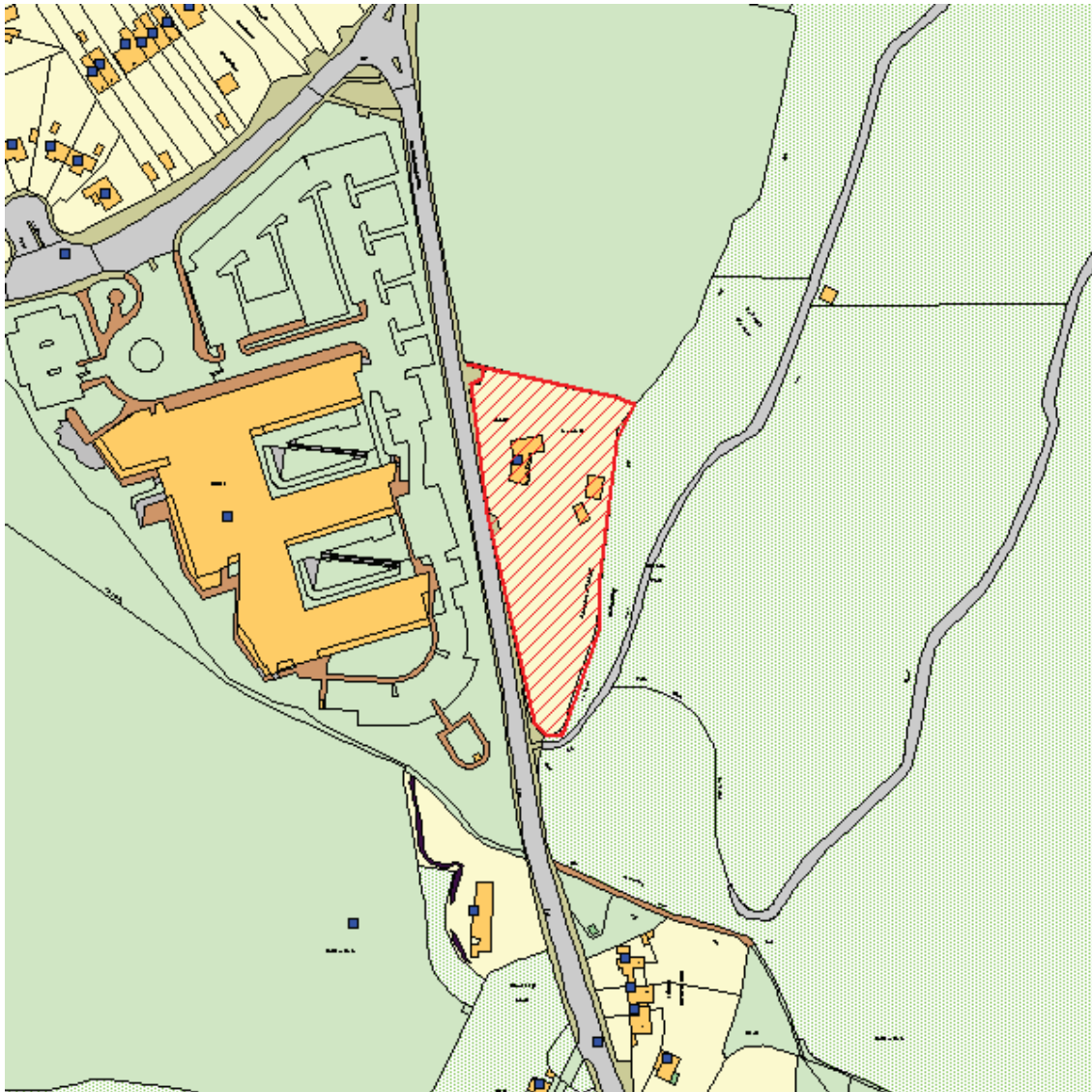
RECOMMENDATION

REASON(S) FOR REFUSAL

1 The proposed dormer windows, due to their size, siting, massing and design, will appear as prominent and incongruous additions to the semi-detached pair which fail to respect or compliment the host building. Furthermore, the proposed dormers are detrimental to the appearance of the street scene and out of character with the surrounding area. The proposed development is therefore contrary to policies D.2 and D.4 of the Bath and North East Somerset Local Plan including minerals and waste policies – adopted October 2007.

PLANS LIST: Existing and proposed plans, sections, elevations, site and location plans – 01B

Item No: 06
Application No: 12/02729/FUL
Site Location: Sun House, Brassknocker Hill, Claverton Down, Bath



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor R A Symonds

Application Type: Full Application

Proposal: Erection of a bedroom extension to the west elevation and a conservatory to the east end of the house (amendments to application 99/01228/FUL).

Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Hotspring Protection, Sites of Nature Conservation Imp (SN), Tree Preservation Order, World Heritage Site,

Applicant: Mr & Mrs Christopher Mackenzie

Expiry Date: 10th September 2012

Case Officer: Jonathan Fletcher

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE

The applicant is married to an employee of Planning Services and this application relates to their own house.

DESCRIPTION OF SITE AND APPLICATION

The application relates to a detached property located within the Bristol/Bath Green Belt, the Cotswolds Area of Outstanding Natural Beauty and the Bath World Heritage Site. The application site is located on Brassknocker Hill in a rural setting outside of the housing development boundary.

The application seeks planning permission for the erection of a two storey extension to the west elevation and single storey conservatory to the east side of the host building. The extension to the east elevation is designed with a dual pitched roof which would be set down from the ridgeline of the host building. The conservatory would be constructed with a flat roof and would continue the massing of the existing single storey structure which projects from the south elevation. A detached garage which was granted permission under the original application ref: 99/01228/FUL for a replacement dwelling but has not yet been built would be omitted in favour of the proposed pitched roof extension. A conservatory attached to the host building approved under application ref: 99/01228/FUL is also proposed to be omitted. The drawings also identify solar PV panels and evacuated tube solar panels to the south facing roof slope.

RELEVANT PLANNING HISTORY:

97/00097/FUL - APP - 18 June 1997 - Erection of a new bungalow, after removal of existing mobile home

99/01228/FUL - PERMIT - 5 April 2001 - Replacement of existing house and outbuildings and move access onto Brassknocker Hill

10/01328/FUL - PERMIT - 12 July 2010 - Erection of a 2m. timber acoustic fence to be erected along the highway boundary of the site behind the existing dry-stone wall. Planting to be reinstated and reinforced behind the fence

12/01402/NMA - RF - 14 May 2012 - Non-Material Amendment to application 99/01228/FUL (Replacement of existing house and outbuildings and move access onto Brassknocker Hill)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT OFFICER: No comment

WESSEX WATER: No objection

THIRD PARTY REPRESENTATIONS: None received

NB: The consultation period for this application extends until 17.08.2012 and consequently any further responses will be reported to the Committee as an update.

POLICIES/LEGISLATION

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

The following policies are relevant in this case:

D.2: General design and public realm considerations
D.4: Townscape considerations
GB.1: Control of development in the Green Belt
GB.2: Visual amenities of the Green Belt
HG.15: Extensions to dwellings in the Green Belt
BH.1: Impact of development on World Heritage Site of Bath or its setting
NE.2: Areas of Outstanding Natural Beauty
NE.9: Locally important wildlife sites
T.24: General development control and access policy

Bath & North East Somerset Draft Core Strategy December 2010

Consideration has also been given to the Bath & North East Somerset Draft Core Strategy however only limited weight can be attached to this document until it is formally adopted.

National Planning Policy Framework - March 2012

The NPPF guidance in respect of the issues which this particular application raises does not conflict with the Local Plan policies set out above.

Existing Dwellings in the Green Belt Supplementary Planning Document – October 2008

OFFICER ASSESSMENT

INTRODUCTION

The primary issues to consider when determining this application relate to the appropriateness of the development within the green belt, the impact on the AoNB and highway safety. This application relates to changes to a scheme for a replacement dwelling on the site which was approved in 2001 under application ref: 99/01228FUL. This planning permission has been implemented and the dwelling has been occupied for a number of years.

GREEN BELT: The guidance set out in the Existing Dwellings in the Green Belt SPD 2008 confirms that the following considerations should be taken into account when determining an application for an extension to a dwelling located within the Green Belt:

- Whether an extension is disproportionate by reason of an increase in size.
- Whether there is any adverse effect on the openness of the Green Belt.
- Whether there is any other harm including any harm to the rural character of the area.
- If harm has been found, consider whether this is clearly outweighed by very special circumstances.

The application site is located to the south of Claverton Down and is bounded by open fields to the north and Claverton Wood to the east. The ground levels drop down from west to east and the host building is set into the slope of the site. The current proposal presents extensions to the host building which would be offset by the omission of a conservatory and detached garage which were granted planning permission under application ref: 99/01228/FUL. The resulting volume of development would be approximately 9% larger than the scheme which was originally approved. It is noted that a large part of the additional internal living accommodation would be created at basement level thereby reducing the impact of the development on the surrounding area. The proposed extensions are therefore deemed to be proportionate to the scale of the host building and would preserve the openness of the green belt. The design of the extensions would be consistent with the architectural style of the host building. The two areas of solar panels could be adequately accommodated on the roof slope of the host building and would not be sited in a prominent position. The proposal would therefore preserve the character of the surrounding area.

The application has been submitted on the basis that the detached garage and conservatory would be omitted from the scheme. Both of these structures could be implemented under the extant planning permission for the replacement dwelling ref: 99/01228/FUL. Although the conservatory could not be built as it would occupy the same footprint as the proposed flat roof extension, the detached garage would not be restricted by this proposal. If the current proposal is implemented and the garage is subsequently constructed this would result in an increase in volume of 22%. This level of development is also deemed to be acceptable in terms of the impact on the openness of the green belt and therefore a legal agreement would not be necessary in order to prevent the detached garage from being constructed.

In addition to the approved structures, there are also three outbuildings to the east boundary which are proposed to be removed. A condition was attached to planning permission 99/01228/FUL to ensure that these structures are removed. A condition is therefore recommended in relation to the current proposal to confirm that these structures must be removed.

AONB: The proposal would not affect the wider landscape of the surrounding area. The proposal is for limited extensions to the host building which would be contained within the application site.

HIGHWAY SAFETY: As noted above, the detached garage which has been granted planning permission is no longer intended to be constructed however an adequate level of off-street parking would be retained within the application site. No objection is therefore raised on the basis of highway safety.

CONCLUSION: In light of the points raised above the proposal is considered to be acceptable and is recommended for approval.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 The three outbuildings shown to be demolished on drawing ref: 189.P.001 P1 shall be removed from the site within 3 months of date of this decision unless otherwise agreed by the Local Planning Authority. When each building is removed the land on which it stood and the immediate surrounding area shall be reinstated in accordance with the approved landscaping scheme in the next planting season following such removal.

Reason: The retention of the outbuildings would have an adverse impact on the openness of the green belt.

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: 189.S.001 P1 and 189.S.002 P1 received 16 July 2012: 189.P.101 P1, 189.P.102 P1, 189.P.103 P1, 189.P.201 P1, 189.P.202 P1, 189.P.301 P1, 189.P.302 P1 and 189.P.001 P1 received 23 June 2012.

REASONS FOR GRANTING APPROVAL

1. The proposal would preserve the openness of the green belt and the character of the surrounding area. The proposal would not affect the wider landscape of the ANOB. The proposal would not have an adverse impact on highway safety.

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

A

GB.1, GB.2, HG.15, T.24, NE.2, NE.9, BH.1, D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

Item No: 07
Application No: 12/01857/FUL
Site Location: Bubblers Dytych, High Street, Wellow, Bath



Ward: Bathavon South

Parish: Wellow

LB Grade: N/A

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Erection of 2no detached two storey houses with attached garages following demolition of existing single storey house.

Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Housing Development Boundary,

Applicant: Hesketh Ventures Ltd

Expiry Date: 24th July 2012

Case Officer: Tessa Hampden

REPORT

Reasons for reporting application to committee

The application has been referred to Committee due to the comments of the Parish Council, who object to the application for the reasons summarised in the representation section below. Further Cllr Butters has requested that this application is referred to committee.

Site description and proposal

The application relates to the garden of a property known as Bubblers Dytch, and the dwelling itself which is located off the High Street in the village of Wellow. The site itself is located within the designated Green Belt and an Area of Outstanding Natural Beauty, but outside of the Wellow Conservation Area. Bubblers Dytch appears as a single storey property from the front, and a two storey dwelling to the rear. The site backs onto open countryside and is fronted by the High Street. It is bound on either side by detached dwellings.

Planning permission has recently been granted for the erection of a detached dwelling on the application site. Further a Certificate of Lawful Proposed Development for extending the existing dwelling has also been issued.

The application seeks planning permission for the erection of 2 detached dwellings following the demolition of the existing dwelling. The dwellings are of a contemporary design, built behind a high boundary wall, under a sedum roof. The rear of the buildings are predominantly glazing, taking advantage of the open countryside behind.

Revised plans have been submitted which alter the boundary line following comments received from a third party.

Relevant planning history

DC - 10/03200/CLPU - LAWFUL - 17 September 2010 - Erection of a single storey rear extension and a front porch (Certificate of Lawful Proposed Development).

DC - 11/00228/FUL - PERMIT - 4 April 2011 - Erection of a three bedroom dwelling

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - No objection subject to the inclusion of condition on any planning permission

Highway Drainage - No objection

Wellow Parish Council - Object to the application for the following reasons:

- High stone wall along this section of road is out of keeping with this end of the village and detrimental to the character and appearance of the area
- Inappropriate height which would have an overbearing effect and do nothing to enhance the location
- The narrowness of the gap between the buildings visually joins the buildings together as one and creates a massive long, blank elevation, totally out of keeping with the local buildings and creating a bunker effect

- No other building in Wellow has a flat roof, nor are they in keeping with the traditional building styles used throughout the village
- Viewed from the north, the flat roof will pose an unattractive outlook. We understand the 'green roof' will be sedum which will look particularly bare and depressing when seen from above
- The south side glass walling will form a very large, prominent and incongruous element when seen from across the valley
- No mention has been made regarding stabilisation of the site
- There appears to be no visibility splay.

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

- Overdevelopment of the site
- Lack of space for service areas
- Buildings not in keeping with the rural character of the area
- Subsidence
- Surface water drainage
- Garages impact upon residential amenity in terms of the neighbouring occupiers and in terms of the visibility when using these driveways
- Garage and sedum roof vegetation impacting upon highway safety
- Inaccurate plans
- Lack of information
- Highway resulting in an oppressed outlook
- Glazed windows overly dominant/light pollution
- Highway safety
- Impact upon broadband services
- Loss of views

POLICIES/LEGISLATION

Bath and North East Somerset Council -including minerals and waste October 2007

HG6 Residential development in R3 settlements
 D.2: General design and public realm considerations
 D.4: Townscape considerations
 ES14 Unstable Land
 GB1 Control of development within the Green Belt
 GB2 Visual amenities of the Green Belt
 NE2 Areas of Outstanding Natural Beauty
 T24 General development control and access policy
 T26 On site parking and servicing provision
 NE10 Nationally important species and habitats

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

The National Planning Policy Framework was published in March 2012 but is not considered to significantly conflict with the above policies.

OFFICER ASSESSMENT

Principle of development

As stated above planning permission has recently been granted for the erection of a dwelling adjoining the existing house and within the current application site. The site is within the Housing Development Boundary of Wellow, which is defined as an R3 village within Policy SC1 of the Local Plan. However the site is also within the designated Green Belt, where strict controls over development exist. An appropriate form of development within the Green Belt can be infilling in accordance with Policy HG.6 in the villages defined as R3 villages. Infilling can be defined as the filling in of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage. The plot will generally be surrounded on at least three sides by developed sites or roads. Given the context of the site it is considered that this development at the location proposed could be considered as infilling.

The dwellings will be seen in the context of the surrounding development, and given the fact that one dwelling is replacing an existing dwelling, the visual impact of the development on the area is limited. The development will take advantage of the topography of the site, with part of the development built into the slope, again reducing the impact of the development on the Green Belt. Given the appropriate design, siting and use of materials, the proposed dwelling is not considered to result in significant harm to the openness of the Green Belt.

Given the above, the proposed development is not considered to result in appropriate development in the Green Belt and can be considered to be acceptable in principle.

Character and appearance

The existing dwelling is not considered to contribute positively to the visual amenities of the area, and is considered to be of little architectural merit. There is therefore no objection to its loss. The site as a whole appears to have not been well maintained and overall does not play a valuable part in the wider amenities of the area. There is therefore an opportunity to develop the site and to enhance the overall character and appearance of the area. Whilst the proposed dwellings are not of a traditional design, the dwellings are sited outside of the centre of the village, and the Wellow Conservation Area, and this more contemporary approach is considered to be acceptable.

Whilst the dwellings have been brought forward within the site, towards the High Street, the impact of this is reduced by the dwellings being built behind the new boundary wall. The garages, behind the boundary walls are built up to the road frontage, and whilst from certain views this may make the development more prominent in the street scene, the overall impact of the development is minimised by the overall design of the properties. There are a number of other examples within the street scene, where developments, including garages, are built up against the road frontage. On balance therefore it is considered that the siting of the proposed development is not inappropriate.

It is recognised that the amount of built form on the site will be increased, and the proposals will take the development close to the boundary with the neighbouring properties. However, there will be a sufficient amount of outdoor amenity space which will help in ensuring that, on balance, the development does not appear as a cramped form of development. The design of the overall scheme takes advantage of the site, in terms of its

topography and relationship with the road, to ensure that the development fits comfortably within the site. It is noted that there is only a limited gap between the two dwellings but this is considered to be enough to visually separate the buildings. The has the result of reducing the overall bulk of the buildings, and ensures that these detached dwellings are more in keeping with the surrounding development.

When taken within the context of the overall village, high boundary walls are not considered to be uncommon, and the development is therefore considered to complement the local vernacular of the area. As the Design Access statement recognises, there are examples of high boundary walls in the area, and this will be reflected with the proposed development with the dwelling being built behind a boundary wall under a sedum roof. Third party comments have been raised with regards to the maintenance of the sedum roof with concerns that this will not be properly managed. This can however be controlled though an appropriate condition. Further it is considered that additional details are needed with regards to the wall, including coping details etc. Although the wall is said to be faced in Bath Stone, it is critical that the details of the wall are acceptable as this is effectively the 'face' of the development. This can be secured through the inclusion of a condition on any permission.

The Design and Access Statement also cites that court yards that open out onto the High Street are a recognisable feature within the village. This is acknowledged and the court yard style designed forward in this application is not considered to be out of context with the surrounding development. Concern has also been raised with regards to the flat roofs of the development. However, outside of the Conservation Area, to the edge of the village, the overall design, with the flat roofs on this contemporary form is not considered to be unacceptable or harmful to the visual amenities of the area.

Concerns have also been raised with regards to the light spill from the large glazed areas to the rear of the dwellings. A condition can be included on any permission to ensure that appropriate measures are taken to reduce light spill, to ensure that excessive light spill does not result in significant harm to the rural character of the area. The glazing will have a less heavy appearance than traditional masonry, and this lighter appearance will reduce the overall impact of the dwellings.

Overall, the proposed development is considered to be of a satisfactory overall design, siting, and scale that will respect the visual amenities of the area, the wider rural character of the area and the Area of Outstanding Beauty in which the site is set.

Residential amenity

The roof line of the dwelling is at a level that will ensure that the development will not result in an overbearing impact upon the neighbouring dwellings. Although the built form, in particular the garage element of the building will be set forward of the building line of the adjacent dwellings, this is not considered to have an adverse impact upon their amenity. The two adjoining dwellings have either a detached or integral garage that adjoins the application site, and as such the loss of light to habitable windows of these dwellings is not considered to be significant enough to warrant a refusal. Given the siting of the dwellings, and their respective windows, there is not considered to be any significant loss of privacy for the neighbouring occupiers.

The development, by bringing the dwellings forward within the site, provides the future occupiers with a more acceptable level of outdoor amenity space. The overall living conditions of the future occupiers are considered to be acceptable.

On balance therefore the proposed development is not considered to result in any significant harm to the residential amenity enjoyed by the neighbouring occupiers and is considered to provide satisfactory living conditions for the future occupiers of the development.

Highway safety

The vehicular access to the site remains broadly similar to that of the development previously approved and there is some improvement in the on-site turning facilities for the proposed development. It is not considered that, when compared to the existing permitted development, the proposed development will result in a materially unacceptable intensification in use of the access. Further no objection has been raised with regards to the impact of the development upon the visibility splays of the neighbouring properties. Overall therefore, the proposed development is not considered to result in harm upon highway safety.

Ecology

The Council's Ecologist has recently requested a bat survey due to the demolition of the existing bungalow. This has now been requested from the agent, and if the findings are provided prior to the Committee, will be reported to the Members at this meeting.

Land drainage

The Council's drainage engineers have assessed the application and have raised no objections to the development subject to the inclusion of a condition to any permission requesting further details of how the existing culvert running across the site will be protected during the course of the works and subsequent to the completion of the development. Details should also be submitted of how the applicant proposes to connect into the existing culvert. There are therefore no objections on these grounds.

Land stability

The issue of subsidence was raised during the previous application when planning permission was granted for a dwelling on this site. It was cited that the ground has been subject to some degree of movement, the results of which can be seen by subsidence damage to the existing property Bubblers Dyke. This issue was been raised with the agent, who confirmed that the existing bungalow adjacent the proposed site has some cracking problems which are probably due to inadequate foundations. Before building works commence it is the client's intention to undertake a full site investigation to determine the most appropriate method of constructing the new foundations which may involve piling. It was not believed there would be any risk to neighbouring property when foundation works are undertaken. Appropriate notices and procedures will be adopted under the Party Wall etc. Act 1996 and will be used as required by law. All necessary precautions will be taken. This issue would be dealt with in full at the building control stage.

Other issue/conclusion

No other issues have arisen as a result of this planning application and for the reasons as set out above, the planning application is recommended for approval. The development is

not considered to result in inappropriate development within the Green Belt, is considered to be of a satisfactory overall design, siting, and scale that will respect the visual amenities of the area and the wider rural character of the area. Subject to conditions the development is not considered to result in any undue harm to highway safety, or the residential amenity of the neighbouring occupiers. Subject to the satisfactory conclusion of the requested bat report, there are no overall objections to the proposals. It is therefore recommended that the committee delegate to permit this development.

RECOMMENDATION

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

CONDITIONS

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

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

2 The 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

3 The access, parking and turning areas 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.

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

Reason: To retain adequate off-street parking provision

5 The development hereby permitted shall not be occupied until visibility splays with an 'x' distance of 3.4 metres and 'y' distances of 25.0 metres have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

6 The access hereby permitted shall not be used until the related footway/verge crossing has been constructed in accordance with the standard specification of the Highway Authority, and any highway furniture/statutory undertaker's plant located on the highway

and within the limits of the access, has been relocated all to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

7 The gradient of the access shall not, at any point, be steeper than 1 in 15 for a distance of 6 metres into the site from its junction with the public highway.

Reason: In the interests of highway safety.

8 The development hereby permitted shall not be occupied until all means of access, not forming the proposed means of access, have been permanently closed and the public highway features, including footway, verge and kerb line, have been permanently reinstated in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

9 No dwelling shall be occupied until details of measures to prevent light spillage from the rear southeast elevation have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved mitigation measures shall be permanently retained.

Reason: To prevent excessive light spillage from the development in the interests of amenity

10 No development shall commence until details of a planting and maintenance scheme for the sedum roof has been submitted to and approved in writing by the Local Authority. The sedum roof must be maintained as approved, unless otherwise approved by the Local Planning Authority.

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

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

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

12 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.

13 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.

14 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.

15 Further to the commencement of development, additional elevations/sections including details of copings at 1:20 of the front boundary wall shall be submitted and approved in writing by the Local Planning Authority

Reason: In the interests of the amenity of the area

16 Prior to the commencement of the development, details of the proposed means of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. This should include details of how the existing culvert running across the site will be protected during the course of the works and subsequent to the completion of the development. Details should also be submitted of how the applicant proposes to connect into the existing culvert.

Reason: In the interests of appropriate surface water drainage.

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

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

0 Subject to a satisfactory Ecology Report being submitted to the Local Planning Authority

PLANS LIST:Plans 189/P01A to 5A received 16th July 2012, 189P06-11, 189/SP date stamped 25th April 2012, MH2010/1 date stamped 29th May 2012 and Design and Access Statement date stamped 26th April 2012

REASONS FOR GRANTING APPROVAL:

1. The proposed development is considered to be infilling within the Housing Development Boundary of an R3 village. The development is not considered to have a detrimental impact upon the openness or the visual amenities of the Green Belt or the Area of Outstanding Natural Beauty. The design, siting, size, scale and use of materials is not considered to be detrimental to the rural character of the area. The development is not considered to cause any undue harm to the amenity of neighbouring occupiers or to highway safety. The issue of landslip and contamination have been given due consideration. No other significant issues have arisen as a result of this planning application.

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

A The Bath and North East Somerset Local Plan (including minerals and waste policies) October 2007. The following policies are material considerations:-

D2 , D4 , GB1, GB2, HG6, T24. T26, ES14, NE2, NE10 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

ADVICE NOTE:

1. 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

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

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	29th August 2012
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281)
	AGENDA ITEM NUMBER
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 12/00491/FUL
Location: Springhill House White Ox Mead Lane Peasedown St. John Bath
Proposal: Removal of existing stable block and construction of new stable block (Resubmission)
Decision: REFUSE
Decision Date: 23 May 2012
Decision Level: Delegated
Appeal Lodged: 9 July 2012

Enf. Ref: 12/00404/UNATH
Location: Fosseway Environment Park, Fosseway, Englishcombe, Bath, BA2 8PD
Breach: Without planning permission the change of use of the land from agricultural and general industrial use (B2) to the mixed use of the land including the following activities: the mixed use of the areas described below for general industrial use (within use class B2) storage and distribution use.
Notice Date: 30 May 2012
Appeal Lodged: 12 July 2012

Enf. Ref: 12/00404/UNAUTH
Location: Fosseway Environment Park, Fosseway, Englishcombe, Bath, BA2 8PD
Breach: Without planning permission the change of use of the land from agriculture to use for the storage, distribution and repair of scaffolding
Notice Date: 30 May 2012
Appeal Lodged: 12 July 2012

Enf. Ref: 12/00404/UNAUTH
Location: Fosseway Environment Park, Fosseway, Englishcombe, Bath, BA2 8PD
Breach: Without planning permission the change of use of the land from agriculture to use for stonemasonry including the preparation, cutting, forming and storage of stone.
Notice Date: 30 May 2012
Appeal Lodged: 12 July 2012

App. Ref: 11/03654/FUL
Location: Fubar 2 Grove Street Bathwick Bath BA2 6PJ
Proposal: Retention of patio, French window and fence
Decision: REFUSE
Decision Date: 27 January 2012
Decision Level: Delegated
Appeal Lodged: 19 July 2012

Enf. Ref: 11/00297/UNDEV
Location: Winsbury House, Bath Road, Marksbury, Bath
Breach: Without Planning Permission the erection of a steel framed building, clad in metal sheeting with a concrete base ("Building") and the construction of a hardstanding adjacent to the building ("Hardstanding").
Notice Date: 13 June 2012
Appeal Lodged: 19 July 2012

App. Ref: 11/05336/LBA
Location: 8 Cambridge Terrace Widcombe Bath BA2 6BE
Proposal: Internal and external alterations to include tanking to front vault and alterations to front lightwell and courtyard paving.
Decision: REFUSE
Decision Date: 28 February 2012
Decision Level: Delegated
Appeal Lodged: 19 July 2012

App. Ref: 11/05371/FUL
Location: Transport Depot Brougham Hayes Westmoreland Bath
Proposal: Erection of a 98 bed hotel and associated works following removal of existing Depot building
Decision: REFUSE
Decision Date: 17 April 2012
Decision Level: Chair Referral
Appeal Lodged: 20 July 2012

Enf. Ref: 11/00271/NONCOM
Location: The Old Orchard, 1 The Shrubbery, Lansdown, Bath, BA1 2RU

Breach: Condition 5 has not been complied with prior to the commencement of development, and condition 10 has not been complied with prior to the occupation or use of the approved dwelling
Notice Date: 30 May 2012
Appeal Lodged: 20 July 2012

App. Ref: 12/01605/FUL
Location: 12 Highfields Westfield Radstock BA3 3UH
Proposal: Erection of 3no. bed detached dwelling following the demolition of existing garage.
Decision: REFUSE
Decision Date: 22 June 2012
Decision Level: Delegated
Appeal Lodged: 23 July 2012

App. Ref: 11/04377/FUL
Location: 63 West Avenue Oldfield Park Bath BA2 3QD
Proposal: Erection of a two storey, three bedroom house with garden and car parking following demolition of existing redundant workshop at land at the rear of 63 West Avenue
Decision: REFUSE
Decision Date: 21 December 2011
Decision Level: Delegated
Appeal Lodged: 24 July 2012

Enf. Ref: 09/00640/UNDEV
Location: Parcel 8593, Woollard Lane, Publow, Bristol
Breach: Without Planning Permission, the erection of a wooden chalet on the Land.
Notice Date: 24 May 2012
Appeal Lodged: 24 July 2012

App. Ref: 12/01732/FUL
Location: 61 Warminster Road Bathampton Bath BA2 6RX
Proposal: Erection of side extension to the current bungalow to create ancillary accommodation for the property and erection of detached garage
Decision: REFUSE
Decision Date: 22 June 2012
Decision Level: Delegated
Appeal Lodged: 25 July 2012

App. Ref: 12/00850/FUL
Location: 19 Fairfield Road Fairfield Park Bath BA1 6JG
Proposal: Alteration of existing concrete steps to rear of property and the addition of a raised deck (retrospective)
Decision: REFUSE

Decision Date: 1 May 2012
Decision Level: Delegated
Appeal Lodged: 26 July 2012

App. Ref: 11/05509/FUL
Location: 6 High Street Midsomer Norton Radstock BA3 2LE
Proposal: Erection of first floor extension to existing building and change of use from storage (B8) to A2.
Decision: PERMIT
Decision Date: 26 April 2012
Decision Level: Delegated
Appeal Lodged: 7 August 2012

App. Ref: 11/04992/FUL
Location: King's Arms 36 Chilcompton Road Midsomer Norton Radstock
Proposal: Part rehabilitation and part redevelopment of Kings Arms Public House and residential unit above and erection of part side and rear extensions and internal alterations with a pitched roof to create 7no 1-bed residential units and 2no studio units
Decision: REFUSE
Decision Date: 12 April 2012
Decision Level: Delegated
Appeal Lodged: 9 August 2012

APPEAL DECISIONS

App. Ref: 12/00318/FUL
Location: 22 Durley Park, Oldfield Park, Bath, BA2 3NT
Proposal: Erection of a single storey front extension.
Decision: Refuse
Decision Date: 27/03/2012
Decision Level: Delegated
Appeal Decision: Appeal Dismissed

Summary:

The proposed development comprised the erection of a full width single storey extension to the front elevation of the property. The appeal scheme would fail to respect both the consistency of the streetscene and the context and character of the other similarly designed dwellings. The use of matching materials would not outweigh the proposed incongruous addition to the property's front elevation.

The inspector agreed with the council that the proposed extension would dominate the outlook from the ground floor of number 20 and contribute to a further reduction in the sunlight reaching number 20. This would amount to significant and unacceptable harm being caused to the living conditions of the occupiers of No. 20.

App. Ref: 12/01180/FUL
Location: Tree Tops, Horsecombe Grove, Combe Down, Bath, BA2 5QP
Proposal: Provision of a loft conversion to include side and rear dormers.
Decision: Refuse
Decision Date: 04/05/2012
Decision Level: Delegated
Appeal Decision: Dismissed

Summary:

The inspector has noted that there whilst there are similar developments on neighbouring dwellings these development are not considered to positively contribute to the streetscene, they do not have a balanced appearance and are not sited as prominently as the application property.

The inspector agreed with the council the combination of both the proposed side and rear dormers would significantly increase the bulk of the property and would not appear subservient additions to the roof. The proposed dormers in particular the side dormer would adversely affect the property's positive contribution to the streetscene. The proposed side dormer would be an incongruous addition to the property because it would materially alter the roof's form thereby unbalancing the appearance of this pair of semi-detached dwellings.

App. Ref: 12/01183/FUL
Location: 178 Bailbrook Lane, Lower Swainswick, Bath, BA1 7AA
Proposal: Conversion and extension of roof to create an additional storey and erection of a front sunroom and porch.
Decision: Refuse
Decision Date: 04/05/2012
Decision Level: Delegated
Appeal Decision: Dismiss

Summary:

The inspector stated that the existing dwelling is a prominent feature within the streetscene which did not contribute positively to the streetscene. The proposed development would not harm views from London Road West.

The inspector agreed with the council that the additional height and size of the proposed side and rear elevations would accentuate the massing of the walls which, in the absence of any large openings, would possess an unattractive appearance when viewed from the road thereby adversely harming the streetscene. The alterations to the roof would result in a property that would appear top heavy and conspicuous within the streetscene when viewed from the road. The proposed alterations to the roof would not complement the host building and this harm would be further accentuated by the bulkier gabled roof form.

The inspector agreed with the council that the proposed development would not harm the amenity of the dwellings to the north of the application site.

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